

**KUNA COMPREHENSIVE PLAN  
UPDATES**

[ADA COUNTY ORDINANCE 378 \(1999\)](#)

AN ORDINANCE AMENDING ADA COUNTY CODE, TITLE 9, CHAPTER 1, ENTITLED KUNA AREA OF CITY IMPACT; PROVIDING FOR THE ADOPTION OF THE KUNA AREA OF CITY IMPACT BOUNDARY, THE KUNA URBAN SERVICE PLANNING AREA BOUNDARY, AND THE KUNA REFERRAL AREA BOUNDARY; PROVIDING FOR SINGLE OWNERSHIP PROPERTIES DIVIDED BY THE KUNA AREA OF CITY IMPACT BOUNDARY TO ALLOW THE SMALLER PORTION OF PROPERTY TO BE INCLUDED IN THE JURISDICTION WHEREIN THE LARGER PORTION OF THE PROPERTY IS LOCATED; PROVIDING FOR CITY OF KUNA ANNEXATION OF PROPERTY OUTSIDE THE KUNA CITY AREA OF IMPACT BUT CONTIGUOUS TO THE BOUNDARY OF THE CITY OF KUNA; PROVIDING FOR THE ADOPTION OF THE JULY 21, 1998, KUNA CITY COMPREHENSIVE PLAN TO APPLY WITHIN KUNA CITY AREA OF CITY IMPACT; PROVIDING FOR THE SUBMITTAL OF ALL SUBDIVISION FINAL PLATS TO THE CITY OF KUNA FOR APPROVAL; PROVIDING FOR THE ADA COUNTY ZONING ORDINANCE TO APPLY WITHIN THE KUNA AREA OF CITY IMPACT; PROVIDING FOR THE ADA COUNTY COMPREHENSIVE PLAN AND ADA COUNTY ZONING ORDINANCE TO APPLY WITHIN THE KUNA REFERRAL AREA; PROVIDING FOR AMENDMENTS TO KUNA CITY'S COMPREHENSIVE PLAN TO BE FORWARDED TO ADA COUNTY FIFTEEN DAYS PRIOR TO THE PUBLIC HEARING ON SUCH AMENDMENTS, AND TO REQUIRE SUCH AMENDMENTS TO BE FORWARDED TO ADA COUNTY WITHIN FIFTEEN DAYS AFTER SAID ADOPTION; PROVIDING FOR AMENDMENTS OF THE ADA COUNTY COMPREHENSIVE PLAN AND/OR ZONING ORDINANCE TO BE FORWARDED TO KUNA CITY AT LEAST FORTY-FIVE DAYS PRIOR TO ANY PUBLIC HEARING ON SUCH AMENDMENTS, AND TO REQUIRE SUCH AMENDMENTS TO THE ADA COUNTY COMPREHENSIVE PLAN AND/OR ADA COUNTY ZONING ORDINANCE TO BE FORWARDED TO KUNA CITY WITHIN FIFTEEN DAYS AFTER SAID ADOPTION; PROVIDING FOR THE PROCESSING OF LAND USE APPLICATIONS WITHIN THE AREA OF CITY IMPACT AND/OR REFERRAL AREA TO REQUIRE A FORTY-FIVE DAY NOTICE PRIOR TO COUNTY PUBLIC HEARING ON SUCH APPLICATION TO BE SENT TO KUNA CITY FOR RECOMMENDATION, TO PROVIDE THAT ADA COUNTY SHALL NOT HOLD A PUBLIC HEARING ON ANY SUCH APPLICATION UNTIL EITHER THE RECOMMENDATION HAS BEEN RECEIVED OR FORTY-FIVE DAYS FROM THE DATE THE NOTICE OF SUCH APPLICATION WAS SENT HAS PASSED, AND TO PROVIDE NOTIFICATION FROM ADA COUNTY TO KUNA CITY ON SUCH LAND USE APPLICATIONS WITHIN FIFTEEN DAYS FOLLOWING DECISION; PROVIDING FOR ANY AMENDMENTS TO THE ADA COUNTY CODE REGARDING THE KUNA AREA OF CITY IMPACT BE PROCESSED USING THE NOTICE AND HEARING REQUIREMENTS OF IDAHO CODE § 67-6509.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, THAT ADA COUNTY CODE, TITLE 9, CHAPTER 1, IS HEREBY AMENDED AS FOLLOWS:

9-1-1: **KUNA AREA OF CITY IMPACT BOUNDARY:**

A. Kuna Area of Impact Boundary Map:

1. The Kuna Area of City Impact is the area designated on the Kuna Area of City Impact Boundary Map, and as further described in the legal description attached thereto, hereby fully incorporated by reference, copies of which are available for inspection at the Ada County Department of Development Services.

