

OFFICIALS

Lee Young, Chairman
Dana Hennis, Vice Chairman
Stephen Damron, Commissioner
Cathy Gealy, Commissioner
Vacant



CITY OF KUNA
Kuna City Hall Council Chamber, 751 W 4th Street, Kuna, Idaho 83634

Planning & Zoning Commission Meeting

AGENDA

Tuesday November 10, 2020

6:00 PM

Per the Order issued by Central District Health on July 14, 2020, Social distancing and face masks will be required.

Due to social distancing protocol, the Council Chambers Audience Occupancy Capacity is 15. The first 15 persons who appear will be allowed in Council Chambers. All other persons may access the meeting via Live Streaming.

Public testimony will be received on the cases listed under Public Hearings within this Agenda. The instructions and options available for public testimony are listed below.

Live Streaming Instructions: Members of the public may watch the June 9, 2020 Planning & Zoning Commission meeting via Facebook Live. The live feed will start at 6:00 PM on the City of Kuna Idaho Facebook page linked below: <https://www.facebook.com/CityofKunaIdaho/>

APPLICANT AND PUBLIC WRITTEN AND ORAL HEARING TESTIMONY PROCESS:

Written - In Advance to be included in the Agenda Packet that is distributed to the Decision-Making body.

1. Submit any option prior to 5:00 pm the Thursday before Public Hearing meeting. *Late submissions will not be included in the packet but will be provided at the meeting.*
2. Submit testimony via our website on the [Public Testimony Form](#). This form will email directly to the City for inclusion in the Agenda Packet.
3. Submit testimony via email to PublicHearingTestimony@KunaID.gov
4. Submit via mail to:
City of Kuna
Attention: City Clerk
PO Box 13
Kuna ID 83634

Written – Up to noon the day of the Public Hearing

1. Submit any option prior to noon the day of the Public Hearing meeting. *Late submissions will not be included.*
2. Submit testimony via our website on the Public Testimony Form
3. Submit testimony via email to PublicHearingTestimony@KunaID.gov
4. Submit via mail to:
City of Kuna
Attention: City Clerk
PO Box 13
Kuna ID 83634

Oral – Via electronic call during the Public Hearing

1. Submit request no later than noon the day of the Public Hearing meeting.
2. Email PublicHearingTestimony@KunaID.gov
 - ✓ Your name
 - ✓ Address
 - ✓ Phone Number you will be calling from to give testimony
 - ✓ Email Address
 - ✓ Date of Public Hearing
 - ✓ Case number or Identification of Public Hearing
3. Watch your email for a reply email with the information to join the meeting electronically. (Check your spam/junk folder as a precaution)
4. Follow the dial in information.
5. Call into the virtual lobby a minimum of 5 minutes prior to the meeting.

Oral – In Person Testimony during the Public Hearing.

Due to social distancing protocol, the Council Chambers Audience Occupancy Capacity is 15. Social Distancing will be required. The first 15 persons who appear, in addition to Mayor, City Council, and staff, will be allowed in Council Chambers. All other persons may access the meeting via Live Streaming on the City of Kuna Facebook page, <https://www.facebook.com/CityofKunaIdaho/>. All persons wishing to testify must, state their name and residential address. No person shall speak until recognized by the Mayor. A three (3) minute time limit will be placed on all testimonies.

Information provided at the public hearing will be available, upon request, five (5) days prior to the hearing. The hearing will be held in a facility that is accessible to persons with disabilities. Special accommodations will be available, upon request, five (5) days prior to the hearing in a format that is usable to persons with disabilities.

1. CALL TO ORDER & ROLL CALL: 6:00 PM

- COMMISSIONERS:**
 Chairman Lee Young
 Vice Chairman Dana Hennis
 Commissioner Stephen Damron – Absent
 Commissioner Cathy Gealy
 Vacant

2. CONSENT AGENDA:

- A. Planning & Zoning Commission Meeting Minutes**
 I. October 27, 2020
- B. Findings of Fact & Conclusions of Law**
 I. Case Nos. 20-03-ZC (Rezone), 20-06-S (Preliminary Plat) & 20-14-DR (Design Review)
 Ledgestone Plaza
 2. Case No. 20-03-AN (Annexation) C&G Farms

3. PUBLIC HEARINGS:

4. BUSINESS ITEMS:

5. EXECUTIVE SESSION:

Convene Executive Session pursuant to:

Idaho Code Section 74-206 (1)(b)

- (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or a public-school student

6. ADJOURNMENT:

OFFICIALS

Lee Young, Chairman
Dana Hennis, Vice Chairman
Stephen Damron, Commissioner
Cathy Gealy, Commissioner
Vacant



CITY OF KUNA
Kuna City Hall Council Chamber, 751 W 4th Street, Kuna, Idaho 83634

Planning & Zoning Commission Meeting
MINUTES
Tuesday October 27, 2020
6:00 PM

Per the Order issued by Central District Health on July 14, 2020, social distancing and face masks were required. Due to social distancing protocol, the Council Chambers audience occupancy was 15.

The meeting was available via Facebook Live on the City of Kuna Facebook page:
<https://www.facebook.com/CityofKunaIdaho>

The opportunity for public testimony on the cases listed under Public Hearings was provided.

1. CALL TO ORDER & ROLL CALL: 6:00 PM

COMMISSIONERS PRESENT:

Chairman Lee Young
Vice Chairman Dana Hennis
Commissioner Stephen Damron – Absent
Commissioner Cathy Gealy
Vacant

PLANNING & ZONING STAFF PRESENT:

Wendy Howell, Planning & Zoning Director
Doug Hanson, Planner I
Jace Hellman, Planner II
Lisa Holland, Economic Development Director – Virtually

2. CONSENT AGENDA:

A. Planning & Zoning Commission Meeting Minutes

I. October 27, 2020

B. Findings of Fact & Conclusions of Law

- I.** Case Nos. 20-02-AN (Annexation), 20-04-S (Preliminary Plat) & 20-08-DR (Design Review) Rising Sun Commons
- 2.** Case No. 20-07-S (Preliminary Plat) Memory Ranch 6 – 9
- 3.** Case No. 20-04-ZC (Rezone) Durrant Rezone

Commissioner Cathy Gealy moved to approve the Consent Agenda. Seconded by Commissioner Dana Hennis.

Voting Aye: Chairman Lee Young, Commissioner Dana Hennis, and Commissioner Cathy Gealy.

Voting No: None

Absent: 1 (One Vacant Seat)

Motion Carried: 3-1-1

3. PUBLIC HEARINGS:

A. Case Nos. 20-2-ZC (Rezone), 20-05-S (Preliminary Plat) & 20-12-DR (Design Review) Rockaway Cove – **ACTION ITEM**

Troy Behunin: Chairman Young and Commissioners, thank you for being here tonight, for the record, Troy Behunin, Kuna Planning and Zoning Department Senior Planner, 751 W 4th Street, Kuna, Idaho. This application entails a rezone and preliminary plat for a subdivision and a design review for the common spaces and the open space lots. The preliminary plat and rezone are presented for your recommendation to City Council and the design review is for your approval, denial or conditional approval this evening. The applicant, Pat Tealey with Tealeys Land Surveying, has requested a rezone of two parcels within Kuna City Limits currently zoned Agriculture, to the R-6 Medium Density Residential zone. There was an original Rockaway Cove Subdivision project back in 2005, which was approved in 2006, but nothing ever became of it most likely due to the downturn in the economy; I don't know for sure, but it never took off. It was part of the LID (Local Improvement District) that was established back then. This pre plat is similar to what was previously proposed but it now adheres to current open space requirements, and there are fewer houses. The rezone is for approximately 8.71 acres, and I would like to identify that it is 8.71 acres, not the 9.71 stated in the application or in the staff report, that was an error. The site, as indicated on the Future Land Use Map (FLUM), are designated as Mixed Use, however, the two parcels involved with this application have limited frontage along Swan Falls Road, which is very important for commercial. Viewing the site plans, one can see the limited frontage and due to the factors, that the parcel with the greater frontage is not owned by the applicant and the FLUM is a guide, not a rule, staff views that this compliant application with the FLUM. If the Swan Falls frontage properties are developed in the future, they would become the commercial or mixed-use component for the area; it makes little sense to develop commercial behind homes and not of the frontage on a major road. The applicant proposes a Gross Density of 3.21 dwelling units per acre with the Ned Density being at 4.3 dwelling units per acre, which is under the allowed 6.0 dwelling units per acre of the R-6 zone. They are proposing three common lots that total 28,750 square feet or approximately 7.6% of the total project size. KCC (Kuna City Code) open space requires that between 11 and 50 dwelling units, the developer must devote at least 7% of the useable open space. Staff recommends that the applicant be conditioned to work with the City Engineer to maintain open space requirements if the applicant does choose to devote some of the open space area to water retention. Staff notes that in the proposed preliminary plat that there is a portion of Swan Falls Road that would need to be improved, certainly that would include accelerate/decelerate lanes; curb, gutter and sidewalk; and road widening in appropriate sections. A stub street was provided from the subdivision to the north, and staff recommends that the applicant be conditioned to follow KCC by connecting to that stub and to provide a stub street to the south; staff also notes that there is a recommendation from ACHD to provide one to the west, however those are large lots in a large lot subdivision as well as a private lane that accesses those lots. Staff does not recommend the west stub street because there being a connection there someday is very unlikely. There are street lights indicated on their plan and staff would like to point out that the streetlights must be LED, must comply with Dark Sky requirements and they need to work with the Public Works Department to identify wattages for the lights as well as the correct spacing of 250 feet. A design review for the common spaces has been included, staff notes that any of the areas next to common lots require either an open style fence such as wrought iron, or a 4 foot solid with 2 feet of lattice on top, to provide some level of safety and security for the users; the perimeter fence is required to be a 6 foot vinyl fence. The Kuna Comprehensive Plan encourages a variety of housing types for all income levels, and staff does find this project does generally follow the Comprehensive Plan, the goals and policies of the City, and the

