

**OFFICIALS**

Lee Young, Chairman  
Dana Hennis, Vice Chairman  
Bryan Clark, Commissioner  
Ginny Greger, Commissioner  
Jim Main, Commissioner

**CITY OF KUNA**  
**City Hall Council Chambers**  
**751 W 4<sup>th</sup> Street, Kuna, ID 83634**



**Planning & Zoning Commission**  
**REGULAR MEETING AGENDA**  
**Tuesday September 12, 2023, at 6:00 PM**

*For questions, please call Planning and Zoning at (208) 922-5274.*  
*ALL AGENDA ITEMS ARE ACTION ITEMS UNLESS OTHERWISE NOTED.*

**1. CALL TO ORDER & ROLL CALL:**

**2. CONSENT AGENDA:**

*All items listed are routine and acted on with one (1) Motion by the Commission; there will be no separate discussion unless the Chairman, Commissioner, or Staff requests it be removed. Removed items will be placed under Business unless otherwise instructed.*

- 1. Regular Commission Meeting Minutes Dated August 22, 2023
- 2. Findings of Fact & Conclusions of Law
  - A. Case No. 23-10-SUP 2929 N New Morning Avenue In-home Daycare
  - B. Case Nos. 23-01-CPF & 23-03-ZC Hagler Subdivision

**3. PUBLIC HEARINGS:**

- A. *Tabled from August 8, 2023, Case Nos. 22-07-ZC (Rezone), 22-05-PUD (Planned Unit Development), 22-15-S (Preliminary Plat), 22-08-SUP (Special Use Permit) & 22-34-DR (Design Review) for Gallica Heights Subdivision – Troy Behunin, Senior Planner*

Applicant requests Planned Unit Development and Special Use Permit approval for approximately 132.26 acres, and to Rezone the site from A (Agriculture) to R-6 (Medium Density Residential), R-12 (High Density Residential), & C-1 (Neighborhood Commercial). The Applicant also requests Preliminary Plat approval to subdivide the site into 702 total lots (615 residential, 86 common & 1 commercial). The subject site is located at the Southeast corner of Columbia & Black Cat Roads; Section 10, Township 2 North, Range 1 West (APNs: S1310223100, S1310233610).

- B. Case Nos. 23-02-CPF (Combo Plat) & 23-04-ZC (Rezone) for Serving Subdivision – Jessica Reid, Associate Planner

Applicant requests Combination Plat approval to re-plat a portion of the Letha’s Subdivision by combining Lot 1/portion of Lot 4 (APN: R5225750015) and Lot 2 (APN: R5225750020), and to Rezone from R-6 (Medium Density Residential) to C-1 (Neighborhood Commercial); Section 23, Township 2 North, Range 1 West.

- C. Case Nos. 23-01-CPM (Comp Plan Map Amendment), 23-01-ZC (Rezone) & 23-02-S (Preliminary Plat) for Arrow Pointe Plaza – Troy Behunin, Senior Planner

Applicant requests Comprehensive Plan Map Amendment, Rezone and Preliminary Plat approval near the Southeast corner of Hubbard Road and School Road (APN: S13141210891); Section 14, Township 2 North, Range 1 West.

**5. BUSINESS ITEMS:**

None

**6. UPDATES & REPORTS: Non-Action Items**

None

**7. ADJOURNMENT:**

**OFFICIALS**

Lee Young, Chairman  
Dana Hennis, Vice Chairman  
Bryan Clark, Commissioner  
Ginny Greger, Commissioner  
Jim Main, Commissioner

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**Planning & Zoning Commission**  
**REGULAR MEETING MINUTES**  
**Tuesday August 22, 2023, at 6:00 PM**

*For questions, please call Planning and Zoning at (208) 922-5274.*  
*ALL AGENDA ITEMS ARE ACTION ITEMS UNLESS OTHERWISE NOTED.*

**1. CALL TO ORDER & ROLL CALL:**

Timestamp 00:00:16

Chairman Young called the meeting to order and requested roll call be taken.

**COMMISSION MEMBERS PRESENT:**

Chairman Lee Young  
Vice Chairman Dana Hennis  
Commissioner Bryan Clark – Absent  
Commissioner Ginny Greger  
Commissioner Jim Main

**CITY STAFF PRESENT:**

Kelsey Briggs, City Attorney  
Doug Hanson, Planning & Zoning Director  
Morgan Treasure, Economic Development Director  
Troy Behunin, Senior Planner  
Jessica Reid, Associate Planner

**2. CONSENT AGENDA:**

Timestamp 00:01:00

- 1. Regular Commission Meeting Minutes Dated August 8, 2023
- 2. Findings of Fact & Conclusions of Law
  - A. Case Nos. 21-13-AN, 21-09-S & 21-32-DR for Lee Country Subdivision
  - B. Case Nos. 21-14-AN, 21-01-CPM, 21-10-S & 21-35-DR for Hazelcrest Estates Subdivision
  - C. Case No. 23-09-SUP for 866 E Great Bear In-home Daycare
  - D. Case No. 23-11-SUP for META Communication Towers
  - E. Case Nos. 20-03-ZC, 20-06-S & 20-14-DR for Ledgestone Plaza Subdivision

Timestamp 00:01:03

**Motion To:** Approve the Consent Agenda.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 1

**Motion Carried:** 4-0-1

**3. PUBLIC HEARINGS:**

Timestamp 00:01:20

- A. Continued from August 8, 2023, Case No. 23-10-SUP (Special Use Permit) 2929 N New Morning Avenue In-home Daycare – Jessica Reid, Associate Planner

*Timestamp 00:01:35*

Associate Planner Jessica Reid provided an overview of the project, discussed updates made to the staff report based on concerns from August 8<sup>th</sup> hearing, explained three (3) documents were updated to reflect twelve (12) children per Commissioner Clark's request on August 8<sup>th</sup>, and noted the previously approved daycare North of the request was eligible for 24 children by the Fire Marshall but their Special Use Permit was only a request for six (6) children. Ms. Reid then stood for questions.

*Timestamp 00:04:00*

Chairman Young asked if the Applicant would like to speak; she did not. The Chairman opened the public hearing.

In Favor

Rahma Ali, Applicant, 2929 N New Morning Avenue, Meridian, ID, 83642

Neutral

None

In Opposition

None

*Timestamp 00:04:43*

Chairman Young gave an additional opportunity for any individuals that wished to testify to sign in; there were none. The Chairman closed the public hearing and the Commission proceeded into deliberation.

*Timestamp 00:05:02*

Commissioner Main asked Ms. Reid to confirm the Applicant would primarily be picking up and dropping off children.

*Timestamp 00:05:13*

Ms. Reid confirmed that was correct and it had been noted in the Neighborhood Meeting and the application materials, and that the Applicant intended to continue doing so.

*Timestamp 00:05:33*

Chairman Young felt the request was straight forward and very similar to other in-home daycare applications the Commission had previously reviewed.

*Timestamp 00:05:48*

Vice Chairman Hennis appreciated concerns during the previous meeting were addressed and the application was straight forward.

*Timestamp 00:06:12*

Commissioner Main believed that if the Applicant did not create a traffic or parking issue and picked up/dropped off the children, he was in support of it.

*Timestamp 00:06:30*

**Motion To:** Approve Case No. 23-10-SUP for the 2929 N New Morning Avenue in-home daycare, with the Applicant being subject to the Conditions listed in the staff report.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Greger

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 1

**Motion Carried:** 4-0-1

*Timestamp 00:07:02*

**B.** Case Nos. 23-01-CPF (Combination Preliminary & Final Plat) & 23-03-ZC (Rezone) for Hagler Subdivision – Jessica Reid, Associate Planner

*Timestamp 00:07:19*

Associate Planner Jessica Reid provided an overview of the proposed project, noting that staff was still waiting on a determination from Ada County Highway District (ACHD) on the request that the Applicant only be required to dedicate additional right-of-way instead of the requested roadway improvements as the project frontage would be the only improvements on this section of W King Road, and that future ACHD roadway improvements were not even on the schedule until 2036 – 2040 or later. Ms. Reid then stood for questions.

*Timestamp 00:09:22*

The Chairman asked if the Commission had any questions for Ms. Reid; there were none. He then asked if the Applicant wished to speak; he did not.

*Timestamp 00:09:42*

Chairman Young opened the public hearing and provided additional opportunity for individuals to sign in to testify if they had not done so; there were none.

In Favor

None

Neutral

None

In Opposition

None

*Timestamp 00:09:57*

The Chairman closed the public hearing and the Commission proceeded into deliberation.

*Timestamp 00:10:12*

Vice Chairman Hennis stated the request was straight forward and simply divided one (1) large parcel into three (3) large parcels for the family; he was in support as long as the Applicant complied with ACHD's requirements based on their determination of staff's request.

*Timestamp 00:10:35*

Commissioner Greger agreed and felt it was a great use of the parcel. Commissioner Main also agreed.

*Timestamp 00:10:48*

**Motion To:** Approve recommend Approval to Council of Case Nos. 23-01-CPF & 23-03-ZC for Hagler Subdivision, with the Applicant being subject to the Conditions listed in staff's report.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Greger

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 1

**Motion Carried:** 4-0-1

*Timestamp 00:11:18*

Chairman Young provided time for staff to bring the testimony sign in sheet to him as extra time was provided for individuals to sign in at the beginning of the meeting; he also confirmed if there were any others that still needed to sign in.

*Timestamp 00:13:44*

C. Case Nos. 22-10-ZC (Rezone), 22-17-S (Preliminary Plat) & 22-38-DR (Design Review) for Seasons Creek North Subdivision – Troy Behunin, Senior Planner

*Timestamp 00:14:10*

Senior Planner Troy Behunin provided an overview of the proposed project, then stood for questions.

*Timestamp 00:16:28*

The Chairman asked if the Commission had any questions for staff; they did not. Chairman Young then reminded those in attendance that the Applicant would have ten (10) minutes to testify, then individuals signed in to testify would have three (3) minutes, and after the Applicant would have five (5) minutes for rebuttal; he reiterated how important it was to stick to these time limits all who wished to testify were able to do so.

*Timestamp 00:17:46*

Elizabeth Koeckeritz of Givens Pursley provided a visual presentation of the proposed project which showed the project fit the Comprehensive Plan Future Land Use Map (FLUM), that the properties were annexed in 2008, how there was a previously approved Plat on the properties, and this was a request to update said Plat, and noted the project Gross Density was 4.79 DUA (Dwelling Units Per Acre) and the Net Density was 6.7 DUA, as well as the Developer donating an Elementary School site to Kuna Joint School District No. 3 (KSD).

*Timestamp 00:28:27*

Chairman Young asked if the Commission had any questions for the Applicant.

*Timestamp 00:28:32*

Commissioner Main asked if the project was donating a site to the Kuna Rural Fire District (KRFD) as well. Ms. Koeckeritz confirmed the Applicant team was (but as part of a separate project).

*Timestamp 00:28:38*

To gain clarification, Vice Chairman Hennis commented that the future school site was not part of this project but part of a future adjacent project. Ms. Koeckeritz confirmed that was correct and an easement would be provided to KSD to ensure access to the future site.

*Timestamp 00:29:08*

Chairman Young asked if the Applicant was requesting an R-8 zone to shift setbacks instead of just building to the R-6 standards. Ms. Koeckeritz explained it was due to how Net Density is calculated; their project came to a Net over six (6) DUA which was not allowed, so they requested an R-8.

*Timestamp 00:30:04*

Chairman Young opened the public hearing.

In Favor

Robbie Reno, Kuna Joint School District No. 3, 711 E Porter Street, Kuna, ID, 83634 – Testified

Neutral

None

In Opposition

Robin Sanders, 3475 W Grace May Lane, Kuna, ID, 83634  
Diana Sanders, 3475 W Grace May Lane, Kuna, ID, 83634 – Testified  
Josh Sanders, 3500 W Grace May Lane, Kuna, ID, 83634 – Testified  
Matthew Canvin, 1205 N Black Cat Road, Kuna, ID, 83634 – Testified  
Alta Graham, 1015 N Black Cat Road, Kuna, ID, 83634 – Testified  
Bill Graham, 1015 N Black Cat Road, Kuna, ID, 83634  
Tamara Hough, 8397 S Old Farm Place, Meridian, ID, 83642  
Barbara Johnston, 392 N Black Cat Road, Kuna, ID, 83634  
Sam Johnston, 392 N Black Cat Road, Kuna, ID, 83634 – Testified  
Jen Brazee, 985 N Black Cat Road, Kuna, ID, 83634  
Beverly Wolf, 3420 W Commemoration Avenue, Meridian, ID, 83642 – Testified  
Manuela Welsle, 925 N Black Cat Road, Kuna, ID, 83634  
Ken Hough, 8397 S Old Farm Place, Meridian, ID, 83642  
Kim Williams, 4460 W Columbia Road, Meridian, ID, 83642  
Brian Snider, 4460 W Columbia Road, Meridian, ID, 83642  
Scott Burn, 4747 W Deer Flat Road, Kuna, ID, 83634 – Testified  
Austin Faulk, 8847 N McDermott Road, Kuna, ID, 83634  
Ashlynn Faulk, 8847 N McDermott Road, Kuna, ID, 83634  
Jim Clark, 1530 W Hayfield Court, Kuna, ID, 83634  
Darwin Lewis, 1162 W Penelope Street, Kuna, ID, 83634  
Tammi Lewis, 1162 W Penelope Street, Kuna, ID, 83634  
Tom Mellody, 804 N Black Cat Road, Kuna, ID, 83634 – Testified  
Mary Mellody, 804 N Black Cat Road, Kuna, ID, 83634 – Testified  
Brandon Goodsell, 1966 N G Ranch Road, Kuna, ID, 83634  
Chris Howard, 4700 W Dirt Lane, Kuna, ID, 83634 – Testified

*Timestamp 00:30:18*

Robbie Reno testified KSD was in support of this project due to its school site donation. Mr. Reno then discussed how it reduced the overall costs of new schools since they did not have to purchase the land as well. He explained how the Developer had been instrumental in the past as well as how, based on a KSD study, parents preferred schools that were within Subdivisions.

*Timestamp 00:31:53*

Diana Sanders testified that she was unaware of a future fire station nearby. She then explained how her family had annexed and rezoned their property with an R-2 (Low Density Residential) to provide a better buffer to neighboring A (Agriculture) and wished that the Developer provided a better (zoning) buffer between the properties on the West of Black Cat and the proposed homes immediately East against Black Cat, then transitioned from there to R-6 and R-8. Mrs. Sanders stated she had contacted the Union Pacific Railroad regarding the proposed project and that they had concerns with the crossing at Black Cat and Greenhurst; traffic already backs up across the tracks and adding that many homes would make it a disaster. She also expressed issue with not having received their 300 FT notice, neither did her neighbor. Mrs. Sanders then commented that the properties were previously annexed with an Agriculture zone not an R-6 zone, the R-6 was tied to a Development Agreement. She stated the school site was never discussed with residents, and the Developer had never addressed wetlands within the proposed project.

*Timestamp 00:35:36*

Josh Sanders began by thanking the Commission for their time and service, then testified that the project has been confusing since the beginning as there had been three (3) separate preliminary designs at three (3) separate meetings; he stated that some of the additional information would have been nice to have. Mr. Sanders then stated the Developer had made promises that had not been delivered; he was not against development but wanted it to be done responsibly. Mr. Sanders felt even though there was to be a school site donated, it would take years for a school to be constructed. He further testified that the traffic on Black Cat did not follow the posted speed limit and was concerned that additional traffic created would not either. Mr. Sanders concluded by requesting that the Commission table the Case or request it be rezoned to a lower density.

*Timestamp 00:39:03*

Matthew Canvin testified to his greatest concern of increased traffic; he provided an example of his child's bus stop being on Black Cat and how cars did not stop for the buses. He also testified that a lower density seemed more appropriate due to the project's location and the existing surrounding properties.

*Timestamp 00:40:17*

Alta Graham testified that she had not received an invitation to the most recent Neighborhood Meeting. She also had concerns with the project being proposed in different sections as it made it seem like it wasn't a big deal when it truly was; the project would greatly impact the neighboring properties which were acreages. Mrs. Graham testified it was very concerning even trying to cross Black Cat to get to her mailbox; drivers did not even move over. She didn't believe the needed infrastructure to handle the increased traffic was not there yet. Mrs. Graham closed with requesting the Commission request an R-2 density and that the infrastructure be installed prior to considering the project.

*Timestamp 00:44:10*

Sam Johnston testified that he owned the farm to the North and took his life in his hands daily while setting water, due to the traffic and the insufficient turn lane installed when the Madrone Heights Subdivision was built; he believed without a 4-way stop at Black Cat and Kuna Road, it would result in deaths. He further testified to his concern where children would be able to walk as there was nothing else close for kids to go; he also stated that he was unsure where kids would walk/ride when the school was built. He concluded with questions regarding connecting his property to water and sewer in the future, then requested the Commission reconsider the project.