2. The Kuna Urban Service Planning Area is the area designated on the Kuna Area of City Impact Boundary Map, and the legal description attached thereto, fully incorporated by reference, copies of which are available for inspection at the Ada County Department of Development Services.

3. The Kuna Referral Area is the area designated on the Kuna Area of City Impact Boundary Map, and the legal description attached thereto, fully incorporated by reference, copies of which are available for inspection at the Ada County Department of Development Services.

24. Amendments to the Map are as follows:

a. Ordinance No. 378, (date).

B. In case a property under single ownership is divided by the boundary line of the Kuna Area of City Impact and any other area of city impact boundary, if such line divides such property so that one or both of the parts has a depth of three hundred feet (300') or less, such part may be included in the jurisdiction within which the remainder and larger portion of the property is located.

EXCEPTION: In the case where a property under a single ownership is divided by the boundary line of the Kuna Area of City Impact only, the smaller portion of such property may, without the three hundred foot (300') limitation stated above, be included in the jurisdiction within which the larger portion of the property is located.

9-1-2: **ANNEXATION, AREA OF IMPACT:**

A. Annexation by the City of Kuna shall be limited to those lands lying within the Kuna Area of City Impact and being contiguous to the boundaries of the City of Kuna, except for those properties outside the Kuna Area of City Impact and being contiguous to the boundary of the City of Kuna where the owner has requested annexation as provided for in Idaho Code, Section 50-222 et seq.

B. Upon annexation, the provisions of this Chapter shall no longer apply to the annexed area.

9-1-3: **APPLICABLE PLANS, POLICIES AND ORDINANCES:**

~~A. The Kuna Comprehensive Plan General Growth & Development Policies, as adopted and amended by the City of Kuna as of December 18, 1979, shall apply within the Kuna Area of City Impact.~~

~~B. Presently zoned lands shall be allowed to develop in accordance with development standards contained in the Ada County Zoning Ordinance.~~

~~C. All subdivision plats, situated within the area of impact, shall be submitted to the City of Kuna for approval, in addition to Ada County approval, as provided in Idaho Code section 50-1306.~~

~~D. The Ada County Zoning Ordinance<sup>+</sup>, shall be used to implement this Chapter.~~

A. Kuna Area of City Impact

1. The Kuna Comprehensive Plan, as adopted and amended by the City of Kuna as of July 21, 1998, shall apply within the Kuna Area of City Impact.

2. The Ada County Zoning Ordinance shall apply within the Kuna Area of City Impact.

3. All subdivision final plats situated within the Kuna Area of City Impact shall be submitted to the City of Kuna for approval.

B. Kuna Referral Area

1. The Ada County Comprehensive Plan and the Ada County Zoning Ordinance shall apply within the Kuna Referral Area.

**9-1-4: AMENDMENT OF PLAN POLICIES AND ORDINANCES; COORDINATION OF PLAN AMENDMENTS, ORDINANCE AMENDMENTS AND ZONING APPLICATIONS:**

~~A. All applications for County and City amendments to their respective Comprehensive Plans and implementing ordinances which apply within the Kuna Area of City Impact shall be sent by the entity considering such amendment to the other entity. A separate Referral Process shall be adopted by resolution by each entity, regarding procedures and time periods for, and the effect of, sending such amendments, and such resolution may be amended from time to time upon mutual agreement in writing by Ada County and the City of Kuna.~~

~~B. All County applications for planned developments, subdivisions, rezones, and conditional use permits within the Kuna Area of City Impact shall be sent to Kuna, in accordance with the Referral Process arrived at pursuant to subsection A above.~~

A. Amendment of City Comprehensive Plan

1. Any proposed amendment to the Kuna City Comprehensive Plan shall be forwarded to the Ada County Development Services Department by Kuna City at least fifteen (15) days prior to any public hearing on any such proposed amendment. The Ada County Development Services Department may determine whether or not such amendment is in conflict with either the Ada County Comprehensive Plan or the Ada County Zoning Ordinance. The Ada County Development Services Department may notify Kuna City in writing prior to or at such public hearing. Such input from Ada County shall not be binding or controlling on Kuna, but shall be treated as documentary evidence.

