



PLANNING & ZONING COMMISSION AGENDA

**Tuesday, July 14, 2020
6:00 PM**

*Under authority of the Governor's partial Open Meeting Law Suspension Proclamation dated March 13, 2020, and 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 the Planning & Zoning Commissioner's and staff, will be allowed in Council Chambers. All other persons may access the meeting via Live Streaming.

*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/>*

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.

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 the Planning & Zoning Commissioners, 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 Chairman. 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 AND ROLL CALL

COMMISSIONERS:

Chairman Lee Young

Vice Chairman Dana Hennis

Commissioner Cathy Gealy

Commissioner Stephen Damron

Commissioner John Laraway

2. CONSENT AGENDA: *All Listed Consent Agenda Items are Action Items*

A. Planning and Zoning Commission Meeting Minutes

1. June 23, 2020

B. Findings of Fact & Conclusions of Law

1. Case No. 19-08-ZC (Rezone), 19-10-S (Preliminary Plat), 19-06-SUP (Special Use Permit) & 20-03-DR (Design Review) Monarch Landing Subdivision
2. Case No. 20-01-SUP (Special Use Permit) 3040 W. Pear Apple Street In-Home Daycare
3. Case No. 20-09-DR (Design Review) Francis Dental Office

3. PUBLIC HEARING:

A. Case No. 19-14-AN (Annexation), 19-11-S (Preliminary Plat) & 19-32-DR (Design Review) Patagonia East, Ridge & Lakes Subdivisions - **ACTION ITEM**

Westpark Companies, requests annexation of approximately 163.60 acres into Kuna and to apply the following zones; R-4, R-6 and R-8. Applicant also requests preliminary plat approval in order to subdivide the approx. 163.60 acres into 574 total lots including a school site. The

proposed gross density is 3.28 DUA, and the proposed net density is approximately 4.26 DUA with 12.4% (20.29 ac.) of common space. The project site is in Sections 7, 8, & 17 all T2N, R1E, on the northwest, northeast and southeast corner of Locust Grove and Hubbard Roads, Kuna, Id. 83634.

Kuna Planning and Zoning staff requests this item be tabled to a date certain due to non-receipt of final agency comments.

B. Case No. 20-01-CPF (Combined Preliminary & Final Plat) Ensign Subdivision No. 2 – ACTION ITEM

Emmett Partners, LLC requests Preliminary Plat & Final Plat Combination Plat (Short Plat) request to Re-subdivide one lot within Ensign Subdivision No. 1. Applicant requests approval to subdivide Lot 1, Block 1 of Ensign Subdivision No. 1, into two pieces in this *Commercial* Subdivision within Kuna, City, ID 83634, Section 24, Township 2 North, Range 1 West; (APN: R2404320010).

C. Case No. 20-01-S (Preliminary Plat) Fossil Creek Subdivision – ACTION ITEM

The applicant, Gem State Planning, LLC requests preliminary plat approval to subdivide approx. 66.75 acres into 283 total lots. The proposed gross density is 4.07 DUA (Dwelling Units/Ac.) with 12.6% usable open space for a total 8.4 acres (ac.) of open space. This is a revision to a previously approved pre plat site plan. The site is near the Southwest Corner (SWC) of Deer Flat and Ten Mile Road. Kuna, ID 83634; within Section 22 T2N, R1W, B.M., APN No's: S1322212401, S1322120900, S1322121200 and S1322121300.

4. BUSINESS ITEMS:

5. ADJOURNMENT:



**PLANNING & ZONING COMMISSION
MINUTES**

**Tuesday, June 23, 2020
6:00 PM**

*Under authority of the Governor's partial Open Meeting Law Suspension Proclamation dated March 13, 2020, and due to social distancing protocol, the **Council Chambers Audience Occupancy Capacity was 15. Social Distancing was required.***

Public testimony was received on the cases listed under Public Hearings within this Agenda via email, letter or virtual attendance.

1. CALL TO ORDER AND ROLL CALL: 6:13 PM

COMMISSIONERS:

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

CITY STAFF PRESENT:

Wendy Howell, Planning and Zoning Director
Troy Behunin, Senior Planner
Doug Hanson, Planner I
Jace Hellman, Planner II
Jessica Reid, Planning & Zoning Staff

2. CONSENT AGENDA: *All Listed Consent Agenda Items are Action Items*

A. Planning and Zoning Commission Meeting Minutes

1. June 9, 2020

B. Findings of Fact and Conclusions of Law

1. Case No 19-09-S (Preliminary Plat) & 19-33-DR (Design Review) Corbin's Cove Subdivision
2. Case No. 20-02-SUP (Special Use Permit) Brauneisen In Home Daycare
3. Case No. 20-06-DR (Design Review) & 20-04-SN (Sign) Malaspina Ranch Monument Sign
4. Case No. 20-01-OA (Ordinance Amendment) Sign Ordinance

Commissioner Cathy Gealy moved to approve the Consent Agenda. Seconded by Commissioner Dana Hennis. Approved by the following roll call vote:

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

Voting No: None

Absent: 1

Motion carried: 4-0-1

3. BUSINESS ITEMS:

A. Case No. 20-09-DR (Design Review) Francis Dental Office – **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 applicant Jessica Petty requests Design Review approval for an approximately 2, 940 square-foot dental office located within Redhawk Square on the southwest corner of Deer Flat Road and School

Avenue, Kuna, Idaho, 83634. Staff has determined that this application complies with Title 5 of Kuna City Code and Idaho Code. With that, I will stand for any questions you may have; thank you. **C/Gealy:** I have no questions. **C/Young:** Any questions for staff? **C/Hennis:** No. **C/Young:** Ok, we will have the applicant please come forward; is the applicant here? **DH:** She is attending on Zoom. **C/Young:** Ok, please state your name and address for the record. **Jessica Petty:** Hi, my name is Jessica Petty, my address is 2882 S. Honeycomb Way. I was the architect on this project; it's a 3,000 square-foot dental office for Dr. Francis and his existing practice. It's a single level building made of stone and stucco; we sloped the roofs at two different angles to give it a more modern feel and around the entryway, we wrapped it in stone and we have a flat metal awning above the door for protection as well as bring down the scale and identify the entrance. It's on the corner of the development and will be surrounded by landscaping and parking that the developer has already laid out for us, we just fit the building to the pad. There is a trash enclosure that is provided by the developer, it will be screened in across the way. We have tried to make all four sides of the building aesthetically pleasing since you will see it from all points of view being on a corner lot. **C/Young:** Are there any questions for the applicant at this time? **C/Hennis:** No, I don't. **C/Young:** Ok, that brings up our discussion then. I will start with the landscape; it seems appropriate for the pad and site. There is not much space on the pad but the landscape buffers are there. For me, as far as the building itself, I think it works well with adjacent neighborhoods. The different angles on the roof offer the variations that we like. **D/Hennis:** Yes, I think it's laid out well and everything has come together; I think the architecture is nice. I don't have any qualms with it at all. **C/Gealy:** I have nothing further. **C/Young:** I will stand for a motion if there are no other comments or questions.

Commissioner Cathy Gealy moved to approve Case No. 20-09-DR (Design Review) for Francis Dental Office. Seconded by Commissioner Dana Hennis. Motion carried 4-0-1.

4. PUBLIC HEARING:

A. Case No. 19-13-AN (Annexation) Black Rock Marketplace – ACTION ITEM

C/Young: (Question directed towards staff as they were resolving some technical difficulties) Are we good to go on the second case? **Jessica Reid:** As staff has requested for it to be tabled, we can move on. **C/Young:** Ok, I just wanted to be sure that everyone had their packets. Staff has requested that this item be tabled to a date certain due to posting error; is there a date that staff has in mind for this? **Troy Behunin:** For the record, Troy Behunin, Senior Planner, 751 W 4th Street, Kuna, Idaho. Staff will follow the lead the Commission decides to go in and would remind the Commission that in July we have three public hearings for subdivisions on the first meeting of July, then we have three public hearings and other items for the second meeting in July. Those are just the public hearings; we have other design reviews and other items that will need to be discussed; the size of the public hearings in July are substantial. With that being said, staff will entertain July 14, 2020 or July 28, 2020 for a date for this case, however, staff recommends that you look at August. **C/Young:** August 11th? **TB:** August 11th is more open.

Commissioner Dana Hennis moved to table 19-13-AN (Annexation) for Black Rock Marketplace to August 11, 2020. Seconded by Commissioner John Laraway. Motion carried 4-0-1.

B. Case No. 19-08-ZC (Rezone), 19-10-S (Preliminary Plat), 19-06-SUP (Special Use Permit) & 20-03-DR (Design Review) – Monarch Landing Sub - **ACTION ITEM**

Troy Behunin: Good evening Commissioners, for the record, Troy Behunin, Senior Planner, 751 W 4th Street, Kuna, Idaho. The case numbers as you have read, 19-08-ZC for Rezone, 19-10-S for Preliminary Plat, 19-06-SUP for Special Use Permit and 20-03-DR for Design Review for the subdivision. This project is known as the Monarch Landing Subdivision and this project does involve one lot of the Tukila Meadows Subdivision; the site is known legally as Lot 1 Block 1 of the Tukila Meadows Subdivision. This application requests approval of the following applications; a Rezone, a Preliminary Plat, a Special Use Permit, and a Design Review. The applicant requests a Rezone for approximately 17.3 acres on the southwest corner of Hubbard Road and Linder Road here in Kuna, and the Rezone request involves this 17.3 acres which is currently zones Agriculture, to a C-3 Service Commercial Zone. The applicant wishes to place a number of commercial uses on these lands and a Special Use Permit is required for the placement of a self-storage unit; this leaves 12 acres and change for other commercial businesses. The applicant is also proposing a Preliminary Plat with 15 total lots; 10 lots will be buildable and the 5 lots for common spaces. The applicant is requesting a SUP so that he can put the self-storage facility and the Design Review is just for the common lots. Kuna's Comprehensive Plan, or the Comp Plan, encourages a variety of commercial uses throughout the city of Kuna; the city attempts to balance all of the commercial types within the city for the daily needs of its citizens and visitors. The applicant does propose to move the agriculture zone to the C-3 zone for the entire property and currently this site is designated as a commercial use on the Future Land Use Map, also known as the FLU Map, for the city of Kuna. This proposal is in concert with the FLU Map and all of the goals of the city in the Comprehensive Plan. The proposed Preliminary Plat appears to follow Kuna City Code, or the KCC. There are several items that staff would like to highlight about the access for the site; Ada County Highway District (ACHD) has made several recommendations for this site. ACHD does recommend to the Commission that there is a Right-In-Right-Out (RIRO) for the access on Linder Road, this means that patrons that are exiting the site from Linder Road would have to turn right and would not be allowed to turn left. They're reporting that both of the Linder Road accesses be at least temporary full accesses, the one on the east side of the site closer to the Linder Road and Hubbard Road intersection would be a temporary full access until traffic warrants or until they put in the round-about; then it would be reduced to a RIRO. Staff does support a full access for the proposed western Hubbard Road as long as that western access lines up with the access across Hubbard Road to the north, which is about 675 feet west of the intersection. With Commissions approval, staff would support a RIRO for the most eastern Hubbard Road access and also a RIRO for the Linder Road access. Staff would like to highlight that curb; gutter and an 8-foot sidewalk is required for all classified roads in the city of Kuna and that barrow ditches are not allowed; Hubbard Road and Linder Road are both mile roads and classified as major arterials. There is an ACHD policy against vertical curb on either of those roadways; as ACHD specifically does not allow for a vertical curb, staff would recommend that the applicant be conditioned to obtain the license agreement to provide sod and a watering source in the barrow ditch as allowed. The applicant should also provide for draining of water because those barrow ditches are made to collect water from the road surface. It is the goal of the city to have completed projects along the roadway, especially along arterial roads; dirt and gravel are not considered complete roadway sections. Staff has prepared the applicant that prior to submittal, to expect to be required to fully improve the frontage for the Hubbard Road section to the existing sidewalk section to the west as it is an arterial road. If this subdivision application is approved, Monarch Landing will create a small remnant property because the homestead that is on there will

create a 1.7-acre piece that will not be included inside the subdivision; that property will likely not be developed for a really long time. Due that, there would be a gap in roadway improvements and also in the sidewalk, the commercial businesses on the corner would then attract pedestrians; there would be about a 325 foot of sidewalk. Staff recommends that it be completed on the entire frontage of the property. The C-3 zone and the residential uses are competing uses so it does not matter if it is R-4, R-2, R-6, R-12 or R-20, it doesn't matter, any commercial zone that is adjacent to a residential zone is a competing zone; this requires a landscape strip between them. The Design Review application for this did not include a landscape strip between the western side of the property and where staff believes the storage units will be placed. What staff is requesting is that there be a minimum 15-foot-wide, landscaped, organic buffer between the homes on the west side of the property and where the proposed storage units are going; this does not include a roadway. The property to the south is also designated as commercial, so it would not need a landscape buffer as it is considered a complimentary zone. Staff (unintelligible) that could be handled at a future date and that staff does recommend that the buffer between the two competing uses on the west side which will be handled in the Design Review for the storage units. Other than these things, staff notes that the landscape plan seems to be within substantial conformance; there are a few things that staff did recommend in the Staff Report and those are listed in the Conditions of Approval. With that, I will stand for any questions. **C/Young:** Are there any questions for Troy at this time? **C/Laraway:** I have a question. You mentioned earlier that the adjacent property would not be developed for a long time; are you talking six months, within five years? **TB:** Are we talking about the project for tonight or the small remnant piece? **C/Laraway:** The project tonight. **Troy:** The applicant intends to develop this site as quickly as he can, at least with the storage units, which would be off of Linder Road several hundred feet; he will be moving on with that as fast as he can. **C/Laraway:** I also read in the report, the maps don't show it, but the ingress/egress of off Linder to the east will be that entrance for this south. **TB:** ACHD would require and the city would require, that it would line up with anything that is across the street. Staff would recommend that they follow ACHD's policy for lining up with adjacent driveways and things like that. **C/Laraway:** I don't think there's anything across the street besides Chapparossa Subdivision. **TB:** Chapparossa is there, I don't know if there is anything else there but I know ACHD supported a RIRO there. I don't recall from the report how far south it has to be but I do know that they do have a standard and it does have to reach that standard; again, ACHD would have that requirement for you. **C/Laraway:** Second question, you were talking about Hubbard Road to the North and that the two entrances have to line up. One of them looks like it lines up with a driveway across the street, does the other one line up with the cell tower road? **TB:** It has to line up with the access points that exist there now, I don't know what the use is but when you look at their map you can see that there are two existing access points on the north side. That is where ACHD and staff are talking about, typically development follows existing driveways; the reason why is because we don't know what is going to happen on the north side forever and we don't want the storage units and this project to be misaligned by 30 or 40 feet, that would just create traffic conflict. We don't want that conflict and ACHD doesn't want that conflict with things that are existing there now. **C/Laraway:** Ok, thank you. **C/Young:** Are there any other questions? **C/Gealy:** I do have a question; what you're talking about is having access that lines up with access across Hubbard or Across Linder. **TB:** Correct. **C/Gealy:** There are two comments in the ACHD report that I don't recall seeing before, where they say, "Special note to City of Kuna: Staff recommends the city require cross access between all lots within the development and the existing home site.", the second one is similar; "The city require cross access between this site and the property directly south of the site." **TB:** That is correct, that is actually a Kuna