*Timestamp 00:47:53*

Beverly Wolf testified that she had been attending multiple meetings about development and that traffic was a constant issue and would continue to be; she did not agree with the number of cars per household being used in traffic calculations. Mrs. Wolf asked if the sewer and other lines were in place now. She also noted that a donated piece of land did not build a school and felt that construction of a school was placed on residents' shoulders through taxes and levies; Mrs. Wolf testified a better plan was needed as it was becoming more expensive to live within Kuna.

*Timestamp 00:49:40*

Tom Mellody testified that the existing traffic on Black Cat Road was already an issue with the number of vehicles exceeding the speed limit, as well as the location of his driveway. Mr. Mellody requested that ACHD be required to provide a definitive plan on what the plan was for Black Cat and that the project be held until that was determined.

*Timestamp 00:51:45*

Mary Mellody testified that she was not against improvements but was against the speed of traffic on Black Cat; she was unable to ride her bike or walk her dog along the roadway, and she was constantly having to pick up garbage. Mrs. Mellody concluded with expressing her concerns for any children which would end up having to walk the roadway.

*Timestamp 00:53:17*

Chris Howard testified that his children would be impacted; he felt the school site donation was a joke because building an elementary school would not resolve issues at the middle and high school levels. He believed the additional fire station was wonderful, but the project did not fully account for the addition of EMS and police. Mr. Howard testified that traffic had been commented on but did add that he lived on McDermott, and it was treated as a highway. He concluded with requesting what was our (the city's) plan and requested that the city reconsider that plan and add regulations.

*Timestamp 00:55:29*

The Chairman did not see any others listed to testify so called the Applicant forward; however, a gentleman stated he wished to change from "Not Testify" to "Testify". Chairman Young invited the gentleman to come forward.

*Timestamp 00:55:55*

Scott Burn testified to his concerns with traffic and driving his farming equipment on Black Cat, especially as individuals were passing (on the left) when he was getting ready to turn left. He also commented that his children would be attending school in the future and would be required to get across Black Cat with an additional 1,500 or more cars. Mr. Burn also commented on the

neighboring Canyon County designation of Intensive Agriculture; interactions between Agriculture and housing would increase and it would be irresponsible to not consider this information. He testified that he had heard since his moving to Kuna, “Let development pay for development” and he felt that was a positive thing; however, the existing roadways and intersections were not able to support the current traffic.

*Timestamp 00:59:16*

Elizabeth Koeckeritz rebutted by stating the project met the city’s Comprehensive Plan and Future Land Use Map (FLUM) which guides the growth of Kuna; she explained the current FLUM was adopted as of November 1, 2022, after a large amount of community outreach, and how the previous and most current FLUM reflected the same future land use designation. She further explained there was a Development Agreement recorded against the property which indicated R-6 and C-2 zones, but they were now coming forward requesting an R-8; the projects Gross DUA was 4.78 and Gross is what the city used until approximately 18 months prior, now the city used the Net DUA. She then discussed the questions regarding infrastructure and explained how it was the developers which installed them. Mrs. Koeckeritz also explained the Black Cat was to eventually be widened to three (3) lanes and how the developer of the proposed project would be dedicating 39 feet from centerline as right-of-way (for future improvements), and the city required a 20-foot landscape buffer on top of that before even getting to the first homes; this provided a significant buffer to Black Cat and the properties to the West of it. She explained how the sewer line would be coming from Crimson Point Subdivision to the East and that was to be paid for by the developer. Ms. Koeckeritz discussed how Black Cat would become a safer roadway with required improvements and future widening, and how the developer was dedicating right-of-way to ACHD for a roundabout at the Deer Flat and Black Cat intersection, including installation of a traffic light at Black Cat and Columbia. She further expounded how there would be eight (8) foot detached sidewalks on Black Cat that would provide a safer area for pedestrians. Ms. Koeckeritz discussed how the student body would be adjusted at Crimson Point Elementary as many children would attend the future school within the project; children would also be able to access the park site within Crimson Point via a footbridge from the proposed park.

*Timestamp 01:04:48*

Chairman Young asked further questions raised by those in attendance as rebuttal time had elapsed. The Chairman began by asking about the future fire station that was brought up.

*Timestamp 01:05:06*

Ms. Koeckeritz explained the fire station would be brought forward with another development application and believed it would be an EMS location where agencies (ambulance, police, fire) would be able to be located. She added that additional development would extend a new Collector from Kuna Road, through Madrone Heights, and through the project, thus relieving some traffic at Kuna Road and Black Cat.

*Timestamp 01:06:20*

Commissioner Greger asked what type of amenities would be available at the park across the creek (within Crimson Point).

*Timestamp 01:06:29*

Ms. Koeckeritz explained the park had been donated to the city some time ago and she was unsure as to the plans for it.

*Timestamp 01:06:54*

Vice Chairman Hennis asked what types of amenities would be provided as part of the Seasons Creek park.

*Timestamp 01:06:59*

Ms. Koeckeritz stated there would be walking areas and green spaces along the creek with additional amenities coming forward as additional development occurred.

*Timestamp 01:07:18*

The Vice Chairman expressed connectivity to the proposed park in the Northeast was lacking for the Southern portion of the project; he asked what the plan was to make connectivity happen.

*Timestamp 01:07:47*

Ms. Koeckeritz said the developer had agreed to the additional connectivity requested by staff, and as the project developed, there would be additional walking paths, pickle ball courts and pool in future applications.

*Timestamp 01:08:39*

Commissioner Main asked what improvements the developer would be making to Black Cat as part of the project.

*Timestamp 01:08:48*

Ms. Koeckeritz answered that the developer would donate additional right-of-way to total 39 feet from centerline, widen Black Cat (on the East) to total 17 feet of pavement as measured from centerline, provide a three (3) foot gravel ditch, install an eight (8) foot detached sidewalk, and provide a 20-foot landscape buffer; there would also be dedication of additional right-of-way for the future roundabout at Deer Flat and Black Cat.

*Timestamp 01:09:43*

Commissioner Main asked if the sidewalk was to be part of the landscape buffer; Ms. Koeckeritz stated it would be within the right-of-way a minimum of five (5) feet from the roadway.

*Timestamp 01:09:58*

A question came from the audience which was not picked up clearly on the recording; however, Ms. Koeckeritz answered that the developer paid for all the improvements. An additional question was asked and again was not picked up clearly.

*Timestamp 01:10:04*

Chairman Young notified those in attendance that questions could not be asked from the audience as they needed to be on the record.

*Timestamp 01:10:43*

Commissioner Main confirmed the developer would be paying for all improvements along Black Cat as part of the project; Ms. Koeckeritz confirmed that was correct. Commissioner Main then asked what the civic lot was; Ms. Koeckeritz answered it would be for a future Lift Station.

*Timestamp 01:11:21*

Vice Chairman Hennis asked if the developer would be constructing the roundabout and for her to confirm its location.

*Timestamp 01:11:27*

Ms. Koeckeritz noted the developer would be dedicating right-of-way but had not been requested to install it, and that it was located at the Deer Flat and Black Cat intersection.

*Timestamp 01:12:01*

As there were no additional questions from the Commission, Chairman Young closed the public hearing and the Commission proceeded into deliberation.

*Timestamp 01:12:24*

Vice Chairman Hennis appreciated the community's input and understood their concerns with traffic on Black Cat; he felt the roadway mitigations and improvements would help but a roundabout didn't slow traffic down much. The Vice Chairman wished a stop of some sort of stop (like a traffic signal) would have been required by ACHD; he stated there was not much the city could do regarding the roadway but still understood the concerns. He noted his greatest concern was the density of the project at its location, it was just too dense for the area. Vice Chairman Hennis believed a transition was needed along Black Cat and was a positive solution between there and the R-8. He also expressed concerns with the park and how it would be accessed; it was too far on the North, there were no amenities, and there were no pathways from the Southern part of the project providing access to it. Vice Chairman Hennis stated he would like to see a re-plat of the project that reflected the proposed connectivity and potential solutions to the issues discussed and noted the community's request for a better transition.

*Timestamp 01:14:54*

Commissioner Main agreed with the Vice Chairmans comments and concerns, further stating the proposed park was in Phase 2 of the project which would not benefit those living in Phase 1, and how he would like to see additional connectivity overall, and a transition along Black Cat of R-4 or R-6.

*Timestamp 01:15:56*

Commissioner Greger agreed and specifically pointed out the preference of an R-4 for the transition. She noted the school site donation was very gracious but, per her experience on the School Board in the past, it was very difficult to build a school; she did not believe it was appropriate to continue building subdivisions without additional schools being constructed, especially when those subdivisions were an R-8.

*Timestamp 01:16:33*

Chairman Young also agreed, then explained R-8 is found in both the Medium and High Density categories; however, he did not believe the project met the definition or intent of the R-8. He preferred seeing a Plat with an R-6 which included a transition of larger lots along Black Cat; R-8 wasn't acceptable at the project's location.

*Timestamp 01:18:26*

The Vice Chairman reiterated his appreciation of the developer donating a future school site, but it was still a long time for an actual school to be built; the donation saved taxpayers money since there wouldn't be the additional cost of land, but a Bond would still be needed for construction. He asked the Applicant if they were willing update and present a Plat with the requested changes/additions.

*Timestamp 01:19:21*

Chairman Young stated he would specifically like to see a Plat with an R-6 zone; he was concerned with setting a precedent of R-8 such a distance from downtown was a negative. Commissioner Greger agreed.

*Timestamp 01:19:48*

Mrs. Koeckeritz stated the developer would bring back an updated Plat with the requested changes.

*Timestamp 01:20:03*

The Vice Chairman noted his intent was to have the Plat updated per the Commission's request but for the project to not be delayed unnecessarily; he asked how much time would be needed to bring forward the updated Plat.

*Timestamp 01:20:34*

Chairman Young asked Director Doug Hanson if the Applicant would be required to re-apply if the Plat was updated.

*Timestamp 01:20:41*

Director Hanson informed the Commission they would not be required to reapply and that staff would prefer if the Case was tabled to a date uncertain pending said updated Plat so it could be properly reviewed.

*Timestamp 01:21:05*

**Motion To:** Table Case Nos. 22-10-ZC, 22-17-S & 22-38-DR for Seasons Creek North Subdivision to a date uncertain pending Plat revision.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 1

**Motion Carried:** 4-0-1

*Timestamp 01:21:44*

Associate Planner Jessica Reid requested the Chairman provide a brief recess for those who wished to could exit prior to beginning the next public hearing.

*Timestamp 01:29:05*

The Chairman called the meeting back to order and proceeded with the next public hearing item.

**D.** Case Nos. 22-07-ZC (Rezone), 22-05-PUD (Planned Unit Development), 22-15-S (Preliminary Plat), 22-08-SUP (Special Use Permit) & 22-34-DR (Design Review) for Gallica Heights Subdivision – Troy Behunin, Senior Planner

*Timestamp 01:29:42*

Senior Planner Troy Behunin provided an overview of the project and stood for questions.

*Timestamp 01:32:25*

Elizabeth Koeckeritz provided a presentation regarding the proposed project along with providing property history, touching on connectivity, traffic, and noted the developer agreed with the Conditions outlined in staffs report; she then stood for questions.

*Timestamp 01:43:24*

Vice Chairman asked if the upper area reflected in White was to be part of the proposed project; Mrs. Koeckeritz answered they were out parcels and would not be a part.

*Timestamp 01:44:14*

Chairman Young opened the public hearing.

In Favor

Joe Guido, 7744 Bella Terra Lane, Meridian, ID, 83642

Kathy Guido, 7744 Bella Terra Lane, Meridian, ID, 83642

Jim Grow, 7946 S Saddle Bag Way, Nampa, ID, 83687 – Testified

Neutral

None

In Opposition

Renee Stewart, 8475 S Black Cat Road, Nampa, ID, 83687 – Testified

Terry Stewart, 8475 S Black Cat Road, Nampa, ID, 83687

Andrew Bills, 4277 W Balivi Lane, Nampa, Id, 83687 – Testified

Tamara Hough, 8397 S Old Farm Place, Meridian, ID, 83642 – Testified

Veronica Peterson, 1534 W Heartland Drive, #D100, Kuna, ID, 83634

Ken Hough, 8397 S Old Farm Place, Meridian, ID, 83642

Jeff Turner, 4401 W Balivi Lane, Nampa, ID, 83687

Robbie Reno, Kuna Joint School District No. 3, 711 E Porter Street, Kuna, ID, 83642 – Testified

Karin Navarro, 925 N Black Cat Road, Kuna, ID, 83634

Antonio Navarro, 925 N Black Cat Road, Kuna, ID, 83634

Brandon Brazee, 985 N Black Cat Road, Kuna, ID, 83634

Beverly Wolf, 3420 W Commemoration, Meridian, ID, 83642 – Testified

Kim Williams, 4460 W Columbia Road, Meridian, ID, 83642

Bryan Snider, 4460 W Colombia Road, Meridian, ID, 83642

Sandy Whitehead, 1227 N Black Cat Road, Kuna, ID, 83634

Scott Burh, 4747 W Deer Flat Road, Kuna, ID, 83634

Austin Faulk, 8847 N McDermott Road, Kuna, ID, 83634

Ashlynn Faulk, 8847 N McDermott Road, Kuna, ID, 83634

Tammi Lewis, 1162 W Penelope Street, Kuna, ID, 83634

Taunya Bos, TBD S Black Cat Road (APN: S1309142152), Nampa, ID, 83687

Jerry Frederick, 8968 S Black Cat Road, Nampa, ID, 83687 – Testified

*Timestamp 01:44:40*

Jim Grow testified he lived across the street from the project and was very concerned with the proposed density. He explained his subdivision contained homes on large lots and they had extensive green spaces which costed a fortune to maintain, as well as very environmentally sensitive water collection locations; there was great concerns future residents of the project would come and use their subdivision green spaces and not pick up after their dogs. He further discussed

the need for a transition and the increased traffic. He concluded with a request that the Commission require a reduction to at least an R-4.

*Timestamp 01:46:50*

Renee Stewart testified to her concern with the project's density; she had reviewed the City of Kuna Comprehensive Plan, how the current zone was Agriculture and how these lands were not being preserved. She did not believe that 615 residential lots were Medium Density, especially with townhomes; there was concern that the townhome elevations did not show any garages nor were there dedicated parking lots for those residents. She referenced 3.A.1.b. in the Comprehensive Plan called for high density development to be closer to the city's core (downtown) and how the proposed location was on the outskirts where the Comp Plan intended lands to be preserved or encouraged Agricultural uses. Mrs. Stewart then noted a planner from a neighboring city which commented that growth should be done in a way that people were not required to drive as much which meant density had to be in the right places and near amenities people could walk to. She concluded that high density 5 – 6 miles from downtown was not appropriate and townhomes were not compatible for the area.

*Timestamp 01:50:38*

Andrew Bills testified that he was one of the residents which lived in the white area which was not a part of the project. Mr. Bills stated he was 5<sup>th</sup> generation Idahoan and his family had been involved with development within the Treasure Valley; there was a way to develop responsibly. He discussed that the city's Future Land Use Map (FLUM) showed an Agriculture designation immediately North of the project and how townhomes were not appropriate. Mr. Bills also testified to traffic issues he experienced attempting to drive the meeting as it took almost three (3) minutes to turn left onto Columbia Road; traffic was just going to get worse. He also noted the development team had not approached him or the other homeowners on Balivi Lane on how to integrate the two; there was Commercial proposed immediately against their roadway and exiting would become even more difficult with additional accesses into the subdivision.

*Timestamp 01:54:06*

Tamara Hough testified she had provided comments which were part of the packet, but she had additional comments to add as she had questions that had been left unanswered. Mrs. Hough began by asking how many homes Kuna really needed as 3,000 (by what she could find) had already been approved. She explained how their family had chosen to commute their children to Boise schools for smaller sizes, and how the middle and high schools in Kuna were already at or over capacity. She discussed how there were 17,000 voters within Kuna, how only 2,000 voted on the Kuna School District Bond, and how the Bond failed. Mrs. Hough also testified to the traffic concerns on Columbia Road and how it was already a nightmare prior to this development as well as others which were already approved. She concluded by asking if Kuna really needed the additional homes, who would be able to afford to buy them in the current economy, and how many were bought by investors who were not truly invested in our town.

*Timestamp 01:57:28*

Robbie Reno agreed with the points made by Mrs. Hough and testified that the project was within the Crimson Point Elementary school zone, and how the school was currently at 91% capacity. Mr. Reno discussed how the previously approved Sabino's Rocky Ridge Subdivision would greatly impact Crimson Point and put it way over capacity; a Bond was needed to help relieve capacity concerns at Crimson Point and Silver Trail Elementary schools.