<sup>+</sup>Ada County Code, Title 8.

2. When the Kuna City Council has adopted an amendment to the Kuna City Comprehensive Plan, Kuna City shall, within fifteen (15) days, forward a copy of the adopted amendment to the Ada County Development Services Department, along with a notice as to when the amendment will take effect in the City. Within thirty (30) days after the receipt of the amendment, the Board of Ada County Commissioners shall either protest the amendment and request renegotiation of the area of city impact ordinance as set out in this Chapter, or shall direct the Ada County Planning and Zoning Commission to schedule the amendment for public hearing as an amendment to this Chapter.

B. Amendment Of County Comprehensive Plan and Zoning Ordinance.

1. Any proposed amendment to the Ada County Comprehensive Plan and/or the Ada County Zoning Ordinance applicable within the Kuna Area of City Impact or the Kuna Referral Area shall be forwarded to Kuna City by the Ada County Development Services Department at least forty-five (45) days prior to any public hearing on any such proposed amendment. Kuna City may determine whether or not such amendment is in conflict with the Kuna City Comprehensive Plan. Kuna City may notify the Ada County Development Services Department of such determination in writing prior to or at such public hearing. Such input from Kuna City shall not be binding or controlling on Ada County, but shall be treated as documentary evidence.

2. When the Board of Ada County Commissioners has adopted an amendment to the Ada County Comprehensive Plan and/or the Ada County Zoning Ordinance, the Ada County Development Services Department shall, within fifteen (15) days, forward a copy of the adopted amendment to Kuna City, along with a notice as to when the amendment will take effect in the County. Within forty-five (45) days after the receipt of the amendment, the City shall either protest the amendment and request renegotiation of the area of city impact ordinance as set out in this Chapter, or shall direct the Kuna City Planning and Zoning Commission to schedule the amendment for public hearing as an amendment to this Chapter.

C. Processing of Land Use Applications.

1. At least forty-five (45) days prior to any Ada County public hearing on any land use application for property within the Kuna Area of City Impact or the Kuna Referral Area, the Ada County Development Services Department shall notify Kuna City of the land use application to be considered by the Ada County Planning and Zoning Commission or the Board of Ada County Commissioners. Kuna City may provide, prior to or at the hearing, a written recommendation to the Ada County Development Services Department Director on such application, citing the Kuna City Comprehensive Plan policies, goals, objectives or provisions applicable to such recommendation. Any recommendation from Kuna shall not be binding or controlling on the County, but shall be treated as documentary evidence in the hearing record, and be given due consideration.

2. The Board of Ada County Commissioners or the Ada County Planning and Zoning Commission shall not hold a public hearing on such application until either the recommendation of Kuna City has been received, or forty-five (45) days from the date notice of such application was sent to Kuna City has passed.

3. The Ada County Department of Development Services shall notify Kuna City in writing of the final action on land use applications located within the Kuna City Area of City Impact or the Kuna Referral Area within fifteen (15) days following a decision by either the County Planning and Zoning Commission or Board of Ada County Commissioners, as the case may be.

9-1-5: **RENEGOTIATION OF PLAN POLICIES AND ORDINANCE**  
**APPLICATION PROVISIONS:**

- A. In accordance with Idaho Code section 67-6526(d), the City of Kuna or the Board of Ada County Commissioners may request, in writing, the renegotiation of any provision of this Chapter at any time. Within thirty (30) days of receipt of such written request by either party, a meeting between the two (2) jurisdictions shall occur.
- B. While renegotiation is occurring, all provisions of this Chapter shall remain in effect until this Chapter is amended or a substitute ordinance is adopted by Kuna and Ada County, in accordance with the notice and hearing procedures provided in title 67, chapter 65 of Idaho Code, or until a declaratory judgment from the District Court is final. Provided, however, that this Chapter or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution.
- C. Amendments to this Chapter shall be processed using the notice and hearing requirements of Idaho Code 67-6509.

APPROVED AND ADOPTED THIS 3 TH DAY OF aug., 1999.