City Code as well to provide stub streets. **C/Gealy:** Alright, but that's not something that we would need to include in the conditions of approval? **TB:** You certainly could mention that, staff would be happy to add that to the conditions but that is also a current city code that this project would be subject to. **C/Gealy:** Thank you. **C/Laraway:** Do we have any idea from ACHD about the roundabout? **TB:** They didn't mention it in their report and I don't recall having a date set. **C/Hennis:** If I remember right, it's on their five-year plan or something like that. **C/Laraway:** Ok, thank you. **C/Gealy:** I have a question; with respect to the existing home, which in places it says the existing home is not a part of this, but at the same time the existing home sits on there and is being rezoned. Right? It has to be commercial? **TB:** Correct. **C/Gealy:** I guess it's not clear to me that we can actually condition the curb, gutter and sidewalk, but because it is part of the rezone, that can be included in the curb, gutter, sidewalk condition. Is that correct? **TB:** That would be correct. Not only that, the impact is felt for the entire property even though it is not a part; the not a part refers to the fact it is not a part of the subdivision, the subdivision is excluding that. The subdivision for this development actually creates this small remnant piece and staff believes that we would have the ability to condition that because it is part of the overall impact, rezone and overall project. **C/Gealy:** Thank you. **C/Laraway:** On the plat, according to this, there is a bump out; is that a road widening area? Are they intending on doing a widening? **TB:** Perhaps that's a question for the applicant, I have not had any discussions with the land owner. **D/Hennis:** It looks like it's part of the existing driveway, for them to turn in. (*Commission members review map to point it out to others*). **C/Young:** We will ask the applicant; anything else for Troy? **C/Gealy:** Not at this time. **C/Young:** Ok, will the applicant please come forward, state your name and address for the record. **William Mason:** I am William Mason with Mason and Associates, our address is 924 3rd Street South, Suite B in Nampa. Staff has done a good job of explaining what we're trying to do here, this is a portion of ground that complies with your Future Land Use Map with it being designated for potential commercial project and that's what our client made the application for. The main purpose for asking for this at this point in time is to do a Special Use Permit for a self-storage unit to the west side of the property; the remainder of the lots that are in this plat are going to be commercial lots that are developable for possibly a gas station, a strip mall or a smaller office. I know there were some questions and I will try to remember what they were but if I don't answer, please ask again. In ACHD's April 2, 2020 report, I'm not sure if you have that in front of you, they do talk about the driveway accesses. Along Hubbard they asked us to match the rights-of-ways on the north side of the road; there was some discussion I had with someone the fact that one of those accesses was never actually going to develop *unintelligible*. If we could have a little leeway with ACHD to make sure that we put those where we actually benefit the public; they may not know that was actually a cell tower access. The report I was actually referencing, they asked us to move the access that's on Linder all the way to our southeast corner; that will give them the ability, at least currently, allow a temporary full access to the property and then as they develop the roundabout or as traffic increases, they will move that back to a right-in-right-out. The issue is the same with the east most access on Hubbard, they currently are ok with a temporary full access with the knowledge in the future that will become a right-in-right-out. The ACHD plan that, when I talked to them, that roundabout is not on their five-year plan, it's close; it could move up depending on traffic but it isn't currently available for any timeframe. *Unintelligible*. I'm sure I missed questions; I think you had a question that I don't remember the answer to Commissioner. **C/Gealy:** One was regarding cross access and one was regarding putting sidewalk in front of the residence. **WM:** Cross access means the access I was referring to on Linder on the very southeast corner, they would like that to be shared access with the property to the south, that would allow them to come off of Linder and then be right up

against our property so they could access with easement rights to get to their property; cross access is going to happen between our lots because we don't have any free access to the nine lots. **C/Gealy:** Is there currently a driveway for the residence? **WM:** There is currently a driveway for the residence. **C/Gealy:** And your plan is to close that one? **WM:** Our plan is to leave that one the way it is; I know that Troy wants improvements like sidewalk in front of it but our plan is not to close that access, we will take access for our subdivision off of the two Hubbard accesses permitted by ACHD. **C/Gealy:** The access for the single remaining residence will be the existing driveway. **WM:** Correct, because of the orientation of the house and how they would have to run parallel to Hubbard' I'm not exactly sure that they could meet all of their requirements to get into their garage if we start changing that access to go east-west instead of north-south. **C/Laraway:** There is a question I had about the what looks like a turnout in front of the residence; are they widening the road? **WM:** Unfortunately, I do not have the full-size drawing in front of me (*TB brings the full-size drawing to the applicant*). **WM:** If you're talking about the area that jogs out towards the house and then comes back again, that's their existing driveway; that's actually the topographic survey. **C/Laraway:** So that does not indicate road widening? **WM:** No. **C/Laraway:** Thank you. One more question, you talked about your ingress/egress on Linder and Hubbard; you talked about right-in-right-out. How long are you talking about before making a RIRO? **WM:** ACHD will determine that, if they say tomorrow that needs to be a RIRO, then we won't have full access. **C/Hennis:** That's what the traffic pattern dictates per ACHD requirements, that is when we go to RIRO? **WM:** That's correct, and because we are not actually concentrating on that side of the project first, it's possible that by the time we get to the Design Review and the road improvements in that location ACHD we will go to a RIRO instead of full access. **C/Young:** On the site plan there is nothing that indicates a fence, is it the intent that anything on the west boundary of the property and around the existing residence or residences on the south boundary, will have fencing? Will that have screen separation between commercial and residential uses? **WM:** City code mandates that, along the south side by the storage will be a CMU (concrete masonry unit/wall) and it will be offset from the west boundary so that we can have that organic landscaping; the CMU wall will be the backside of the storage and in front of the residence against Hubbard. Along the southside of the remainder of the parcel because it's commercial to commercial, I'm not sure that we would do a CMU wall there because there could be potential for cross access and future commercial development could blend in with ours. **C/Young:** On the south boundary somewhere closer to the east side of the property, are there residential parcels there? **WM:** No. **C/Young:** So, it's commercial on the entire south boundary? **WM:** Correct, as I understand. **C/Young:** Are there any other questions for the applicant at this time? No? Ok, then at this time, 6:49 PM, I will open up the public testimony; just a reminder that if you signed up to testify you get a three-minute timeframe to tell us what you want to tell us. From there we will move to the next person and after that, the applicant will have a chance to come back up and address the points made. With that being said, on the sign in sheet, I don't see anyone signed in; is there anyone here physically that has not signed in that would like to comment on this application? Seeing none, I do have two people listed that are online here on Zoom that wanted to testify. **Jessica Reid:** Michael and Doris Bailey have not attended via Zoom; Troy will read their submittal into the record but, we do have Zachery Wesley who is joining us. **C/Young:** Ok then, Mr. Wesley, please state your name and address for the record and say what you would like to say. **Zachery Wesley:** Thank you Commissioners, I hope you can hear me, it is difficult on Zoom to hear everybody and pick everybody up in the room; I know there are things that I've missed in listening today. My name is Zachery Wesley, I live at 2767 N Kelsan Avenue which is within 300-feet of the property, I am in the Arbor Ridge Subdivision so I would look

directly into this property they are asking to develop. My big concern from what I've heard today and what I have read in the materials provided, what was spoken to most and brought to my attention by what a planner said, he said it was residential and commercial uses are competing in this area and they will always be competing. I do think that there is a compatibility issue with what they are requesting and the residential use in the area. I think everyone is familiar with this area, Chapparossa, Arbor Ridge; it's surrounded by residential; I think this parcel is on the Future Land Use Map as commercial, it's appropriate to be commercial but I think the question is, is it appropriately mitigated with the residential uses? I don't think what they have prepared and presented today has taken the residential uses into consideration enough. Particularly, I would like to talk about the mini-storage which is going to basically be in residential backyards; it's going to be behind a residential home now, it's going to be behind residential backyards in the Arbor Ridge Subdivision. The package and the materials we've seen hasn't really addressed that; there's no conditions for the hours of operation which I think would be appropriate. Some of these mini-storage units are 24-hour, seven days a week; that's inappropriate to have in somebody's backyard. There is lighting issues with these mini-storage places, they have to be well lit because people are in and out a lot without a lot of supervision so, those lights are going to interfere with our residential uses. We are also concerned about what is going to be stored there, what is the traffic going to be like, what kind of noise are we going to have from this mini-storage unit that's right against these residential properties. I think in particular because this is such a large lot, it's 17 acres, there is room on this parcel to mitigate the residential uses. The mini-storage does not have to be right up adjacent to the residential uses, there could be a considerable buffer there; and I would also note that I think the neighboring property owners, which is also to the south that have a property that could be commercial, they indicated in their letter that they intended to develop as residential. I do think there needs to be a buffer, a significant one, all the way around this parcel and I do think that we need to have these things now for us to comment on before this is approved; it needs to be conditions of their approval. They mentioned getting this stuff done in Design Review, I think we would like to see it up front; those people with backyards, me, that has to look into this property, we would like to see some assurances or some planning in advance to know what this is going to look like; I think that would ease my concerns. Thank you. **C/Young:** Alright, then Troy, will you like to go ahead and read that public testimony into the record for the Bailey's? **TB:** Yes. For the record, this is Troy Behunin, I will be reading into the record a submitted email from Michael and Doris Bailey, 2766 N Kelsan Avenue, Kuna, Idaho; this is concerning the Monarch Landing Subdivision: We understand the Phase 1 proposal is to build a self-storage facility. Our home is located directly adjacent to the Phase 1 property. This property abuts our backyard which is where our living area, kitchen, dining room and master bedroom are located. We have reservations about a self-storage facility located so closely to our residence. We are concerned about the lighting that would be put in at a self-storage facility and how that might impact our ability to enjoy our own backyard and also sleep at night. Glaring lights would be very intrusive. We are concerned about the hours of operation of such a facility and the potential for noise pollution which would impact our ability to enjoy our backyard and could impact our ability to gain restful sleep. We are concerned for our safety because there is a potential for customers of the facility to access our backyard and residence since there is only a five-foot fence separating the property. We are concerned that our enjoyment of the surroundings will be greatly diminished because all we will have a view of from our backyard is a building (about which we have no information on its appearance.). Also, if the building proposed is a one-story or two-story or higher? This greatly impacts the natural light we receive in our windows and our view. If there is adequate landscaping to mitigate the loss of our "view" such as it is, that

would lessen the impact. We are also concerned about the increased traffic along Hubbard Road, which is already becoming more and more busy as more and more homes are built, and there is only one lane going in each direction. People utilizing the storage facility will block traffic while attempting to turn into and out of the facility, a turn lane would mitigate this issue. And finally, there currently are many, many storage facilities in the surrounding area and we simply don't feel it's necessary to build another one in the middle of residential homes. I hope there will be opportunity to comment before the actual facility itself is built. Thank you for allowing us to comment. **C/Young:** Thank you. Will the applicant please come up; state your name for the record please. **William Mason:** William Mason with Mason and Associates. The main thing I heard was the neighbors are concerned about the impacts to their residential housing; we will be back with Design Review for the actual self-storage building before we can get that final permit to build. Right now, we are looking at rezone and a preliminary plat for the development itself, which in the Future Land Use Map designates it a commercial area, so, we are not asking for something that is not something that the city has anticipated, actually, it's encouraged in this area. The 25-foot buffer along our west boundary that is organic landscaping would be part of that buffering from residential housing; we're also meeting aesthetics on the building; it's not just going to be a CMU wall that's flat *unintelligible*. We will also use sky lighting so the lighting will be down and not be out into people's yards, as well as the rest of the *unintelligible* as they are developed, that lighting will be placed as an *unintelligible* on the commercial buildings and stuff. **C/Young:** As far as lighting within the five acres of proposed storage facility, within the facility we don't necessarily particularly propose streetlamps; there are more wall packs within the facility itself, they're not high lamp posts. **WM:** Correct, that is typically what is done. It alleviates the extra light poles that people have to negotiate alongside the facility itself so, wall mounted inside; and the other thing that I guess there was a question about security and that someone could jump over the fence into their yard. Obviously, we have this site secured for himself so individuals cannot just jump back and forth from property to property. **C/Young:** What's the height of the proposed wall separating commercial and residential? **WM:** I can't answer that right now because I don't have a building package, I know that it's not going to be a two-story building along the boundaries. **C/Young:** Are these units similar to your other facility on Deer Flat? **WM:** Yes. **C/Young:** With that building, do you know what height of those units are along the perimeter? **WM:** Just a second, *unintelligible*. **C/Young:** So, the height of those units up there at ten feet are shallower than the typical peak of a residential roof? **WM:** Correct. I would encourage the neighbors to, I know it's further away from the road than being in their yards but, go out and look at the Kuna Kaves Storage off of Deer Flat and Ten Mile and see the textures of the building; it will give a good feel for as we move forward. **C/Young:** And what are your proposed hours of operation? **WM:** Again, that's not something that I am actually privy to, I don't think that it's.... (Owner Inaki Lete answers but is *unintelligible*). I am going to have my client Inaki Lete come and comment on the operation of the facility. **C/Young:** Ok, please state your name and address for the record, thank you. **Inaki Lete:** My name is Inaki Lete, 117 N Kings Road, Nampa, Idaho. I do own Kuna Kaves Storage, and right now we are going into our second phase there. Someone had mentioned that we have too many storage units; we have more homes that *unintelligible*. What was the other question? **C/Hennis:** Regarding hours of operation. **IL:** Right now, our office hours are 9:30 AM to 6:00 PM Tuesday through Friday, Saturday from Noon to 3:00 PM. Our gate hours are 6:00 AM till 10:00 PM; now that is limited to people *unintelligible*. Mostly, in the summertime, there are a little bit later hours but it's minor; people like to go camping and fishing and they like to bring their RV back at night. **C/Hennis:** Ok, thank you. **IL:** Anything else? **C/Young:** On your other facilities, can you put a limit on hazardous storage types that you

don't allow in your facility? **IL:** Yeah, we don't want hazardous stuff. What people put in; we can't see that but Kuna Kaves has hi-tech cameras; it's a big operation. We work with the Kuna Police Department, and they have confidence *unintelligible*. I know sometimes people don't want it in their backyard, but when you do storage you do want it in people's backyards; I think that areas growing and I think it will be useful in that area. **C/Young:** Is there anything else that the owner had? **IL:** No. **C/Young:** Is there any other questions for the applicant at this time? Ok, then with that I will close the Public Testimony at 7:07 PM; which then brings up our discussion. Does anybody want to go first? **C/Gealy:** I think it's a good location for commercial. Looking at the copies of the plan, I feel that really that this needs to have transitions between the residential and the commercial uses. On the landscape buffer, was that 20 or 25 feet? **TB:** For the record, Troy Behunin. That's a good question, staff recommends 15. **C/Gealy:** The applicant said 25, he will install a 25-foot landscape buffer along the western boundary. **TB:** (To applicant) Did you mention 25 foot? **WM:** I thought that's what you had mentioned. We'll do what staff recommends. **TB:** There you have it. **C/Gealy:** And then, in addition to the landscape buffer, is there also a concrete block wall before the building or is the wall the building? **TB:** Because it is a subdivision, there should be a wall or a fence on the property line; it would go property line, landscape buffer and then building or it this commission can decide to have the wall where the building is. **C/Gealy:** We have the landscape buffer next to the neighbors and then the wall? Or does the wall have to be on the property line? **TB:** Subdivision requirements states it needs to be on the property line but in order to mitigate things, they are going to have that particular wall on the west side, or a fence. **C/Gealy:** It might make for a nicer transition for the residents along there having 15, 20 or 25 feet of landscape buffer. **TB:** Well, the landscape will be there anyway, it will just be on the other side of the fence. **C/Gealy:** And this is a concrete block wall? **C/Hennis:** Ya, it doesn't seem to provide a transition or buffer at that point if it's within the block wall, it seems kind of self-defeating. **C/Young:** Well, keep in mind that with city code for the separation between commercial and residential, with a block wall in place on a property line, we're talking about shifting it, but the code says with the block wall that the separation from the property line to a building is 20 feet. Does that sound correct, if it's without that it's 40 feet? **TB:** That is correct, and staff would also remind the Commission and those listening that there is already a subdivision wall around Arbor Ridge. **C/Laraway:** We're talking about the building, this part we're talking about, there's not an application for that so, we don't know what the building is going to go east-west or north-south. **TB:** Correct. **C/Hennis:** No, that's the one he said they are in the midst of platting right now but they don't have anything yet. **C/Laraway:** Right. **C/Hennis:** They'll have to come back with that. **C/Young:** I think the intent of our discussion of what staff has brought was ensuring that there is that buffer beyond what will come in on that preliminary plat so that it's a part of the overall development, not just here's the preliminary plat and now we're going to look at it. **C/Laraway:** Yeah, but we're talking about lawn, we're talking about trees, we're talking about landscaping and then a building; I can't quite envision what the building is going to be. **TB:** If it wasn't clear in the staff report, the recommendation from staff was that we have that discussion tonight, that there be an organic landscape strip but, it will be determined what kind and how wide at time of design review for the building. We're not talking about the building tonight; we're only talking about placing five acres of a special use permit for self-storage in the future. **C/Laraway:** Copy. **TB:** If the commission would like to discuss the *unintelligible* that's fine; if you would like to decide that tonight, that's fine, we just want to make sure that staff went on record that there needs to be a buffer between the storage units and the existing residences. **C/Laraway:** Ok, then the only thing I guess I have a question on is the RIRO; there doesn't seem to be an endgame for that, this RIRO might not be put in place for ten years. That's up to ACHD, that's the problem I have

with the traffic and I don't see anything here that's really eliminating that; like the gentleman was talking about, the traffic on Hubbard is getting worse and there is nothing in play here other than words that say you can't do a RIRO. **C/Young:** Are you referring to all three entrances or just the one on the eastern part of Hubbard? **C/Laraway:** I really don't have a problem with the one to the east, if they are going to move it all the way to the south, that seems to be enough clearance even if they put the roundabout in down the road; that's going to give that clearance for people to maneuver in and out of that. The furthest one the north to the east, that is really close to where that roundabout is and it looks like they even come in from the west. **C/Hennis:** Also remember that what's on the current site plan right here where they are proposing that exit needs to move. **C/Laraway:** Correct, well, the one on the east. **C/Hennis:** Yes. **C/Laraway:** But then you've got the one to the south. **C/Hennis:** No, on the one leading on the Hubbard side, there are two; there's one at the existing residence and there's one over, this one has to move over to the west more to alignment. So, it will give it more space between there and the proposed traffic circle. **C/Laraway:** Ok, I see. I don't think we realize the traffic that is going to be coming in and out of this place. **C/Hennis:** No but is it going to be any worse than if this were developed as a little residential subdivision? **C/Young:** I think you look at the traffic counts for different types of commercial, I think ACHD has traffic counts at 1.5 an hour versus 25 or more for other commercial uses. On this first phase, development is the lightest traffic usage for the proposed area then as other things go in, the traffic would certainly go up; I think that is ACHD's point. **C/Laraway:** The traffic I'm talking about is also going to be pulling trailers. **C/Hennis:** Oh, you're talking for the storage units. **C/Laraway:** Yes. If we're going to have a RIRO, eventually, I think you are going to have to try to move those trucks and trailers and RV's, if they have that storage; I don't know if it's going to be compartment type storage with RV parking? We don't know yet. **C/Young:** I'd imagine that it is a combination of both based on the existing facility. **C/Gealy:** As I understand, they're talking about RIRO on Hubbard access closest to what will become a rotary, and talking about the RIRO on Linder, but they are talking about full access unless the entrance on Hubbard Road. Isn't that correct? **C/Laraway:** Full access until ACHD requires the RIRO. **TB:** ACHD recommends that the western access that's proposed, be full access period; it's more than sufficient distance away from the intersection, the only entrances that would be RIRO is the one on Linder Road and the one closest to the intersection on Hubbard. The closest of is supposed to be a temporary full until traffic warrants that it be reduced from a full to a RIRO only. Although I have not seen a site plan for the storage units, the entrance into the units would be utilizing the permanent full access on the west side; that's what the storage units propose, the five acres is not anywhere close to where the east Hubbard access is, it doesn't even come close. **C/Hennis:** I'm confused then, I thought the Hubbard western full access was where the residence is. **TB:** It's in addition. **C/Laraway:** That's the other road I was talking about. **C/Gealy:** I think we are all talking about the same thing. **TB:** The residence access will remain. **C/Hennis:** Both have these have to combine to this one then, because that is what ACHD is saying, this has to align here. The right hand one goes away and they want it moved over, that's why I'm confused. **C/Laraway:** The one in front of the residence does line up with curb across the street. **C/Young:** There are still two entrances off of Hubbard into the overall development. **C/Hennis:** Ok, that's where I'm confused. That makes more sense. I think for the most part what they are proposing here is pretty decent, that's not a huge storage unit on only five acres and if they are going to put some outdoor storage, that is going to limit the amount of buildings, the amount of people that are in there; that's relatively quiet usage, it could be a lot worse having noise, noise of operation and such. With the landscape strip, the dark-sky's; I think that mitigates a lot of the concerns we've heard from the letter as well as Zach on the public testimony. And we'll know more on the