*Timestamp 01:58:40*

Beverly Wolf testified she had read the City Engineers comments which stated the sewer would flow to a future regional Lift Station; she wanted to know how to prove that when it had not been constructed yet. Mrs. Wolf then asked if there was a letter from the Kuna School District as she did not see one in the project packet. She testified that she understood Developers paid for much, but they did not pay 100%, residents paid taxes and paid Bonds or Levies. Mrs. Wolf concluded by quoting information she found on the city website, “Not to be contrary to public interest; a literal enforcement of the zoning Title will result in unnecessary wisdom” and asked the Commission if they were voting for the people or the developers; she believed it was necessary to review the map (FLUM) and plan (Comprehensive Plan) on how zones were laid out, not decide willy-nilly, then use eminent domain to connect them.

*Timestamp 02:01:38*

Jerry Frederick testified he was the individual that had sold the land to the developer and believed they had a problem with R-12 that far from the city. Mr. Frederick asked if Columbia would be built to three (3) or four (4) lanes, then testified to the speed traffic travels on Black Cat; he felt ACHD needed to install additional signage.

*Timestamp 02:04:23*

Mrs. Koeckeritz rebutted the townhome lots were to be within the interior while single-family would be on the exterior. She further commented Black Cat was slated to become the next major thoroughfare into Kuna and the area would be developing; typically, higher density was placed along those thoroughfares. Mrs. Koeckeritz explained the developer had chosen to place the larger lots on the exterior of the project in consideration of the parcels on Balivi Lane, then stated the proposed townhomes were to be 1,300 – 1,600 SF, 2 – 3 bedrooms, and each had a two (2) car garage with 20 FT driveway apron. She then discussed how Traffic Engineers review development applications and determine what mitigations may be required, then ACHD instituted them; the developer was being asked to develop Black Cat and Columbia as three (3) lanes for the length of the project. Mrs. Koeckeritz discussed how schools were funded so differently in Idaho, therefore, land donations did help. She also explained that sewer would flow into the Regional Lift Station that was part of Sabino’s Rocky Ridge Subdivision, and how the developer would be unable to get (vertical) building permits until the project was connected to that Lift Station, which all depended on when Sabino’s came online.

*Timestamp 02:10:14*

Commissioner Main asked if the roadway improvements on Black Cat and Columbia be completed as part of Phase 1. Mrs. Koeckeritz anticipated they would be as that was the most typical occurrence. The Commissioner inquired if this project or Season’s Creek North was anticipated to move forward first. Applicant Tim Eck explained it would depend on entitlement approvals and constructions drawings completed, but assumed Season’s Creek North would be first as Sabino’s had yet to make next steps after approval of their Preliminary Plat.

*Timestamp 02:12:24*

Commissioner Main asked if there would be any gravity irrigation facilities that may be impeded by the project. Mr. Eck answered legally they were not allowed to do so and intended for the existing canal to remain as is. The Commissioner asked if there would be any ditches on the property affected. Mrs. Koeckeritz explained they would be working with the irrigation districts to coordinate tiling of any ditches that required it.

*Timestamp 02:14:32*

Chairman Young closed the public hearing and the Commission proceeded into deliberation.

*Timestamp 02:14:52*

Vice Chairman Hennis approved of the open space and amenities; however, he had concerns with how small the commercial area was proposed to be as it did not seem like it would support the number of homes developed. He believed a transition on Black Cat was appropriate; he also had concerns with ingress/egress locations and their separation distances. The Vice Chair was not convinced the density was appropriate for the location, even with Black Cat being a thoroughfare.

*Timestamp 02:17:30*

Commissioner Main also believed the project was too dense along Black Cat and would prefer to see a buffer. He further expounded that Ten Mile was already five (5) lanes and if Black Cat was a future thoroughfare, where would the additional width come from when it was time for ACHD to develop it to five (5) lanes; he also commented there were no other connection points from the subdivision to the commercial area without going out to Columbia or Black Cat, then back in. Commissioner Main wanted to see some type of buffer on Black Cat, then asked how parking was accessed for the townhomes.

*Timestamp 02:19:04*

Chairman Young agreed with most of what the other Commissioners stated then discussed that developers did not need to put in 24 acres of townhomes for a project to be mixed use; there was double what he would have expected for townhomes. He felt there wasn't much near the proposed project.

*Timestamp 02:21:35*

Vice Chairman Hennis pointed out the intent of mixed use was for commercial to serve higher density areas, but there was only 6.1 acres of commercial and 24.6 acres of R-12; the Comp Plan directed that these types of densities were supposed to be closer to the core of the city.

*Timestamp 02:22:27*

Commissioner Greger echoed the Vice Chairmans comments and agreed R-12 was too much.

*Timestamp 02:22:58*

Chairman Young stated he was not sure on how to move forward as certain requests could cause an entire re-do of the project; the Vice Chairman agreed. The Chairman explained he supported the open space, but it was the mixed use component that caused issue.

*Timestamp 02:23:28*

Again, the Vice Chairman agreed and stated the project was unbalanced, as well as there being no other similar projects nearby.

*Timestamp 02:24:27*

Vice Chairman Hennis asked Mr. Behunin how many units total for the R-12; Mr. Behunin answered there were 195, but that there were some single-family homes in that zone per Exhibit 2.1.

*Timestamp 02:25:40*

Commissioner Main agreed with the Chairman that there were too many townhomes for how far out (from the core) the project was and that the commercial area was too small.

*Timestamp 02:26:03*

Director Doug Hanson as the Commission where they would propose additional commercial be added based on the site's unique constraints so that if they wanted to request changes to the Plat, the Applicant had a clear direction on how to proceed.

*Timestamp 02:26:26*

Vice Chairman Hennis suggested a separate area on the opposite side of the canal; Mr. Hanson referred to Mr. Behunin for the option to be discussed further.

*Timestamp 02:26:49*

Mr. Behunin explained all agency standards needed to be reviewed for additional commercial to be added; ACHD had denied any commercial access from Black Cat as there wasn't enough sight distance, with the added hurdle of the canal. He also explained irrigation districts did not necessarily encourage additional canal crossings.

*Timestamp 02:28:17*

Vice Chairman Hennis referred to Exhibit 2.18 which reflected a driveway into the commercial area from Black Cat; the distance did not appear accurate. After additional clarifying questions back and forth, it was determined that was an existing driveway that would be closed at time of development. The gentleman then debated the items which to be reflected within a preliminary plat.

*Timestamp 02:30:28*

Stepping in, Chairman Young confirmed the driveway in question would be closed upon development based on ACHD requirements; Mr. Behunin stated that was correct.

*Timestamp 02:31:28*

Chairman Young commented it appeared the commercial area was hemmed in and was unable to expand, which further solidified his concerns with the amount of R-12.

*Timestamp 02:32:15*

The Vice Chairman agreed stating he would prefer to see at least half of the proposed amount. The Commission discussed the preferred density they would like to see for the project.

*Timestamp 02:33:16*

The Chairman suggested continuing the Case to the next meeting so the Commission could further review and digest the project.

*Timestamp 02:34:08*

Commissioner Main asked Mr. Behunin if it was possible to develop commercial along the entire Black Cat frontage but it only be served by the one (1) entrance on the North. Mr. Behunin deferred to Economic Development Director Morgan Treasure.

*Timestamp 02:34:31*

Ms. Treasure stated it was possible from a platting perspective it could be done but it wasn't viable from a commercial perspective. She explained that the city's plan was a 20 year plan and it was the intent of the FLUM to assist with capturing these hard corners for development of commercial that would serve the surrounding area in the future; right now, the area felt like the country but in 10 – 15 years, it would be a commercial corner. Ms. Treasure commented the subject site was difficult

due to geographical constraints and to develop that amount of commercial on Black Cat, the city wouldn't be able to capture the neighborhood commercial users that supported the area, nor would it be positive from a marketable standpoint; a small strip mall and a convenience store similar to Linder and Deer Flat, would be preferred.

*Timestamp 02:36:00*

Vice Chairman Hennis commented that it was his understanding the city wanted to encourage additional commercial (to shift the tax base) and that the proposed commercial area seemed to be a small portion to do so.

*Timestamp 02:36:16*

Ms. Treasure touched on traffic counts for the area and that 7 – 10 acres of commercial was appropriate. She said the placement was also the best piece for its location due to the site constraints, if there were no constraints, she would be advocating for an additional chunk; if she felt like she could “sell” 20 acres in that location she would, but it just wasn't viable.

*Timestamp 02:37:21*

Vice Chairman Hennis did not agree that the alternative of cramming a higher density within the areas that couldn't be used by commercial was appropriate, especially as there weren't any nearby services for residents as of yet.

*Timestamp 02:37:38*

Commissioner Greger understood the point of hard corners and for the location of the commercial, but was not supportive of the R-12.

*Timestamp 02:38:03*

Commissioner Main believed that if the commercial was stuck where it was, there needed to be a buffer along Black Cat and the density needed reduced by 50% or more.

*Timestamp 02:38:33*

The Vice Chairman agreed with the Chairman that additional time was required to consider the application.

*Timestamp 02:39:00*

**Motion To:** Table Case Nos. 22-07-ZC, 22-05-PUD, 22-15-S, 22-08-SUP & 22-34-DR for Gallica Heights Subdivision to a date certain of...

*Timestamp 02:39:31*

Director Hanson recommended the Case be tabled to a date uncertain as he was not confident it would be completed within the next three (3) weeks. Chairman Young explained the Commission was only requesting additional time to review the Case as they were not yet comfortable making a Motion; Vice Chairman Hennis agreed.

*Timestamp 02:40:12*

**Motion To:** Table Case Nos. 22-07-ZC, 22-05-PUD, 22-15-S, 22-08-SUP & 22-34-DR for Gallica Heights Subdivision to a date certain of September 12, 2023, pending additional review by the Commission.

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

**Nay:** 0  
**Absent:** 1  
**Motion Carried:** 4-0-1

**5. BUSINESS ITEMS:**

None

**6. UPDATES & REPORTS: Non-Action Items**

None

**7. ADJOURNMENT:**

*Timestamp 02:40:54*

**Motion To:** Adjourn

**Motion By:** Vice Chairman Hennis

**Motion Seconded:** Commissioner Main

**Further Discussion:** None

**Aye:** 4

**Nay:** 0

**Absent:** 1

**Motion Carried:** 4-0-1

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Lee Young, Chairman

ATTEST:

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Doug Hanson, Director



# CITY OF KUNA

751 W 4<sup>th</sup> Street • Kuna, ID 83634  
 (208) 922-5274 • www.kunacity.id.gov

Planning & Zoning Commission Public Hearing Sign-In Sheet  
 August 22, 2023 (Continued from August 8, 2023)

**Case No.: 23-10-SUP (Special Use Permit)**

**Case Name: 2929 N New Morning Avenue In-home Daycare**

Please print your name below & indicate if you would like to Testify or NOT Testify regarding this item.

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Halima Ali		Chris Howard
Name	Name	Name
Address 2929 New Morning Ave	Address	Address 4700 W. Dirt Ln
City, State, ZIP Kuna, ID 83634	City, State, ZIP	City, State, ZIP Kuna, ID 83634
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*Signed in  
on wrong  
case*



# CITY OF KUNA

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Planning & Zoning Commission Public Hearing Sign-In Sheet  
 August 22, 2023

**Case No.: 23-01-CPF (Combo Plat) & 23-04-ZC (Rezone)**

**Case Name: Hagler Subdivision**

Please print your name below & indicate if you would like to Testify or NOT Testify regarding this item.

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A Ha Graham  
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115 N Black Cat Rd.  
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Kuna ID 83634  
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Bill Graham  
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1015 N. Blackcat  
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Tamara Hough  
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8317 S Old Farm Pl  
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Kuna Meridian 83642  
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SAM JOHNSTON  
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Jen Brazee  
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985 N Black Cat  
Print Address  
Land                  83634  
City                  State, Zip

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JENEVEY WOLF  
Print Name  
3120 W. Comm.  
Print Address  
Meridian, ID 83642  
City                  State, Zip

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Mamiela Wolske  
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925 N. Ocean Cat Rd  
Print Address  
Idaho                  83634  
City                  State, Zip

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KEU J HOUGH  
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8797 S. OLD FARM PL  
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MERIDIAN ID 83642  
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Kim R. Williams  
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4460 W. Columbia  
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Ryan Swider  
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4460 W. Columbia Rd.  
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Meridian, ID 83642  
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Scott Bueri  
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4747 Deer Flat  
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Austin Faulk  
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8847 Medermott  
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Ashlyn Faulk  
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8847 Medermott  
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Jim Clark  
\_\_\_\_\_  
Print Name  
1530 W. Hayfield Ct.  
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Darwin Lewis  
Print Name  
1162 W Penelope  
Print Address  
Kuna ID 83634  
City                      State, Zip

Testify     Not Testify

Tammie Lewis  
Print Name  
1162 W Penelope St  
Print Address  
Kuna ID 83634  
City                      State, Zip

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*Testified separately* ←

TOM Melody 804 N. Black Cat Rd.  
Print Name  
TOM + Mary Melody  
Print Address  
KUNA ID  
City                      State, Zip 83634

Testify     Not Testify

~~Taunna Bos  
Print Name  
No address Parcel #1309142152  
Print Address Black Cat Rd  
City                      State, Zip~~

Testify     Not Testify

~~Jenny Probernik  
Print Name  
8968 S Black Cat Rd  
Print Address  
Maha PR 83687  
City                      State, Zip~~

*Not Testify*  
Brandon Goodsell  
1966 N G Ranch Rd  
Kuna Idaho 83634  
 Testify  
Chris Howard  
4700 W. Dirt Ln Kona, ID



**IN FAVOR**

**NEUTRAL**

**IN OPPOSITION**

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1534 W Heartland Dr D100

Print Name

Veronica Petersen

Print Address

Kuna ID 83634

City                      State, Zip

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Ken Hough

Print Name

8397 Sold Farm Pl

Print Address

Mexico ID 83642

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JEFF TURNER

Print Name

4401 BALIUTE LN

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XIAM PA 83687

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Robbie Rew (NSD)

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M E Porter

Print Address

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NAVARRO, KARIN

Print Name

925 N Black Cat Rd

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KUNA ID 83634

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NAVARRO ANTONIO

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425 N Black Cat Rd

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Brandon Brazee

\_\_\_\_\_  
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985 N Black cat

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BEVERLY WOLF

\_\_\_\_\_  
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3420 W. Comm.

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Kim R. Williams

\_\_\_\_\_  
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4460 W. Columbia

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Meridian 83642

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BRYAN SWIDER

\_\_\_\_\_  
Print Name  
4460 W. COLUMBIA RD

\_\_\_\_\_  
Print Address  
MERIDIAN, ID 83642

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City                      State, Zip

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**IN OPPOSITION**

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SARA Whitehead  
Print Name  
SARA Whitehead  
Print Address  
1237 N Black Cat  
City                      State, Zip  
Kuna ID 83634

Testify     Not Testify

SCOTT BUEH  
Print Name  
4747 Doc Flut  
Print Address  
Kuna ID  
City                      State, Zip

Testify     Not Testify

Austin Faulk  
Print Name  
8847 N Medernott  
Print Address  
Kuna ID 83634  
City                      State, Zip

Testify     Not Testify

Ashlyn Faulk  
Print Name  
8847 Medernott  
Print Address  
Kuna ID 83634  
City                      State, Zip

Testify     Not Testify

TAMMI LEWIS  
Print Name  
116205 Penelope St  
Print Address  
Kuna ID 83634  
City                      State, Zip

**IN FAVOR**

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*Taunya Bos*  
Print Name \_\_\_\_\_

*No address - Parcel #S1309142152*  
Print Address \_\_\_\_\_

*BlackCat Rd*  
City \_\_\_\_\_ State, Zip \_\_\_\_\_

*Letter sent in*  
 Testify       Not Testify

*Jerry Frederick*  
Print Name \_\_\_\_\_

*8968 S Blackcat Rd*  
Print Address \_\_\_\_\_

*Nampa ID 83687*  
City \_\_\_\_\_ State, Zip \_\_\_\_\_

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City \_\_\_\_\_ State, Zip \_\_\_\_\_

**BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA**

IN THE MATTER OF THE APPLICATION OF ) **Case Nos. 23-10-SUP**  
 )  
**RAHMA ALI** )  
 ) **FINDINGS OF FACT, CONCLUSIONS OF**  
*For an in-home daycare for up to twelve (12)* ) **LAW & ORDER OF DECISION FOR**  
*children at 2929 N New Morning Avenue.* ) **SPECIAL USE PERMIT APPLICATION.**

---

THESE MATTERS came before the Commission for public hearing on August 8, 2023, and was continued to August 22, 2023, for receipt and consideration by the Commission of these Findings of Fact, Conclusions of Law, and Order of Decision for the above referenced application. The Commission does now hereby make and sets forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Order of Decision.