**Board of Ada County Commissioners**

By: [Signature]  
Roger D. Simmons, Chairman (Acting)

By: [Signature]  
Frank Walker, Commissioner

By: [Signature]  
G. P. Kingsford, Commissioner

ATTEST:

[Signature]  
J. David Navarro, Ada County Clerk

PUBLICATION DATE 8/19/99

### KUNA URBAN SERVICE PLANNING AREA

Beginning at the northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 22, T. 2 N., R. 1 W., B.M., Ada County, Idaho, being the center of Deer Flat Road, one-fourth mile west of Ten Mile Road;

Thence Easterly approximately 9,900 feet along the north boundary of Sections 22, 23, and 24 to the northeast corner of the W $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$  Section 24;

Thence Southerly along the east boundary of said W $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$  Section 24 to the south right-of-way of Idaho State Highway No. 69;

Thence S. 0° 56' 05" E. 633.42 feet;

Thence S. 34° 44' 21" E. 443.49 feet;

Thence S. 89° 21' 57" E. 394.53 feet;

Thence S. 0° 53' 12" E. 775.48 feet to a point on the north bank of Indian Creek;

Thence Westerly along the north bank of Indian Creek to its intersection with the eastern boundary of the W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 25;

Thence Southerly approximately 2,200 feet to the southeast corner of the W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 25;

Thence Westerly approximately 9,900 feet to the southwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 27;

Thence Northerly to the northern right-of-way of the Union Pacific Railroad;

Thence Westerly along the northern right-of-way of said railroad to a point on the southern boundary of the NE $\frac{1}{4}$  Section 22;

Thence Westerly to the center of Section 22;

Thence Northerly approximately 660 feet to the southwest corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 22;

Thence Easterly approximately 1320 feet to the southeast corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 22;

Thence Northerly along the east boundary of the W $\frac{1}{2}$ NE $\frac{1}{4}$  Section 22 to the REAL POINT OF BEGINNING.

This description is not based on an actual field survey.

### KUNA AREA OF CITY IMPACT

Beginning at the center of Section 15, T. 2 N., R. 1 W., B.M., Ada County, Idaho and being the REAL POINT OF BEGINNING.

Thence Easterly along the center of section line for Sections 15, 14, and 13, T. 2 N., R. 1 W., and Section 18, T. 2 N., R. 1 E. to the northeast corner of the W $\frac{1}{2}$ SW $\frac{1}{4}$  Section 18 which is one-quarter mile east of the Kuna-Meridian Road;

Thence Southerly one-quarter mile east of and parallel with the section lines of Sections 18, 19, and 30 to the southeast corner of the W $\frac{1}{2}$ SW $\frac{1}{4}$  Section 30;

Thence Westerly along the section lines of Section 30, T.2 N., R.1 E., and Section 25, T.2 N. R. 1 W. to the Swan Falls Road and being the southwest

corner of Section 25;

Thence Southerly along Swan Falls Road, the east boundary of Section 35 to the center of the Kuna-Mora Canal;

Thence Westerly along the center of the Kuna-Mora Canal through Sections 35, 26, and 27 to the intersection of the south boundary of the SE $\frac{1}{4}$  Section 27 (King Road);

Thence Westerly along the south boundary of the SE $\frac{1}{4}$  Section 27 to the southwest corner of the SE $\frac{1}{4}$  Section 27;

Thence Northerly along the center of section line for Sections 27, 22, and 15 to the REAL POINT OF BEGINNING.

This description is not based on an actual field survey.

#### **KUNA REFERRAL AREA**

Beginning at the northwest corner of the SW $\frac{1}{4}$  of Section 10, T. 2 N., R. 1 W., B.M., Ada County, Idaho and being the REAL POINT OF BEGINNING.

Thence Easterly approximately 21,120 feet along the center of section line for Sections 10, 11, and 12, T. 2 N., R. 1 W. and Section 7 of T. 2 N., R. 1 E. to the northeast corner of the SE $\frac{1}{4}$  of Section 7, T. 2N., R. 1 E.;

Thence Southerly approximately 29,040 feet along the east boundary of Sections 7, 18, 19, 30, and 31 of T. 2N., R 1E., and Section 6 of T. 1 N., R. 1 E. to the southeast corner of Section 6, T. 1 N., R. 1 E.;