open space requirements. With that, I will sit for any questions you may have. **C/Young:** Are there any questions for Troy at this time? **C/Hennis:** Since this really doesn't have any frontage, they are adjacent parcels, it looks like there is road improvements along the south property in front of this project per the landscaping plan? **TB:** Yes, staff would recommend that would be part of the improvement along Swan Falls Road, because it is a lot within a subdivision. **C/Gealy:** The 1-acre lot to the south is a lot within a subdivision? **TB:** Correct. **C/Hennis:** So, that is a portion of this property; ok, I thought it was a separate parcel, it makes sense now. **TB:** Even if it wasn't a lot within a subdivision, it is still part of the overall application so, there is an impact there. If it were not improved with this subdivision development then it would be left for ACHD to improve later which would come at taxpayer dollars instead of developer dollars. **C/Hennis:** Understood, I just wanted to make sure that was part of it or the homeowner was in agreement with it. **TB:** The homeowner is actually one of the applicants. **C/Gealy:** I had a question on the ACHD recommendation for a stub street to the west because the statement in the report is "the applicant shall construct a local street that stubs to the west property line to access 1250 S Crane Lane, to provide connectivity to future development as the property does not have any public street frontage.", I read that to mean the property to the west does not have any public street frontage and the stub street would actually be providing access to that future property. **TB:** That is a very curious statement, it is true that the lot being referenced does not have any right-of-way frontage, however it does have access through a private lane or private road, into what I believe is called Swan Estates subdivision. Chances are that is a private lane, not a public street so, the statement is true, there is no public right-of-way access however, they still have access via S Crane Lane. **C/Hennis:** They never had access through this parcel anyway. **TB:** Correct. Normally what is asked for is connections be made for future development, however there are multiple lots in Swan Estates; it could be developed in the future but probably not, there aren't many 3 or 5 acre lots around. And it is a county subdivision, the city has no jurisdiction over it, and ACHD would not require a public road to be connected to a private lane; we've had that topic come up with at least four other projects in the last year or so. **C/Gealy:** Thank you. I did have another question for staff in respect to Lot 4 which shows it as open space on page 65, but page 63 it's not. Could you clarify? **TB:** Are you referring to the one in the northeast corner? **C/Gealy:** Yes. **TB:** That was a question that staff had, perhaps the applicant can explain after their presentation? It looks to me like it says common lot, but some of the other plans do not call it out as a common lot and it is not listed. **C/Gealy:** So, can you tell? Is that particular parcel included in the 7.6% open space? **TB:** It does not appear to be, no. **C/Gealy:** Thank you. **TB:** I'm sure the applicant can clear that up. **C/Young:** Any other questions for staff at this time? **C/Hennis:** No. **C/Gealy:** No more questions, thank you. **C/Young:** Alright, could I have the applicant come forward and state their name and address for the record please. **Pat Tealey:** Mr. Chairman, members of the Commission, my name is Pat Tealey, 12594 W Explorer Drive in Boise. The applicant is also in the audience and is available to answer any questions you may have for him. Rather than repeat the staff report, I will go straight into what seem to be the questions that need explanation. First off, the acreage of 9.71 came out of my letter I wrote and was a typo, it is 8.71 and our calculations for everything are based on the 8.71. As to Lot 4 in the northeast corner, that is a building lot and it is shown as a building lot on my preliminary plat; the common lot calculations do not include Lot 4, we meet the requirement with 7.6% of our land dedicated to common area; that does not include the 1-acre lot off of Swan Falls either. The 1-acre lot on the corner makes the subdivision an open feeling while not a common area for the subdivision, the owner of Lot 1 is in fact the owner of the subdivision. We are building a fence around the entire perimeter; one of the comments of the adjacent owners was they might see headlights from where this stub street is to the south, he wrote a letter which is in the file, until that is a road and if it ever is a road, there will be a fence there to limit that intrusion. We would like to ask for Kuna's support in not requiring the stub street to the west; when we originally did this subdivision back in

2006, that same question came up and was answered in the same way. Those are 5 acre lots in that subdivision, all the lots are accesses by a private road and that's how they have been accessed since its creation; I don't see how we can use a public stub road to connect to a private road. In looking at this area, there aren't any other sewer hook-ups that I know of. **C/Young:** I would like to verify that you've seen the staff report, the conditions in the staff report, ACHD's and the City Engineers recommendations. **PT:** Yes, I have; that's why I am asking for your support. I will be going back to ACHD to see if they will remove that requirement. **C/Young:** In regards to your comment of being at the end of the line for sewer; one of the City Engineers recommendations indicates the subdivision within Ten Mile Lift Stations sewer basin and the maximum number of EDU's is being reached, and that the developer may be requested to participate in engineered evaluation of that Lift Station to learn of improvements that may be needed, have you seen that? **PT:** Yes. When we originally presented the subdivision and were part of the original LID (Local Improvement District), hookups were dedicated to it so, we assume the Lift Station would adequately take care of it. We would definitely be willing to participate in any study that would be required. **C/Gealy:** The note from the School District is asking for generous space and good lighting on Swan Falls Road for student pickup; would you work with the School District on how you develop Swan Falls to meet those requests? **PT:** Certainly. Maybe a street light could be placed there, increase the landscape, or improve the right-of-way out there in way where you could put in a bus stop. **C/Gealy:** Ok, thank you. **C/Young:** We will open the public testimony at 6:23 PM. I only have one other person signed up to testify, Beth Monroe, please come forward and state your name and address for the record. **Babette Monroe:** My name is Babette Monroe, 1251 S Swan Falls Road, Kuna, Idaho which is also in Ada County. I have a few new questions; on the first preliminary plat we were given in January for the meeting we had in February with the developer, Lot 4 said it was a common lot. Lot 10 was also a common lot but it was much bigger. At the time I didn't know that the one acre was included in that subdivision, it didn't show on there as part of the entire subdivision, it's been purchased since then; I show that there are two different owners. Two concerns; we still want to make sure of our irrigation rights, the ditch that feeds my property goes across Swan Falls and hits the one-acre lot where the two trees show on their landscape plan, the main ditch goes there and then runs along this lot. I don't know if that's been addressed with the Irrigation District, because the water flow is to the north and west. The other question was road widening; if they plan to or are required to widen from the north and again from the south, doing so on the west side invades into our property. I just want to know if there's a plan for that, how we can find out about that, and what we do. I think the question about the fencing was answered. The only other thing I have is when we met with the developer originally, they said they would be asking for R-4 not R-6, so they could put in bigger lots and bigger homes which made sense out there with the current density of five acre lots. Thank you. **C/Young:** Thank you. **C/Hennis:** Thank you. **C/Young:** I do not see anybody else signed in to testify, is there anybody here who has not signed in that would like to testify on this application? Seeing none, could the applicant please come forward with rebuttal to any of the comments made? **PT:** Mr. Chairman, Commissioners, my name is Pat Tealey. To address the concerns, this is a preliminary plat so we haven't developed any engineering for the irrigation, roads or sewer; we have an idea how they will work but we don't have specific plans yet. When we do the improvements for Swan Falls, the irrigation will be addressed; we will make sure that any irrigation that enters our property leaves our property. We did move that common area from the northwest corner down to the southwest, we kept the same square footage as are standard. Other than that, were there any other concerns? **C/Young:** It's probably in the ACHD report but she had concerns about widening and it impeding on her property. **PT:** We are required to do whatever ACHD requires of us. **C/Young:** Those easements or anything else ACHD has, those easements won't transfer into her property? **PT:** No. **C/Young:** I think that's where her concerns were. **PT:** Not until she decides to develop her property and go through this same

process. **C/Young:** With that I will close the public testimony at 6:29 PM, that now brings up our discussion. To me, the density is still down at the large 4 in the size of the lots and the number of lots. The setbacks on some of those are set as in an R-4. I think they are consistent with the properties to the north where the road comes in, as far as parcel size. They meet the requirements for open space. **C/Hennis:** It seems to me that they meet the requirements. To address the homeowner's questions, the easements that are already on the roads are the only thing they would be overtaking, if anything there would be road improvements that already fall under those easements. It's the same with the irrigation, they cannot impede on any of the irrigation that is existing so, your service would not be changed but they may do some improvements on their parcel to deliver the water. Those concerns are fine and as long as it's not affecting the neighbors, it seems like everything has been addressed properly. As long as the developer is working with the City Engineer in regards to the Lift Station investigation, it should be appropriate. **C/Gealy:** My concerns have been addressed and it sounds like the neighbors have been as well. I would like to include a condition regarding working with the School District on an area for student pick-up.

Commissioner Dana Hennis moved to recommend approval to City Council for Case Nos. 20-02-ZC (Rezone) & 20-05-S (Preliminary Plat) for Rockaway Cove with the conditions as outlined in the staff report and the additional condition the applicant work with the Kuna Joint School District No. 3 to provide an adequate student pick-up area. Seconded by Commissioner Cathy Gealy.

Voting Aye: Chairman Lee Young, Commissioner Dana Hennis and Commissioner Cathy Gealy.

Voting No: None

Absent: 1 (One Vacant Seat)

Motion Carried: 3-0-2

Commissioner Dana Hennis moved to approve 20-12-DR (Design Review) for Rockaway Cove with the conditions as outlined in the staff report and the additional condition the applicant work with Kuna Joint School District No. 3 to provide an adequate student pick-up area. Seconded by Commissioner Cathy Gealy.

Voting Aye: Chairman Lee Young, Commissioner Dana Hennis and Commissioner Cathy Gealy.