**I  
EXHIBIT LIST**

The exhibits of the above-referenced matter consist of the following, to-wit:

**1.1 Exhibits:**

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 UPDATED STAFF REPORT			X
<a href="#">1.1 STAFF REPORT.pdf</a>			X
<a href="#">2.23 UPDATED P&amp;Z APPLICATION COVERSHEET.pdf</a>			X
<a href="#">2.1 P&amp;Z APPLICATION COVERSHEET.pdf</a>			X
<a href="#">2.24 UPDATED DAYCARE SPECIAL USE PERMIT APPLICATION.pdf</a>			X
<a href="#">2.2 DAYCARE SPECIAL USE PERMIT APPLICATION.pdf</a>			X
<a href="#">2.3 AERIAL MAP.pdf</a>			X
<a href="#">2.4 VICINITY MAP.pdf</a>			X
<a href="#">2.25 UPDATED NARRATIVE.pdf</a>			X
<a href="#">2.5 NARRATIVE.pdf</a>			X
<a href="#">2.6 WARRANTY DEED.pdf</a>			X
<a href="#">2.7 PROOF OF STATE LICENSING PROCESS 2020.pdf</a>			X
<a href="#">2.8 CITY OF BOISE CHILD CARE FACILITY LICENSE 2022 - 2023.pdf</a>			X
<a href="#">2.9 SITE PLAN.pdf</a>			X
<a href="#">2.26 FIRE ALARM &amp; CO2 DETECTOR MAP.pdf</a>			X
<a href="#">2.10 PEDIATRIC CPR &amp; FIRST AID.pdf</a>			X
<a href="#">2.11 SICK CHILD POLICY.pdf</a>			X
<a href="#">2.12 DISCIPLINE POLICY.pdf</a>			X
<a href="#">2.13 EVACUATION PLAN.pdf</a>			X
<a href="#">2.14 NEIGHBORHOOD MEETING CERTIFICATION.pdf</a>			X
<a href="#">2.15 COMMITMENT TO PROPERTY POSTING.pdf</a>			X
<a href="#">2.16 BACKGROUND CHECK - CLEARED.pdf</a>			X
<a href="#">2.17 AGENCY TRANSMITTAL.pdf</a>			X
<a href="#">2.18 KMN PUBLICATION PROOF.pdf</a>			X

<a href="#">2.19 WEBSITE NOTICE.pdf</a>			X
<a href="#">2.20 300 FT PROPERTY OWNERS MAILER.pdf</a>			X
<a href="#">2.21 PROOF OF PROPERTY POSTING.pdf</a>			X
<a href="#">2.22 CITY ENGINEERS MEMO.pdf</a>			X

**1.2 Hearings:** This matter came before the Commission on August 8, 2023, and was then continued to August 22, 2023. The FCO's have been requested to go before the Commission on September 12, 2023.

**1.3 Witness Testimony:** Those who testified at the Commissions August 8, 2023, hearing are as follows, to-wit:

**A.** City Staff:  
Jessica Reid, Associate Planner

**B.** Appearing for the Applicant:  
None

**C.** Appearing in Favor:  
None

**D.** Appearing Neutral:  
None

**E.** Appearing in Opposition:  
Kyle Black, 2965 N New Morning Avenue, Kuna, ID, 83634 – Testified  
Josh Buss, 2942 N New Morning Avenue, Kuna, ID, 83634 – Testified

**1.4 Witness Testimony:** Those who testified at the Commissions August 22, 2023, hearing area as follows, to-wit:

**A.** City Staff:  
Jessica Reid, Associate Planner

**B.** Appearing for the Applicant:  
None

**C.** Appearing in Favor:  
None

**D.** Appearing Neutral:  
None

**E.** Appearing in Opposition:  
None

## II DECISION

WHEREUPON THE COMMISSION being duly informed upon the premises and having reviewed the record, evidence, and testimony received, and being fully advised in the premises, DO HEREBY MAKE THE FOLLOWING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, to-wit:

### III FINDINGS OF FACT

#### 3.1 Findings Regarding Notice

- A. Notice Required:** Notice was provided in accordance with Kuna City Code ([KCC 1-14-3](#) and [Idaho Code §67-65](#)).
1. The Applicant held a Neighborhood Meeting June 11, 2023; there were seven (7) attendees.
  2. Notice for the August 8, 2023, hearing was published on the city website July 10, 2023, and published in the Kuna Melba News on July 19, 2023.
  3. Notices containing a description and location of the project were mailed to all known and affected property owners within 300 feet of the subject site on July 19, 2023.
  4. The Applicant posted a sign on the property July 27, 2023, and a Proof of Property Posting form was provided to staff August 31, 2023.
  5. At the August 8, 2023, hearing, the Commission Motioned to continue the project to August 22, 2023, pending requested updates to the application documents.

#### 3.2 Findings Regarding Special Use Permit

- A.** Does an in-home daycare constitute a Special Use Permit?
1. As established in [KCC 5-3-2](#), a Special Use Permit is required for all daycare facilities whether in-home or commercial. (+)
- B.** Has the Applicant submitted a complete application?
1. The Applicant has submitted all required materials listed on the Special Use Permit application and upon review, the application was considered complete by staff on July 7, 2023. (+)
  2. Upon direction at the August 8, 2023, Commission meeting, staff and the Applicant updated the application documents to reflect “up to 12 children”. (+)
- C.** Was a Neighborhood Meeting conducted and were public noticing requirements met in accordance with Idaho Code and city Ordinances?
1. The Applicant held a Neighborhood meeting June 11, 2023; there were seven (7) attendees. Notice was posted to the city website July 10, 2023, notice was published in the Kuna Melba News and notices were mailed to all know and affected property owners within 300 feet of the subject site on July 19, 2023; public hearing information was also posted on site July 28, 2023. (+)
- D.** Does this proposal comply with Kuna City Code, Idaho Code, and IDAPA (Idaho Administrative Procedures Act)?
1. Based upon staff review, the proposed project is compliant with [KCC 5-6](#), [Idaho Code §39-11](#), and [IDAPA 16.06.02](#). (+)
- E.** Can the availability of existing and proposed public services and infrastructure accommodate this proposal?

1. The subject site is already connected to city services as part of the requirements for the development of Ledgestone Subdivision No. 2, no additional stresses will be put on city appurtenances. (+)
  2. As the Applicant will primarily pick-up and drop-off the children in her care, increased traffic would be minimal. (+)
- F.** Does the proposed Special Use Permit consider the health and safety of the public and surrounding area?
1. By submitting the required Special Use Permit application, following local and state compliance requirements, the Applicant picking up/dropping off children, and should parent drop-off/pickup occur, the driveway provides an off-street drop-off/pickup location with parents required to escort their child(ren) to the door, this proposal considers the health and safety of the public and the surrounding area. (+)

## IV CONDITIONS

### 4.1 Staff Recommended Conditions

- A.** The in-home daycare shall be permitted to operate Monday – Friday, from 8:00 AM to 10:00 PM, and care for up to twelve (12) children.
- B.** Applicants shall provide care for the number of children determined by the Fire Safety Inspection and the applicable child-to-staff ratio indicated by [Idaho Code §39-1109\(4.a\)](#), however, no more than twelve (12) children maximum; this number includes the Applicants children, if applicable.
- C.** Applicant shall provide protection or supervision for children under twelve (12) years of age, for periods less than 24-hours per day, while the parents or guardians are not on the premises, per [KCC 5-1-6](#).
- D.** The Applicant shall ensure that at all times when a child(ren) are present, at least one (1) employee 18 years of age or older, holding all required certifications (Pediatric First Aid/CPR, background check, etc.), shall be present per [Idaho Code §39-1109\(g\)](#).
- E.** An approved fire extinguisher shall be on site at all times.
- F.** Applicant shall acquire the required Kuna Daycare Business license in accordance with KCC 3-10 through the City Clerk’s Office once all Conditions are met, Findings of Fact have been signed, and prior to commencement of operation, and shall always maintain said license.
- G.** Applicant shall provide staff with a copy of their State of Idaho Basic Daycare license once issued.
- H.** Applicant shall provide a copy of each annual Child Care Health and Safety inspection, and Fire Safety Inspection to staff for the lifetime of in-home daycare operation.
- I.** In the event the use(s) or structures located at the site are enlarged, expanded upon, or altered in any way (even for temporary purposes), the Applicants and any future assigns having interest in the subject property, shall seek an amendment to the approvals of this Special Use Permit through the public hearing process.
- J.** This Special Use Permit is valid only if these Conditions are adhered to continuously; in the event the Conditions are not followed, the Special Use Permit may be revoked.

- K. This Special Use Permit shall follow the proposed intent provide on the application and shall divest when the Applicant no longer operates an in-home daycare, and/or no longer have any interest in the property, or the business is discontinued for more than one (1) year. The Applicant shall advise the city of any changes in ownership or leasing agreements which would affect business operation(s).
- L. Per [Idaho Code §67-6512](#), a Special Use Permit is not transferrable from one parcel of land to another.

#### **4.2 Site Layout, Dimensional Standards & Parking**

- A. All required parking for operation of the in-home daycare shall be met off-street.
- B. All drop-off/pick up of child(ren) shall occur within the driveway and parents shall escort their child(ren) to the front door.

#### **4.3 Landscape & Fencing: None**

#### **4.4 Public Works: None**

#### **4.7 General**

- A. The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
  - 1. The City Engineer shall approve the sewer connections.
  - 2. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - 3. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties."
  - 4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Rural Fire District are required.
  - 5. The Kuna Municipal Irrigation System (KMIS) and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
  - 6. Approval from Ada County Highway District (ACHD) shall be obtained, and Impact Fees must be paid prior to issuance of any building permit(s).
  - 7. All public rights-of-way shall be dedicated and constructed to the standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- B. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see [KCC 6-4-2](#).

- C. Compliance with [Idaho Code §31-3805](#) pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- D. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- E. It is the responsibility of the Developer or his Engineer to coordinate and design for the stricter requirement between agencies and the City of Kuna standards for the entire development.
- F. The Developer/Owner/Applicant, and/or any future assigns having an interest in the subject property, shall fully comply with all Conditions of development as approved by the Commission, or seek amending them through Public Hearing processes.
- G. Developer/Owner/Applicant shall submit to Planning and Zoning staff a formal request for an alternative surface within the RV storage facility which complies with Kuna City Code 5-9-2(D), prior to progressing to a City Council hearing date, as gravel surfaces are not permitted.
- H. Owner/Developer/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
- I. Owner/Developer/Applicant shall comply with all local, state, and federal laws.

**V**

**CONCLUSIONS OF LAW**

**RE: POWERS AND DUTIES OF THE COMMISSION**

- 5.1 City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing, and functioning pursuant to [Idaho Code §50-1](#).
- 5.2 The power of the City of Kuna lies in the Commission to hear this matter as provided in [Idaho Code §67-65](#) and [KCC 1-14-3](#).
- 5.3 The Commission has a decision-making authority over all Special Use Permit applications as provided in [KCC 1-14-3](#).

**VI**

**CONCLUSIONS OF LAW**

**RE: APPLICATION FOR SPECIAL USE PERMIT**

- 6.1 [KCC 5-6](#) provides that:

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered daily.

The Commission shall hold a public hearing on each Special Use Permit application as specified in the Official Schedule of District Regulations. The Commission may approve, conditionally

approve, or deny a Special Use Permit under the Conditions as specified herein and considering such additional safeguards as will uphold the intent of this Title.

**VII**  
**ORDER OF APPROVAL**

The Commission, having reviewed the above-entitled record, having listened to the arguments and presentations at the meeting, and being fully informed on the premises and further based upon the Findings of Fact and Conclusions of Law hereinabove set forth, **DO HEREBY ORDER AND THIS DOES ORDER:**

- 7.1** The Special Use Permit (Case No. 23-10-SUP) for 2929 N New Morning Avenue In-home Daycare for up to twelve (12) children is approved.

**BY ACTION OF THE COMMISSION** of the City of Kuna at its regular meeting held on the 12<sup>th</sup> day of September 2023.

---

Lee Young, Chairman

**BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA**

IN THE MATTER OF THE APPLICATIONS OF ) **Case Nos. 23-01-CPF & 23-03-ZC**  
 )  
**DeWayne Hagler** ) **FINDINGS OF FACT, CONCLUSIONS OF**  
 ) **LAW AND ORDER OF RECOMMENDED**  
 ) **APPROVAL OF COMBINATION PLAT &**  
*For subdivision of 227 W King Road.* ) **REZONE APPLICATIONS.**

---

THESE MATTERS came before the Commission for public hearing on August 22, 2023, for the receipt and consideration by the Commission of these Findings of Fact, Conclusions of Law, and Order of Decision for the above referenced applications. The Commission does now hereby make and sets forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Order of Decision.

**I  
EXHIBIT LIST**

The exhibits of the above-referenced matter consist of the following, to-wit:

**1.1 Exhibits:**

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 STAFF REPORT			X
<a href="#">2.1 P&amp;Z APPLICATION COVERSHEET.pdf</a>			X
<a href="#">2.2 COMBO PLAT APPLICATION.pdf</a>			X
<a href="#">2.18 REZONE APPLICATION.pdf</a>			X
<a href="#">2.3 VICINITY MAP.pdf</a>			X
<a href="#">2.3 VICINITY MAP.pdf</a>			X
<a href="#">2.5 NARRATIVE.pdf</a>			X
<a href="#">2.6 CONFIRMATION OF NO FORMAL DEED.pdf</a>			X
<a href="#">2.7 AFFIDAVIT OF LEGAL INTEREST.pdf</a>			X
<a href="#">2.8 LEGAL DESCRIPTION.pdf</a>			X
<a href="#">2.9 PRELIMINARY PLAT.pdf</a>			X
<a href="#">2.10 FINAL PLAT.pdf</a>			X
<a href="#">2.11 NEIGHBORHOOD MEETING CERTIFICATION.pdf</a>			X
<a href="#">2.12 PUBLIC HEALTH DISTRICT PLOT PLAN.pdf</a>			X
<a href="#">2.13 CUSTOMER CONSENT TO PROCEED WITH ENGINEERING - ID POWER.pdf</a>			X
<a href="#">2.14 ACHD DRIVEWAY APPROACH PERMIT APPLICATION.pdf</a>			X
<a href="#">2.15 ORIGINAL AGENCY TRANSMITTAL.pdf</a>			X
<a href="#">2.16 ORIGINAL KMN PUBLICATION PROOF - NOT PUBLISHED.pdf</a>			X
<a href="#">2.17 ORIGINAL WEBSITE NOTICE.pdf</a>			X
<a href="#">2.19 UPDATED AGENCY TRANSMITTAL.pdf</a>			X
<a href="#">2.21 UPDATED WEBSITE NOTICE.pdf</a>			X
<a href="#">2.22 KMN PUBLICATION PROOF.pdf</a>			X
<a href="#">2.23 300 FT PROPERTY OWNERS NOTICE.pdf</a>			X
<a href="#">2.26 PROOF OF PROPERTY POSTING.pdf</a>			X

<a href="#">2.24 BOISE PROJECT BOARD OF CONTROL.pdf</a>			X
<a href="#">2.25 BOISE-KUNA IRRIGATION DISTRICT.pdf</a>			X
<a href="#">2.26 ADA COUNTY HIGHWAY DISTRICT.pdf</a>			X
<a href="#">2.27 CITY ENGINEERS MEMO.pdf</a>			X

**1.2 Hearings:** The Commission heard this on August 22, 2023. The FCO's have been requested to go before the Commission on September 12, 2023.

**1.3 Witness Testimony:** Those who testified at the Commission's August 22, 2023, hearing area as follows, to-wit:

- A.** City Staff:  
Jessica Reid, Associate Planner
- B.** Appearing for the Applicant:  
None
- C.** Appearing in Favor:  
None
- D.** Appearing Neutral:  
None
- E.** Appearing in Opposition:  
None

## II DECISION

WHEREUPON THE COMMISSION being duly informed upon the premises and having reviewed the record, evidence, and testimony received and being fully advised in the premises, DO HEREBY MAKE THE FOLLOWING RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, to-wit:

## III FINDINGS OF FACT

### 3.1 Findings Regarding Notice

- A.** Notice required: Notice was provided in accordance with [Kuna City Code \(KCC\) 1-14-3](#) and [Idaho Code §67-65](#).
  - 1.** The Applicant held a Neighborhood Meeting January 1, 2023; there were 10 attendees.
  - 2.** Notice for the hearing was published on the city website July 10, 2023; information was then updated and reposted July 18, 2023.
  - 3.** Notice was scheduled to be published in the Kuna Melba News on July 18, 2023; however, the publication was held due to the meeting date being changed for not yet having received critical agency comments. Notice for the August 22, 2023, hearing was officially published in the Kuna Melba News on July 25, 2023.
  - 4.** A notice containing a description of, and location of the project was mailed to all known and affected property owners within 300 feet on August 2, 2023.