design review once it comes about, we'll have input there prior, if they are intending only one story much like Kuna Kaves, it's a nice looking and nicely kept area. **C/Laraway:** For a development like this to have three entrances, I'm ok with; I was just worried about the RIRO and how long that is going to play in without being labeled. **C/Young:** Are you wanting to have a RIRO on that easterly most on Hubbard? **C/Laraway:** As long as that other entrance is going to be moved to the south on Linder, I think that gives it enough room to get to that intersection; usually it backs up four or five cars. **C/Young:** As far as the other pieces of the development go, I feel like, as Commissioner Gealy Said, the developments location is consistent with the Comprehensive Plan. The landscaping is appropriate for the overall commercial subdivision, it will appropriate along Hubbard and Linder and as far as landscaping on the first phase, I feel comfortable mandating a buffer on that western side tonight then seeing once the additional landscaping is done. It still has to meet city code with densities, and coverages. **C/Laraway:** The landscaping from the commercial storage units will come in later under a design review? Ok. **C/Hennis:** One thing that I'm still confused with, was it our understanding that the applicant was willing to take the curb and gutter all the way across as staff recommends? Or, were they not wanting to do that? **C/Laraway:** Are you talking about in front of the house? On Kelsan? **C/Hennis:** Yes, in front of the residence. **C/Young:** That may be a question to directly ask staff about but I agree with staff that we need to extend that across there and when we do, we're not going to run a sidewalk with straight curb across; they would still have access. **C/Hennis:** They still have to provide for the current access; ok. In the one letter that we had in the packet from the owners of the parcel to the south, were desiring a block wall between the commercial use on the south but I had heard a couple of things talking about that being commercial to the south and that they didn't need the transition with that particular block yet it's zoned Agriculture; we don't have a rezone on that right now. I'm a little confused why they were requesting the block if they were going to rezone it to commercial. **TB:** For the record, Troy Behunin. There is a difference between the zoning in place and a Comp Plan Map designation; both of these parcels, the one you are mentioning to the south and the subject parcel, both of them are zoned Agriculture. Agriculture is the current zoning but, the FLU map designates that in the event it is developed in the future, the city would like to see and what city council approved, we would like to see commercial on those two properties. We have not received any kind of request or anything from the property owner to the south of that, for any type of development; the only thing we received was the letter that was in your packet. **C/Hennis:** And so, the city code currently right now, being commercial going in and agriculture to the south, that needs to be a CMU block wall. **TB:** Potentially, there could be commercial there if it redevelops. If they never redevelop and they want to live there for the rest of their life, and their grandkids or anyone else they sell it to; if it never develops then it never becomes a commercial use. However, the subdivision regulations, that's the preliminary plat, it requires at a minimum a vinyl fence; code does not necessarily require a CMU wall. **C/Hennis:** Ok. **C/Young:** It would just be on that south boundary. **TB:** The other item you were mentioning was the transition; no transition is needed because it's a complimentary use. **C/Hennis:** Right, but I remembered hearing the applicant talking about not putting a block wall down there, just on the other side. **TB:** Just on the other side, yes, on the western side. **C/Hennis:** Ok, where it abuts the residential. **TB:** Correct. **C/Hennis:** Ok. Now, if they went and rezoned agriculture to residential though, that would have to become a block wall; it's just not in the Comp Plan. **TB:** You can condition it to be a block wall but it does not have to be; the subdivision regulation does not require a concrete masonry wall. **C/Hennis:** Ok, I'm just trying to gather all of the implications. **TB:** I believe that the CMU wall that Mr. Mason mentioned earlier; I believe that is what they would like to do and that would be an acceptable boundary fence. **C/Hennis:** Ok, maybe Applicant, if I can ask you that; what is

your south boundary intention for a fence? Maybe this will just solve it. **WM:** For the record, William Mason, Mason and Associates. What our intention was in the self-storage area, there would be a CMU wall and then the remainder, we would probably do a vinyl fence to separate between the two. The CMU wall is not something, necessarily, that is planned for that along that south boundary. **C/Hennis:** Ok. **C/Young:** So, your intent is to encapsulate phase one with the CMU for security for the storage facility and then, the south boundary of the remaining commercial parcels, a vinyl fence from the edge of phase one out to Linder? **WM:** That is correct. **C/Hennis:** Perfect, thank you. **C/Young:** Any other unanswered questions? **C/Hennis:** Our only additional conditions would be the landscape buffer to the west; to work with ACHD to align the roads? **C/Gealy:** There isn't need for an additional landscape because it's included in condition sixteen. **C/Hennis:** Ok. **C/Gealy:** It conditions fifteen feet of landscape buffer on the western boundary during the design review. **C/Hennis:** Is the curb and gutter all the way across there as well? I thought it was. **C/Gealy:** Yes, curb, gutter and sidewalk are specified as eight-foot sidewalks; that's condition six, as detailed in Kuna City Code. I saw a sketch or schematic of the property showing the property to the south and it looks like there's an existing residence there; I'm assuming they are the people who wrote the letter, and it appears to be pretty close to Linder Road. I'm wondering if there is some kind of a mitigation were there was a CMU wall and weed control. I think we could do something closer to their house but maybe not across the whole southern boundary. **C/Young:** When I was looking briefly it seemed like CMU was a requirement between the residential and the commercial but, now I am second guessing myself. **C/Gealy:** On the southern boundary there are still six or seven parcels that are not in the zone and adding commercial isn't compatible uses, except that someone is living there. **C/Young:** Do we know if that's the residence your referring.... **C/Gealy:** No, I don't know that. **C/Laraway:** Would you rather it *unintelligible* on Linder? **C/Young:** The letter that is being referred to, the address on that was 2965 N Linder Road. **TB:** For the record, Troy Behunin. If you read in the middle of the Clark letter from Vicki and James Clark, their second paragraph states, "My wife and I own Lot 2 Block 1 in the Tukila Meadows Sub. Our north boundary is the south boundary of the proposed rezone". **C/Gealy:** That's what I was talking about. **C/Young:** Ok, there is a residential property on the south boundary. **C/Gealy:** Can staff help me locate the vicinity map that shows the property itself? **C/Hennis:** Page 146 is the one I found. **C/Gealy:** Thank you. The one in the ACHD report? **C/Hennis:** Yes, that's the one that I found that shows that. **C/Gealy:** So, again, I'm wondering if we might think about a CMU wall there by the residences *unintelligible*. **C/Young:** Or may we, in your condition, we could indicate that any residential parcel abutting any of the new proposed commercial have that CMU wall then it would incorporate anything to the west or to the east. **TB:** Mr. Young, Commissioners, if you recall during the applicant's presentation, Mr. Mason indicated that the first phase will be the storage units; they have no one signed on for any of the other parcels that would be involved in a preliminary plat for the rest of the subdivision. Therefore, there is an unknown timeline of when those parcels will be developed. However, tonight you do not have the building design review for the storage units, that still has to come to you because, in the City of Kuna, all commercial development has to go through design review; so, that will come to you when it's ready. Additionally, any commercial business that is north of this house you are discussing, will also have to come through for design review at a future date, which is unknown. Right now, the rezone and this preliminary plat, are going to have just as much impact tomorrow and the next day as it does today; it's going to be completely unnoticed, but any building that does get built near that home will have a design review. Perhaps that is the only way to address any other mitigation matter. **C/Gealy:** Thank you, I agree. **C/Young:** Thank you. **C/Gealy:** I think the only additional condition is if we wanted to add

conditions for cross access but, *unintelligible*. **TB:** That is true but, if you feel that it needs an *unintelligible*. Staff makes many recommendations based on City Code throughout the staff report, some are actually included in ones that staff does find more important.

C/Hennis: So, it sounds like we don't necessarily need to condition that if it's already....

C/Young: It's already mandated.

Commissioner Dana Hennis moved to approve 19-08-ZC (Rezone) and 19-10-S (Preliminary Plat) for Monarch Landing Subdivision with conditions as outlined in the staff report. Seconded by Commissioner Cathy Gealy. Motion carried 4-0-1.

Commissioner Dana Hennis moved to approve 19-06-SUP (Special Use Permit) and 20-03-DR (Design Review) for Monarch Landing Subdivision with conditions as outlined in the staff report. Seconded by Commissioner John Laraway. Motion carried 4-0-1.

C. No. 20-01-SUP (Special Use Permit) 3040 W. Pear Apple In-Home Daycare – 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 applicant, Aimerine Uwineza, seeks Special Use Permit approval to operate an in-home daycare located at 3040 W Pear Apple Street, Kuna, Idaho, 83634. There will be two employees, Mrs. Uwineza and her husband; hours of operation will be from 8 AM to 5 PM, Monday through Friday. Staff finds the square footage of the proposed site meets the requirements for an in-home daycare of 6 or fewer children. Staff has determined that this application complies with Title 5 of Kuna City Code and Idaho Code. With that, I will stand for any questions you may have, thank you. **C/Gealy:** I have no questions. **C/Hennis:** No. **C/Young:** Ok, I will ask the applicant to please come forward if there is anything that you would like to add to what staff said. **Aimerine Uwineza:** Hello, my name is Aimerine Uwineza, thank you for reviewing my application for an in-home daycare. I am excited to own my own business and to bring income to my family and to provide a very important service to families in Kuna who are looking for childcare. I appreciate your time and consideration. **C/Young:** Thank you. Are there any questions for the applicant? **C/Hennis:** Thank you. **C/Gealy:** Thank you. **C/Young:** With that we will open up the public testimony at 7:43 PM. I have signed up to testify Erin McCandless, please state your name and address for the record please. **Erin McCandless:** Hi, my name is Erin McCandless, my address is 3138 S Gekler Lane in Boise. I work for IdahoSTARS and the Idaho Association for the Education of Young Children (Idaho AEYC), we provide oversight for childcare providers in the state of Idaho; we provided professional development opportunities and we oversee childcare subsidies. I am here in support of these folks and their in-home daycare and I'm happy to answer any questions you might have. **C/Young:** Any questions? **C/Hennis:** No. **C/Gealy:** I have no questions. **C/Young:** Ok, I'm not seeing anybody else listed; is there anybody not on this list that would like to testify? **Jessica Reid:** There is not. **C/Young:** With that I will close the public testimony at 7:44 PM, that brings us to our discussion. **C/Gealy:** It was nice to get a letter from the neighbors in support, thank you for that. **C/Young:** I agree. Looking at the application, it is consistent with others of the same type we've looked at in the past. Noting all the licensing that is required and the inspections and

the standard conditions from staff that are part of the staff report, it all seems pretty straight forward to me. Any other questions? **C/Gealy:** No. **C/Hennis:** I agree with you, everything seems to line up pretty well.

Commissioner Cathy Gealy moved to approve 20-01-SUP (Special Use Permit) for an in-home daycare at 3040 W Pear Apple with conditions as outlined in the staff report. Seconded by Commissioner Dana Hennis. Motion carried 4-0-1.

D. Northern Boundary Area of City Impact Expansion – ACTION ITEM

Jace Hellman: Good evening chairman and commissioners, for the record, Jace Hellman, Kuna Planning and Zoning Staff, 751 W 4th St, Kuna, ID 83634. The application before you this evening is a request from the City of Kuna for the planning and zoning commission to review the expansion of Kuna's Area of City Impact most northern boundary along Lake Hazel Road and additional areas adjacent to Highway 69 and W Aristocrat Drive as depicted in your packet. This proposal comes after several conversations with the City of Meridian regarding a mutual impact area boundary for the northern portions of the City of Kuna and southern portions of Meridian. Additionally, several parcels within the proposed boundary expansion are already within Kuna City Limits. Meridian's Future Land Use, which was approved with their newly adopted comprehensive plan on December 17, 2019 reflects this agreed upon boundary. Staff would like to note that the City has no intention of annexing any parcels within this proposed boundary. If this proposal is approved, parcels that are currently within Ada County in the proposed boundary will remain in Ada County as long as the property owner chooses to do so. This proposal is simply to incorporate parcels already within City Limits to the North that are outside the current City's Area of City Impact, and to provide an agreed upon impact area boundary with the City of Meridian. As a reminder to the Commission, Staff is seeking a recommendation to take to City Council, and with that I will stand for any questions you may have. Thank you. **C/Young:** Do you have any questions? **D/Hennis:** No, my main question would have been if the City of Meridian agreed with it and that was answered; that area has always been contentious. **C/Young:** Yes, it's nice to know we now have an agreed upon border. **C/Laraway:** The property that is on the eastern side of Meridian Road and Columbia, is that the Lineman's College? **C/Hennis:** I believe that's a part of it; you said Meridian Road and Columbia? **C/Laraway:** Yes, the north side of Columbia; one parcel is ten acres another.... **JH:** That would be correct, that is the Lineman's College there. **C/Laraway:** Ok, thank you. **C/Young:** Are there any other questions for staff at this point? **C/Hennis:** No. **C/Young:** Ok, then I'll go ahead and open up the public testimony at 7:48 PM. I do not see anyone signed up, is there anyone on Zoom? **Jessica Reid:** No there is not. **C/Young:** Seeing none, I will close the public hearing at 7:49 PM; that brings us back to our discussion. Just to reiterate, staff has indicated it is just an Area of City Impact, not an annexation, no requirement, folks are not forced into anything, this is just a boundary line where Meridian and Kuna have decided are our impact areas. **JH:** Mr. Chairman, another question we commonly get, is my address going to change to Kuna; that is all decided by the Post Office so that will not change. **C/Laraway:** Is this growth that we have all because of the topographical of the land where Meridian doesn't want to deal with that land for sewer purposes? **JH:** I would say this location is in regards to where our utilities and services are at versus theirs at this moment. **C/Hennis:** This is where three or four of the subdivisions have gone in and were hooked up to our sewer and it has helped the situation. I know that since I have been on the Commission, we've always had

that contentious line of that is our area, no it's our area, so it's nice to have it agreed upon now. **C/Young:** Are there any other questions? **C/Hennis:** No.

Commissioner Dana Hennis moved to recommend approval to City Council for the Northern Boundary Area of City Impact Expansion. Seconded by Commissioner John Laraway. Motion carried 4-0-1.

5. ADJOURNMENT: 7:52 PM

Commissioner Dana Hennis moved to adjourn. Seconded by Commissioner John Laraway. Motion carried 4-0-1.

ATTEST:

Lee Young, Chairman
Kuna Planning and Zoning Commission

Wendy I. Howell, Planning and Zoning Director
Kuna Planning and Zoning Department



City of Kuna

P&Z Commission Findings of Fact And Conclusions of Law

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To: Planning and Zoning Commission

Case Numbers: 19-08-ZC (Rezone), 19-10-S (Preliminary Plat), 19-06-SUP (Special Use Permit) & 20-03-DR (Design Review) **Monarch Landing Commercial Subdivision**

Site Location: 1901 W. Hubbard Rd, Kuna, ID 83634

Planner: Troy Behunin, Planner III

Hearing Date: June 23, 2020
Findings of Fact: July 14, 2020

Owner: Dennis Wolfgram
1901 W. Hubbard Rd.
Kuna, ID 83634

Applicant: Lete Family Revocable Trust
117 N. King's Rd.
Nampa, ID 83687
208.465.5013
inaki@kingsgateid.com

Representative: Mason & Associate, Inc.
924 3rd St. South Ste. B
Nampa, ID 83657
208.454.0256
wmason@masonandassociates.us

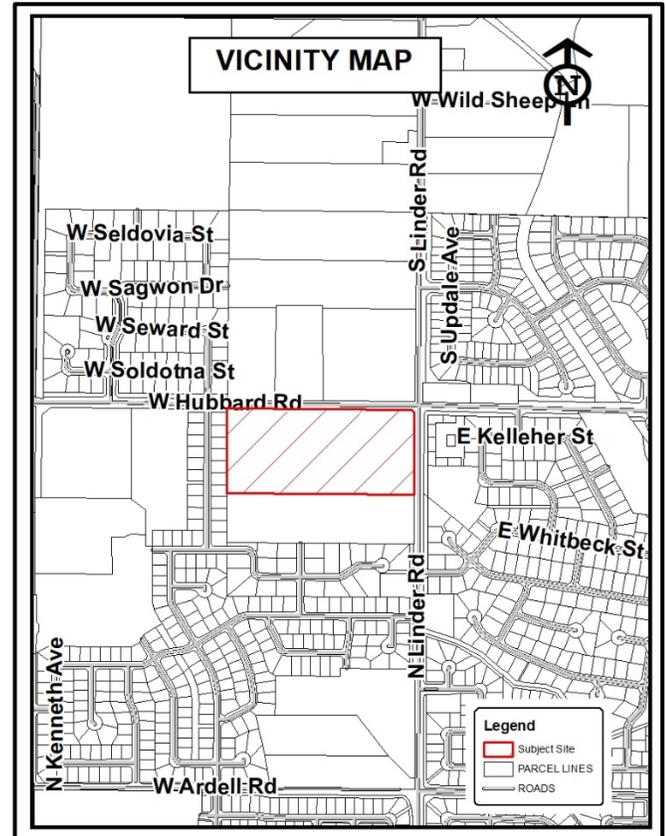


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A. Process and Noticing:

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states that Special Use Permits (SUP) are designated as *public hearings*, and that design review (DR) applications are designated as *public meetings*, with the Planning and Zoning Commission (acting as the Design Review Board) as the decision-making body; and that rezones and preliminary plats are designated as *public hearings*, with the Planning and Zoning Commission as a recommending body and City Council as the decision-making body. These land use applications were given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

6. **Existing Structures, Vegetation and Natural Features:**

The proposed project site contains one single-family home and three (3) outbuildings. Vegetation on-site is consistent with that of a residence and for farmland. The site has an estimated average slope less than 1.25%. Bedrock depth is estimated to be greater than 60 inches according to the USDA Soil Survey for Ada County.