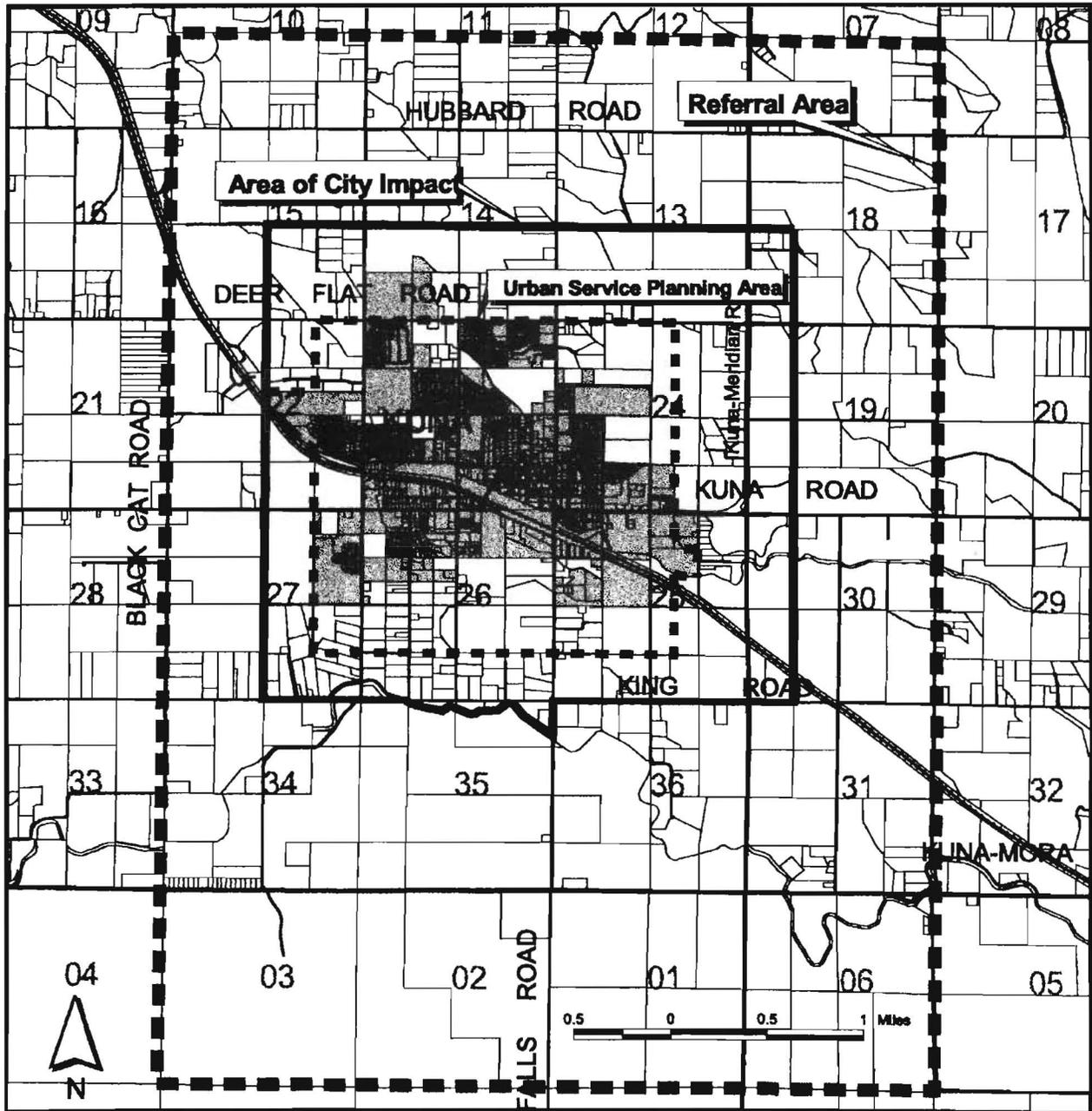
Thence Westerly approximately 21,120 feet along the south boundary of Section 6, T. 1 N., R. 1 E. and Sections 1, 2, and 3 of T. 1 N., R. 1 W.; to the southwest corner of Section 3, T. 1 N., R. 1 W.;

Thence Northerly approximately 29,040 feet along the west boundary of Section 3, T. 1 N., R. 1 W. and Sections 34, 27, 22, 15, and 10, T. 2 N., R. 1 W. to the REAL POINT OF BEGINNING.

This description is not based on an actual field survey.