5. The Applicant posted a sign on the property July 26, 2023; however, the zone reflected was incorrect. The information was corrected and posted on July 27, 2023.

### 3.2 Findings Regarding Combination Plat at Rezone

- A. Do the Combo Plat and Rezone applications contain the necessary requirements listed in [Title 5](#) and [Title 6](#) of Kuna City Code?
  1. The Applicants have submitted a complete application and following staff review of technical compliance, the applications are compliant with KCC Title 5 and Title 6. (+)
- B. Does this proposal comply with the Comprehensive Plan Future Land Use Map (FLUM), and is the site selection appropriate for the proposed project?
  1. The FLUM designates the subject site and surrounding areas as R-2 (Low Density Residential) and the Applicants have requested a Rezone from A (Agriculture) to R-2, thus being compliant with the FLUM. (+)
  2. As the requested Rezone to R-2 is compliant with the FLUM, the subject site is appropriate for the proposed project, and if approved, the proposed project will maintain the same general feel of the area by containing single-family homes with acreage. (+)
- C. Was the Neighborhood Meeting conducted in and were the public noticing requirements met in accordance with city Ordinances and Idaho Code?
  1. The Applicant held a Neighborhood Meeting January 11, 2023, with 10 in attendance. An agency transmittal was sent to affected agencies July 7, 2023, with an updated transmittal including Rezone information being sent July 17, 2023. A public notice was posted to the city website July 10, 2023, was then removed to add Rezone information, and reposted July 18, 2023. A legal notice was originally published in the Kuna Melba News on July 25, 2023. 300 foot property owners' notices were mailed, on August 2, 2023. The Applicant posted a sign on the property July 26, 2023, and the zoning information was corrected July 27, 2023. (+)
- D. Does the availability of existing and proposed public services and infrastructure accommodate the proposed development?
  1. The existing residence (future Lot 1) is served by private well and septic, and the two (2) additional lots also propose to be served by private well and septic, which will not cause additional strain on existing infrastructure. Upon review of the proposed project, the City Engineer can provide support of approval. (+)
  2. As the Applicants are aged and have no school age children, and because their adult children will be the future property owners of the two (2) additional lots, no additional students will be contributed to the Kuna Joint School District No. 3 student body. (+)
  3. Per ACHD, the acceptable level of service for King Road is better than "E," and additional dedication of right-of-way provides room for future improvements, once identified. (+)
- E. The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.
  1. Pursuant to [Idaho Code §67-8003](#), the owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk. Not more that

twenty-eight (28) days after the final decision concerning the matter at issue, the City shall prepare a written taking analysis concerning the action if requested.

## **IV CONDITIONS**

**4.1 Staff Recommended Conditions:** None

**4.2 Site Layout & Dimensional Standards:** None

**4.3 Pathways & Trails Master Plan**

- A. Developer/Owner/Applicant shall not be required to develop a greenbelt overlay, trail, or bike route along the Mora Canal as there is no similar development along said canal. Should the subject site and/or surrounding properties be redeveloped in the future, this item shall be re-evaluated.

**4.4 Open Space:** None

**4.5 Landscaping:** None

**4.6 Fencing**

- A. Developer/Owner/Applicant shall be permitted to continue the use of barbed wire fencing per [KCC 5-5-5](#), as it is used for the containment of horses and/or livestock.

**4.7 Ada County Highway District**

- A. Developer/Owner/Applicant shall dedicate an additional nine (9) feet of right-of-way along the King Road frontage.
- B. Developer/Owner/Applicant shall widen the East shared driveway to a total of 25 feet, locate the future Lot 3 driveway on the West property line as noted, and pave the approved driveways a minimum of 30 feet into the site.
- C. If ACHD determines the listed King Road improvements are determined to still be required after the additional review requested by staff, Developer/Owner/Applicant shall adhere said improvements.

**4.8 Boise Project Board of Control**

- A. No landscaping or gravel, fencing, gates or pathways are permitted within the Mora Canal Wasteway No. 1 federal easement of 25 feet from centerline,
- B. The Mora Canal Wasteway No. 1 easements shall be noted on all Preliminary and Final Plats.

**4.9 General**

- A. The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
1. The City Engineer shall approve the sewer connections.
  2. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.

3. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, “Catalog for Best Management Practices for Idaho Cities and Counties.”
  4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Rural Fire District are required.
  5. The Kuna Municipal Irrigation System (KMIS) and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
  6. Approval from Ada County Highway District (ACHD) shall be obtained, and Impact Fees must be paid prior to issuance of any building permit(s).
  7. All public rights-of-way shall be dedicated and constructed to the standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- B. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2.
  - C. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
  - D. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
  - E. It is the responsibility of the Developer or his Engineer to coordinate and design for the stricter requirement between agencies and the City of Kuna standards for the entire development
  - F. The Developer/Owner/Applicant, and/or any future assigns having an interest in the subject property, shall fully comply with all Conditions of development as approved by the City Council, or seek amending them through Public Hearing processes.
  - G. Developer/Owner/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
  - H. Developer/Owner/Applicant shall comply with all local, state, and federal laws.

## V

### CONCLUSIONS OF LAW

#### RE: POWERS AND DUTIES OF THE COMMISSION

- 5.1 City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing, and functioning pursuant to [Idaho Code §50-1](#).
- 5.2 The power of the City of Kuna lies in the Commission to hear this matter as provided in [Idaho Code §67-65](#), and [Kuna City Code 1-14-3](#).
- 5.3 The Commission has the exclusive supervisory authority over recommendation of all plat approvals and certification under their jurisdiction as provided in [Idaho Code §50-1308](#).

**VI**  
**CONCLUSIONS OF LAW**  
**RE: APPLICATION FOR PRELIMINARY PLAT**

- 6.1 The City of Kuna has authority to approve Preliminary Plats within its boundaries pursuant to [Idaho Code §50-13](#) and [§67-65](#).
- 6.2 [Kuna City Code 1-14-3](#) states that Combination Preliminary and Final Plats are designated as public hearings, with the Commission as a recommending body and Council as the decision-making body.
- 6.3 Subdivision regulations as defined in Kuna City Code Title 6 are authorized by [Idaho Code §50-13](#) and [§67-65](#), and [Article 12, Section 2](#).

**VII**  
**CONCLUSIONS OF LAW**  
**RE: APPLICATION FOR REZONE**

- 7.1 The City of Kuna has authority to Rezone lands within its boundaries pursuant to [Idaho Code §67-6511](#).
- 7.2 [Kuna City Code 1-14-3](#) states that Rezones are designated as public hearings, with the Commission as a recommending body and Council as the decision-making body.

**VIII**  
**ORDER OF RECOMMENDING APPROVAL OF APPLICATIONS FOR**  
**REZONE AND COMBINATION PRELIMINARY AND FINAL PLAT**

The Commission, having reviewed the above-entitled record, having listened to the arguments and presentations at the hearing, and being fully informed in the premises and further based upon the Findings of Fact, Conclusions of Law hereinabove set forth, DO HEREBY ORDER AND THIS DOES ORDER:

- 8.1 The Combo Plat and Rezone applications for Hagler Subdivision (Case Nos. 23-01-CPF, 23-03-ZC) are hereby recommended Approval.

**BY ACTION OF THE COMMISSION** of the City of Kuna at its regular meeting held on the 12<sup>th</sup> day of September 2023.

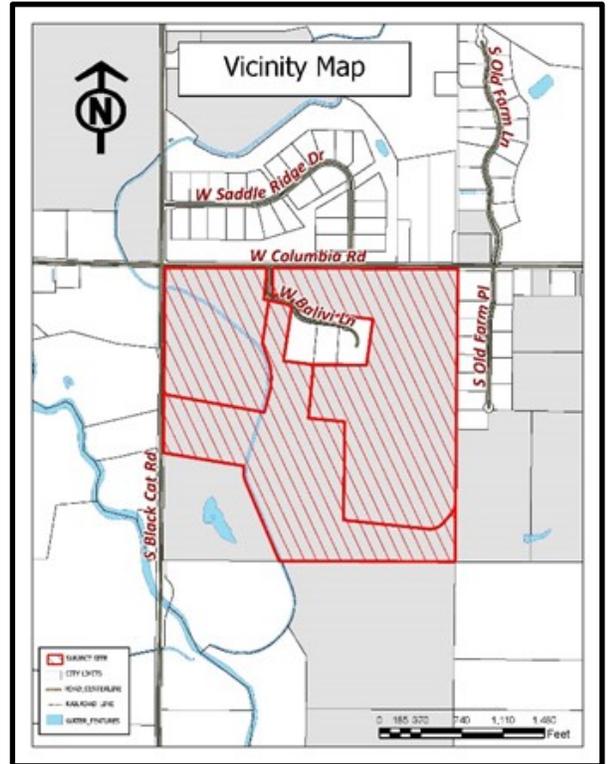
\_\_\_\_\_  
Lee Young, Chairman

**BEFORE THE COMMISSION OF THE CITY OF KUNA**

IN THE MATTER OF THE APPLICATIONS OF ) Case Nos. 22-07-ZC (Rezone), 22-05-PUD  
 ) (Planned Unit Development), 22-15-S  
 ) (Pre-Plat), 22-08-SUP (Special Use  
**THISTLE FARM, LLC** ) Permit) & 22-34-DR (Design Review).  
 )  
 For 4425 W Columbia Road. ) **STAFF MEMO FOR GALLICA  
 HEIGHTS SUBDIVISION.**

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1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process and Noticing
5. General Project Facts
6. Staff Analysis
7. Proposed Findings of Fact
8. Proposed Commission Order of Decision



**I  
EXHIBIT LIST**

The exhibits of the above-referenced matter consist of the following, to-wit:

**1.1 Exhibits:**

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.5 Staff's Memo			X
<a href="#">2.1 P&amp;Z APPLICATION COVERSHEET.PDF</a>			X

<a href="#">2.2 PUD APPLICATION.PDF</a>			X
<a href="#">2.3 REZONE APPLICATION.PDF</a>			X
<a href="#">2.4 PRELIMINARY PLAT APPLICATION.PDF</a>			X
<a href="#">2.5 SUP APPLICATION.PDF</a>			X
<a href="#">2.6 DESIGN REVIEW APPLICATION.PDF</a>			X
<a href="#">2.7 DEEDS.PDF</a>			X
<a href="#">2.8 AFFIDAVITS.pdf</a>			X
<a href="#">2.9 VICINITY MAP.PDF</a>			X
<a href="#">2.10 NARRATIVE.PDF</a>			X
<a href="#">2.11 NEIGHBORHOOD MEETING CERTIFICATION.pdf</a>			X
<a href="#">2.12 SUBDIVISION NAME RESERVATION.PDF</a>			X
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<a href="#">2.41 PROOF OF PUBLISHING KMN P&amp;Z.pdf</a>			X
<a href="#">2.42 PROOF OF LEGAL MAILER PZ.pdf</a>			X
<a href="#">2.43 PROOF OF PROPERTY POSTING.pdf</a>			X
<a href="#">2.44 WEBSITE PUBLISH.pdf</a>			X
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<a href="#">2.48 PZ APPLICANT PRESENTATION.pdf</a>			X

## II PROJECT SUMMARY

### 2.1

Description	Details
Acreage	132.26 Ac.
Existing Land Use(s)	Agriculture
Future Land Use Designation	Mixed- Use & Medium Density Residential
Proposed Land Use(s)	R-6, R-12 & C-1
Lots (No. and Type)	615 Residential, 86 Common
Number of Residential Units	615
Number of Other Lots	1 Commercial Lot
Number of Phases	8
Net Density (Dwelling Units per Acre)	5.99 DUA

## III APPLICANTS REQUEST

- 3.1** Applicant requests PUD and SUP approval for approx. 132.26 acres and to Rezone the site from A to R-6, R-12 & C-1 zones. Applicant requests Preliminary Plat approval to subdivide the lands into 702 total lots (615 residential, 86 common & 1 Commercial) and Design Review for the common lots. The subject site is located at the SEC of Columbia and Black Cat Roads, in Section 10, Township 2 North, Range 1 West, (APN's S1310223100, S1310233700, and S1310233610).

## IV PROCESS AND NOTICING

- 4.1** Kuna City Code (KCC), [1-14-3](#) states Special Use Permits (SUP) are designated as a Public Hearing, with Design Reviews as a public meeting with the Planning and Zoning Commission as the decision-making body, while Rezones, Planned Unit Developments (PUD), and Preliminary Plats are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and City Council as the decision-making body. These land use applications were given public notice following Idaho Code [\(I.C.\) § 67-65](#).

### 4.1.1 Notifications

- |                                |                             |
|--------------------------------|-----------------------------|
| A. Neighborhood Meeting:       | May 19, 2022 (17 Attendees) |
| B. Agency Comments Request:    | September 22, 2022          |
| C. 300 FT Legal Mailer Notice: | June 28, 2023               |

- D. Kuna Melba News Newspaper: June 21, 2023
- E. Site Posted: June 2, 2023
- F. Website Posting: July 6, 2023

**V  
GENERAL PROJECT FACTS**

**5.1 Site Features**

- A. The subject site (APN’s S1310223100, S1310233700, and S1310233610) is located in City Limits, and is currently zoned Agriculture and has historically been used for agricultural purposes with a single residence and several outbuildings.
- B. The proposed project site currently has vegetation consistent with that of Agriculture fields. The site has an estimated average slope of 1.4% to 2.9%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be between 20 inches to greater than 60 inches.
- C. Staff is not aware of any environmental issues, health or safety conflicts, beyond being within the Nitrate Priority Area Boundary. Idaho Department of Environmental Quality (DEQ) provides recommendations for surface and groundwater protection practices and requirements for development of the site.

**5.2 Surrounding Land Uses**

<b>North</b>	RR	Rural Residential – Ada County
	R1	Low Density Residential – Ada County
<b>South</b>	RR	Rural Residential – Ada County
	R-6	Medium Density Residential – Kuna City
<b>East</b>	RR	Rural Residential – Ada County
	Ag.	Agriculture – Kuna City
<b>West</b>	RR	Rural Residential – Ada County
	Ag.	Agriculture – Kuna City

**VI  
STAFF ANALYSIS**

**6.1 Ada County Highway District**

- A. See the Ada County Highway District Reports by [clicking here](#).
- B. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along arterials roadways shall be eight (8) foot wide detached.

- C. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along Collector roadways shall be eight (8) foot wide detached with 4 - 8 foot wide irrigated planter strip, and concrete vertical curb and gutter.
- D. All stub streets shall be installed in accordance with [KCC 6-3-3-C](#). Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas. The terminus of all stub streets shall have a sign that reads “Road to be extended in future”.

## **6.2 Idaho Transportation**

- A. See the ITD comments by [clicking here](#). ITD does not have objection to the development and are not requiring any mitigation improvements as long as the development does not exceed the number of anticipated site trips identified in the Traffic Impact Study.

## **6.3 COMPASS**

- A. See the COMPASS comments by [clicking here](#).

## **6.4 Pathways and Trails Master Plan**

- A. The Pathways Master Plan Map indicates a future through the site along the west side and a future bike route on the south property line.

## **6.5 Site Layout and Dimensional Standards**

- A. The Applicant proposes 14 private driveway lots within the project, Staff recommends the Applicant be conditioned to work with the City Engineer for proper easement widths for the project as a whole, and in particular the homes near the private driveway. Applicant proposes Private driveways for the townhome product in the R-12 section of the project. Private driveways shall be designed in accordance with [KCC 6-4-2-B.8](#).
- B. All dimensional standards appear to be in compliance with [KCC 5-3-3](#).

## **6.6 Parking**

- A. The Applicant has provided at least two (2) off street parking spots for each single-family residential unit in accordance with [KCC 5-9-3](#).
- B. The Applicant shall post “No Parking” Signs on both sides of all proposed private driveways/roads.

## **6.7 Open Space**

- A. The Applicant proposes 16.83 acres, or 12.72% of the total project as qualified open space; this area does not include required landscape buffers. [KCC 5-17-12](#) requires that a minimum 12.50%

of the developments gross land area shall be used for open space purposes and mutually exclusive of required residential buffers. Staff views the proposal to be compliant with KCC.