Voting No: None

Absent: 1 (One Vacant Seat)

Motion Carried: 3-0-2

**B. Case Nos. 20-03-ZC (Rezone), 20-06-S (Preliminary Plat) & 20-14-DR (Design Review)
Ledgestone Plaza – ACTION ITEM**

Jace Hellman: Good Evening Mr. Chairman, members of the Commission, for the record, Jace Hellman, Kuna Planning and Zoning Staff, 751 W 4th Street. The application before you this evening proposes to rezone approximately 76 acres from its current zoning district classification of C-1 to C-3 (Service Commercial), R-6 (Medium Density Residential), and R-12 (High Density Residential). This complies with the Future Land Use Map (FLUM), which designates the project area as Mixed-Use. Additionally, the applicant is proposing to subdivide the project site into 275 total lots, which includes 247 residential buildable lots, or 425 dwelling units, 6 commercial buildable lots and 22 common lots. The applicant proposes 13.8% of the project be dedicated to useable open space, which is compliant with Kuna City Code. Along Meridian Road it appears the applicant has not proposed sidewalk along the property's frontage. Meridian Road is classified as a highway and as a result, the

developer shall be required to install a minimum 30-foot buffer located outside of the public right-of-way the length of the developments road frontage. Buffered areas along classified highways are required to contain a 10-foot wide concrete sidewalk placed in a public easement that is separated a minimum of 15-feet from the property line. The applicant will be required to install all buffers, curb, gutter and sidewalks in accordance with KCC (Kuna City Code) 5-17-13 and 6-4-2. The proposed Ledgestone Plaza subdivision application represents approximately 425 sewer connections, not including future commercial users. Wastewater from the proposed development is anticipated to flow to Patagonia Lift Station, and subsequently lifted at Danskin Lift Station. Patagonia and Danskin Lift Stations are both operating at above capacity. At this time, neither lift station has the capacity to support this project. Staff recommends that if the Commission recommends approval of this project, that the applicant be required to work with the City Engineer to provide a solution regarding the creation of additional capacity and the applicant cannot submit an application for final plat until the city's Public Work's Director certifies to the applicant that the Patagonia and Danskin Lift Stations, or some other City appurtenance, has capacity to accept the wastewater discharged from the proposed subdivision. Staff would note that in the event the capacity is not certified within the time the applicant is required to file an application for final plat approval, 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 certification of capacity has been issued. These conditions have been provided as Condition Nos. 6, 7 and 8 in Section "H" of the staff report. The design review application is for the developments open space and landscaping. Design review for park amenities and multi-family will need to be submitted and approved prior to filing for building permits for those specific items. As a reminder, the rezone and preliminary plat are before you as a recommendation to City Council, and the design review is seeking your decision this evening. If the commission approves the design review and recommends approval of the rezone and preliminary plat, staff would recommend that the applicant be subject to the conditions of approval listed in Section "H" of your staff report, as well as any other additional conditions this decision-making body decides to impose. With that, I will stand for any questions you may have. **C/Young:** Are there any questions for staff? **C/Gealy:** I have no questions. **C/Young:** It may be in there and I missed it, did the Kuna Rural Fire District have a letter of approval? **JH:** Kuna Rural Fire District did not comment on this project. They were in attendance for the preapplication meeting but they did not reply to this project. **C/Young:** Ok. On the ITD interagency agreement that needs to be entered into, I just want to confirm that is what Condition No. 12 is in the staff report. **JH:** Correct. Condition Nos. 11 and 12 were both of those conditions that were added or recommended to be added to our report from ACHD and ITD. **C/Young:** Are there any other questions for staff at this time? **C/Hennis:** No. **C/Young:** Will the applicant please come forward and state your name and address for the record? **Jane Suggs:** Good evening Commissioners, Jane Suggs, Gem State Planning, 9840 Overland Road in Boise. I am representing Ledgestone Plaza and Trilogy Development; I think Jace did a good job of outlining the details, I did bring a few things to show you, one of them being a vicinity map. I would like to begin by saying that we agree with the staff report and all of the conditions of approval, including the 30-foot buffer and 10-foot wide sidewalk. We are very involved with the sewer improvements that are necessary along the east side of Highway 69. We would certainly take a condition to make sure that we meet all Kuna Rural Fire Department requirements, if that is something that you would like to add, because that seems to be a concern. I would like to walk you through some things that have been happening but knowing that we agree with those conditions of approval. A little bit of history – Ledgestone Subdivision along Mason Creek was approved a couple of years ago and is actually under construction; Ledgestone South was approved a few months ago, went to City Council, and was denied because it required an annexation and the City Council was concerned about the sewer. We are working with staff, especially with Paul

(Public Works Director/City Engineer), to talk about the sewer, and we are going to asking for a reconsideration of that denial. Without going too far into the weeds, a preliminary plat is really is the incentive that developers need to work and pony up some money to make sure the sewer gets completed, otherwise we are just paying for farmland to tie into the sewer. We have been working with Paul and he has been trying to work on this for a couple of years, it's just reached a head now; we know that we are all getting those last conditions about working out the Will Serve letter. Back to LedgeStone Plaza which is kind of the jewel of our LedgeStone communities, if you see where you are on the east side of Stroebel Road, the west side is Highway 69 and on the south side is an extension of Ardell Road. It really is a mix of business opportunities and housing opportunities; the property is already annexed into the city and has a zone for commercial uses. The Comprehensive Plan does call this out as Mixed-Use and we met with Lisa Holland (Economic Development Director) in our preapplication meeting, and she did recommend that we put some commercial along Highway 69 and work from there to buffer the single-family residential pieces. We have a nice mix of housing, of course along Highway 69 is business opportunities with good access from Ardell; Ardell will come through and then the first street that cul-de-sacs, it will give great access to not only the apartments but also the commercial uses. If we didn't do that, there wouldn't be any access from Highway 69 to the commercial and we all know you need good access when you are doing commercial. Adjacent to the businesses, we have planned for apartments; the apartments provide a really good buffer between the businesses and single-family homes, then you can see south of the apartments that we have some smaller alley-loaded lots. We have those smaller lots that are a little denser so that is why we went with the R-12, with the apartments and the smaller lots, that's a separate density but it will conform to this plat. Kuna does require 3 parking spaces for every apartment unit, that's two per unit and one per guest; that is a lot of parking so we are creating a lot of cross access with the commercial lots to allow for parking. It is a nice mix because typically guests would come on the weekends or maybe the evenings whenever the commercial is not as busy. As we move away from Highway 69, we have a transition from the smaller lots to the larger lots; the east side of the development is an extension of Stroebel Road and that road is a Mid-Mile Collector that we are building, it runs about a half mile from Hubbard Road. We are building about half a mile north of this on the north side of LedgeStone, now if LedgeStone South gets approved, we will be completing all of Stroebel from curb to curb along the east side of LedgeStone Plaza. Along the south side is Ardell Road and then I would like for you to note the east-west pathway runs from Stroebel all the way through the property along the north side of our park, then crosses over into a pathway that runs through the apartment complex. We think the pathway is great because it pulls the communities together; imagine you are a child living in the single-family lots, you could get to the commercial lots on your bike or walk. We have a centrally located park, it is over 5-acres and has a play structure, picnic shelter and it has a pathway that encircles the entire park and you'll see connections to all the streets. ACHD has approved.... Because of the LedgeStone projects and Patagonia, there is a lot of traffic happening up on Locust Grove and Hubbard; we have all been given the requirement that at a certain number of lots, we have to redo traffic studies, do internal signals, get into a cooperative agreement to build roundabouts. There's lots of options there but at every step of the way, ACHD is asking us to come back with new traffic studies; let's see 3 years from now and what's really going on here, the economy could crash, we could be building those lots and there could be enough participation from the developers to do major improvements. We agree with ACHD's staff report and that is reflected in the staff report from the city as well. I will stand for questions and respectfully ask that you recommend approval for our rezone and preliminary plat and that you approve our design review for our landscaping and open spaces. **C/Hennis:** What is your projected build out on this project? **JS:** For traffic study purposes, we usually go for 5 years, a lot of it depends on the sewer. The sewer comes from the northeast

corner, so we'll start with those homes and work over, the apartments might not be until later on. I'd say 5 years if things are going like they are now. **C/Hennis:** Ok. And is commercial projected to be in the earlier phases or the later phases? **JS:** Likely, in the later phases. This property is owned by the Honeymiller's but will likely be purchased by Corey Barton through his Viper Investments Company, I'm representing Trilogy who will develop the property. It will likely be the apartments and commercial later because he does not do commercial development; unless he finds someone who is desperate to find a lot to build something, that is why we keep in touch with Lisa, so that if there are companies who are coming need and they need this kind of thing, then we have lots to sell. We can extend services to them but it will likely be in later phases. **C/Hennis:** Ok, thank you. **C/Young:** For part of the R-12, Block Nos. 8, 9 and 10, where you have the rear-loaded alley, can you describe what that product is? Is that skinny homes or what are those because those are very narrow lots. **JS:** They are, and they are alley-loaded of course, and that's what we love about alley-loaded lots because you can put a narrower home on that lot and you don't see the garages. Not only can you not see the garages but they are two car garages and an apron in front of the garage so you have that parking as well, and you have parking along the streets because there is no driveway. Just south of that, they are backing up to a Collector street, there are some narrower front-loaded homes. I believe they are 36-foot wide lots so the houses with 5-foot setbacks would be 26-feet. There are some narrower lots but we find that they are popular for folks who don't want a whole lot of yard, actually, we are minimizing some of our grass and yards in some of those, and again, we are located right off of a Highway and backing up to an Arterial. You see on the alley-loads, they are 32-feet but that still gives you a 22-foot wide house but without a garage on the front and then those or 36-feet and they will have front load garages of course, because they back up to a Collector street. It's very popular in Meridian, we're seeing these a lot and we are actually doing some of these in Nampa and Caldwell. I didn't bring them but I do have some photographs that I would be happy to provide. **C/Young:** Ok. And am I remembering ACHD's report that they wanted "No Parking" signs on the alleyway, correct? **JS:** Yes, we don't want people to park there because it's 20-feet wide, it's a public alley; because it's two-way, ACHD want to make sure no one is parking there. Off of the alley, north and south, we'll have a 20-foot wide apron just like you would have in front of a garage, if you were front loaded. **C/Gealy:** Are you expecting they'll be one-story homes? Two- or three-story homes? **JS:** The homes will likely be two story and the apartments will be three-story. **C/Gealy:** So, the alley-loaded would in fact have the garage underneath. **JS:** Right, and enough room with those depths that we can actually get a living area with the bedrooms upstairs. I have no other questions. **C/Young:** Ok, thank you. We'll open the public testimony at 6:54 PM, and I don't see anybody signed in to testify; is there anybody here who would like to testify on this application? Ok, seeing none, I will close the public testimony at 6:55 PM. **C/Gealy:** This is for staff, you mentioned the design review did not include some of the elements that would still be subject to approval; will that come back to Planning and Zoning? **JH:** Chairman Young, Commissioner Gealy, if they make it to the point where Council does approve the project, then they will have to come back and have the actual buildings themselves approved by this body for design review. Right now, basically, you're approving the lot count and the units but the actual look of the building itself will need to be approved by this body sometime prior to applying for building permits. **C/Gealy:** Thank you. Another question I had, with respect to the sewer capacity and the time constraints, if they were not able to complete their final plat within the two-year time frame then they would have the opportunity for an extension of time; is there a limit on that extension or is it ongoing? **JH:** With time extension, from their approval date, they have two years from that date to file for their first phase of the final plat, and then, in a normal subdivision case they have a year to record each phase following that. In this case, if they don't receive or can't receive a Will Serve letter by the time that two-year mark is up, they are allotted to have a two-year time