7. **Transportation / Connectivity:**

The applicant proposes connection to existing Hubbard Road at two points and proposes access to Linder Road. Staff informed the applicant that ACHD has separation requirements for site accesses and intersections, and the closer they get to the intersection of Linder and Hubbard their chances for ingress/egress approval are diminished.

8. **Environmental Issues:**

Staff is not aware of any environmental issues, health or safety conflicts beyond the designation of being in the nitrate priority area. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

9. **Agency Responses:** The following responding agency comments are included as exhibits with this case file:

- City Engineer Exhibit C-1
- Ada County Highway District Exhibit C-2
- Boise Project Board of Control Exhibit C-3
- Central District Health Department Exhibit C-4
- Department of Environmental Quality Exhibit C-5

E. Staff Analysis:

The applicant proposes to rezone lot 1, Block 1 within the Tukila subdivision from Agriculture (Ag.) to C-3 (Area Commercial). Lot 1, Block 1 is approximately 17.34 acres, and is within Kuna City limits. Applicant proposes to subdivide the 17.34 acres into 15 total lots (10 buildable lots, five (5) common lots). Additionally, the applicant seeks a Special Use Permit (SUP) in order to place an approximate 5 acre self-storage facility on a part of the 17.34 acres. The applicant held a neighborhood meeting with residents within 400 ft of the subject site on September 5, 2019. There were 10 people who attended the meeting. Minutes from the neighborhood meeting are included in packet.

The applicant proposes three separate points of access, two on Hubbard road, and one on Linder Road. ACHD has policies and design standards for access on classified roads that must be followed; both are classified as Mile arterial roads. ACHD has recommended that both access points on Hubbard line up with the two existing accesses to the north, and that the eastern access should be a temporary full-access. ACHD has also recommended that the Linder Rd. access be a Right In/Right Out (RIRO) and located between lots 14 & 15. Staff supports a full access for the proposed western Hubbard Rd. access (approx. 675’ west of the intersection) as long as it lines up with the northern access. With Councils approval staff will support a RIRO for the proposed eastern Hubbard access and a RIRO for the Linder Road access. Due to the increasing volume of traffic at this intersection staff does not support a full-access for the proposed eastern Hubbard Road or Linder Road access points. Staff would recommend the applicant be conditioned to follow Kuna City Code (KCC) for improvements to include curb, gutter and an 8 foot sidewalk on both frontages. The City does not allow for borrow ditches for any roads. If a classified road does not meet the ACHD policies for vertical curb and if the need arises for borrow ditches on classified roads and if ACHD specifically does not allow vertical curb, staff recommends the applicant be conditioned to obtain a license agreement from ACHD to provide sod and watering source in the borrow ditches as allowed. Applicant shall provide sand windows for draining. It is the goal of the City of Kuna to have a completed project along roadways and dirt/gravel are not a completed road section.

Although the existing residence is not a part of the proposed preliminary plat, it is still part of the overall project and impact to the area. Staff notified the applicant prior to submittal to expect to be required to fully improve the

frontage along Hubbard Road including connection to the existing sidewalk to the west to complete this section of an arterial road. This proposed development will create a small remnant property and will likely not be redeveloped for a long time. If this is not improved with this development, it will create a gap in the road section and the sidewalk greater than 300' with commercial attracting more vehicle and foot traffic, in compliance with Objective 4.B.2 of the Comp Plan.

Staff notes that the proposed preliminary plat appears to follow KCC. Staff would highlight that a note on the plat states that there is a 20' landscaping strip along the frontages. While the width is sufficient, staff would recommend that the landscaping 'strip' be placed in a common lot to be owned and maintained by the property owners' association. Staff believes this was the intent, since common lots are proposed with the plat. Staff recommends the note be removed or edited appropriately.

Kuna's Comprehensive Plan (Comp Plan), encourages a variety of commercial uses to be established throughout the City numerous times throughout the document. Additionally, the City encourages commercial uses on corners of arterial roadways. This project proposes a Special Use Permit (SUP) in order to develop an approximately five-acre self-storage facility in the western part of the 17+ acres. KCC allows for self-storage facilities within a C-3 zone after an applicant obtains a SUP. Staff supports a five-acre self-storage facility at this location provided the applicant places the storage units as proposed. This application also provides for additional commercial uses on the Linder and Hubbard frontages, including the hard corner. The Comp plan encourages a variety of Commercial uses throughout the City as described in Section G (Comp Plan Analysis) of this report.

A design review application for common area landscaping and open space was included as a part of the overall application. Staff reminds the applicant that he will be required to follow KCC 5-17 landscaping requirements for all common areas. Staff finds the proposed landscaping and buffers do not appear to be in compliance with Kuna City Code and additional trees and shrubs will be required along the frontages and other common areas. Staff recommends that the applicant be conditioned to provide a new landscape plan compliant with KCC 5-17. Staff notes that if this project is approved, at the time of site development, landscaping may not be placed within ten (10) feet of any and all meter pits, pressurized irrigation valves, street lights or ACHD underground facilities.

The two Zones, C-3 and all residential uses are competing uses and require a buffer between them. The Design Review application for the storage units, does not include a transition separating the competing uses. Since the lands to the south are designated as a complementary commercial use, a buffer shall not be required. However, staff recommends that during design review for the Storage Units buildings, that an organic landscaped strip at least 15' wide be provided to separate residential uses on the west, and the Commercial Uses within this proposal. A monument sign for the subdivision has not been included in this application and that any proposed signage must go through the design review process prior to construction/placement. The signage must be in conformance with Kuna City Code 5-10. Applicant is hereby notified that this project is subject to design review inspection and fees for all buildings, landscaping, parking lot(s), and street lights. Required inspections (post construction), are to verify landscaping compliance prior to signature on the final plat.

Staff has determined the rezone request, the preliminary plat and design review (with recommended changes) generally comply with the goals and policies for Kuna City, Title 5 and Title 6 of the Kuna City Code; Idaho Statute § 67-6511; and the Kuna Comprehensive Plan. Staff recommends that if the Planning and Zoning Commission recommends approval of Case No's 19-08-AN (Rezone) and 19-10-S (Preliminary Plat) and approves Case No. 20-03-DR (Design Review), the applicant be subject to the conditions of approval listed in section "I" of this report, as well as any additional conditions requested by the *Planning and Zoning Commission*.

F. Applicable Standards:

1. City of Kuna Zoning Ordinance Title 5.
2. City of Kuna Subdivision Ordinance Title 6.
3. City of Kuna Comprehensive Plan.
4. City of Kuna Landscape Ordinance in Title 5.

5. Idaho Code, Title 67, Chapter 65- the Local Land Use Planning Act.

G. Comprehensive Plan Analysis:

Kuna Planning and Zoning Commission have *accepted* the Comprehensive Plan components, and shall determine if the proposed rezone and preliminary plat requests for the site *are* consistent with the following Comprehensive Plan components as described below:

Goal Area 1: Kuna will be economically diverse and vibrant.

Goal 1 A: Ensure Land use in Kuna will support economic development.

- 1 B: Support development of a skilled, talented and trained workforce.
- 1 C: Attract and encourage new and existing businesses.
- 1 D: Address and plan for economic expansion of the City and region.

Objectives:

1.A.2. Create commercial nodes and corridors that support development of economic opportunities that do not compete with downtown revitalization efforts.

Policies:

1A.2.d: Designate a sufficient quantity of land on the Future Land Use Map for commercial use.

Plan Implementation: (Pg. 18)

2. Develop true mixed-use areas and new commercial areas and employment centers.

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

Goal 3 C: Encourage development of commercial areas with good connectivity and character.

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

- Goal 4.B.2: Maintain and expand sidewalks and pedestrian facilities within the community.

Policies:

4.B.2.C. Promote the installation of off-system pedestrian pathways to create neighborhood connections and reduce the length of non-motorized transportation routes.

Objectives:

4.C.2: Ensure expansion of pathways, trails and on-street bicycle routes.

4.C.2.c: Promote the installation of off-system bicycle pathways to create neighborhood connections and reduce non-motorized transportation route lengths.

- Goal 4.D: Promote a connected street network that incorporates mid-mile collectors and crossing for improved neighborhood connectivity.

INTENT:

1. *Reducing access to Meridian Road/Highway 69;*
2. *Improving connectivity, and*
3. *Providing viable access to the growing commercial/mixed-use corridor.*

- Objective 4.D.2: Ensure the continued expansion/development of (mile and) mid-mile collector system throughout the community.
 - Policy 4.D.1.a: Extend and expand section line roads as growth occurs.
 - Policy: 4.D.1.c: Initiate capital projects, including roadway segments and canal crossings, to fill gaps in the section line roadway system.

- Policy 4.D.1.b: Preserve adequate right-of-way along all (mile and) mid-mile roads or other approved alternative locations to align roads.

H. Kuna City Code Analysis:

1. This request appears to be consistent and in compliance with all Kuna City Code (KCC).

Comment: *The proposed applications adhere to the applicable requirements of Title 5 and Title 6 of KCC.*

2. The Planning and Zoning Commission feels the site is physically suitable for the proposed development.

Comment: *The 17.34-acre approximate (approx.) site appears to be suitable for the proposed development.*

3. The rezone, preliminary plat and SUP requests are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.

Comment: *The land to be developed is not used as wildlife habitat. Roads, driveways, family units and open spaces are planned for construction according the City and ACHD requirements and best practices and will therefore not cause environmental damage or loss of habitat.*

4. These applications are not likely to cause adverse public health problems.

Comment: *The project would connect to public sewer and potable water systems, therefore eliminating the occurrence of adverse public health problems.*

5. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.

Comment: *The rezone, preliminary plat and SUP requests considers the location of the property and adjacent uses. The adjacent uses are medium density residential and commercial (Kuna City) and rural residential (Ada County).*

6. The existing and proposed street and utility services in proximity to the site are suitable or adequate for a commercial development.

Comment: *Correspondence from ACHD and Kuna Public Works confirms that the streets and utility services are suitable and adequate for this project, however, per Kuna City Engineer, a commensurate impact of City services will result with this development.*

I. Recommendation by the Commission:

Based on the facts outlined in staff’s report and public testimony as presented, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval* of Case No’s 19-08-ZC (*Rezone*) and 19-10-S (Preliminary Plat), a rezone and subdivision request from Mason & Associates, Inc. requests a rezone for approx. 17.34 acres from Ag. **TO** a C-3 (Area Commercial) zone and to subdivide the same 17.43 acres into 15 total lots (10) buildable lots, five (5) common lots); AND *conditionally approves* Case No’s 19-06-SUP (Special Use Permit) 20-03-DR (Design Review), subject to the following conditions of approval:

19-08-ZC (Rezone) & 19-10-S (Pre Plat) During the public hearing by the Planning and Zoning Commission of Kuna, Idaho, the Commission hereby recommended approval to City Council for Case No’s 19-08-ZC & 19-10-S, a Rezone and a Preliminary Plat request by Mason & Associates, with the following conditions of approval:

- *Applicant shall follow the conditions outlined in the staff report.*

19-06-SUP (Special Use Permit) & 20-03-DR (Design Review) During the public hearing by the Planning and Zoning Commission of Kuna, Idaho, voted to *approve Case No's 19-06 S & 20-03-DR, a Design Review request* by Mason & Associates with the following conditions of approval *at time of development*:

- *Applicant shall follow the conditions outlined in the staff report.*

And,

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:
 - a. The City Engineer shall approve the sewer hook-ups.
 - b. 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.
 - c. 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".
 - d. 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.
 - e. The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 - f. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to *issuance* of any building permit(s).
 - g. 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.
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. 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.
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).
5. Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The applicant shall conform all corresponding Master Plans.
6. Curb, gutter and sidewalk (attached and detached) shall be installed in accordance with Kuna City Code Title 5 Chapter 17.
7. Preliminary Plat note No. 9 shall be amended to state common lots, or be eliminated. A revised preliminary plat shall be submitted to the Planning and Zoning Department for approval.
8. Applicant shall work with staff in order to provide locations of street lights as required by Kuna City Code.
9. Street lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Skies practices.
10. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted).
11. 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.

12. If ACHD *specifically* does not allow vertical curb for classified roads, the applicant is conditioned to obtain a license agreement from ACHD to provide sod and watering source in the borrow ditches as allowed, including sand windows for draining.
 - 12.1 Otherwise, road widening and full improvements is hereby conditioned.
13. The applicant's updated Landscape Plan shall be considered a binding site plan, or as modified and approved through the public hearing process.
14. Applicant shall comply with Kuna City Code 5-17 for all common areas. The applicant shall provide staff with an amended landscape plan.
15. Landscaping cannot 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.
16. Applicant shall provide an organic landscaped strip at least 15' wide on the west side during the Design Review for the Storage units.
17. If any revisions are made, the applicant shall provide the Planning and Zoning Staff with a revised copy of the preliminary plat.
18. Any revisions of the plat are subject to administrative determination to rule if the revision is substantial.
19. 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.
20. Developer/owner/applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
21. Developer/owner/applicant shall comply with all local, state and federal laws.



City of Kuna
Planning and Zoning Commission
Findings of Fact and Conclusions of Law

P.O. Box 13
Phone: (208) 922-5274
Fax: (208) 922-5989
www.Kunacity.id.gov

Based upon the record contained in Case No's 19-08-ZC and 19-06-S including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, including the exhibits, and the testimony during the public hearing, the Kuna Commission hereby recommends **approval/conditional approval/denial** for Case No's 19-08-ZC and 19-06-S and the Commission hereby **approves/conditionally approves/denies** the Findings of Fact and Conclusions of Law, and conditions of approval for Case No's 19-08-SUP and 20-03-DR, a request from Mason & Associates, Inc. for Special use Permit for a five-acre self-storage unit facility and design review for the 19-06-S Monarch Landing Subdivision Preliminary Plat with the following Findings of Fact and Conclusion of Law:

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

1. *Based on the evidence contained in Case No's 19-08-AZC, 19-10-S, 19-06-SUP and 20-03--DR, this proposal **does/does not** generally comply with the City Code.*

Staff Finding: *The applicant has submitted a complete application, and following staff review for technical compliance the application appears to be in general compliance with the design requirements, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6.*

2. *The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.*

Staff Finding: *Neighborhood Notices were mailed out to residents within 400-FT of the proposed project site on June 11, 2020 and a legal notice was published in the Kuna Melba Newspaper on June 3, 2020. The applicant posted sign on the property on May 14, 2020.*

3. *Based on the evidence contained in Case No's 19-08-ZC, 19-10-S, 19-06-SUP and 20-03-DR, this proposal **does/does not** generally comply with the Comprehensive Plan.*

Staff Finding: *The Comp Plan has listed numerous goals for providing a variety of Commercial throughout the City to accommodate various commercial needs in Kuna. The proposed zoning designation is C-3 (Area Commercial). The Comp Plan Map designates the northern property as Commercial.*

4. *The contents of the proposed preliminary plat application **does/does not** contain all of the necessary requirements as listed in Kuna City Code 6-2-3: - Preliminary Plat.*

Staff Finding: *Review by Staff of the proposed preliminary plat confirms all technical requirements listed in KCC 6-2-3 were provided.*

5. *The availability of existing and proposed public services and streets **can** accommodate the proposed development.*

Staff Finding: *Correspondence from ACHD and Kuna Public Works confirms that the streets and utility services are suitable and adequate to accommodate the proposed project. It should be noted that installation of this project will place a commensurate impact on City services.*

6. *The proposed development is continuous with Master Utility Plans (Sewer/Water/Pressurized Irrigation).*

Staff Finding: *Correspondence from Kuna Public Works recommends the applicant be required to conform to the Master Sewer Plan, Master Water Plan and Master Pressurized Irrigation Plan, therefore satisfying this requirement.*

7. The public **does/does not** have the financial capability to provide supporting services to the proposed development.

Staff Finding: *Throughout the development of the project and beyond, connection fees, impact fees (Fire, police, Park and Ada County Highway District), and property taxes will be collected, therefore satisfying the financial capability to provide supporting services.*

8. The proposed project **does/does not** consider health and safety of the public and the surrounding area's environment.