- B.** Staff notes the Canal in the western part of the site known as Lot 75, Block 1, and Lot 105, Block 9; a paved pathway will be required along one side to accommodate the future trail as indicated on the Master Pathway Map and shall follow the Parks and Recreation standards. Staff recommends the Developer place the canal-side of the pathway as far away as possible, in order to provide a larger greenspace along the canal. This will offer more protection of the future greenspace when weeds are sprayed.
- C.** If this project is approved, at the time of civil plan development, landscaping cannot be placed within ten (10) feet of any meter pits, pressurized irrigation valves, or ACHD underground facilities in accordance with [KCC 6-4-2-B.11](#). In the event that locations of landscaping elements are within the locations listed above, those trees must be moved to an alternate location, and an updated landscape plan must be provided to staff prior to scheduling a landscape inspection. Any elements that must be moved to another spot, may not simply be removed.
- D.** All proposed landscaping, buffers and common space shall comply with [KCC 5-17](#).
- E.** The Developer, Owner and/or Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify landscaping compliance prior to requesting signature on the Final Plat.

## **6.8 Fencing**

- A.** The Applicant shall and install “see-through” fencing along residential buildable lot property lines abutting pathways, greenbelts and common areas. Fences placed between Commercial/Civic and Residential uses shall be sight obscuring. All fencing shall comply with [KCC 5-5-5](#).

## **6.9 Public Works**

- A.** According to [Exhibit 2.24](#), Public Works staff can support the Gallica Heights Subdivision development with the conditions listed in the Engineers Memo. P&Z Department Staff agrees with the conditions listed in the Engineers memo.
- B.** The Applicant shall be required to work with staff to install streetlights a maximum spacing of 250-feet.; the final location of streetlights will be approved at the time of construction document review. Staff notes that these streetlights must be designed and installed according to “Dark Sky” standards and are required to be LED lights. All street light installation shall comply with [KCC 6-4-2](#).

## **6.10 Comprehensive Plan**

- A.** Goal Area 1: Kuna will be economically diverse and vibrant.
  - Goal 1.A.: Ensure Land Use in Kuna will support economic development.
  - Goal 1.C.: Attract and Encourage new and existing businesses.

- Objective 1.C.2.: Create an environment that is friendly to business creation, expansion and relocation.
- Policy 1.C.2.d: Ensure infrastructure and public facilities are in place and parcels identified for commercial or industrial are shovel-ready.

2. Goal Area 3: Kuna’s land uses will support a desirable, distinctive and well-designed community.

**B.** Goal Area 3: Kuna’s land uses will support a desirable, distinctive and well-designed community.

1. Goal 3.D.: Encourage development of housing options and strong neighborhoods.

- Objective 3.D.1.: Encourage development of housing options for all citizens.
  - Policy 3.D.1.a: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
- Objective 3.D.2.: Create strong neighborhoods through preservation, new development, connectivity and programming.
  - Policy 3.D.2.d: Work to ensure all neighborhoods in Kuna benefit from good connectivity through sidewalk, pathway and trail, on-street and transit infrastructure.

2. Goal 3.G.: Respect and protect private property rights.

- Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.
  - Policy 3.G.1.b: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
  - Policy 3.G.1.c: Ensure land use actions, decisions and regulations do not prevent a private property Owner from taking advantage of a fundamental property right. Ensure city actions do not impose a substantial and significant limitation on the use of the property.

*Analysis: The development includes additional housing types and sizes promotes variety for all income levels and promotes desirable and well-designed neighborhoods.*

**C.** Goal Area 4: Kuna will be a connected community through strong transportation and infrastructure systems.

1. Goal 4.B.: Increase sidewalk coverage and connectivity and invest in pedestrian facilities to increase walkability.

- Objective 4.B.2.: Maintain/expand sidewalks/pedestrian facilities within the community.
  - Policy 4.B.2.b: Install detached sidewalks and/or protected pedestrian routes/facilities along high trafficked roads as development occurs.
  - Policy 4.B.2.c: Promote the installation of off-system pedestrian pathways to create neighborhood connections and reduce the length of non-motorized transportation routes.
  - Policy 4.B.2.g: Coordinate with developers to connect and/or enhance pedestrian facilities, including on and off-system pathways, footbridges (across canals, etc.), road bridges, sidewalks, pedestrian crossings and wayfinding signage.

2. Goal 4.C.: Increase pathway, trail and on-street bicycle facilities.

- Objective 4.C.1.: Maintain/enhance existing pathways/trails/on-street bicycle facilities.
  - Policy 4.C.1.a: Expand the bicycle network as identified in the Kuna Pathways Master Plan and ACHD Roadways to Bikeways Plans through land use developments and

- capital improvement projects.
  - Policy 4.C.1.e: Coordinate with developers to connect to and/or enhance bicycle facility connections, including pathways, non-motorized canal crossings, road bridges and wayfinding signage.
- Objective 4.C.2.: Ensure expansion of pathways, trails and on-street bicycle routes.
  - Policy 4.C.2.b: Promote the installation of off-system bicycle pathways to create neighborhood connections and reduce non-motorized transportation route lengths.
- 3. Goal 4.D.: Promote a connected street network that incorporates mid-mile collectors and crossing for improved neighborhood connectivity.
  - Objective 4.D.2.: Ensure the continued expansion/development of a classified roads system throughout the community.
    - Policy 4.D.2.a: Extend and expand Mid-Mile Roads as growth occurs.
    - Policy 4.D.2.b: Preserve adequate Rights-Of-Way along all classified roads or other approved alternative locations to align roads.

*Analysis: Adding roads, sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers connectivity and access for all residents.*

## 6.11 Conclusion:

Upon review, staff finds the request for Rezone, Planned Unit Development and Preliminary Plat to be in compliance with [KCC Title 5](#) and [Title 6; \(I.C.\) § 67-65, §50-13](#) and the Kuna Comprehensive Plan; and staff recommends the Commission recommend Approval for Case Nos. 22-07-ZC, 22-05-PUD and 22-15-S and Approve Case Nos. 22-08-SUP and 22-34-DR with the Applicant being subject to the Conditions of Approval listed in Section “ IX” ( 9) of this report.

## VII PROPOSED FINDINGS OF FACT

*If the Commission wishes to approve, deny or modify specific parts of the Findings of Fact and Conclusions of Law as detailed below, those changes must be specified.*

- 7.1 Have the public notice requirements been met and the Neighborhood Meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances?
  - A. The Applicant held a Neighborhood Meeting May 19, 2022 (17 Attendees) attended the meeting in accordance with I.C. and KCC. (+)
  - B. Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on June 28, 2023, and a legal notice was published in the Kuna Melba Newspaper on June 21, 2023, in accordance with I.C. and KCC. (+)
  - C. The Applicant posted a sign on the property on June 2, 2023. (+)

- 7.2** Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?
- A.** The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6, if the sewer infrastructure improvements recommended by the Public Works Department are completed. (+)
- 7.3** Based on the evidence presented, does the application generally comply with the Comprehensive Plan?
- A.** The Comp Plan designates the property as Mixed-Use, the proposed zoning districts are R-6, R-12 and C-1 are proposed. (+)
- B.** The development includes additional housing types and sizes promotes variety for all income levels and promotes desirable and well-designed neighborhoods. (+)
- C.** Adding roads, sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers connectivity and access for all residents. (+)
- 7.4** Can the availability of existing and proposed public services accommodate the proposed development?
- A.** ACHD can support the development with all Site-Specific Conditions of approval being satisfied. (+)
- B.** ITD requires no mitigation improvements to serve the development. (+)
- C.** Sewer will become available when a new regional lift station is built and operable and there is sufficient room with force main capacity. (+)
- D.** Potable water connection is available for the subject site. (+)
- E.** Pressurized irrigation connection is available for the subject site. (+)
- F.** Kuna Rural Fire District can support this project with their required conditions being satisfied. (+)
- 7.5** Does the public have the financial capability to provide supporting services to the proposed development?
- A.** Through development of the project and beyond, connection fees, impact fees (Fire, Police, Park and Ada County Highway District), and property taxes will be collected. (+)

- 7.6** Does the proposed project consider health and safety of the public and the surrounding area's environment?
- A.** Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. will be implemented as a part of this project. (+)
  - B.** No major wildlife habitats will be impacted by the proposed development. (+)
- 7.7** Does the site landscaping meet the intent of the landscape Ordinance?
- A.** A six- foot (6') vinyl fence is proposed around the perimeter of the subdivision where permitted. (+)
  - B.** Residential lots will be required to provide see-through fencing adjacent to all common lots and shall follow all requirements listed in [KCC 5-17](#). (+)
  - C.** A Landscape buffer comprised of sod, trees and other plantings will be provided along Classified Roads. (+)
  - D.** 12.72% qualified open space is proposed exceeding the 12.50% minimum. (+)
  - E.** Internal pathways are provided for pedestrian connectivity within the development. (+)
- 7.8** Does the proposed application constitute orderly development?
- A.** The proposed subject site is located within Kuna City Limits and is surrounded by city limits on all sides. (+)
  - B.** Subdivisions are under active construction to the northwest and southwest of the subject site. (+)
  - C.** Stub streets are provided for connection of future development. (+)
- 7.9** The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.

Pursuant to [Idaho Code 67-8003](#), the Owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk, not more that twenty-eight (28) days after the final decision concerning the matter at issue. The City shall prepare a written taking analysis concerning the action if requested.

## VIII PROPOSED COMMISSIONS' ORDER OF DECISION

*Note: These motions are for the **Approval, Conditional Approval or Denial** of the Rezone, Planned Unit Development and Preliminary Plat, Special Use Permit and Design Review. However, if the Commission wishes to Approve or Deny specific parts of these requests as detailed in the Memo, those changes must be specified.*

Based upon the record contained in Case Nos. 22-07-ZC, 22-05-PUD, 22-15-S, 22-08-SUP and 22-34-DR, including the Comprehensive Plan, Kuna City Code, Staff's Analysis, including the exhibits, and the testimony during the Public Hearing the Commission hereby recommends (**Approval/Conditional Approval/Denial**) of the Rezone, PUD and Pre-Plat, and (**Approves/Conditionally Approves/Denies**) the Special Use Permit and Design Review subject to the following Conditions of Approval:

### 9.1 Staff Recommended Conditions:

- A. Applicant shall add pedestrian access within Lot 75, Block 1, and Lot 105, Block 9 with a compliant paved-pathway along one side to accommodate the future trail.

### 9.2 Transportation

- A. Buffers, curb, gutter and sidewalk (attached and detached) shall be installed in accordance with [KCC 5-17-14](#) and [6-4-2](#).
- B. Developer/Owner/Applicant shall work with Ada County Highway District and the City of Kuna to complete all required traffic improvements to the surrounding roadways and intersections as detailed in the Ada County Highway District staff report.
- C. Developer/Owner/Applicant shall install a sign at the terminus of every proposed stub street stating; "these roads will continue in the future". Developer/Owner/Applicant shall obtain proper language from Ada County Highway District.

### 9.3 Site Layout, Dimensional Standards and Parking

- A. Developer/Owner/Applicant shall measure all front building setbacks from back of sidewalk on all internal local roads.
- B. Applicant shall ensure the proper easement widths on all lots in accordance with [KCC 6-3-8](#).
- C. It is the responsibility of the Developer to ensure any anticipated buildings fit any given buildable lot in accordance with [KCC 5-3-3](#).

### 9.4 Landscape, Open Space and Fencing

- A. Fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).

- B.** All required landscaping shall be permanently maintained in a healthy growing condition. The property Owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting in public Rights-of-Way shall be with approval from ACHD.
- C.** Landscaping shall not be placed within ten (10) feet of any meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- D.** The Landscape Plan (dated 3.15.23) and Preliminary Plat (dated 6.20.22) will be considered binding site plans as amended and/or approved.
- E.** All signage within/for the project shall comply with Kuna City Code, and shall be approved through the applicable sign approval process listed in [KCC 5-10](#).
- F.** If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary Plat. Any revisions of the plat are subject to Administrative Determination to rule if the revision is substantial.
- G.** Develop/Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify building and landscaping compliance prior to requesting signature on the final plat.

## 9.5 Public Works

- A.** Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see [KCC 6-4-2](#).
- B.** Compliance with [I.C. §31-3805](#) is required. Delivery of water shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- C.** When required, submit a petition to the City (as necessary, confirmed with the City Engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- D.** Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- E.** The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional Lift Station capacity, and or Water Booster Station.
- F.** The Developer/Owner/Applicant shall not submit an application for Final Plat until the

City's Public Works Director issues a Will-Serve Letter stating the City's appurtenance has capacity to service the proposed development with domestic water, and accept the wastewater discharged from the proposed development.

- G.** In the event a Will-Serve Letter is not issued within the time the Applicant is required to record a Final Plat, the Applicant shall have good cause and be eligible to receive, pursuant to [KCC 6-2-3-J](#), a Time Extension to file a Final Plat up to and until a Will-Serve Letter has been issued.
- H.** Developer/Owner/Applicant shall work with staff in order to provide final locations of streetlights as required by Kuna City Code. Streetlights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- I.** Equivalent Dwelling Units (EDU's) will be issued at a rate of 40 EDU's and on a Phase-by-Phase basis following Ordinance R90-2022.

## **9.6 General**

- A.** The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
  - 1.** The City Engineer shall approve all sewer connections.
  - 2.** The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the Applicant has received an approved drainage plan.
  - 3.** Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties".
  - 4.** The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Fire District are required.
  - 5.** The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
  - 6.** Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to issuance of any building permit(s).
  - 7.** All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.

- B.** The Developer/Owner/Applicant, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through Public Hearing processes.
- C.** Developer/Owner/Applicant/Contractors are hereby notified of Kuna's working hours. Construction of any kind shall only be conducted within the hours specified in [KCC 10-6-3](#). Noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
- D.** Developer/Owner/Applicant is hereby notified of Kuna's weed control policies and requirements [KCC 8-1-3](#). Weeds, grasses, vines or other growth which endanger property or are over twelve (12) inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed throughout all seasons.
- E.** Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

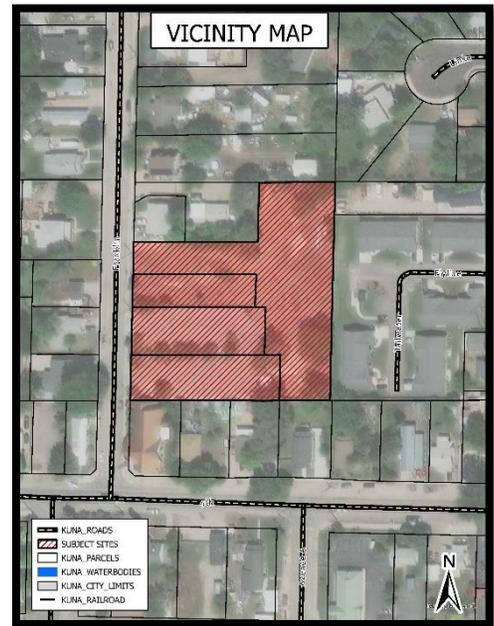
**DATED** this 22<sup>nd</sup> day of August 2023.

**BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA**

IN THE MATTER OF THE APPLICATION OF ) **Case Nos. 23-02-CPF & 23-04-ZC**  
 )  
**Alliance Serving Kuna, Inc.** )  
 )  
 For Subdivision and Rezone of Northeast ) **STAFF REPORT FOR SERVING**  
 corner of the W 4<sup>th</sup> Street & N Franklin ) **SUBDIVISION COMBINATION PLAT &**  
 Avenue. ) **REZONE APPLICATION.**

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3. Applicants Request
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8. Staff Recommendations
9. Commission’s Proposed Recommendation



**I  
EXHIBIT LIST**

The exhibits of the above-referenced matter consist of the following, to-wit:

**1.1 Exhibits:**

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 Staff Memo			X
<a href="#">2.1 P&amp;Z APPLICATION COVERSHEET.pdf</a>			X
<a href="#">2.2 COMBO PLAT APPLICATION.pdf</a>			X
<a href="#">2.3 REZONE APPLICATION.pdf</a>			X
<a href="#">2.4 NARRATIVE.pdf</a>			X
<a href="#">2.5 SPECIAL REQUESTS.pdf</a>			X
<a href="#">2.6 VICINITY MAP.pdf</a>			X
<a href="#">2.7 QUITCLAIM DEEDS.pdf</a>			X

<a href="#">2.8 AFFIDAVIT OF LEGAL INTEREST - ALLIANCE SERVING KUNA.pdf</a>			X
<a href="#">2.9 AFFIDAVIT OF LEGAL INTEREST - KUNA UNITED METHODIST CHURCH.pdf</a>			X
<a href="#">2.10 SUBDIVISION NAME RESERVATION.pdf</a>			X
<a href="#">2.11 SUBDIVISION LEGAL DESCRIPTION.pdf</a>			X
<a href="#">2.12 PRELIMINARY PLAT.pdf</a>			X
<a href="#">2.13 FINAL PLAT.pdf</a>			X
<a href="#">2.14 C-1 LEGAL DESCRIPTION.pdf</a>			X
<a href="#">2.15 NEIGHBORHOOD MEETING CERTIFICATION.pdf</a>			X
<a href="#">2.16 COMMITMENT TO PROPERTY POSTING.pdf</a>			X
<a href="#">2.17 AGENCY TRANSMITTAL.pdf</a>			X
<a href="#">2.18 KMN PUBLICATION REQUEST P&amp;Z.pdf</a>			X
<a href="#">2.19 WEBSITE NOTICE PZ.pdf</a>			X
<a href="#">2.23 300 FT PROPERTY OWNERS NOTICE.pdf</a>			X
<a href="#">2.24 PROOF OF PROPERTY POSTING.pdf</a>			X
<a href="#">2.20 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf</a>			X
<a href="#">2.21 ADA COUNTY HIGHWAY DISTRICT.pdf</a>			X
<a href="#">2.22 CITY ENGINEERS MEMO.pdf</a>			X
<a href="#">2.25 BOISE PROJECT BOARD OF CONTROL.pdf</a>			X

## II PROJECT SUMMARY

### 2.1 Subject Site & General Project Details

Description	Details
Acreage	1.94
Existing Land Use	R-6 (Medium Density Residential)
Future Land Use Designation	Medium Density Residential
Proposed Land Use	C-1 (Neighborhood Commercial)
Lots (No. & Type)	4 (2 empty, 2 parking lots)
Number of Residential Units	None
Number of Phases	1
Gross Density (Dwelling Units per Acre)	N/A

### 2.2 Surrounding Land Uses

Direction	Current Zone	Future Land Use Map	Development	Current Jurisdiction
North	R-8 (High Density Residential)	Medium Density Residential, Commercial	Single-family Residences	Kuna
	R-6 (Medium Density Residential)	Medium Density Residential, Commercial	Single-family Residences	Kuna
South	R-6 (Medium Density Residential)	Commercial	Single-family residences; Methodist Church	Kuna
East	R-6 (Medium Density Residential)	High Density Residential	Five (5) duplexes; Single-family residence	Kuna
West	R-6 (Medium Density)	Medium Density Residential	Carrington Meadows Subdivision: Single-family residences	Kuna

### III APPLICANTS REQUEST

- 3.1** Applicant requests to re-plat a portion of Letha's Subdivision by combining Lot 1/Portion of Lot 4 (APN: R5225750015), and Lot 2 (APN: R5225750020), and to Rezone from R-6 (Medium Density Residential) to C-1 (Neighborhood Commercial); Section 23, Township 2 North, Range 1 West.

### IV PROCESS AND NOTICING

- 4.1** In accordance with Kuna City Code [\(KCC\) 1-14-3](#), Combination Plats and Rezones are designated as Public Hearings, with the Commission as a recommending body and Council as the decision-making body. This land use application was given proper public notice and followed the requirements set forth in [Idaho Code §67-65](#) Local Planning Act.
- A.** Neighborhood Meeting: May 19, 2023 (4 Attendees)
  - B.** Agency Transmittal: August 1, 2023
  - C.** City Website: August 21, 2023
  - D.** Kuna Melba News: August 23, 2023
  - E.** 300 FT Property Owners Notice: August 23, 2023
  - F.** Site Posted: September 1, 2023

### V GENERAL PROJECT FACTS

**5.1 Site History & Features**

- A.** The sites are zoned R-6 (Medium Density Residential) and have historically served as a parking lot for the Methodist Church and empty lots.
- B.** The Comprehensive Plan Future Land Use Map (FLUM) serves as a guide and is not the actual zone; the subject sites are designated as Medium Density Residential but are surrounded by a Commercial or High Density Residential designation.
- C.** The subject site has an estimated slope of 0 – 2%, and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be greater than 60 inches.
- D.** Staff are not aware of any environmental, health or safety issues beyond the subject site being within the Nitrate Priority Area. The Idaho Department of Environmental Quality (DEQ) provides recommendations for surface and groundwater protection practices and requirements for development of the site.

### VI STAFF ANALYSIS

**6.1 Dimensional Standards & Site Layout**

- A.** The Applicant proposes to combine two (2) lots of the four (4) lots and Rezone to C-1 (Neighborhood Commercial). Per [KCC 5-3-3](#), the minimum allowable lot size for the C-1 zone is 2,000 SF; as the parcels will each be .34 acres (approx. 14,810 SF) or larger, they meet these dimensional standards.
- B.** Lot 1, Block 1 (1.23 acres) is proposed to run North to South on the East side of the subdivision with an arm reaching Westward towards N Franklin Avenue, while Lots 2 (0.34 acres) and 3 (0.365 acres),

Block 1 are to be on the Southwest of the subdivision and remain their existing dimensions and use as a parking lot.

## **6.2 Pathways & Trails Master Plan**

- A. There are no future pathways or trails indicated within the subject sites.

## **6.3 Open Space: N/A**

## **6.4 Landscaping**

- A. Lots 2 and 3 have an approximately 12 foot wide curbed planting area running down their shared property line, which then flares to approximately 60 feet wide on the West and 40 feet wide on the East. Trees, shrubs, turf, and rock are within this strip.
- B. The Northeast and Northwest corners of Lot 2 each contain an additional planting area with rock mulch and a tree, while the length of the North property line is curbed with a 4 foot wood fence immediately behind.
- C. The South property line of Lot 3 has a concrete sidewalk along its length which provides pedestrian access to Kuna United Methodist Church.
- D. As Lot 3 is intended to be developed as the future Kuna Food Bank, a Landscape Plan will be provided as part of the Design Review application.

## **6.5 Fencing**

- A. The subdivision is bordered by a six (6) foot wood fence on the North and East, and a six (6) foot vinyl and/or wood fence and the church on the South.
- B. Commercial Subdivision perimeter fencing is not required per [KCC 6-4-2\(B.4\)](#), however, as the proposed subdivision is bordered by residences, the existing fencing provides a visual barrier between the competing uses.

## **6.6 Ada County Highway District (ACHD)**

- A. ACHD has determined no improvements are required to the streets adjacent to the proposed project.
- B. ACHD has provided staff level approval of the proposed project with no Conditions.

## **6.7 Boise Project Board of Control (BPBC)**

- A. BPBC notes there are no Boise Project or Boise-Kuna Irrigation District facilities located on the subject sites.
- B. The subject sites possess a valid water right.

## **6.8 Department of Environmental Quality (DEQ)**

- A. DEQ has provided general guidelines for development of the subject sites.

## **6.9 Public Works**

- A. Public Works has provided their support of this application.
- B. The closest water, sewer, and pressurized irrigation connection points are located within N Franklin Road; flow modeling may be required to verify pipe sizes and/or adequate supply.

## 6.11 Comprehensive Plan

C. Goal Area 2: Kuna will be a healthy, safe community.

1. Goal 2.I.: Ensure that Kuna's residents are food secure and have access to readily available healthy foods.

**Analysis:** *The United Methodist Church has operated the Kuna Community Food Bank from its location since 1994, providing emergency food to residents and assisting local stores with reducing food waste; the Food Bank has now outgrown the church facilities and is ready for a standalone location. This enlarged facility allows the Food Bank to increase the amount taken in, thus increasing the number of residents they serve by providing basic food necessities and produce.*

D. Goal Area 3: Kuna's land uses will support a desirable, distinctive, and well-designed community.

1. Goal 3.A.: Ensure community design directs growth and implements sustainable land use patterns.
2. Goal 3.G.: Respect and protect private property rights.
  - Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.
    - Policy 3.G.1.c: Ensure land use actions, decisions and regulations do not prevent a private property owner from taking advantage of a fundamental property right. Ensure city actions do not impose a substantial and significant limitation on the use of the property.

**Analysis:** *The Future Land Use Map (FLUM) designed and adopted to guide current and future growth of our community; the ultimate zone is not required to match the designation identified though it is encouraged. Based on the surrounding FLUM designations and the extended duration the Kuna Community Food Bank has been operating within the site, it appears acceptable to request a Commercial zone; as such, the Applicant has pursued the required land use applications to ensure all requirements are met while still accomplishing the ultimate goal.*

**6.11 Conclusion:** Upon review, staff finds this Combo Plat and Rezone request to be in substantial compliance with [Title 5](#) and [Title 6](#) of Kuna City Code, the Comprehensive Plan, and [Idaho Code §67-65](#).

## VII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case Nos. 23-02-CPF and 23-04-ZC, including the Comprehensive Plan, Kuna City Code, Staff's Memorandum, the exhibits, and testimony during the Public Hearing, the Commission hereby recommends *Approval/Conditional Approval/Denial* of Case Nos. 23-02-CPF and 23-04-ZC to City Council, a request for Combo Plat and Rezone of Serving Subdivision.

*If the Commission wishes to Approve, Conditionally Approve, Deny, or modify specific parts of the Findings of Fact and Conclusions of Law as detailed below, those changes must be specified.*

- 7.1 Do the Combo Plat and Rezone applications contain the necessary requirements listed in [Title 5](#) and [Title 6](#) of Kuna City Code?
  - A. The Applicants have submitted a complete application and following staff review of technical compliance, the applications are compliant with KCC Title 5 and Title 6. (+)
- 7.2 Does this proposal comply with the Comprehensive Plan Future Land Use Map (FLUM), and is the site selection appropriate for the proposed project?

- A. The FLUM is intended to serve as a guide for future development and designates the subject site as Medium Density Residential and surrounding areas as High Density Residential and Commercial. Though the Applicant has requested a C-1 (Neighborhood Commercial) zone, upon review, staff finds the zone appropriate based on the subject site's location, its proximity to W 4<sup>th</sup> Street and the Downtown corridor, and because the Food Bank has been operating from the Kuna United Methodist Church since 1994. (+)
  - B. Even though the intended use is commercial in nature due to the Official Schedule of District Regulations in [KCC 5-3-2](#), it is a low impact commercial use. (+)
- 7.2 Was the Neighborhood Meeting conducted in and were the public noticing requirements met in accordance with city Ordinances and Idaho Code?
- A. The Applicant held a Neighborhood Meeting May 19, 2023, with 4 in attendance. An agency transmittal was sent to affected agencies August 1, 2023, a public notice was posted to the city website August 21, 2023, and a legal notice was published in the Kuna Melba News on August 23, 2023. Finally, a notice was mailed to all known and affected property owners within 300 foot radius of the subject site on August 23, 2023. The Applicant posted a sign on the property September 1, 2023. (+)
- 7.3 Does the availability of existing and proposed public services and infrastructure accommodate the proposed development?
- A. The closest water, sewer, and pressurized irrigation points are within N Franklin Road and Public Works has provided their approval of this project. (+)
  - B. ACHD has determined no roadway improvements are required as part of this project and has provided their approval. (+)
- 7.4 The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.
- A. Pursuant to [Idaho Code §67-8003](#), the owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk. Not more that twenty-eight (28) days after the final decision concerning the matter at issue, the City shall prepare a written taking analysis concerning the action if requested.

## VIII COMMISSIONS PROPOSED ORDER OF DECISION

Based on the facts outlined in staff's report, documentation contained in the case file, and the public testimony as presented at the hearing, the Commission hereby recommends *Approval/Conditional Approval/Denial* of Case Nos. 23-02-CPF and 23-04-ZC to City Council, subject to the following Conditions:

- 8.1 Staff Recommended Conditions:** None
- 8.2 Site Layout & Dimensional Standards:** None
- 8.3 Pathways & Trails Master Plan:** None
- 8.4 Open Space:** N/A
- 8.5 Landscaping:** None

## **8.6 Fencing**

- A. Fencing within and around the subject site shall comply with [KCC 5-5-5](#).

## **8.7 Ada County Highway District: None**

## **8.8 Boise Project Board of Control: None**

## **8.9 Public Works: None**

## **8.10 General**

- A. The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
1. The City Engineer shall approve the sewer connections.
  2. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  3. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties."
  4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Rural Fire District are required.
  5. The Kuna Municipal Irrigation System (KMIS) and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
  6. Approval from Ada County Highway District (ACHD) shall be obtained, and Impact Fees must be paid prior to issuance of any building permit(s).
  7. All public rights-of-way shall be dedicated and constructed to the standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- B. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2.
- C. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- D. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- E. It is the responsibility of the Developer or his Engineer to coordinate and design for the stricter requirement between agencies and the City of Kuna standards for the entire development

- F.** The Developer/Owner/Applicant, and/or any future assigns having an interest in the subject property, shall fully comply with all Conditions of development as approved by the City Council, or seek amending them through Public Hearing processes.
- G.** Developer/Owner/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
- H.** Developer/Owner/Applicant shall comply with all local, state, and federal laws.

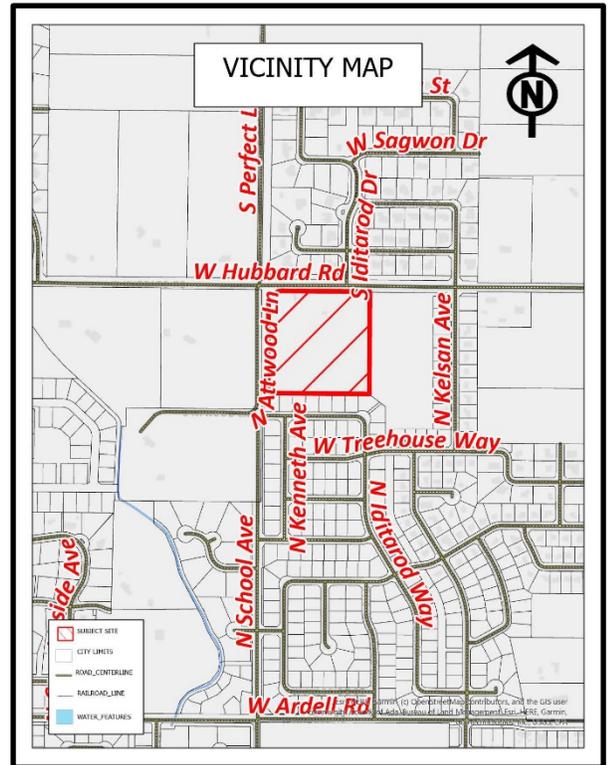
**DATED** this 12<sup>th</sup> day of September 2023.

**BEFORE THE COMMISSION OF THE CITY OF KUNA**

IN THE MATTER OF THE APPLICATIONS OF ) Case Nos. 23-01-CPMA (Comprehensive  
 ) Plan Map Amendment), 23-01-ZC  
**PISA LAND HOLDINGS, LLC.** ) (Rezone) and 23-02-S (Preliminary Plat)  
 )  
 ) **STAFF MEMO FOR ARROW**  
*For 610 W Columbia Road.* ) **POINTE PLAZA.**

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4. Process and Noticing
5. General Project Facts
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**I  
EXHIBIT LIST**

The exhibits of the above-referenced matter consist of the following, to-wit:

**1.1 Exhibits:**

<i>DESCRIPTION OF EVIDENCE</i>			
	Withdrawn	Refused	Admitted
1.5 Staff's Report			X

<a href="#">2.1 P&amp;Z APPLICATION COVERSHEET.pdf</a>			X
<a href="#">2.2 REZONE APPLICATION.pdf</a>			X
<a href="#">2.20 COMPREHENSIVE PLAN MAP AMENDMENT APPLICATION.pdf</a>			X
<a href="#">2.3 PRELIMINARY PLAT APPLICATION.pdf</a>			X
<a href="#">2.4 NARRATIVE.pdf</a>			X
<a href="#">2.21 NARRATIVE - CPMA.pdf</a>			X
<a href="#">2.5 VICINITY MAP.pdf</a>			X
<a href="#">2.6 DEED OF TRUST.pdf</a>			X
<a href="#">2.7 AFFIDAVIT OF LEGAL INTEREST.pdf</a>			X
<a href="#">2.8 LEGAL DESCRIPTION.pdf</a>			X
<a href="#">2.9 PRELIMINARY PLAT.pdf</a>			X
<a href="#">2.10 COMMITMENT TO PROPERTY POSTING.pdf</a>			X
<a href="#">2.11 NEIGHBORHOOD MEETING CERTIFICATION.pdf</a>			X
<a href="#">2.12 SUBDIVISION NAME RESERVATION.pdf</a>			X
<a href="#">2.13 REQUEST FOR AGENCY COMMENTS.pdf</a>			X
<a href="#">2.14 PUBLIC WORKS.pdf</a>			X
<a href="#">2.15 ADA COUNTY HIGHWAY DISTRICT.pdf</a>			X
<a href="#">2.16 BOISE KUNA IRRIGATION DISTRICT.pdf</a>			X
<a href="#">2.17 BOISE PROJECT BOARD OF CONTROL.pdf</a>			X
<a href="#">2.18 CENTRAL DISTRICT HEALTH.pdf</a>			X
<a href="#">2.19 IDAHO TRANSPORTATION DEPT..pdf</a>			X
<a href="#">2.22 PROOF OF KMN PUBLISH.pdf</a>			X
<a href="#">2.23 PROOF OF LEGAL MAILER NOTICE 300'.pdf</a>			X
<a href="#">2.24 PROOF OF SITE POSTING PZ.pdf</a>			X
<a href="#">2.25 WEBSITE PUBLISH PZ.pdf</a>			X

## II PROJECT SUMMARY

### 2.1

Description	Details
Acreage	Site = 8.6 acres, Rezone = 3.40 acres
Existing Land Use(s)	R-6
Future Land Use Designation	Public
Proposed Land Use(s)	C-1
Lots (No. and Type)	6 Commercial Lots
Number of Residential Units	None
Number of Other Lots	None
Number of Phases	1
Net Density (Dwelling Units per Acre)	N/A

**III  
APPLICANTS REQUEST**

**3.1** Applicant requests Comprehensive Plan Map Amendment, Rezone and Preliminary Plat approval near the SEC of Hubbard Road and School Avenue in Section 14, Township 2 North, Range 1 West (APN: S1314120891).