extension. If for some reason there is an issue with the Will Serve letter by that next two-year extension is up, they will have to file for another two-year extension. They have to keep applying for time extensions, it's not just a one-time. **C/Gealy:** And the condition we have included is that they would be granted that first two-year time extension at the end of two years, but there's no guarantee beyond that, correct? **JH:** Correct. The condition is that they are eligible under Kuna City Code based on the sewer constraint to receive a time extension, then it would be re-evaluated if they were at a 4-year mark; that condition is really stating that they would be eligible based on the constraints that are in front of them. **C/Gealy:** Thank you for that clarification. **C/Young:** Any other thoughts or concerns? **C/Gealy:** I like the variety of housing that is available, some apartments, some small, some medium and some larger lots to the east. They are providing for some commercial space on Meridian Road where it's appropriate, there's adequate open space and amenities proposed; I think it's well laid out. **C/Hennis:** I agree with Commissioner Gealy in that I think it's laid out well, I like how the apartments are laid out, there is a lot of open space and landscaping even within the apartments. The connectivity across the project is good, I like the big park. I'm a bit concerned about the sewer and traffic issues it brings up because if the other two subdivisions are already a problem and you add this one on top of it; even Meridian Road has to be improved per the Traffic Impact Study. I'm not quite sure how they are going to address some of that, but I guess they have mitigation ideas outlined. If City Council is already concerned about the utility's infrastructure, but since they are doing all three of these projects in the area, if they come to a solution, they will all be taken care of instead of having three different developers working through it. **C/Young:** I think part of that is where, in the staff report, as they work through that process, they're given their first extension to help in that process and figure out how they will help pay to get that mitigated. **C/Hennis:** It's definitely going to be more than just throwing in a couple of bigger pumps, obviously the Lift Station will be an issue, even the piping could be an issue with that many homes going in throughout the three subdivisions. Like I said, at least it's the same group addressing it, I would see more problems if they were different entities trying to participate. I think it's a lot going in but I think it's an appropriate area. I like the layout of this, I like the Mixed-Use; there are some really narrow lots in that alley-load and even the ones around it. I would almost like to see pictures but that's going to come down with the rest of the design review. **C/Young:** I agree. As far as the layout and how it's done, it's all appropriate with the commercial on the road, followed by high density, followed by high density, transitioning into the other subdivisions. My biggest fear is those narrow lots, I know they've got that alley way and aprons, it's just a lot of houses condensed in there and they are single-family homes, it's not townhomes; I fear parking. **C/Hennis:** Well, technically you have two spaces plus a double car garage. We've talked about this on flag lots as well, when you look at the numbers it does work like she says, but I see your concern. Without envisioning the size of the actual dwelling on the lot, it's hard to see it. **C/Young:** I've seen that type of product before. **C/Gealy:** It's almost a townhome without a shared wall. **C/Young:** Yes, it almost magnifies the problem when you get into the alley way, the rear load might help compensate with those; the ones to the north on Block 4 and the ones to the south that are only 4-feet wider than the ones that don't have that rear-load alley way. If you've got a 12 or 15-foot wide driveway, it just seems too tight; I'm fearful that you go down the road and all of the sudden you have someone's F-350 halfway across their driveway followed by the neighbors F-350, then you've got to drive a mini-cooper into the third house because you can't get in. **C/Hennis:** Especially Block 10, like you're saying, they're narrow; you figure the typical garage width of a garage of 16-18 feet, the lot is 36-feet, then 5-foot setbacks on each side, you barely have enough room to walk up to the front door. **C/Young:** I don't know the best way to mitigate that whether it's possibly asking for some overflow parking and maybe losing one or two parcels to the east of those somehow. In other subdivisions where I have seen these, there are additional parking,

sometimes in the middle of a large cul-de-sac or something, there's additional space provided somewhere. It just seems that somewhere in there we can mitigate some of that. **C/Hennis:** There's no parking for the park either. **C/Young:** I'll ask a question of the applicant; have you thought of any other options or ways to mitigate some of those concerns? **JS:** Thank you Chairman Young and Commissioners, one of the things to keep in mind when looking at the alley loaded lots which are the narrower ones, there is no driveway, so that 32-foot is plenty of room for a couple of cars. The lots that are front loaded, again, we are finding that they are very popular; there is a two-car garage, a two-car apron in front, and then you have a little bit of space between due to how we stagger them with the doors. You can see parking all around, so even here, there is parking on the side street and parking on both sides of the street; I think we have plenty of parking. There are times where there is a whole lot more of alley loaded and you need to put more parking in because there are 150 of the dwellings. On the park, just along the streets, there are opportunities for parking even without a parking lot there because it is so accessible from pathways. On the north side of the park, we left that open and put the play structure up there so that it would be able to move your kids and all their stuff. We typically don't bring single-family homes back for design review, I think we were just talking about the apartments, but if you want us to bring some of the narrower homes to show you the design, we can bring those too because they are part of the R-12 zone. I just want you to be comfortable because it is a very popular product; when you're typically looking at a 50-foot lot and then you look at a 36-foot lot, it looks really narrow but it's very popular opportunity for people to minimize their yard work. Is that helping at all explaining all the parking around? Each dwelling will have 4 parking spaces basically. **C/Young:** Ok, thank you. **C/Hennis:** I agree, the styles are popular right now but we haven't had a whole lot of them established yet that I have seen in the area, so it's hard to know what the 2-year or 5-year is. **C/Gealy:** I think it's a good location for a higher density, it's a different product than an apartment or a townhome. I understand your concern about parking but I think it's going to be ok because of the location. I may also be making assumptions about the type of family that would find this product appealing; I'm thinking young professionals with easy access to Meridian Road, older retired people without a yard to take care of. I think the location is great for that, it's a straight shot up to the freeway or down to Kuna; when we have more jobs here people could walk to work. I do think that with a two-car garage on an alley loaded, at least you have maybe up to 4 cars back there and then there's street parking for guests; we wouldn't want to get into the residents parking on the streets if we can avoid it, but there is plenty of guest parking. **C/Young:** As far as the design review piece of it is well done the way it's laid out with pathways, the park and the connectivity east to west and all along the way. **C/Hennis:** Right. Really the only thing it doesn't show is the buffer in the front but they have agreed to that. Otherwise, I like how it's laid out, especially in the apartments, it's not congested like you would normally see that to be; it's a lot more open and there's a lot more parking and walking availabilities. **C/Gealy:** I would like to include a condition that they work with the Kuna Rural Fire District, and they agreed to that condition as well.

Commissioner Dana Hennis moved to recommend approval to City Council of Case Nos. 20-03-ZC (Rezone) and 20-06-S (Preliminary Plat) for Ledgestone Plaza with the conditions as outlined in the staff report and the condition the applicant meet all Kuna Rural Fire Department requirements. Seconded by Commissioner Cathy Gealy.

Voting Aye: Chairman Lee Young, Commissioner Dana Hennis and Commissioner Cathy Gealy.

Voting No: None

Absent: 1 (One Vacant Seat)

Motion Carried: 3-0-2

Commissioner Dana Hennis moved to approve Case No. 20-14-DR (Design Review) for Ledgestone Plaza with the conditions as outlined in the staff report and the condition the applicant meet all Kuna Rural Fire Department requirements. Seconded by Commissioner Cathy Gealy.

Voting Aye: Chairman Lee Young, Commissioner Dana Hennis and Commissioner Cathy Gealy.