Staff Finding: *Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, bike lanes, etc. are required to be implemented as a part of this project. No major wildlife habitats will be impacted by the proposed development.*

9. The proposed project lands *are* within Kuna's jurisdiction.

Staff Finding: *The parcel is already in City limits.*

10. The site landscaping **does/does not** minimize the impact on adjacent properties through the use of screening.

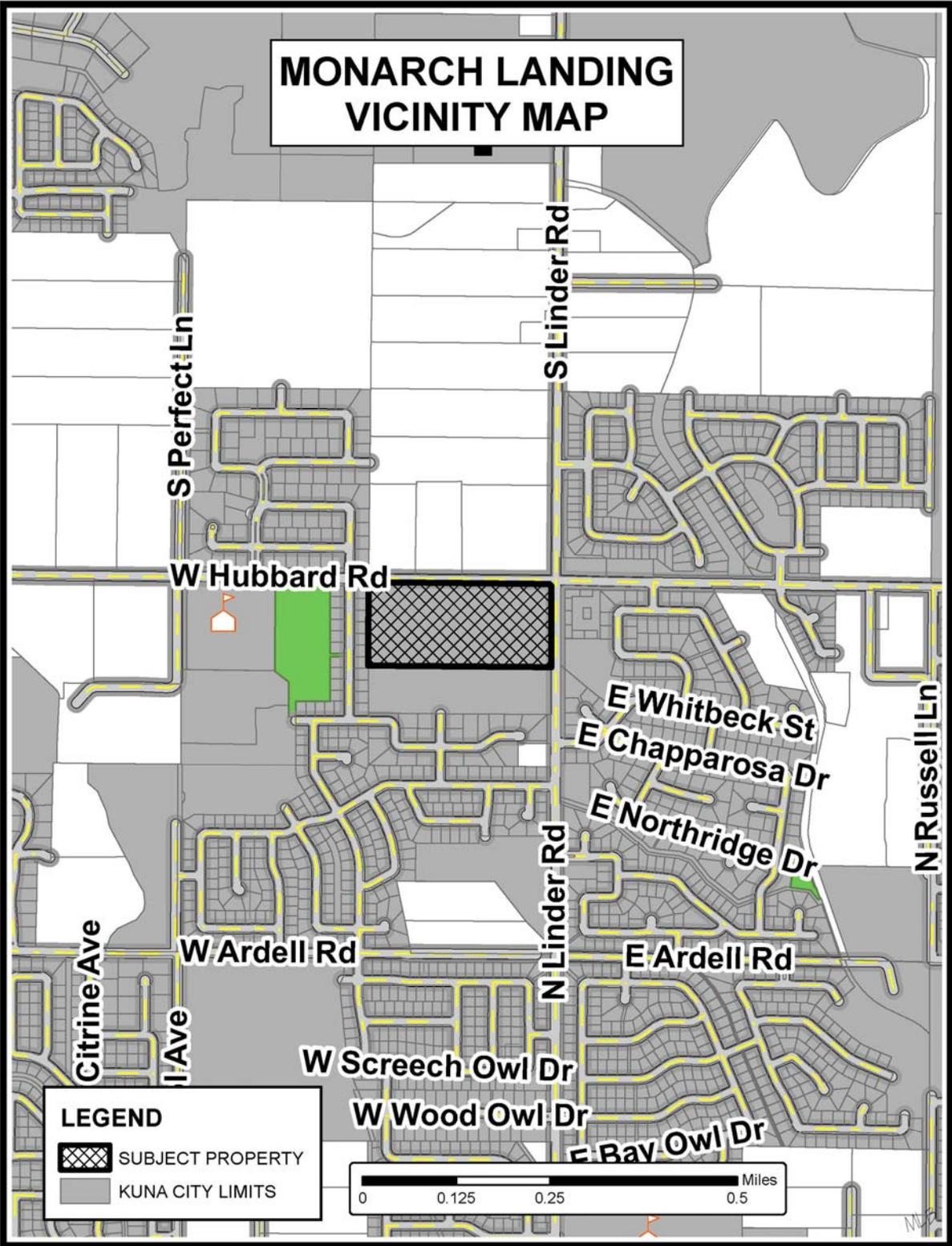
Staff Finding: *Staff recommends a buffer be placed between competing zones to be conditioned here and through design review for future commercial uses.*

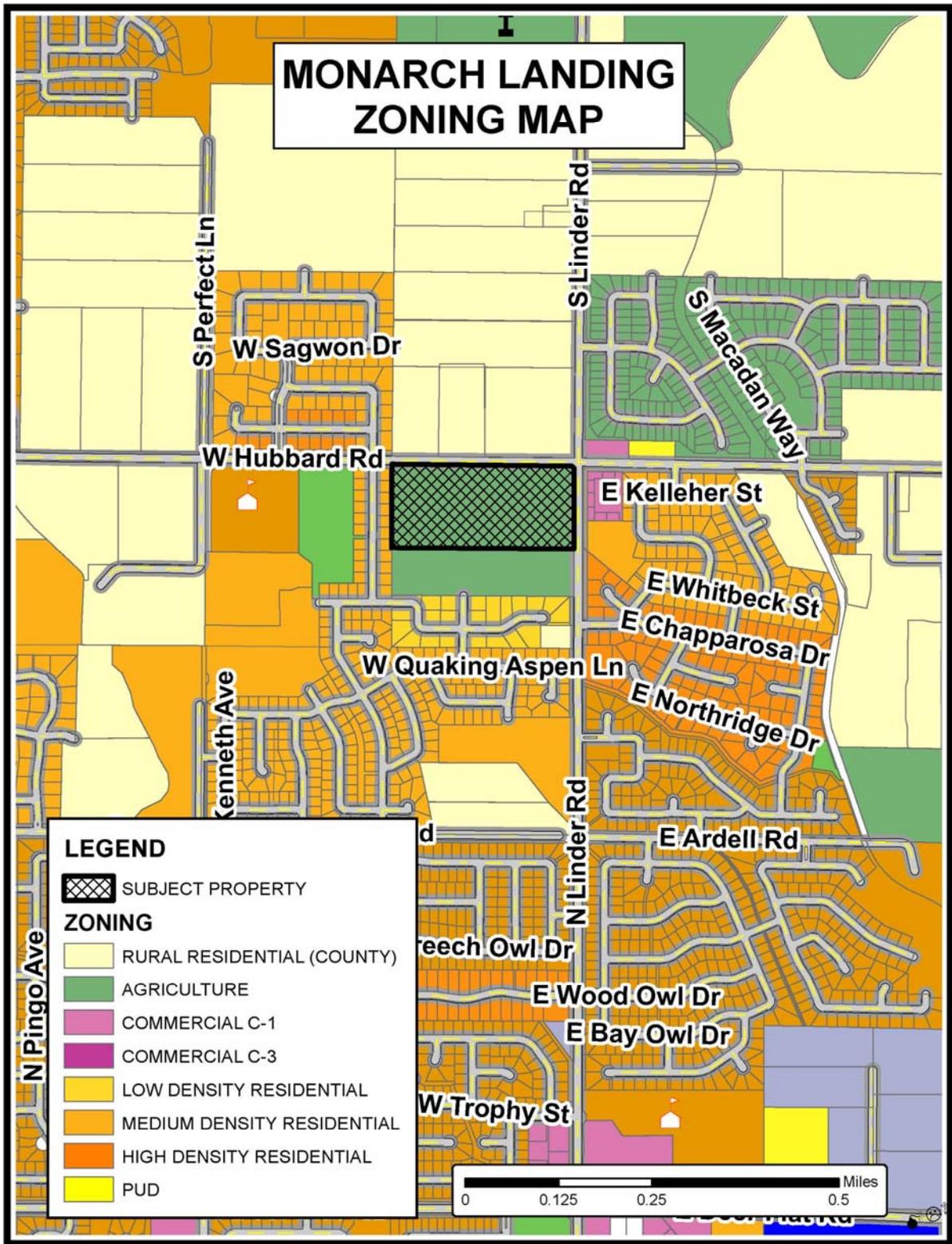
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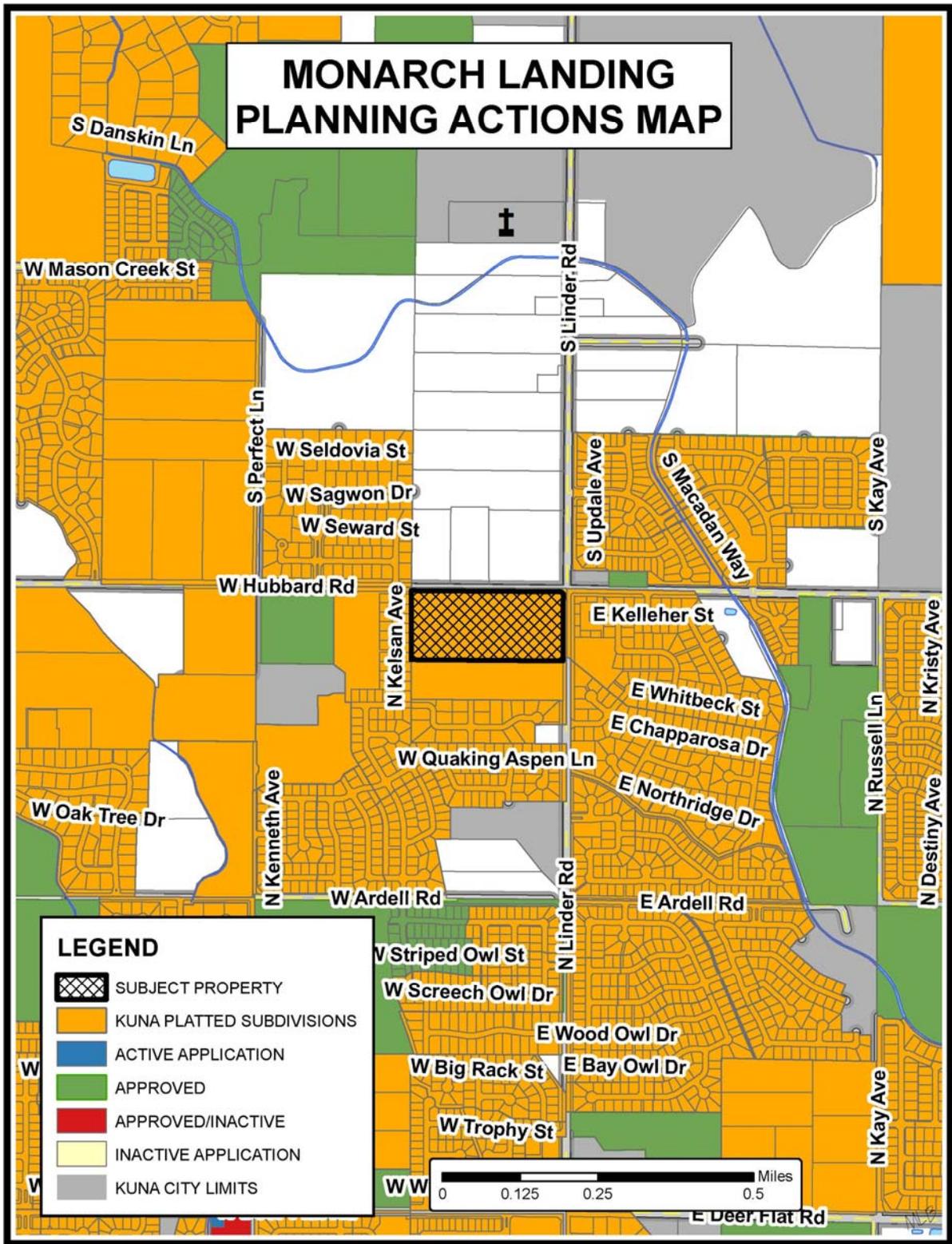
Lee Young, Chairman
Kuna Planning and Zoning Commission

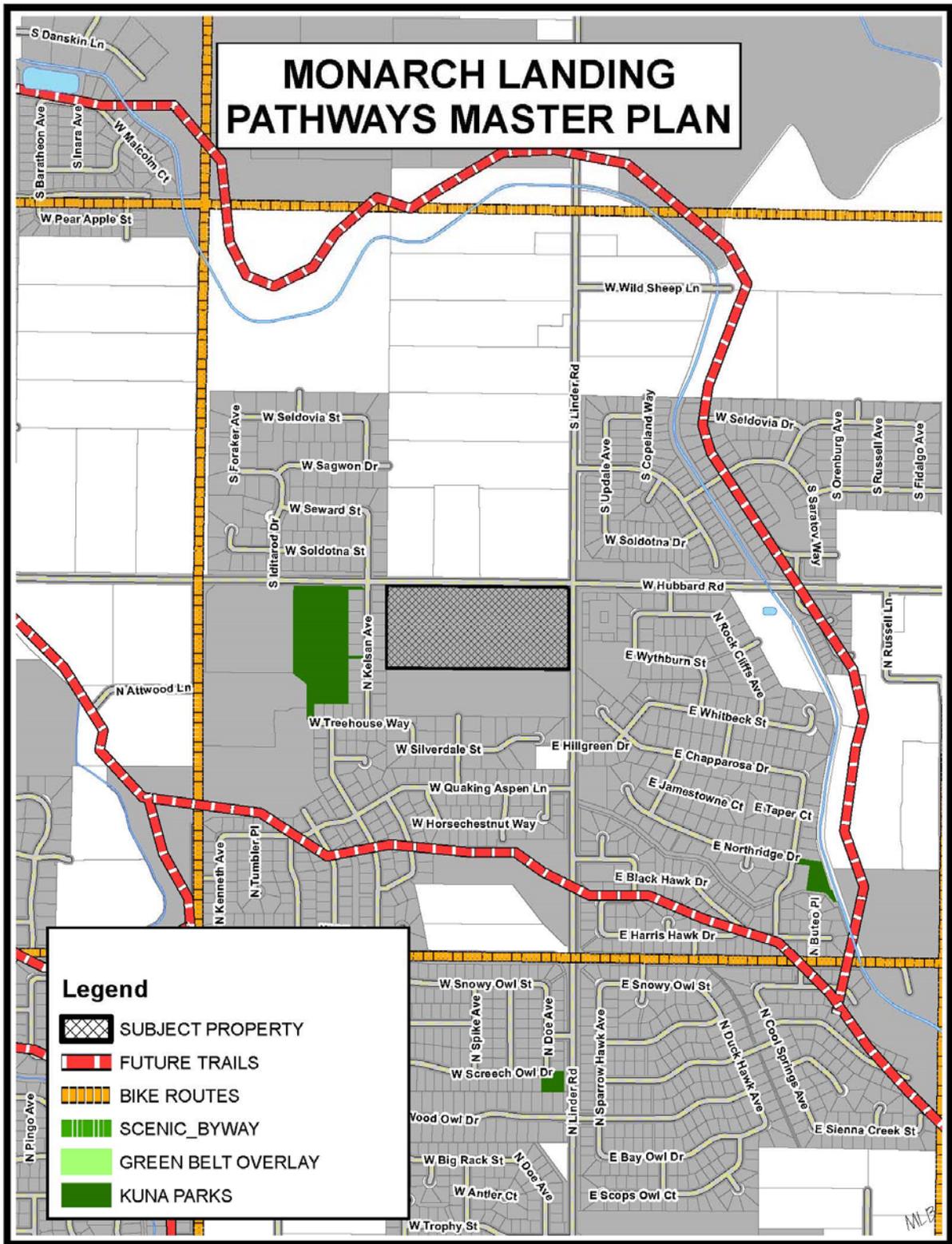
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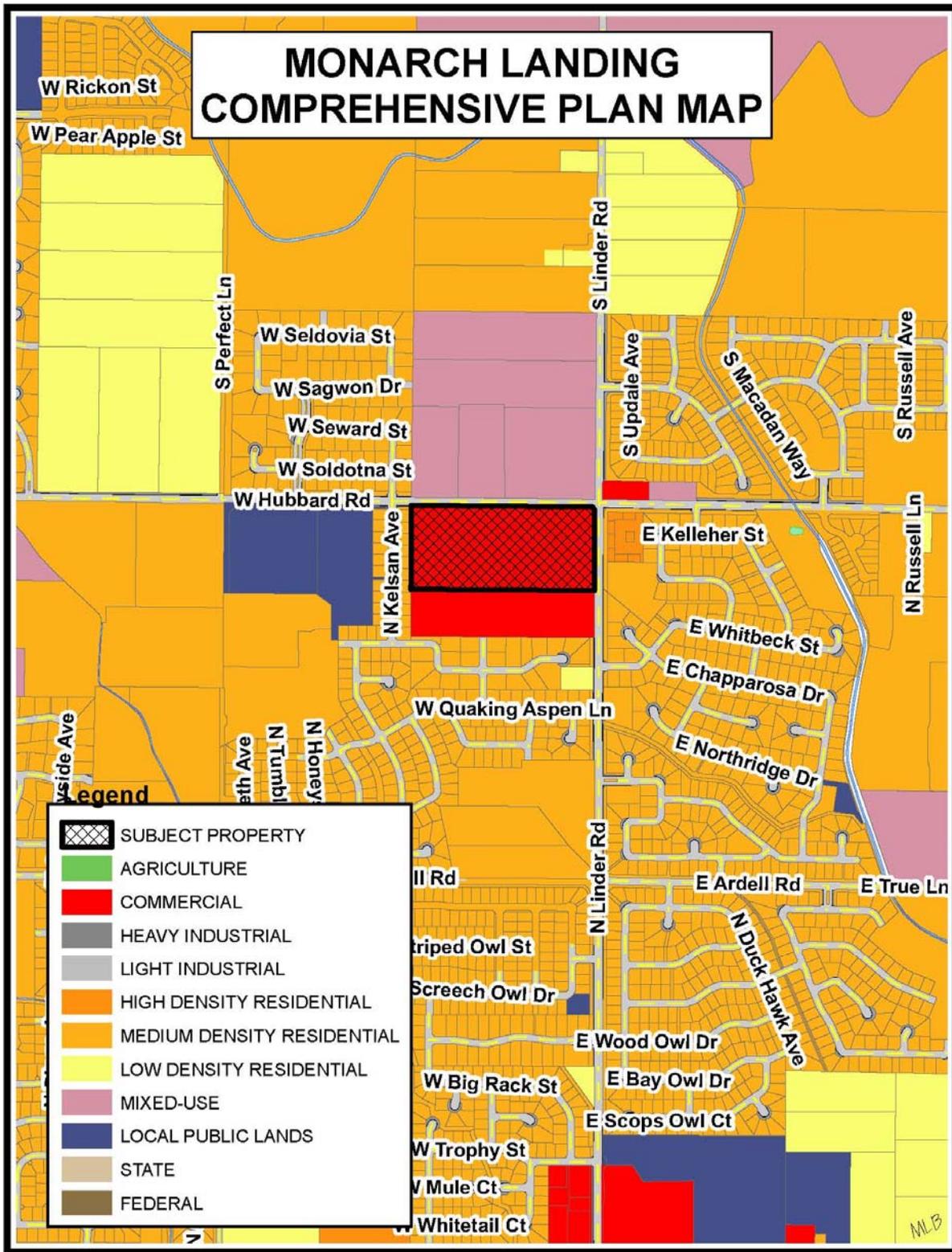
Troy Behunin, Planner III