**IV  
PROCESS AND NOTICING**

**4.1** Kuna City Code (KCC), [1-14-3](#) states Rezones and Preliminary Plats are designated as Public Hearings with the Commission as a recommending body and Council as the decision-making body. These land use applications were given public notice following Idaho Code [\(I.C.\) § 67-65](#).

**4.1.1 Notifications**

- A. Neighborhood Meeting: January 26, 2023, (11 Attendees)
- B. Agency Comments Request: May 26, 2023
- C. 300 FT Legal Mailer Notice: August 21, 2023
- D. Kuna Melba News Newspaper: August 23, 2023
- E. Site Posted: August 11, 2023
- F. Website Posting: August 29, 2023

**V  
GENERAL PROJECT FACTS**

**5.1 Site Features**

- A.** The subject site (APN: S1314120891) is located in City Limits, and is currently zoned R-6, and was recently used as a Charter School with the north portion remaining a vacant field.
- B.** The proposed project site currently has vegetation consistent with that of vacant fields. The site has an estimated average slope of 0.09%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be greater than 60 inches.
- C.** Staff is not aware of any environmental issues, health or safety conflicts, beyond being within the Nitrate Priority Area Boundary. Idaho Department of Environmental Quality (DEQ) provides recommendations for surface and groundwater protection practices and requirements for development of the site.

**5.2 Surrounding Land Uses**

<b>North</b>	R-6	Medium Density Residential – Kuna City
<b>South</b>	R-4	Medium Density Residential – Kuna Cit
<b>East</b>	R-4	City Park – Kuna City
<b>West</b>	RR	Rural Residential – Ada County

**VI  
STAFF ANALYSIS**

**6.1 Ada County Highway District**

- A. See the Ada County Highway District Reports by [clicking here](#).
- B. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along arterials roadways shall be eight (8) foot wide detached.
- C. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along Collector roadways shall be eight (8) foot wide detached with 4 - 8 foot wide irrigated planter strip, and concrete vertical curb and gutter.
- D. All stub streets shall be installed in accordance with [KCC 6-3-3-C](#). Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas. The terminus of all stub streets shall have a sign that reads “Road to be extended in future”.

**6.2 Idaho Transportation**

- A. See The ITD comments by [clicking here](#). ITD does not have objection to the development and are not requiring any mitigation improvements at this time.

**6.3 COMPASS**

- A. COMPASS did not provide comments.

**6.4 Pathways and Trails Master Plan**

- A. The Pathways Master Plan Map does not indicate a future trail or greenbelt near or adjacent to the site. A 7.30 acre City Park is directly adjacent to the site..

**6.5 Site Layout and Dimensional Standards**

- A. The Applicant proposes an in-fill project with 6 new commercial lots
- B. All dimensional standards appear to be in compliance with [KCC 5-3-3](#).

**6.6 Parking**

- A. An existing off street parking lot features more than 30 parking stalls.
- B. The need for any additional parking will be evaluated in tandem with future Design Review applications for commercial users.

## **6.7 Open Space**

- A.** This is a commercial project and is not required to provide usable open space.
- B.** Should this project be approved, at the time of civil plan development, landscaping cannot be placed within ten (10) feet of any meter pits, pressurized irrigation valves, or ACHD underground facilities in accordance with KCC 6-4-2-B.11. In the event that locations of landscaping elements are within the locations listed above, those trees must be moved to an alternate location, and an updated landscape plan must be provided to staff prior to scheduling a landscape inspection. Any elements that must be moved to another spot, may not simply be removed.
- C.** All proposed landscaping, buffers and common space shall comply with [KCC 5-17](#).
- D.** The Developer, Owner and/or Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify landscaping compliance prior to requesting signature on the Final Plat.

## **6.8 Fencing**

- A.** Fences placed between Commercial and Residential uses shall be sight obscuring. All fencing shall comply with [KCC 5-5-5](#).

## **6.9 Public Works**

- A.** According to [Exhibit 2.14](#), Public Works staff can support the Arrow Pointe Subdivision development with conditions of that limited support listed in Section five (5) of the Engineers Memo. The Danskin Lift Station is now operational with limited capacity to provide sewer service to this site, The site currently has 13 EDU's associated with the property. Planning and Zoning staff agrees with Public Works recommendations.

## **6.10 Comprehensive Plan**

- A.** Goal Area 1: Kuna will be economically diverse and vibrant.
  - Policy 1.C.2.d: Ensure infrastructure and public facilities are in place and parcels identified for commercial or industrial are shovel-ready.
- B.** Goal Area 3: Kuna's land uses will support a desirable, distinctive and well-designed community.
  - 1.** Goal 3.D.: Encourage development of housing options and strong neighborhoods.
    - Objective 3.D.1.: Encourage development of housing options for all citizens.
      - Policy 3.D.1.a: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
    - Objective 3.D.2.: Create strong neighborhoods through preservation, new development, connectivity and programming.
      - Policy 3.D.2.d: Work to ensure all neighborhoods in Kuna benefit from good connectivity through sidewalk, pathway and trail, on-street and transit infrastructure.
  - 2.** Goal 3.G.: Respect and protect private property rights.
    - Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate

private property rights.

- Policy 3.G.1.b: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
- Policy 3.G.1.c: Ensure land use actions, decisions and regulations do not prevent a private property Owner from taking advantage of a fundamental property right. Ensure city actions do not impose a substantial and significant limitation on the use of the property.

*Analysis: The development of additional Commercial options and follows the City Goals of diverse and adequate Commercial activities for the residents. The subject site features existing sidewalks and approved ACHD access and is adjacent to residential subdivisions with road and sidewalk connectivity and provides for additional connection on School Avenue.*

- C. Goal Area 4: Kuna will be a connected community through strong transportation and infrastructure systems.
1. Goal 4.B.: Increase sidewalk coverage and connectivity and invest in pedestrian facilities to increase walkability.
    - Objective 4.B.2.: Maintain/expand sidewalks/pedestrian facilities within the community.
      - Policy 4.B.2.b: Install detached sidewalks and/or protected pedestrian routes/facilities along high trafficked roads as development occurs.
      - Policy 4.B.2.c: Promote the installation of off-system pedestrian pathways to create neighborhood connections and reduce the length of non-motorized transportation routes.
      - Policy 4.B.2.g: Coordinate with developers to connect and/or enhance pedestrian facilities, including on and off-system pathways, footbridges (across canals, etc.), road bridges, sidewalks, pedestrian crossings and wayfinding signage.
  2. Goal 4.C.: Increase pathway, trail and on-street bicycle facilities.
    - Objective 4.C.1.: Maintain/enhance existing pathways/trails/on-street bicycle facilities.
      - Policy 4.C.1.a: Expand the bicycle network as identified in the Kuna Pathways Master Plan and ACHD Roadways to Bikeways Plans through land use developments and capital improvement projects.
      - Policy 4.C.1.e: Coordinate with developers to connect to and/or enhance bicycle facility connections, including pathways, non-motorized canal crossings, road bridges and wayfinding signage.
    - Objective 4.C.2.: Ensure expansion of pathways, trails and on-street bicycle routes.
      - Policy 4.C.2.b: Promote the installation of off-system bicycle pathways to create neighborhood connections and reduce non-motorized transportation route lengths.
  3. Goal 4.D.: Promote a connected street network that incorporates mid-mile collectors and crossing for improved neighborhood connectivity.
    - Objective 4.D.2.: Ensure the continued expansion/development of a classified roads system throughout the community.
      - Policy 4.D.2.a: Extend and expand Mid-Mile Roads as growth occurs.
      - Policy 4.D.2.b: Preserve adequate Rights-Of-Way along all classified roads or other approved alternative locations to align roads.

*Analysis: Existing roads, sidewalks, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers connectivity and access for all residents.*

#### **6.11 Conclusion:**

Upon review, staff finds the request for Rezone and Preliminary Plat to be in compliance with [KCC Title 5](#) and [Title 6](#); [\(I.C.\) § 67-65](#), [§50-13](#) and the Kuna Comprehensive Plan; and staff recommends the Council Approve Case Nos. 22-04-ZC and 22-09-S with the Applicant being subject to the Conditions of Approval listed in Sections “XIII and IX” (8 & 9) of this Memo.

## **VII PROPOSED FINDINGS OF FACT**

*If the Commission wishes to approve, deny or modify specific parts of the Findings of Fact and Conclusions of Law as detailed below, those changes must be specified.*

- 7.1** Have the public notice requirements been met and the Neighborhood Meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances?
- A.** The Applicant held a Neighborhood Meeting January 26, 2022 (11 Attendees) attended the meeting in accordance with I.C. and KCC. (+)
- B.** Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on August 21, 2023, and a legal notice was published in the Kuna Melba Newspaper on August 23, 2023, in accordance with I.C. and KCC. (+)
- C.** The Applicant posted a sign on the property on August 29, 2023. (+)
- 7.2** Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?
- A.** The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6, if the sewer infrastructure improvements recommended by the Public Works Department are completed. (+)
- 7.3** Based on the evidence presented, does the application generally comply with the Comprehensive Plan?
- A.** The Comp Plan designates the property as Public, and is currently zoned R-6, while the proposed zoning district is C-1 and is proposed for the north half of the site. The Former School was in place at the time of the previous FLUM update. It was not known at that time the School would find

another site and leave the site without a user. As a site on two classified roads, it is good Planning Practice for Commercial uses on the hard corner. (+)

**B.** The development includes additional commercial and promotes variety and a desirable and well-designed neighborhood. (+)

**C.** Adding roads, sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers connectivity and access for all residents. (+)

**7.4** Can the availability of existing and proposed public services accommodate the proposed development?

**A.** ACHD can support the development with all Site-Specific Conditions of approval being satisfied. (+)

**B.** ITD requires no mitigation improvements to serve the development. (+)

**C.** The Danskin Lift Station is now operational with limited capacity to provide sewer service to this site, The site currently has 13 EDU's associated with the property (+)

**D.** Potable water connection is already stubbed to the subject site. (+)

**E.** Pressurized irrigation connection is already stubbed to the subject site. (+)

**7.5** Does the public have the financial capability to provide supporting services to the proposed development?

**A.** Through development of the project and beyond, connection fees, impact fees (Fire, Police, Park and Ada County Highway District), and property taxes will be collected. (+)

**7.6** Does the proposed project consider health and safety of the public and the surrounding area's environment?

**A.** Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. have already been installed for the site as a part of a previous School project. (+)

**B.** No major wildlife habitats will be impacted by the proposed development. (+)

**7.7** Does the site landscaping meet the intent of the landscape Ordinance?

**A.** A six- foot (6') vinyl fence is required around the perimeter of the subdivision as appropriate. (+)

- B.** An existing Landscape buffer comprised of sod, trees and plants is provided along W Hubbard Road. (+)
- 7.8** Does the proposed application constitute orderly development?
  - A.** The proposed subject site is located within Kuna City Limits and is adjacent to two city subdivisions and a City Park. (+)
  - B.** Existing subdivisions are on the north, south and east of the subject site. (+)
  - C.** School Avenue currently provides a stub street for connection with future development. (+)
- 7.9** The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.

Pursuant to [Idaho Code 67-8003](#), the Owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk, not more that twenty-eight (28) days after the final decision concerning the matter at issue. The City shall prepare a written taking analysis concerning the action if requested.

## VIII PROPOSED COMMISSION’S RECCOMENDATION

*Note: These motions are for recommendations of **Approval, Conditional Approval or Denial** of the Comprehensive Plan Map Amendment, Rezone and Preliminary Plat. However, if the Commission wishes to Approve or Deny specific parts of these requests as detailed in the Memo, those changes must be specified.*

Based upon the record contained in Case Nos. 23-01-CPMA, 23-01-ZC and 23-02-S, including the Comprehensive Plan, Kuna City Code, Staff’s Analysis, including the exhibits, and the testimony during the Public Hearing the Commission hereby (**Approves/Conditionally Approves/Denies**) the Comprehensive Plan Map Amendment, Rezone and/or Pre-Plat subject to the following Conditions of Approval:

### 8.1 Staff Recommended Conditions:

None

### 8.2 Transportation

- A.** Buffers, curb, gutter and sidewalk (attached and detached) shall be installed in accordance with [KCC 5-17-14](#) and [6-4-2](#).
- B.** Developer/Owner/Applicant shall work with Ada County Highway District and the City of Kuna to complete all required traffic improvements to the surrounding roadways and intersections as detailed in the Ada County Highway District staff report.

- C. Developer/Owner/Applicant shall install a sign at the terminus of every proposed stub street stating; “these roads will continue in the future”. Developer/Owner/Applicant shall obtain proper language from Ada County Highway District.

### **8.3 Site Layout, Dimensional Standards and Parking**

- A. Developer/Owner/Applicant shall measure all front building setbacks from back of sidewalk on all internal local roads.
- B. Applicant shall ensure the proper easement widths on all lots in accordance with [KCC 6-3-8](#).
- C. It is the responsibility of the Developer to ensure any anticipated buildings fit any given buildable lot in accordance with [KCC 5-3-3](#).

### **8.4 Landscape, Open Space and Fencing**

- A. Fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).
- B. All required landscaping shall be permanently maintained in a healthy growing condition. The property Owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting in public Rights-of-Way shall be with approval from ACHD.
- C. Landscaping shall not be placed within ten (10) feet of any meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- D. The Preliminary Plat (dated 5.8.23) will be considered binding site plans as amended and/or approved.
- E. All signage within/for the project shall comply with Kuna City Code, and shall be approved through the applicable sign approval process listed in [KCC 5-10](#).
- F. If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary Plat. Any revisions of the plat are subject to Administrative Determination to rule if the revision is substantial.
- G. Develop/Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify building and landscaping compliance prior to requesting signature on the final plat.

### **8.5 Public Works**

- A. Installation of service facilities shall comply with the requirements of the public utility or

irrigation district providing the services. All utilities shall be installed underground, see [KCC 6-4-2](#).

- B.** Compliance with [I.C. §31-3805](#) is required. Delivery of water shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- C.** When required, submit a petition to the City (as necessary, confirmed with the City Engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- D.** Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- E.** The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional Lift Station capacity, and or Water Booster Station.
- F.** The Developer/Owner/Applicant shall not submit an application for Final Plat until the City's Public Works Director issues a Will-Serve Letter stating the City's appurtenance has capacity to service the proposed development with domestic water, and accept the wastewater discharged from the proposed development.
- G.** In the event a Will-Serve Letter is not issued within the time the Applicant is required to record a Final Plat, the Applicant shall have good cause and be eligible to receive, pursuant to [KCC 6-2-3-J](#), a Time Extension to file a Final Plat up to and until a Will-Serve Letter has been issued.
- H.** Developer/Owner/Applicant shall work with staff in order to provide final locations of streetlights as required by Kuna City Code. Streetlights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- I.** Equivalent Dwelling Units (EDU's) will be issued on a Phase-by-Phase basis (per Final Plat) according to Resolution 90-2022.

## **8.6 General**

- A.** The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
  - 1.** The City Engineer shall approve all sewer connections.
  - 2.** The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the Applicant has received an approved

drainage plan.

3. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, “Catalog for Best Management Practices for Idaho Cities and Counties”.
  4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Fire District are required.
  5. The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
  6. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to issuance of any building permit(s).
  7. All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- B.** The Developer/Owner/Applicant, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through Public Hearing processes.
- C.** Developer/Owner/Applicant/Contractors are hereby notified of Kuna’s working hours. Construction of any kind shall only be conducted within the hours specified in [KCC 10-6-3](#). Noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
- D.** Developer/Owner/Applicant is hereby notified of Kuna’s weed control policies and requirements [KCC 8-1-3](#). Weeds, grasses, vines or other growth which endanger property or are over twelve (12) inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed throughout all seasons.
- E.** Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

**DATED** this 12<sup>th</sup> day of September 2023.