Voting No: None

Absent: 1 (One Vacant Seat)

Motion Carried: 3-0-2

C. Case No. 20-03-AN (Annexation) C&G Farms – ACTION ITEM

Doug Hanson: Good Evening, Mr. Chairman, members of the Commission, for the record, Doug Hanson, Kuna Planning and Zoning staff, 751 W 4th Street, Kuna, Idaho, 83634. The application before the evening is for the annexation of an approximately 440.25-acre property located at the southeast and southwest corners of Kuna Mora and Cole Roads. The applicant is proposing two zones M-1 (Light Manufacturing/Industrial) which will make up approximately 164.78 acres of the proposed project, and M-2 (Heavy Manufacturing/Industrial) which will make up approximately 275.47 acres of the proposed project. There is no development directly associated with the proposed annexation before you this evening, however development is anticipated should the City Council approve the project. Following review, staff has determined the annexation request is within technical compliance of the Kuna City Code, Idaho State Code and the Kuna Comprehensive Plan. As a reminder, the annexation is before you as a recommendation to the City Council. If the Commission recommends approval of the rezone, Staff would recommend that the applicant be subject to the conditions of approval listed in Section “I” of your staff report, as well as any other additional conditions this decision-making body decides to impose. I will stand by for any questions. **C/Gealy:** I have no questions. **C/Hennis:** None at this time. **C/Young:** I will have the applicant please come forward and state your name and address for the record. **Tamara Thompson:** Mr. Chairman, members of the Commission, my name is Tamara Thompson, I’m with the Land Group, 462 E Shore Drive, Eagle. Tonight, I’m representing the property owners for this application, as Mr. Hanson explained to you, the application is for annexation of approximately 440-acres, the M-1 zone is a little over a third of that at 165-acres, and the M-2 for the balance. This proposed application complies with and is consistent with Kuna’s Comprehensive Plan and Kuna City Code. We’ve read the staff report and agree with staff’s analysis, the recommended conditions and the findings. Thank you for your time tonight, we respectfully request your recommendation of approval. I will stand for questions. **C/Gealy:** I have no questions. **C/Hennis:** None, thank you. **C/Young:** I’ll open the public testimony at 7:18 PM, there isn’t anyone signed up to testify, is there anybody here that would like to testify on this application that has signed up? Seeing none, I will close the public testimony at 7:19 PM; that will bring up our discussion on this application. **C/Gealy:** I am glad to see heavy and light industrial, I think this is a good location for it. **C/Young:** I think the location for this type of zoning is perfect, the other large businesses out there and what they do compliments it and the closest subdivision is a little over a mile and a half away which is a large buffer. I don’t have any issues. **C/Hennis:** I think it’s the perfect area for it, obviously we’ve got the industrial out there, I just wonder about utilities out there once they do get some things going. It says water and sewer do not connect and it’s out of the service range, it’s all future, but I guess Simplot must have done something out there. Staff, is there any information on utilities? **DH:** There is a condition in the staff report that the applicant work with Public Works in order to establish a water and sewer capacity solution in the meantime, and when a connection is available to the overall municipal system that they connect. **C/Hennis:** Ok. Otherwise,

it's the perfect place for it. **C/Young:** Yes, it is, it's near the rail and everything else too. It would be nice to get a railroad spur off of there at some point. **C/Gealy:** I'll just speculate here, I think that with a larger installation like this, I think there's a higher likelihood that those utilities, if they can't be taken there from Kuna, they can be provided onsite almost. It's like if we were looking at a 1-acre industrial site, it would be much more difficult for a 1-acre site to provide its own utilities, but when you are looking at 400-acres, I think there is a higher likelihood that they can find solutions for providing those services. **C/Hennis:** I agree.

Commissioner Dana Hennis moved to recommend approval to City Council for Case No. 20-03-AN (Annexation) for C&G Farms with the conditions as outlined in the staff report. Seconded by Commissioner Cathy Gealy.

Voting Aye: Chairman Lee Young, Commissioner Dana Hennis and Commissioner Cathy Gealy.

Voting No: None

Absent: 1 (One Vacant Seat)

Motion Carried: 3-0-2

4. BUSINESS ITEMS:

A. Urban Renewal District – ACTION ITEM

Jace Hellman: Good evening Mr. Chairman and Members of the Commission, for the record, Jace Hellman, Kuna Planning and Zoning Staff, 751 W 4th Street. The request before you comes from the Urban Renewal Agency to validate to conformity of the Urban Renewal District Plan with the City of Kuna Comprehensive Plan. For a little background, Urban Renewal Districts (URD) are basically a planning boundary that allows the city to focus dollars generated from new development within that specified boundary, on infrastructure projects within that specified boundary. There is no financial impact or restriction to property owners within the district, there are no taxes added to property owners for being part of the district, and it does not affect an entities ability to collect impact fees. With Urban Renewal Districts, taxing entities continue to receive their cut of the property tax, the district only collects from the increment value created by newly developed property or properties. For example, if you have 1-acre of undeveloped ground and its base value is \$100,000, then a new development comes along on that property and the values increased to \$500,000, the URD would be able to acquire the property taxes collected on that \$400,000 increment. The City of Kuna originally established the Urban Renewal Agency on April 3, 2011, since then, the concept of establishing a district has been explored several times but the district was never formalized until March 17th; the City Council officially appointed a Board of Commissioners for this agency. The Urban Renewal Agency approved an eligibility study on April 24th and the Kuna City Council adopted the eligibility study on May 19, 2020 and the Urban Renewal Agency has now crafted and recommended approval of a district plan that is up for consideration. The city has worked very hard to give the community and the stakeholders the opportunity to provide input throughout the creation of this plan, a Public Workshop was held at two different time slots on August 27th to collect community feedback. Letters were sent to every property owner within the district boundary, that included a survey, and we have reached out to several of our partner agencies, developers and the Economic Development Committee for guidance and feedback throughout the process. If it is determined that the plan complies with the Comprehensive Plan, a Resolution has been provided to you this evening to be signed by the Planning and Zoning Commission Chairman; after this evenings meeting, the next step for the district plan will be to go in front of the City Council on November 17th where they will consider approval of the district plan. As a reminder, this is not a request for your approval of the district plan, it is solely a

request to confirm that this plan conforms with the Comprehensive Plan. Apart from staff's presentation this evening, the Economic Development Director, Lisa Holland, has provided a memo which is in your packet. With that I will stand for any questions you have, if there is something that I cannot answer, I know we do have some URD team members that are on Zoom right now to provide them. **C/Gealy:** I had a point of clarification, and I apologize for not asking sooner, but I looked at the Resolution and Section 2, Exhibit A says, "Outlining the findings supporting the determination that the Kuna West Plan is in conformity with the city's Comprehensive Plan, is hereby adopted and incorporated as part of this resolution.", but I had trouble identifying what was Exhibit A. I found an Exhibit A but it is a legal description, it's really more of a naming issue more than a question regarding the plan itself. **JH:** I will defer to one of the URD team members that are on Zoom. **Lisa Holland:** Mr. Chairman, members of the Commission, I believe it's referring to my staff memo. **C/Gealy:** I was going to say that the staff memo is doing a great job of supporting the determination that it is in conformity with the Comprehensive Plan; perhaps we could label the staff memo as Exhibit A, or perhaps the entire thing is Exhibit A. **LH:** I believe it is just the staff memo but I think we can do that. **C/Gealy:** Thank you. Another point of clarification, more for the record than anything, my understanding is that the taxes associated with the change in value, actually accrue to the agency with the exception of the School District as School District tax revenue continues to go up with the value of the property; is that correct? **JH:** Chairman Young, Commissioner Gealy, yes, that is correct, School Districts are exempt from that increment or increment taking. **C/Gealy:** Thank you. I think this is very exciting! I don't have any questions; I really don't have any concerns. **C/Young:** As far as conforming with the Comprehensive Plan, it does so very well. I think the intent of the plan is positive, it's justified, it's inline with everything that we have seen in the open houses and calls we've been on. The map, the outline for the district, is on point with every thing that we have discussed to this point; more toward our discussion with conforming with the Comprehensive Plan itself, it does so in many ways with providing additional infrastructure for that area and to bring in additional businesses, it brings in those inviting streetscapes that people want and helps with the parks systems, a whole list of items. The potential monies that would go towards Boys and Girls Clubs or The Y or something, all is 100% inline with the Comp Plan. **C/Hennis:** I think so too. **C/Young:** I have no issues with this at all. **C/Gealy:** I agree. **C/Hennis:** I think this sets up what many people have been wanting to see so, I have no issues.

Commissioner Dana Hennis moved to approve the Resolution for the Urban Renewal District. Seconded by Commissioner Cathy Gealy seconded.

Voting Aye: Chairman Lee Young, Commissioner Dana Hennis and Commissioner Cathy Gealy.

Voting No: None

Absent: 1 (One Vacant Seat)

Motion Carried: 3-0-2

5. ADJOURNMENT:

Commissioner Cathy Gealy moved to adjourn. Seconded by Commissioner Dana Hennis.

Voting Aye: Chairman Lee Young, Commissioner Dana Hennis and Commissioner Cathy Gealy.

Voting Aye: Chairman Lee Young, Commissioner Dana Hennis and Commissioner Cathy Gealy.

Voting No: None

Motion Carried: 3-0-2

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Jace Hellman, Planning and Zoning Interim Director
Kuna Planning and Zoning Department

7	Vicinity Map			X
8	Affidavits of Legal Interest			X
9	Warranty Deeds			X
10	Declarations of Covenants, Conditions and Restrictions			X
11	Subdivision Name Reservation			X
12	Preliminary Plat Legal Description			X
13	C-3 Zoning Legal Description			X
14	R-12 Zoning Legal Description			X
15	R-6 Zoning Legal Description			X
16	Zoning Map for Ledgestone Plaza			X
17	Preliminary Plat Set			X
18	Landscape Plan Set			X
19	Commitment to Property Posting			X
20	Neighborhood Meeting Certification			X
21	Traffic Impact Study			X
22	Agency Request for Comment			X
23	Boise Project Board of Control Letter			X
24	Ada County Development Services Letter			X
25	Kuna City Engineer Letter			X
26	Department of Environmental Quality Letter			X
27	Central District Health Department Letter			X
28	Idaho Transportation Department Letter			X
29	COMPASS Letter			X
30	Ada County Highway District Letter			X
31	500 FT Legal Notice			X
32	Kuna Melba News Legal Publication			X
33	Proof of Posting			X

1.2 Hearings

1.2.1 Planning and Zoning Commission heard this on January 14, 2020, The FCO's have been requested to go to the Planning and Zoning Commission on August 18, 2020.

1.3 Witness Testimony

1.3.1 Those who testified at the Commissions October 27, 2020 hearing are as follows, to-wit:

1.3.1.1 City Staff:
Jace Hellman, Planner II

1.3.1.2 Appearing for the Applicant:
Jane Suggs, Gem State Planning

- 1.3.1.3 Neighboring Property Owners appearing neutral:
- 1.3.1.4 Neighboring Property Owners appearing in opposition:
- 1.3.1.5 Neighboring Property Owners appearing in support:

**II
DECISION**

WHEREUPON THE PLANNING AND ZONING 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

3.1.1 Notice Required: Notice has been given in accordance with the City Code and Idaho Statutes.

3.1.2 Notice Provided

3.1.2.1 Notice was published for the October 27, 2020 hearing on the preliminary plat and rezone for Ledgestone Plaza Subdivision was published in the *Kuna Melba Newspaper*, the official City of Kuna newspaper, which has general circulation within the boundaries of the City and in Ada County and Canyon County.