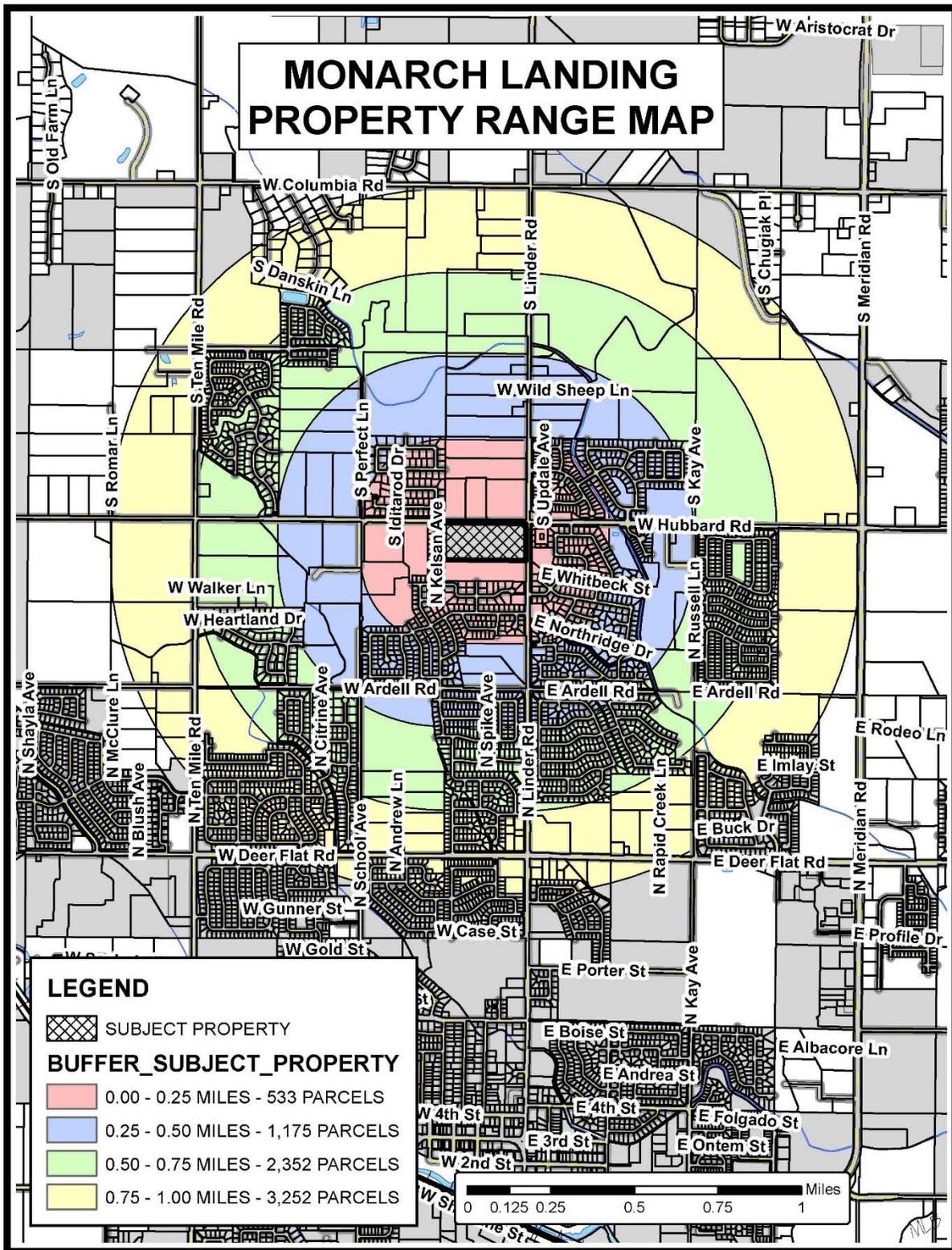


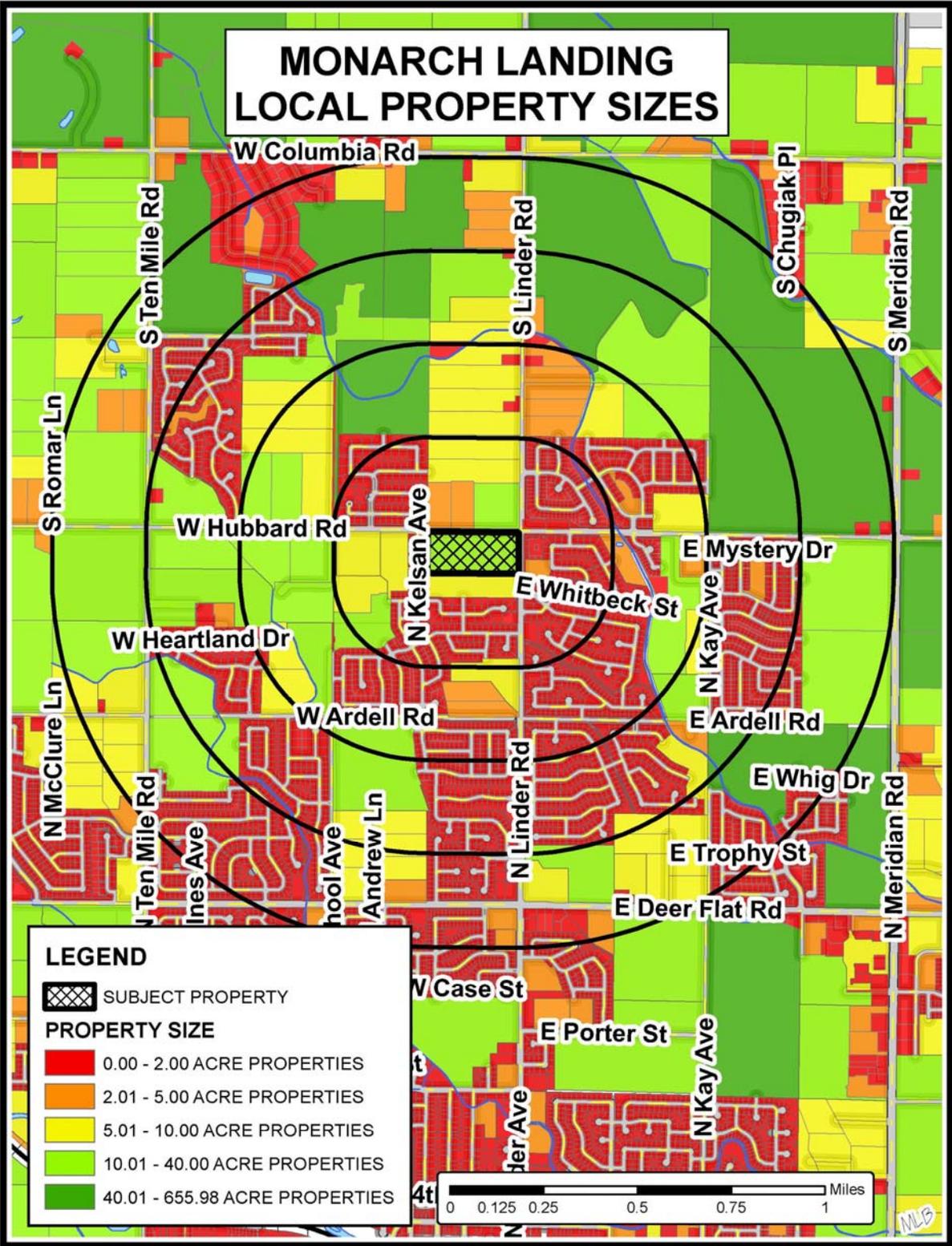


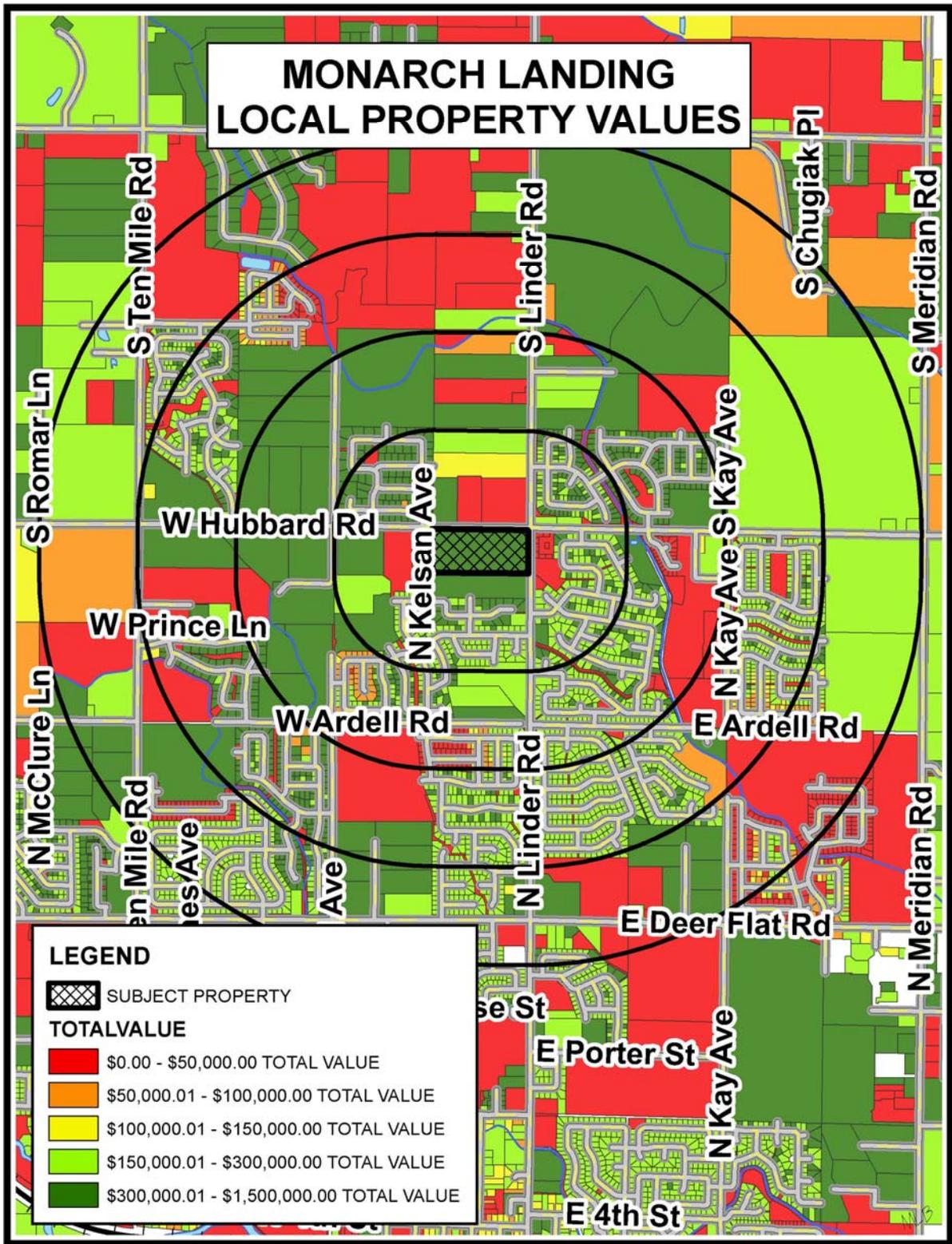


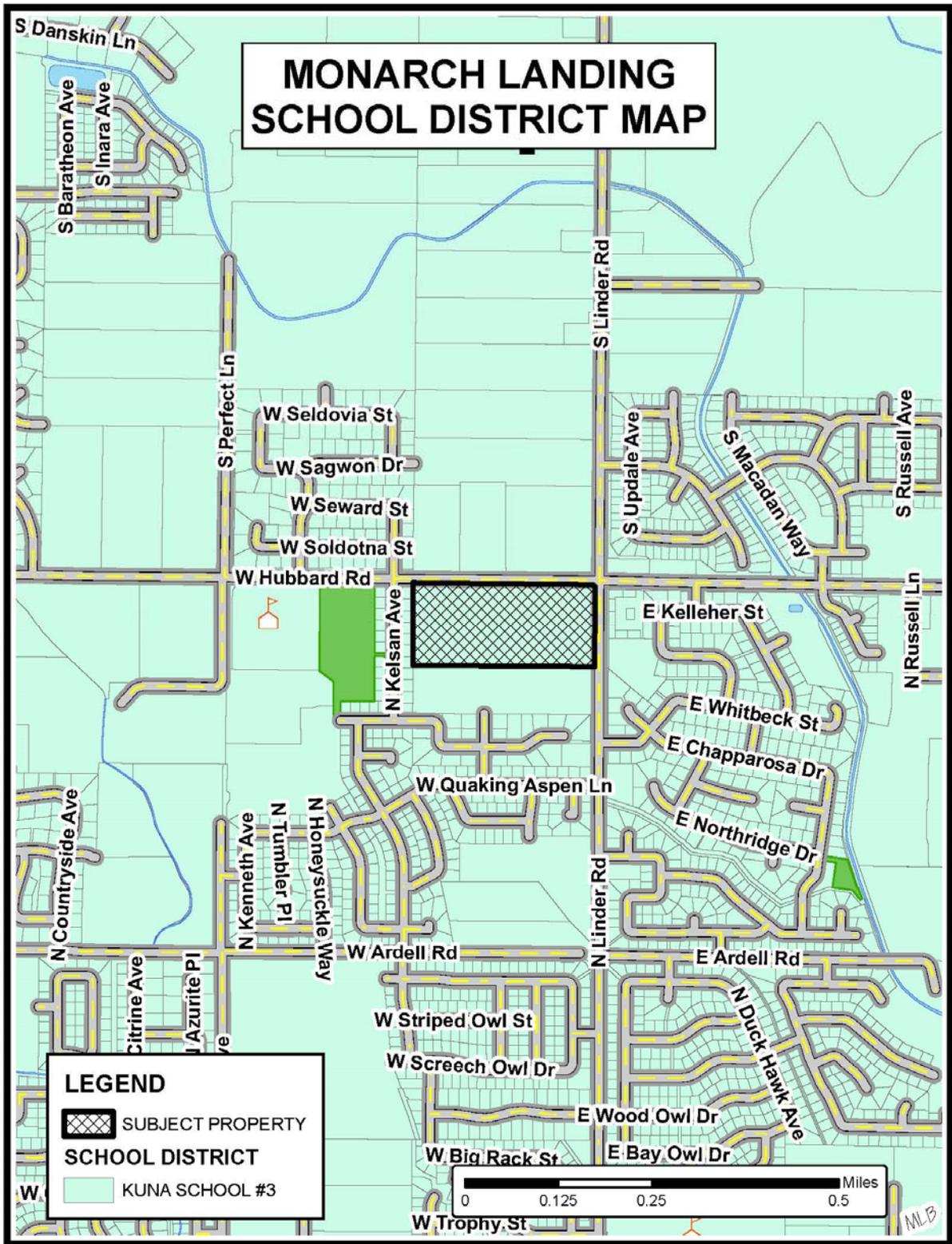


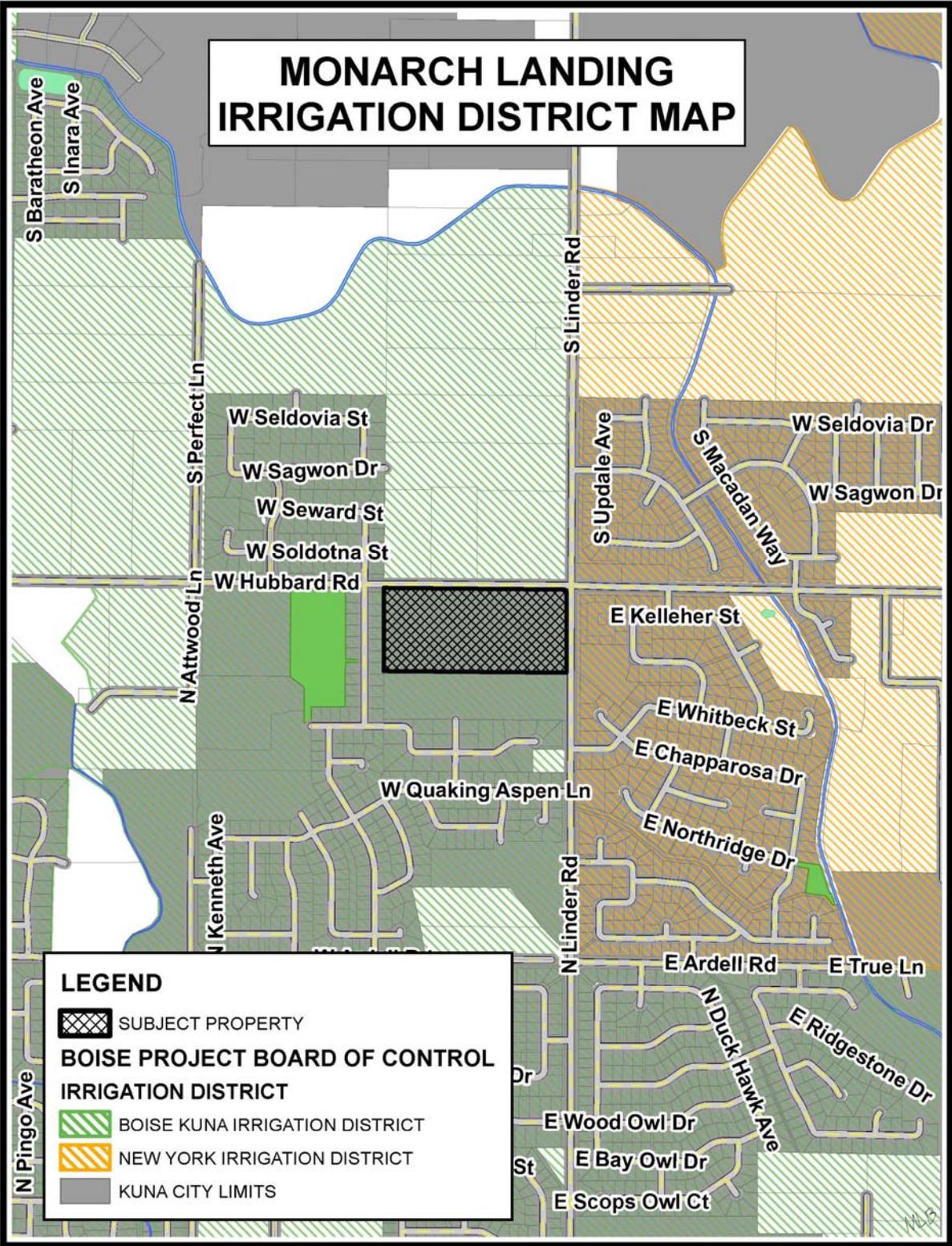


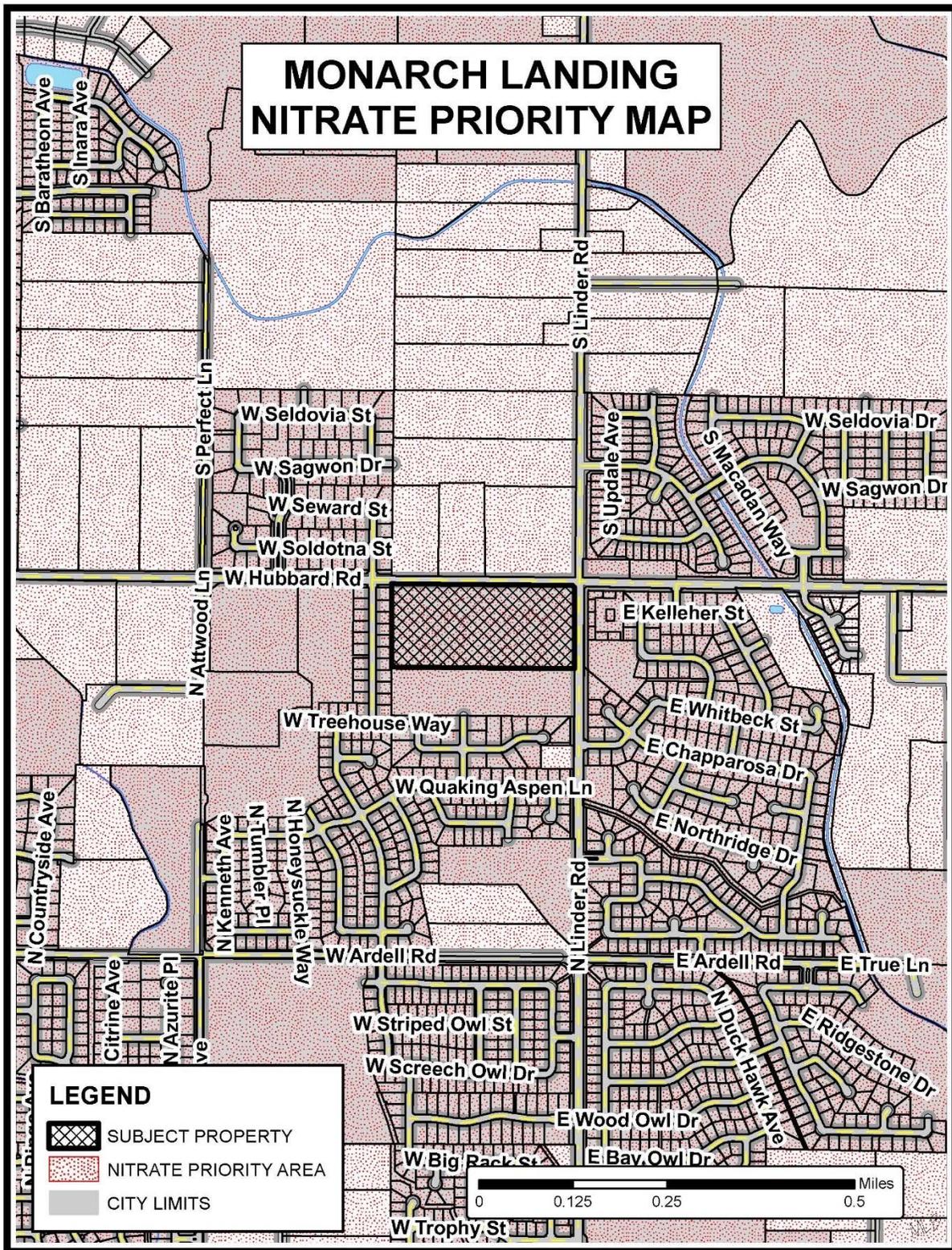


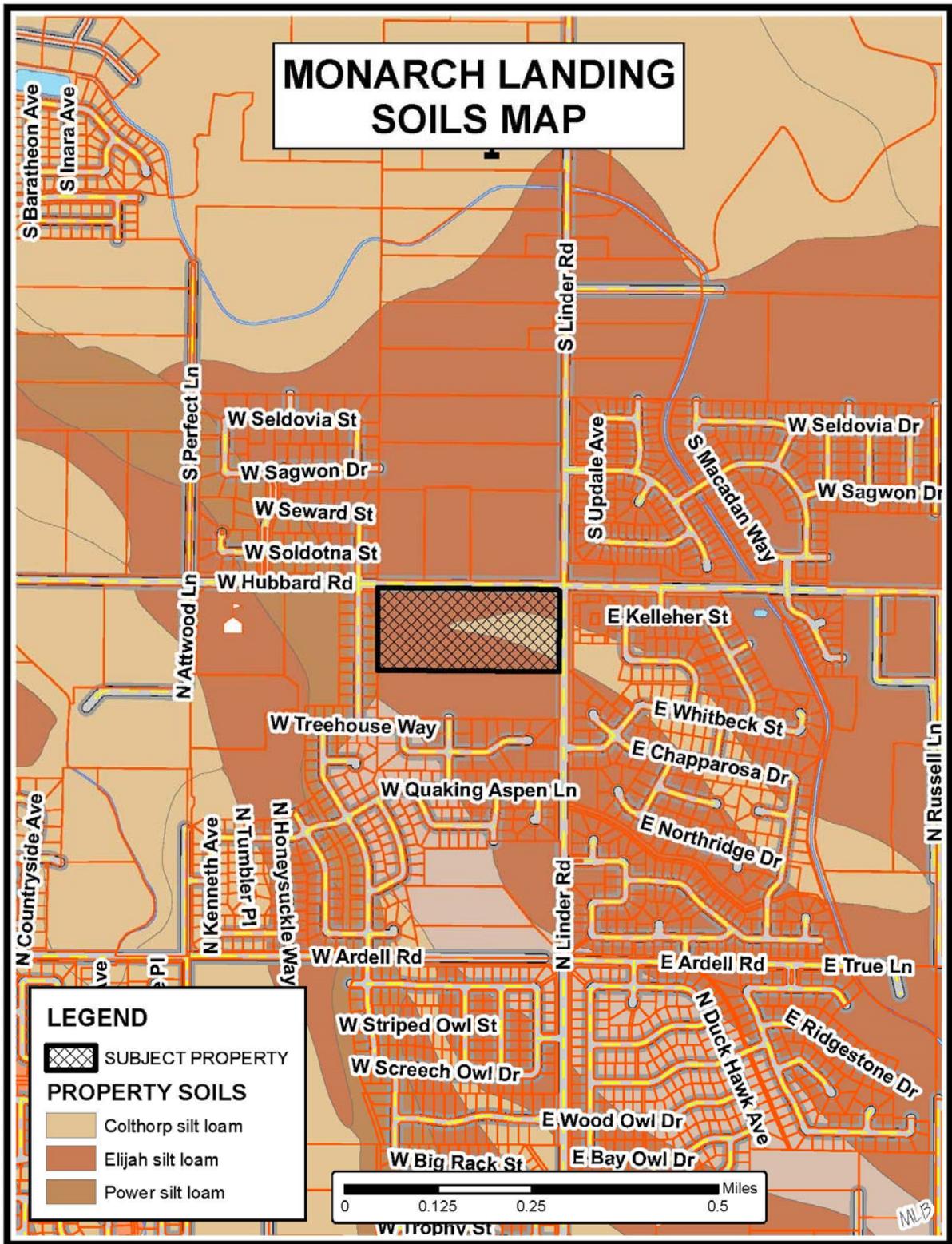


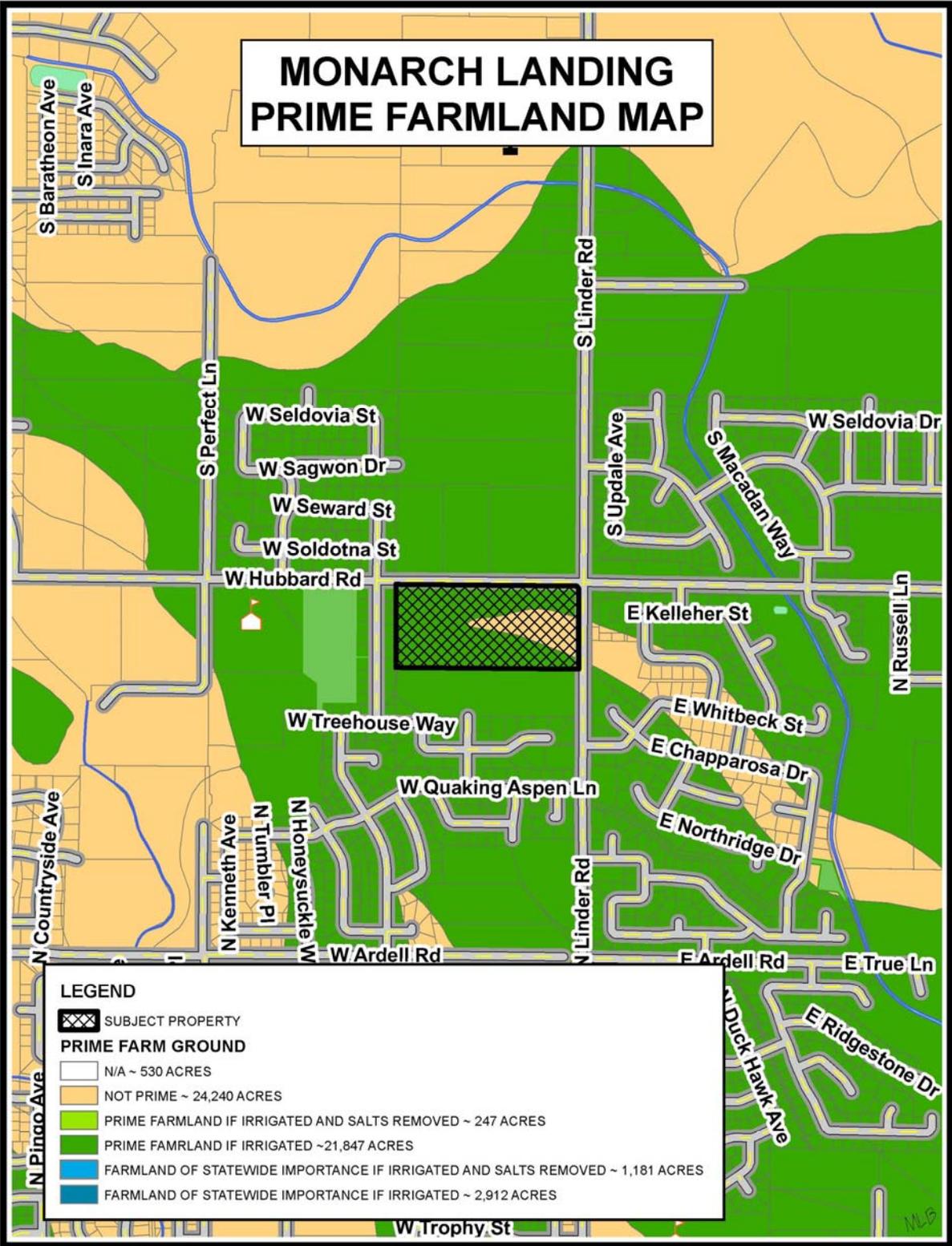


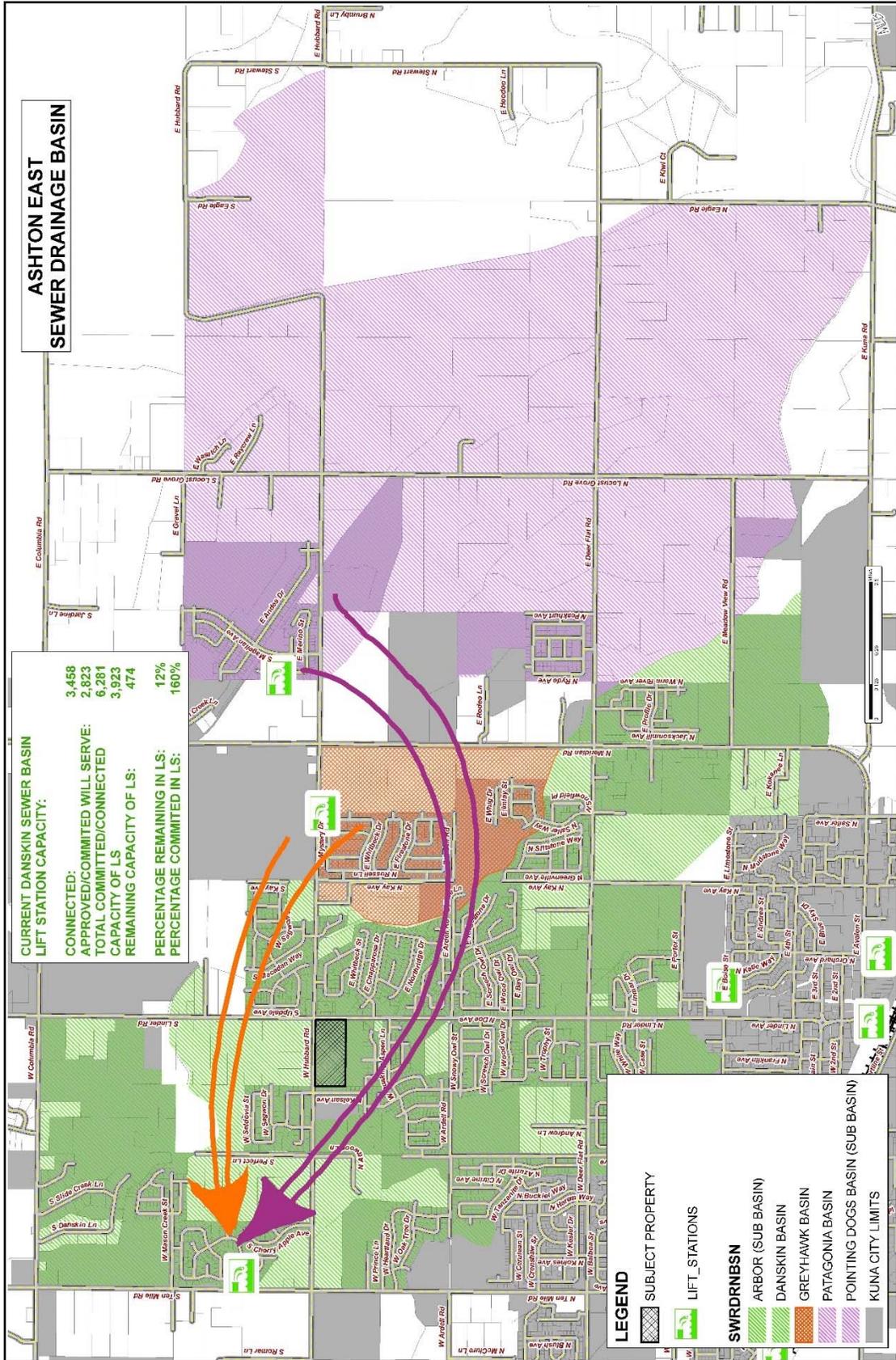














City of Kuna

Planning and Zoning Commission Findings of Fact and Conclusions of Law

P.O. Box 13
Kuna, ID 83634
Phone: (208) 922-5274
Fax: (208) 922-5989
www.Kunacity.id.gov

To: Planning and Zoning Commission
(acting as Design Review Committee)

Case: 20-09-DR (Design Review)
Francis Dental Office

Location: N. School Avenue
Lot 2 Block 1 Redhawk Square,
Kuna, ID 83634

Planner: Doug Hanson, Planner I

Meeting Date: June 23, 2020
Findings: **July 14, 2020**

Owner: Grant Francis
gfrancis@icloud.com

Applicant: Jessica Petty
2882 S. Honeycomb Way