# Kuna Area of City Impact

Ada County Ordinance No. 378



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Ada County Development Services  
620 Main Street / Boise, Idaho 83702  
208-364-2277



378

LEGAL NOTICE

SUMMARY OF ADA COUNTY ORDINANCE NO. 378

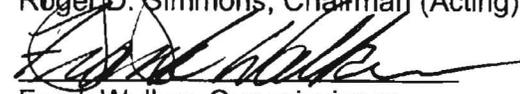
ON THE 3<sup>rd</sup> DAY OF August, 1999, THE BOARD OF ADA COUNTY COMMISSIONERS ADOPTED ORDINANCE NO. 378, AN ORDINANCE AMENDING THE ADA COUNTY CODE, TITLE 9, CHAPTER 1, KUNA AREA OF CITY IMPACT, TO PROVIDE FOR REFERRAL AREAS, TO PROVIDE FOR PROPERTIES DIVIDED BY THE AREA OF CITY IMPACT BOUNDARY; TO PROVIDE PROCEDURES TO COORDINATE PLAN AMENDMENTS, ORDINANCE AMENDMENTS AND ZONING APPLICATIONS.

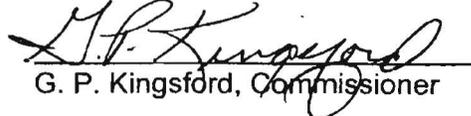
ORDINANCE NO. 378 SHALL BE EFFECTIVE UPON PUBLICATION. A FULL TEXT OF THE ORDINANCE IS AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE ADA COUNTY CLERK, 650 MAIN STREET, BOISE, IDAHO.

APPROVED THIS 3<sup>rd</sup> DAY OF August, 1999.

Board of Ada County Commissioners

By:   
Roger D. Simmons, Chairman (Acting)

By:   
Frank Walker, Commissioner

By:   
G. P. Kingsford, Commissioner

ATTEST:

  
J. David Navarro, Ada County Clerk



# The Idaho Statesman

P.O. Box 40, Boise, Idaho 83707-0040  
**LEGAL ADVERTISING INVOICE**

Account #	DTI#	Identification	Amount:
115227	100675	SUMMARY ORDINANCE 378	\$41.88
Ordered by:		P.O. #	Rate
SHARI STRONG			NT
		Run Dates	
		August 19, 1999	
ADA COUNTY AUDITOR - ORDINANCES			Number of Lines
650 MAIN STREET			54
BOISE, IDAHO 83702			Affidavit
			1
			Legal #
			4812

**LEGAL NOTICE  
SUMMARY OF  
ADA COUNTY ORDINANCE  
NO. 378**

ON THE 3RD DAY OF AUGUST, 1999, THE BOARD OF ADA COUNTY COMMISSIONERS ADOPTED ORDINANCE NO. 378, AN ORDINANCE AMENDING THE ADA COUNTY CODE, TITLE 9, CHAPTER 1, KUNA AREA OF CITY IMPACT, TO PROVIDE FOR REFERRAL AREAS, TO PROVIDE FOR PROPERTIES DIVIDED BY THE AREA OF CITY IMPACT BOUNDARY; TO PROVIDE PROCEDURES TO COORDINATE PLAN AMENDMENTS, ORDINANCE AMENDMENTS AND ZONING APPLICATIONS.

ORDINANCE NO. 378 SHALL BE EFFECTIVE UPON PUBLICATION. A FULL TEXT OF THE ORDINANCE IS AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE ADA COUNTY CLERK, 650 MAIN STREET, BOISE, IDAHO.

APPROVED THIS 3RD DAY OF AUGUST, 1999.

Board of Ada County Commissioners  
By: Roger D. Simmons, Chairman (Acting)

By: Frank Walker, Commissioner  
By: G.P. Kingsford, Commissioner  
ATTEST: J. David Navarro, Ada County Clerk

**STATEMENT OF APPROVAL**  
I, J. David Navarro, Ada County Clerk, do hereby declare that the attached summary of the Ada County Ordinance No. 378 is true and complete and provides adequate notice to the public pursuant to Idaho Code § 31-715A.

J. David Navarro, Ada County Clerk

STATE OF IDAHO )  
)ss.  
County of Ada  
SUBSCRIBED AND SWORN to before me this 3rd day of August, 1999.  
Shari Strong  
Notary Public for Idaho  
Commission Expires: 2-4-00

Pub. Aug. 19, 1999

4812

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for:

ONE

consecutive weekly       single  
 consecutive daily       odd skip  
insertion(s)

beginning with the issue of: AUGUST 19, 1999  
and ending with the issue of: AUGUST 19, 1999

*Janice Hildreth*

STATE OF IDAHO )  
)ss  
COUNTY OF ADA )

On this 19 day of AUGUST in the year of 1999 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

*Angela M. Newland*



Notary Public for Idaho  
Residing at Boise, Idaho  
My Commission expires:

2/12/05