<i>Newspaper</i>	<i>Dates Published</i>
<i>Kuna Melba Newspaper</i>	October 7, 2020

3.1.2.2 Notice for the October 27, 2020 hearing containing the description of the property proposed to be developed was mailed on the October 7, 2020 to all known and affected property owners within five hundred (500) feet of the boundaries of the area described in the application.

3.1.2.3 Notice for the October 27, 2020 hearing was posted on a sign in accordance with Kuna City Code 5-1A-8 on October 15, 2020. A Proof of Property Posting was provided to staff on October 16, 2020.

3.1.2.4 Notice for the October 27, 2020 hearing was posted in conspicuous places within City Hall on the Foyer’s Bulletin Boards and City Website.

3.2 Findings Regarding Rezone

3.2.1 The land for proposed Rezone is comprised of two parcels totaling approximately 76.03 acres. The parcels include the following:

Property Owner	Parcel Size:	Current Zone	Parcel Number
Russel & Karen Hunemiller	63.26 acres	C-1 – Neighborhood Commercial	S1418233650
GO FOR IT LLC	12.74 acres	C-1 – Neighborhood Commercial	S1418234000

3.2.2 None of the landowners of the parcels at issue opposed rezoning.

3.2.3 All parcels are currently in Kuna City Limits and have a zoning district classification of Neighborhood Commercial. The Comprehensive Plan Future Land Use Map identifies the subject parcels as Mixed-Use.

3.2.4 The existing land uses and zoning district classifications for lands surrounding the subject parcels are as follows:

North	RR	Rural Residential – Ada County
South	RUT R-4	Rural Urban Transition – Ada County Medium-Density Residential – Kuna City
East	RR	Rural Residential – Ada County
West	RR	Rural Residential – Ada County

3.2.5 The Property was annexed into Kuna City Limits on August 20, 2019

3.2.6 The proposed project sites contain one single-family home, a shop and several agricultural outbuildings. No existing structures will remain on site. Vegetation in direct proximity to the single-family home includes trees, shrubs and grass. Vegetation on the remainder of the site is consistent with that of crop fields.

3.2.7 The parcels have an estimated average slope of 1.5% to 3%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be greater than 60 inches across a majority of proposed development area, however there are some areas where bedrock depth is between 20” and 40” along the southern boundaries of the development area.

3.3 Findings Regarding Preliminary Plat Application

3.3.1 All technical requirements listed in KCC 6-2-3 were provided on the Preliminary Plat.

3.3.2 The proposal is for a multi-phased Subdivision that would include 269 buildable lots (233 single family residential lots, 22 Common lots, 8 Apartment lots and 6 commercial lots).

3.3.3 A total of 425 dwelling units have been proposed with this development.

- 3.3.4** The applicant requested a variety of zoning designations in their application including R-6 (Medium Density Residential), R-12 (High Density Residential) and C-3 (Neighborhood Commercial).
- 3.3.5** The proposed Ledgestone Plaza Subdivision application represents approximately 425 sewer connections (not including potential future commercial users) on 76 acres. Wastewater from the proposed development is anticipated to flow to Patagonia Lift Station, and the subsequently lifted at Danskin Lift Station. Patagonia and Danskin Lift Stations are operating at above capacity (including existing EDUs and current “will serve” EDUs). As result, there is no capacity in either lift station to service this proposed subdivision. The City and will be unable to issue a “Will Serve” Letter to receive and process the waste water from any residential or commercial structure constructed within Ledgestone Plaza Subdivision. The City of Kuna is actively working to obtain additional capacity in the Patagonia and Danskin Lift Stations, but it is unknown at this time how long that will take. The applicant has been informed on the sewer capacity issues and is ready to participate in solutions.
- 3.3.6** Correspondence from ACHD and the submitted Traffic Impact Study states the current roadway segments of South Meridian Road between Columbia Road to Hubbard Road, Hubbard Road between South Meridian Road and Locust Grove Road, Locust Grove Road between Deer Flat Road and Hubbard Road, Hubbard Road between Locust Grove Road and Eagle Road, Locust Grove Road between Hubbard Road and Columbia Road, and Locust Grove Road between Lake Hazel and Amity will not meet minimum operational thresholds with the buildout of this development. Additionally, the current intersections of Locust Grove Road and Hubbard Road, Locust Grove Road and Columbia Road and Locust Grove and Lake Hazel Road will not meet minimum operational thresholds with the buildout of this development. ACHD has listed several mitigation improvements to be completed by certain lot counts in the development process. Once the mitigation improvements are completed, per the submitted TIS the surrounding roadways and intersection will be back to within an acceptable operational threshold.

3.4 Findings Regarding Design Review

- 3.4.1** 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 listed in KCC Title 5.
- 3.4.2** Review by staff and the Commission of the proposed Design Review confirms all applicable requirements listed in KCC 5-4-9.
- 3.4.3** 18.81 acres, or 24.7% of the project is proposed to be open space. This includes all buffers, parks, and pathways. 10.46 acres, or 13.8% of the project, are considered useable open space, as defined by KCC 5-1-6-2. Included in the useable open space is several internal pathways, green space and a centralized 6.13-acre park.

3.5 Testimony of the City Planner

- 3.5.1 Conclusions:** The City Planner, in a staff report to the Planning and Zoning Commission dated October 27, 2020, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

- 3.5.1.1** On February 14, 2020 Planning and Zoning staff held a pre-application meeting with the applicant, Public Works, the Parks Department, Kuna School District, Kuna Rural Fire District and Kuna Police Department to discuss the project. The applicant held a neighborhood meeting with residents within 500 ft of the proposed project area on February 24, 2020. There was a total of two resident who attended the meeting. Neighborhood meeting minutes as well as mailed materials have been provided as a part of this application.
- 3.5.1.2** The properties are currently zoned C-1 (Neighborhood Commercial). The applicant is proposing to rezone 76.03-acres to C-3 (service commercial), R-12 (high-density residential) and R-6 (medium-density residential) zoning district classifications. The applicant then proposes to subdivide the 76.03 acres into 275 total lots (247 residential buildable lots (425 total dwelling units), six commercial buildable lots and 22 common lots). Similar to Ledgestone and Ledgestone South, Ledgestone Plaza proposes to incorporate a mixture of housing types including eight apartment buildings and variety single-family home times and lot sizes. Additionally, Ledgestone Plaza proposes six commercial lots along the proposed project area's frontage on Meridian Road. The overall gross density of the project is 5.59 dwelling units per acre (DUA). The net density is 7.3 DUA
- 3.5.1.3** 18.81 acres, or 24.7% of the project is proposed to be open space. This includes all buffers, parks, and pathways. 10.46 acres, or 13.8% of the project, are considered useable open space, as defined by KCC 5-1-6-2. Included in the useable open space is several internal pathways, green space and a centralized 6.13-acre park. KCC 5-17 requires developments with a range of 401 to 450 homes/dwelling units to devote 11% of the development area to useable open space. Staff views the open space to be in substantial compliance with Kuna City Code.
- 3.5.1.4** With this proposed project, the applicant is constructing a new section of Stroebel Road along the east property line, which will serve as one of the main entrances into the subdivision. Stroebel Road is listed as a north-south minor collector according to Kuna's Street Circulation Map. The applicant also proposes to construct an entirely new section of Ardell Road which will span from Meridian Road to Stroebel Road. Ardell Road is classified as an east-west major collector. The sidewalk width requirement for a collector road is an eight-foot detached sidewalk with vertical curb and gutter. Staff would note that it appears the applicant has not proposed sidewalk along the property's frontage on Meridian Road. Meridian Road is classified as a highway and as a result the developer shall be required to install a minimum 30-foot buffer located outside of the public right-of-way the length of the developments road frontage. Buffered areas along classified highways are required to contain a ten-foot wide concrete sidewalk placed in a public easement that is separated a minimum of fifteen (15) feet from the property line. The applicant will be required to install all buffers, curb, gutter and sidewalks in accordance with KCC 5-17-13 and 6-4-2.
- 3.5.1.5** Per the ACHD report and the submitted Traffic Impact Study (TIS), the current roadway segments of South Meridian Road between Columbia Road to Hubbard Road, Hubbard Road between South Meridian Road and Locust

Grove Road, Locust Grove Road between Deer Flat Road and Hubbard Road, Hubbard Road between Locust Grove Road and Eagle Road, Locust Grove Road between Hubbard Road and Columbia Road, and Locust Grove Road between Lake Hazel and Amity will not meet minimum operational thresholds with the buildout of this development. Additionally, the current intersections of Locust Grove Road and Hubbard Road, Locust Grove Road and Columbia Road and Locust Grove and Lake Hazel Road will not meet minimum operational thresholds with the buildout of this development. ACHD has listed several mitigation improvements to be completed by certain lot counts throughout the development process. Once the mitigation improvements are completed, per the submitted TIS the surrounding roadways and intersection will be back to within an acceptable operational threshold. Staff will require the applicant to work with ACHD and the City to complete all required mitigation improvements to the surrounding roadways and intersections as detailed in the ACHD staff report. Additionally, at the request of ACHD, on behalf of the Idaho Transportation Department, staff has included the following conditions:

- Applicant/developer/owner shall close the two existing paved approaches onto SH-69 located approximately 550-feet north and 30-feet north of Ardell. Additionally, the applicant/developer/owner shall regrade the closed approaches to match existing drainage features.
- Per the Traffic Impact Studies recommendation of additional north and southbound lanes to mitigate existing traffic conditions at the intersection of SH-69 and Hubbard Road, the applicant/developer/owner shall work with the Idaho Department of Transportation to pay their proportionate share for the additional north and south bound lane improvements

3.5.1.6 Within the development, the applicant proposes one section of alley loaded homes, which utilize public alley ways to access the garage. The applicant will be required to install “NO PARKING” signs within all alleys. Additionally, the applicant will be required to obtain written approval from the Kuna Rural Fire District regarding proposed alley widths. The applicant will be required to install a sign at the terminus of each proposed stub street stating that these roads will continue in the future. Staff will defer the applicant to comments provided by Ada County Highway District for preferred language. Several internal roadways within the proposed project exceed Ada County Highway Districts maximum roadway length of 750-feet without traffic calming measures. The applicant will be required to submit a revised preliminary plat showing re-designed roadways to the City of Kuna and Ada County Highway District for review and approval prior to signature on the first final plat. ACHD recommends that the applicant construct Ostego Avenue as a private drive north of Nassau street due to the fact the roadway does not appear on ACHD’s master street map at this location. However, this road is proposed to be utilized as an access to the commercial components of this development and provide an alternative means of roadway access to all properties fronting SH-69. Additionally, the applicant has provided a stub into the property to the north to extend the road with future development. Kuna City Code 5-2A requires the installation of frontage streets and that all frontage streets shall accommodate public roadway access for lots located along SH-69. Per Kuna City Code, Staff

will require the applicant to construct Ostego Avenue as a public roadway, subject to Kuna City's and ACHD's roadway standards.