Boise, ID 83716
208.867.0294
jessica@1215design.com

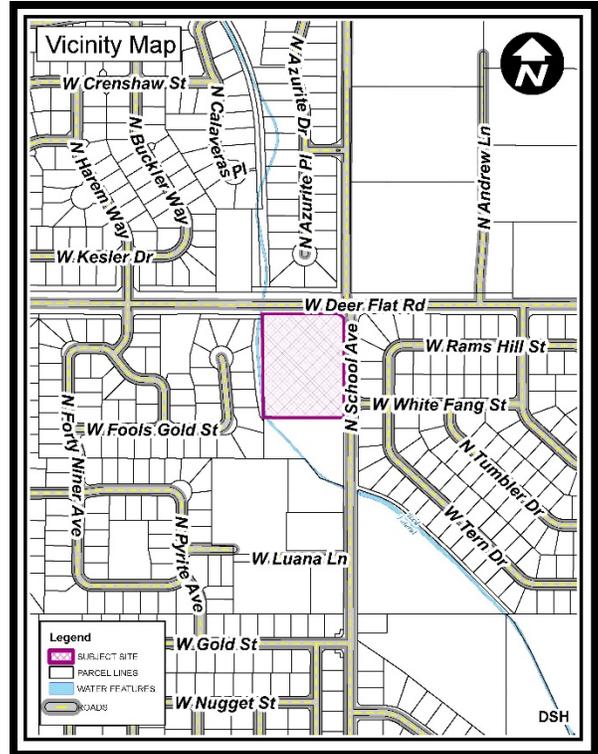


Table of Contents:

- A. Course Proceedings
- B. Applicant's Request
- C. General Project Facts
- D. Staff Analysis
- E. Applicable Standards
- F. Decision by the Commission

A. Process and Noticing:

Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states that design reviews and signs are designated as *public meetings*, with the Planning and Zoning Commission (acting as the Design Review Board) as the decision-making body. As a public meeting item, this action requires no formal public noticing actions.

a. Notifications

- i. Completeness Letter May 18, 2020
- ii. Agency Notifications May, 18 2020
- iii. Agenda June 23, 2020

B. Applicant's Request:

Jessica Petty requests design review approval for an approximately 2,940 square foot dental office located on N. School Avenue, future Lot 2 Block 1 of Redhawk Square, Kuna, Idaho 83634.