- 3.5.1.7** The installation of streetlights are required public improvements are a required public improvement listed under Kuna City Code 6-4-2. The applicant has included proposed locations of streetlights on the preliminary plat. Staff will require the applicant to work with staff in order to comply with KCC and install street lights a maximum spacing of 250 ft. The final location of street lights will be approved at the time of construction document review. Staff would note that these streetlights must be designed and installed according to "Dark Sky" standards.
- 3.5.1.8** The proposed Ledgestone Plaza Subdivision application represents approximately 425 sewer connections (not including future commercial users). Wastewater from the proposed development is anticipated to flow to Patagonia Lift Station, and the subsequently lifted at Danskin Lift Station. Patagonia and Danskin Lift Stations are both operating at above capacity (including existing EDUs and current "will serve" EDUs). At this time, neither lift station has the capacity to support this project. Staff recommends that if the Commission recommends approval of this project, that the applicant be required to work with the Kuna City Engineer to provide a solution regarding the creation of additional capacity and that the Applicant cannot submit an application for final plat until the City's Public Works Director certifies to the applicant that the City's Patagonia and Danskin Lift Stations or some other City appurtenance has capacity to accept the wastewater discharged from the proposed subdivision. Staff would note that in the event the capacity is not certified within the time the applicant is required to file an application for final plat approval, the Applicant shall have good cause and be eligible to receive, pursuant to Kuna City Code 6-2-3 (J), a time extension to file a final plat up to and until a certification of capacity has been issued. These conditions have been provided as condition number 6, 7 and 8 in section "H" of this report.
- 3.5.1.9** A design review application for common area landscaping and open space was included as a part of the overall application. The proposed application includes several internal pathways and parks. Staff will require the applicant to comply with KCC 5-5-5-F and install "see-through" fencing along all residential buildable lot property lines that abut pathways. Staff finds the proposed landscaping, buffers and common space to be in compliance with Kuna City Code. However, staff will require the applicant be conditioned to place sod wherever the landscape plan (dated May 1, 2020) identifies "Lawn" and provide staff an updated landscaping plan accommodating the requested change. Additionally, staff notes that if this project is approved, at the time of civil plan development, landscaping cannot be placed within ten (10) feet of any and all meter pits, pressurized irrigation valves, and ACHD underground facilities. In the event that locations of landscaping are within the locations listed above, the landscaping in that area must be moved to an alternate location, and an updated landscape plan must be provided to staff prior to scheduling a final landscape inspection. No design review application has been submitted for the multi-family buildings and community amenities such as the clubhouse and pool; however, design review approval will be required prior to submitting for a building permit.

- 3.5.1.10** Per the preliminary plat, the applicant is proposed approximately, 576 parking spaces to accommodate the proposed 192 apartment units, which would comply with Kuna City Code 5-9-3. However, Kuna City Code requires all parking spaces to be off-street. The applicant proposes that 74 of the 576 proposed parking spaces be marked on-street parking spaces. As a result, only 502 parking spaces (2.6 spaces per unit) are considered off-street parking spaces per unit. Kuna City Code 5-9-2 permits for off-site parking within 300 feet of the principle use. Staff would recommend that the applicant be conditioned to establish a cross access parking agreement with the proposed commercial lots at time of final plat in order to encompass the remaining guest parking.
- 3.5.1.11** 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 signature on the final plat.
- 3.5.1.12** Staff has reviewed the proposed preliminary plat for technical compliance with KCC, and finds the preliminary plat and landscape plan comply with Title 5 and Title 6 of Kuna City Code; Idaho Statute § 67-6511; and the Kuna Comprehensive Plan. The applicant will be required to work with Kuna’s staff, Ada County Highway District (ACHD), the Kuna Rural Fire District (KRFD) and any other applicable agencies to ensure conformance to each agency’s requirements. Staff recommends

3.5.2 Staff Recommendations: As a result of the review, the City Planner II, Jace Hellman, recommended that if the Planning and Zoning Commission recommends approval of case nos. 20-03-ZC (Rezone) and 20-06-S (Preliminary Plat) and approves case no. 20-14-DR (Design Review), the applicant be subject to the following conditions of approval, including one additional condition:

- The applicant shall work with the Kuna Rural Fire District (the District) and meet all of the Districts Requirements.

3.5.2.1 The applicant and/or owner 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:

3.5.2.1.1 The City Engineer shall approve the sewer hook-ups.

3.5.2.1.2 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.

3.5.2.1.3 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”.

- 3.5.2.1.4 No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
 - 3.5.2.1.5 The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District are required.
 - 3.5.2.1.6 The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 - 3.5.2.1.7 Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to *issuance* of any building permit(s).
 - 3.5.2.1.8 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.
- 3.5.2.2 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-W**.
- 3.5.2.3 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.
- 3.5.2.4 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 (KMID).
- 3.5.2.5 Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The applicant shall conform all corresponding Master Plans.
- 3.5.2.6 The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional lift station capacity.
- 3.5.2.7 The Developer/Owner/Applicant shall not submit an application for final plat until the City's Public Works Director issues a Will-Serve Letter to the applicant stating that the City's Patagonia and Danskin Lift Stations or any other City appurtenance has capacity to accept the wastewater discharged from the proposed development.

- 3.5.2.8** 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.
- 3.5.2.9** Buffers, curb, gutter and sidewalk (attached and detached) shall be installed in accordance with Kuna City Code Title 5 Chapter 17 and Title 6 Chapter 4.
- 3.5.2.10** Developer/owner/applicant shall work with Ada County Highway District and the City of Kuna to complete all required traffic mitigation improvements to the surrounding roadways and intersections as detailed in the Ada County Highway District staff report.
- 3.5.2.11** Developer/owner/applicant shall close the two existing paved approaches onto SH-69 located approximately 550-feet north and 30-feet north of Ardell. Additionally, the developer/owner/applicant shall regrade the closed approaches to match existing drainage features.
- 3.5.2.12** Per the Traffic Impact Studies recommendation of additional north and southbound lanes to mitigate existing traffic conditions at the intersection of SH-69 and Hubbard Road, the developer/owner/applicant shall work with the Idaho Department of Transportation to pay their proportionate share for the additional north and southbound lane improvements.
- 3.5.2.13** Applicant shall install “NO PARKING” signs within all alley-ways.
- 3.5.2.14** Applicant shall obtain written approval from the Kuna Rural Fire District regarding proposed alley widths.
- 3.5.2.15** Regarding the excessive street section lengths, the applicant shall submit a revised preliminary plat showing re-designed roadways to the City of Kuna and Ada County Highway District for review and approval prior to signature on the first final plat.
- 3.5.2.16** The developer/owner/applicant shall construct Ostego Avenue as a public roadway per Kuna City Code, subject to Kuna City’s and ACHD’s roadway standards.
- 3.5.2.17** 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.
- 3.5.2.18** Applicant shall work with staff in order to provide final locations of street lights as required by Kuna City Code.
- 3.5.2.19** Street lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.

- 3.5.2.20** Developer/owner/applicant shall establish a cross access parking agreement with the proposed commercial lots at time of final plat in order to encompass the remaining guest parking.
- 3.5.2.21** Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted).
- 3.5.2.22** 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 within public rights-of-way shall be with approval from the public entities owning the property.
- 3.5.2.23** Landscaping shall not be placed within ten (10) feet of any and all meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- 3.5.2.24** The applicant shall install sod wherever the landscape plan (dated May 1, 2020) identifies “Lawn” and provide staff an updated landscaping plan accommodating the requested change.
- 3.5.2.25** Proposed multi-family buildings and subdivision amenities such as the proposed pool and pool house are subject to Design Review approval.
- 3.5.2.26** 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.
- 3.5.2.27** If any revisions are made, the applicant shall provide the Planning and Zoning Staff with a revised copy of the preliminary plat.
- 3.5.2.28** Any revisions of the plat are subject to administrative determination to rule if the revision is substantial.
- 3.5.2.29** The land owner/applicant/developer, 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.
- 3.5.2.30** Developer/owner/applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
- 3.5.2.31** Developer/owner/applicant shall comply with all local, state and federal laws.

3.6 Other Testimony

- 3.6.1** 10/27/2020 Public Hearing – Jane Suggs, Gem State Planning, testified that agreed with staff report and all of the conditions of approval. They were informed on the sewer constraints and willing to participate in the solutions. Fire was unable to provide comment, but they were open to condition requiring them to meet the Fire Districts requirements. Project provides a mix of housing and business opportunities. There are commercial lots

all along the project's frontage on Meridian Road. Cross access with the commercial lots will be provided for potential guest parking for the multi-family component. Interconnectivity has been provided throughout the entire development. Roadway improvements required by ITD and ACHD in order to bring roads back into an accepted level of service are lot count specific and will require new Traffic Impact Studies. The Commercial lots will be a part of later phases.

IV

CONCLUSIONS OF LAW

RE: POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION

- 4.1 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 Chapter 1, Title 50, Idaho Code.
- 4.2 The power of the City of Kuna lies in the Planning and Zoning Commission to hear this matter as provided in Idaho Code §§ 50-13 & 67-65, and Kuna City Code §1-14-3.

V

CONCLUSIONS OF LAW

RE: APPLICATION FOR REZONE

- 5.1 The City of Kuna has authority to rezone lands within its boundaries pursuant to I.C. § 67-6511.
- 5.2 Kuna City Code, Title 1, Chapter 14, Section 3, states that Rezones are designated as public hearings, with the Planning and Zoning Commission as a recommending body and City Council as the decision-making body.
- 5.3 The Rezone, proposed by the Rezone Application in Case No. 20-03-ZC, would comply with the comprehensive plan.

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 I.C. § 50-13 & 67-65.
- 6.2 Kuna City Code, Title 1, Chapter 14, Section 3, states that 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.
- 6.3 Subdivision regulations as defined in Kuna City Code Title 6 are authorized by I.C. §§ 50-13 & 67-65 and Article 12, section 2.

VII

**ORDER OF APPROVAL OF APPLICATION
FOR DESIGN REVIEW**

The Kuna Planning and Zoning 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 and Conclusions of Law hereinabove set forth, DO HEREBY ORDER:

7.1 That the Design Review application (Case No. 20-14-DR) is approved.

**VIII
RECOMMENDATION OF APPROVAL OF APPLICATION FOR
REZONE AND PRELIMINARY PLAT**

The Kuna Planning and Zoning 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 and Conclusions of Law hereinabove set forth, DO HEREBY RECOMMEND TO CITY COUNCIL:

8.1 Approval of the Rezone and Preliminary applications (Case Nos. 20-03-ZC & 20-06-S).

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held on the 10th day of November, 2020.

Lee Young, Chairman

6	Site Photos			X
7	Legal Description for Annexation			X
8	Legal Description for M-1 and M-2 Zones			X
9	James Gatziolis Affidavit of Legal Interest			X
10	Stephen Collias Affidavit of Legal Interest			X
11	Tim Collias Affidavit of Legal Interest			X
12	Property Deeds			X
13	Neighborhood Meeting Certification			X
14	Commitment to Property Posting			X
15	Agency Transmittal Notice			X
16	Kuna Rural Fire District Comments			X
17	City Engineer Comments			X
18	Ada County Highway District Comments			X
19	P&Z Commission Mailer			X
20	P&Z Kuna Melba News Legal Notice			X
21	Proof of Property Posting			X

1.2 Hearings

1.2.1 Planning and Zoning Commission heard this on October 27, 2020. The FCO's have been requested to go to the Planning and Zoning Commission on November 10, 2020.

1.3 Witness Testimony

1.3.1 Those who testified at the Planning and Zoning Commission's October 27, 2020 hearing are as follows, to-wit:

1.3.1.1 City Staff:
Doug Hanson, Planner I

1.3.1.2 Appearing for the Applicant:
Tamara Thompson, The Land Group, Inc

1.3.2 The hearing was then closed for the receipt of evidence and testimony.

II DECISION

WHEREUPON THE PLANNING AND ZONING 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

3.1.1 Notice Required: Notice has been given in accordance with the City Code and Idaho Statutes.

3.1.2 Notice Provided

3.1.2.1 Notice was published for the October 27, 2020 hearing on the annexation for C&G Farms was published in the *Kuna Melba Newspaper*, the official City of Kuna newspaper, which has general circulation within the boundaries of the City and in Ada County and Canyon County.

<i>Newspaper</i>	<i>Date Published</i>
<i>Kuna Melba Newspaper</i>	October 7, 2020

3.1.2.2 Notice for the October 27, 2020 hearing containing the legal description of the property proposed to be developed was mailed on October 7, 2020 to all known and affected property owners within three hundred (300) feet of the boundaries of the area described in the application.

3.1.2.3 Notice for the October 27, 2020 hearing was posted in conspicuous places within City Hall on the Foyer Bulletin Boards and City Website.

3.2 Findings Regarding Annexation

3.2.1 The land for proposed annexation is comprised of six parcels totaling approximately 440.25 acres. The parcels are as follows:

Property Owner	Parcel Size – Approx.	Current Zone	Parcel Number
Collias Family Trust	42.2	RP (Ada County)	S2006220000
Collias Family Trust	156.22	RP (Ada County)	S2101310000
Narragansett Properties, LLC	42.04	RP (Ada County)	S2006231100
Narragansett Properties, LLC	119.25	RP (Ada County)	S2101130000

Holton EquiDebt, LLC	39.67	RP (Ada County)	S2101110050
Stephanos Collias	40.87	RP (Ada County)	S2101120610

3.2.2 None of the landowners of the parcels at issue opposed annexation.

3.2.3 The existing land uses and zoning designations for lands surrounding the subject parcel is as follows:

North	RP	Rural Preservation – Ada County
South	RP P	Rural Preservation – Ada County Public – Kuna City
East	RP	Rural Preservation – Ada County
West	P	Public – Kuna City

3.2.4 The proposed project site contains one residence. On-site vegetation is consistent with that of agricultural fields.

3.2.5 The parcels have an estimated slope average of 1% to 1.4%. According to the USDA Soil Survey for Ada County, bedrock depth for the site is estimated to be 20” to 40”.

3.3 Testimony of the City Planner

3.3.1 Conclusions: The City Planner, in a staff report to the Planning and Zoning Commission dated October 27, 2020 confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

3.3.1.1 On June 12, 2020 Planning and Zoning staff held a pre-application meeting with the applicant, Public Works, and the Kuna Rural Fire District to discuss the project. The applicant held a neighborhood meeting with neighboring land owners within 300 ft of the proposed project area on July 29, 2020, there were 10 attendees. The meeting minutes have been included as a part of this application.

3.3.1.2 Staff has determined that the property is eligible for annexation into Kuna City limits. The property owner is consenting to the annexation and the property is contiguous with Kuna City limits situated to the west of the subject site.

3.3.1.3 The applicant is proposing to annex approximately 440.25 acres into Kuna City Limits, approximately 164.78 acres will be zoned M-1 (Light Manufacturing/Industrial) and 275.47 acres will be zoned M-2 (Heavy Manufacturing/Industrial), in accordance with the Industrial future land use designation on the FLUM.

3.3.1.4 This request is limited to the annexation of the land into Kuna City Limits, with no development associated with the application.

3.3.1.5 Staff has determined the applicant’s annexation request is in compliance with Kuna City Code, Title Five; Idaho Statutes § 50-222 and § 67-65 and the goals and policies set in Kuna’s Comprehensive Plan. Staff recommends if the Commission recommends approval to the City Council, that the applicant be subject to the conditions of approval listed in section “I” of this report, as well as any additional conditions designated by the Planning and Zoning Commission.

3.3.2 Staff Recommendations: As a result of the review, City Planner I, Doug Hanson, recommended that if the Planning and Zoning Commission recommends approval of Case No. 20-03-AN (Annexation), the applicant be subject to the following conditions of approval:

3.3.2.1 The applicant and/or owner 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:

3.3.2.1.1 The City Engineer shall approve the sewer hook-ups.

3.3.2.1.2 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.

3.3.2.1.3 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”.

3.3.2.1.4 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.

3.3.2.1.5 The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.

- 3.3.2.1.6 Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid *prior to issuance* of any building permit(s).
- 3.3.2.1.7 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.
- 3.3.2.2 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.
- 3.3.2.3 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.
- 3.3.2.4 If required, at the time of future development, surface water rights for delivery purposes, as deemed required by the City Engineer, shall be annexed into the Kuna Municipal Irrigation System.
- 3.3.2.5 The landowner/applicant/developer, 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 the public hearing process.
- 3.3.2.6 Developer/owner/applicant shall follow staff, City Engineers and other agency requirements as applicable.
- 3.3.2.7 Developer/owner/applicant shall comply with all local, state and federal laws.

3.4 Other Testimony

- 3.4.1 10/27/2020 Public Hearing – Tamara Thompson, The Land Group Inc, testified about the specifics of the project; discussing the proposed annexations alignment with the Future Land Use Map and Comprehensive Plan.

IV

CONCLUSIONS OF LAW

RE: POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION

- 4.1 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 Chapter 1, Title 50, Idaho Code.

- 4.2 The power of the City of Kuna lies in the Planning and Zoning Commission to hear this matter as provided in Idaho Code §50-222 and Kuna City Code 2-1-5 (B).

V
CONCLUSIONS OF LAW
RE: APPLICATION FOR ANNEXATION

- 5.1 The City of Kuna has authority to annex lands into its boundaries pursuant to I.C. § 50-222.
- 5.2 I.C. § 50-222(1) provides that:

[C]ities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, *to enable the orderly development of private lands* which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocated the costs of public services in management of development on the urban fringe.

(emphasis added).

- 5.3 The proposed annexation is a Category A annexation as described in I.C. § 50-222(3)(a), because all private landowners of the parcels at issue have consented to the proposed annexation.
- 5.4 The annexation, proposed by the Annexation Application in Case No. 20-03-AN, would constitute an orderly development and would not contribute to urban sprawl of the City.

VI
ORDER OF RECCOMENDED APPROVAL OF APPLICATION FOR ANNEXATION

The Kuna Planning and Zoning 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 and Conclusions of Law hereinabove set forth, DO HEREBY ORDER AND THIS DOES ORDER:

- 7.1 Recommended approval of the Annexation application (Case Nos. 20-03-AN).

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held on the 10th day of November 2020.

Lee Young, Chairman
Kuna Planning and Zoning Commission