C. General Projects Facts:

1. **Comprehensive Plan Designation:** The Comprehensive Plan Future Land Use Map identifies this project location as Mixed Use.

2. **Surrounding Land Uses:**

North	MDR	Medium Density Residential – Kuna City
South	MDR	Medium Density Residential – Kuna City
East	MDR	Medium Density Residential – Kuna City
West	MDR	Medium Density Residential – Kuna City

3. **Parcel Sizes, Current Zoning, Parcel Numbers:**

- 3.46 (approximate) acres
- C-1 (Neighborhood Commercial)
- Parcel No. S1323212411

4. **Services:**

Sanitary Sewer – City of Kuna
Potable Water – City of Kuna
Pressurized Irrigation – City of Kuna (KMIS)
Fire Protection – Kuna Rural Fire District
Police Protection – Kuna City Police (Ada County Sheriff’s office)
Sanitation Services – J&M Sanitation

5. **Existing Structures, Vegetation and Natural Features:**

There are currently no structures situated on the subject site. Site development is underway.

6. **Transportation / Connectivity:**

Vehicle ingress/egress will be made available via driveways from W. Deer Flat Road and N. School Avenue.

7. **Environmental Issues:**

Staff is not aware of any environmental issues, health or safety conflicts beyond the designation of being in the nitrate priority area.

D. Staff Analysis:

The Francis Dental Office is planned for future Lot 2, Block 1 of the Redhawk Square Subdivision. Staff has reviewed the application and finds that the proposed building, parking lot and landscaping satisfy the intent of Kuna’s Zoning Code and conforms to the Kuna architecture guidelines and parking standards. Staff finds that the proposed building height and masonry generally appears to conform to Kuna City Code Title 5, Chapter 4, Design Review Overlay District.

The applicant proposes twenty-one (21) parking stalls and the stall dimensions are in conformance with KCC 5-9-2 and 5-9-3.

Trash collection will be served through the use of a trash enclosure. The trash enclosure will be completed by the developer during the buildout of Redhawk Square Subdivision.

The applicant has not proposed a sign, which will require a separate sign permit application. The proposed sign(s) shall be submitted in conformance with KCC Title 5, Chapter 10.

The applicant is subject to design review inspection and fees, for compliance verification of the building façade, parking lot and landscaping, prior to Certificate of Occupancy being issued.

Staff has determined that the application generally complies with Title 5 of KCC; Idaho Code; the Comprehensive Plan and the Future Land Use Map; Staff recommends that if the Planning and Zoning Commission approves Case Nos. 20-09-DR that the applicant be subject to the recommended conditions of approval listed in section “F” of this report.

E. Applicable Standards:

1. Kuna City Code, Title 5
2. City of Kuna Comprehensive Plan
3. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act

F. Order of Decision by the Planning and Zoning Commission:

Based on the facts outlined in staff’s report, case file and testimony at the public meeting, the Planning and Zoning Commission of Kuna, Idaho, hereby **approves** Case Nos. 20-09-DR, a design review request to construct a dental office, with the following conditions of approval:

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:
 - a. The City Engineer shall approve the sewer hook-ups.
 - b. 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.
 - c. The applicant shall provide the subsurface seepage bed design with supporting calculations to the City Engineer’s office prior to commencement of construction. Storm Water shall be managed on site.
 - d. The Kuna Fire District shall approve fire flow requirements. Installation of fire protection facilities as required by Kuna Fire District are required.
 - e. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to *issuance* of any building permit(s).
2. Street lights and parking lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Skies practices.
3. If any revisions to the landscape plan are desired the applicant shall request a change from the Planning and Zoning Department and it will be determined if the change will need to go to the Planning and Zoning Commission for approval.
4. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace any unhealthy or dead plant material immediately 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 a license agreement from the public and/or private entities owning the property.
5. All signs shall be permitted with the City of Kuna. All work shall be inspected by the appropriate staff.
6. The developer/owner/applicant and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Planning and Zoning Commission, or seek amending them through the design review process.
7. Developer/owner/applicant shall follow staff, City engineers and other agency recommended requirements.
8. Developer/owner/applicant shall comply with all local, state and federal laws.

DATED: this 14th day of July, 2020.



City of Kuna
Planning and Zoning Commission
Findings of Fact and Conclusions of Law

P.O. Box 13
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Fax: (208) 922-5989
www.Kunacity.id.gov

Based upon the record contained in Case No. 20-09-DR including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, including the exhibits, the Kuna Commission hereby *approves* the Findings of Fact and Conclusions of Law, and conditions of approval for Case No. 20-09-DR (Design Review), a request for design review approval for a commercial shell.

1. Based on the evidence contained in Case No. 20-09-DR, this proposal generally **does** comply with the City Code.

Finding: *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 Kuna City Code Title 5.*

2. The contents of the proposed design Review application **does** contain all of the necessary requirements as listed in Kuna City Code 5-4-9: - Design Review Application Required.

Finding: *Review by Staff and the Commission of the proposed Design Review confirms all applicable requirements listed in KCC 5-4-9 were provided.*

3. The parking design **does** provide safe vehicle parking and safe access.

Finding: *Per the submitted site plan, there are a total of twenty-one (21) proposed parking spaces with two (2) proposed ADA accessible spaces. All spaces are nine feet in width and at least twenty feet in depth. The parking spaces comply with KCC 5-9-2 and 5-9-3.*

4. The proposed project **does** conform to the Kuna Architecture Guidelines.

Finding: *Per the submitted application, the maximum building height is approximately 35 feet. The building height and proposed building materials conform to the Kuna Architecture guidelines.*

DATED this 14th day of July, 2020.

Lee Young, Chairman
Planning and Zoning Commission

ATTEST:

Doug Hanson, Planner I
Kuna Planning and Zoning Department



City of Kuna

P.O. Box 13
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Kunacity.id.gov

Planning & Zoning Commission Staff Report

To: Planning and Zoning Commission

Case Number(s): 20-01-CPF (Combo PP & FP)
Ensign Sub. No. 1

Location: South West Corner (SWC) of Meridian & Deer Flat Roads
Kuna, Idaho 83634

Planner: Troy Behunin, Planner III

Hearing Date: June 9, 2020
Tabled To: *July 14, 2020*

Owner: **Emmett Partners, LLC**
579 S. Moss Hill Dr.
Bountiful, UT 84010
435.881.9040
brett@ensigndevelopmentgroup.com

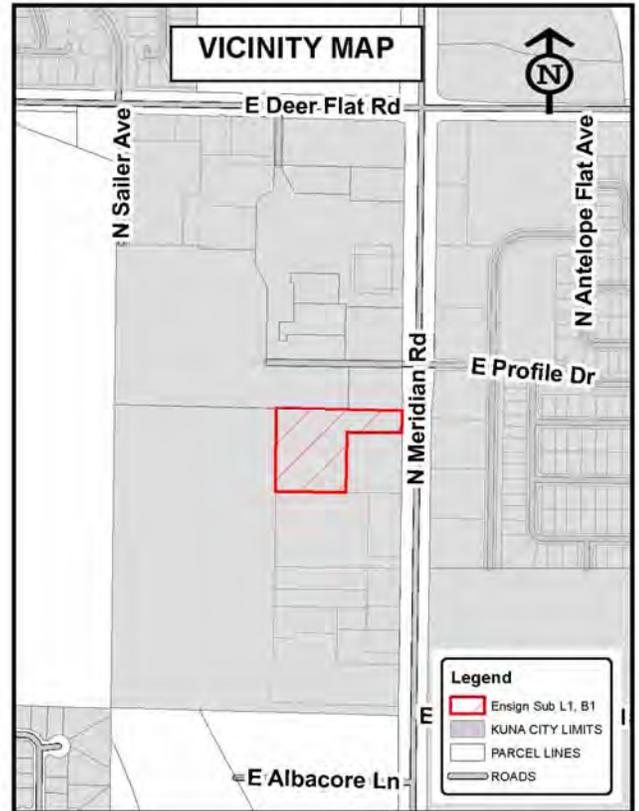


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- A. Course Proceedings
- B. Applicant Request
- C. Site History
- D. General Project Facts
- E. Staff Analysis
- F. Applicable Standards
- G. Proposed Comprehensive Plan Analysis
- H. Proposed Kuna City Code Analysis
- I. Proposed Decision by the Commission

A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states that annexation and combination plat applications are designated as *public hearings*, with the Planning and Zoning Commission as the recommending body, and City Council as the decision-making body. These land use applications were given proper public notice and have followed the requirements set forth in Idaho Code, Chapter 65, Local Land Use Planning Act (LLUPA).

a. Notifications

- i. Neighborhood Meeting June 29, 2020 (four persons attended)
- ii. Agencies March 20, 2020
- iii. 300' Property Owners May 29, 2020
- iv. Kuna, Melba Newspaper May 20, 2020
- v. Site Posted June 29, 2020

B. Applicant Request:

1. Applicant, Emmett Partners, LLC requests Preliminary Plat & Final Plat Combination Plat (Short Plat) request to Re-subdivide one lot within Ensign Subdivision No. 1. Applicant requests approval to subdivide Lot 1, Block 1 of Ensign Subdivision No. 1, into two pieces in this *Commercial* Subdivision within Kuna, City, ID 83634, Section 24, Township 2 North, Range 1 West; (APN: R2404320010).

C. Site History: The approx. 3.095 acre subject site is within a Commercial Subdivision known as the Ensign Subdivision and is known legally as Lot 1, Block 1 within the same which was created in 2017.

D. General Projects Facts:

1. **Comprehensive Plan Designation:** The City of Kuna’s Future Land Use Map identifies the subject site as a Commercial use. Staff views this land use request to be consistent with the approved Future Land Use Map.
2. **Kuna Comprehensive Plan Future Land Use Map:**
The Future Land Use Map (FLUM) is intended to serve as a *guide* for the decision-making body for the City. The FLUM indicates land use designations generally speaking, it is not the actual zone. The Future Land Use Map identifies the approx. 3.0975-acre site as Commercial.
3. **Kuna Recreation and Pathways Master Plan Map:**
The Kuna Recreation and Master Pathways Plan map does not identify a future trail in the general area.
4. **Surrounding Existing Land Uses and Zoning Designations:**

North	C-1	Commercial – Kuna City
South	C-1	Commercial – Kuna City
East	C-1	Commercial – Kuna City
West	R-6	Med. Den. Residential – Kuna City

5. **Parcel Sizes, Current Zoning, Parcel Numbers:**
 - Approx. 3.095 acres total
 - C-1 (Neighborhood Commercial) – Kuna City
 - Parcel # R2404320010
6. **Services:**
 - Sanitary Sewer– City of Kuna (*In the future*)
 - Potable Water – City of Kuna (*In the future*)
 - Irrigation District – Boise-Kuna Irrigation District (*In the future*)
 - Pressurized Irrigation – City of Kuna (KMID) (*In the future*)
 - Fire Protection – Kuna Rural Fire District
 - Police Protection – Kuna City Police (Ada County Sheriff’s office)
 - Sanitation Services – J & M Sanitation
7. **Existing Structures, Vegetation and Natural Features:** Currently there is no structure on site. This sites general slope is between 1.0 - 1.4%. The sites vegetation is consistent with a empty lot.
8. **Transportation / Connectivity:** The applicant proposes access from the two existing private driveways built for the site, and by extending the asphalt for their sites needs.

9. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

10. **Agency Responses:** The following responding agency comments are included as exhibits with this case file

- City Engineer..... Exhibit B-1
- Ada County Highway District (ACHD)..... Exhibit B-2
- Central District Health Department (CDHD) Exhibit B-3
- Department of Environmental Quality (DEQ)..... Exhibit B-4
- Idaho Transportation Department (ITD)..... Exhibit B-5
- Kuna Rural Fire District (KRFD) Exhibit B-6

E. Staff Analysis:

Applicant requests approval to further subdivide the subject property known as Lot 1, Block 1 within existing Ensign No. 1 Subdivision creating a two-lot subdivision. Applicant intends to develop these two lots into commercial pads to be used for commercial purposes.

All required utilities were installed at time of site development for Ensign Sub No. 1. Applicant proposes access to the new lots by connecting to and extending the existing pavement from the private driveway to each of the proposed lots. Staff recommends that the applicant be conditioned to join the POA (Property Owners Association) and participate in the permanent and continuous maintenance and care of the private lane. With that assurance provided, then staff has no concerns with the private driveway. Staff recommends the applicant be conditioned to provide connection to adjacent lots and parcels for future internal circulation for all types of traffic without limit.

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards Case No. 20-01-CPF to the Commission with the recommended conditions of approval listed in section “I” of this report.

F. Applicable Standards:

1. Kuna City Code Chapter 6 – Chapter 1-6; Subdivision Regulations,
2. Kuna City Code Title 5 – Chapter 1-17; Zoning Regulations,
3. City of Kuna Comprehensive Plan and Future Land Use Map,
4. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

G. Proposed Comprehensive Plan Analysis:

Kuna Planning and Zoning Commission have **accepted/ rejected** the Comprehensive Plan components, and shall determine if the proposed rezone and preliminary plat requests for the site **are/are not** consistent with the following Comprehensive Plan components as described below:

Goal Area 1: Kuna will be economically diverse and vibrant.

Goal 1 A: Ensure Land use in Kuna will support economic development.

1 B: Support development of a skilled, talented and trained workforce.

1 C: Attract and encourage new and existing businesses.

1 D: Address and plan for economic expansion of the City and region.

Objectives:

1.A.2. Create commercial nodes and corridors that support development of economic opportunities that do not compete with downtown revitalization efforts.

Policies:

1A.2.d: Designate a sufficient quantity of land on the Future Land Use Map for commercial use.

Plan Implementation: (Pg. 18)

2. Develop true mixed-use areas and new commercial areas and employment centers.

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

Goal 3 C: Encourage development of commercial areas with good connectivity and character.

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

- Goal 4.B.2: Maintain and expand sidewalks and pedestrian facilities within the community.

Policies:

4.B.2.C. Promote the installation of off-system pedestrian pathways to create (neighborhood) connections and reduce the length of non-motorized transportation routes.

Objectives:

4.C.2.c: Promote the installation of off-system bicycle pathways to create neighborhood connections and reduce non-motorized transportation route lengths.

- Goal 4.D: Promote a connected street network that incorporates mid-mile collectors and crossing for improved (neighborhood) connectivity.

INTENT:

1. Reducing access to Meridian Road/Highway 69;
2. Improving connectivity, and
3. Providing viable access to the growing commercial/mixed-use corridor.

H. Proposed Kuna City Code Analysis:

1. This request appears to be consistent and in compliance with all Kuna City Code (KCC).

Comment: *The proposed applications **adhere/do not adhere** to the applicable requirements of Title 5 and Title 6 of KCC.*

2. The Planning and Zoning Commission feels the site **is/is not** physically suitable for the proposed development.

Comment: *The 3.095-acre approximate (approx.) site **does/does not** appear to be suitable for the proposed development.*

3. The combo/short plat request **is/is not** likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.

Comment: *The land to be developed is not used as wildlife habitat. Roads, driveways, family units and open spaces are planned for construction according the City and ACHD requirements and best practices and will therefore not cause environmental damage or loss of habitat.*

4. This application **is/is not** likely to cause adverse public health problems.

Comment: *The project would connect to public sewer and potable water systems, therefore eliminating the occurrence of adverse public health problems.*

5. The application **does/does not** appear to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.

Comment: *The combo/short plat request considers the location of the property and adjacent uses. The adjacent uses are medium density residential and commercial (Kuna City) and rural residential (Ada County).*

6. The existing and proposed street and utility services in proximity to the site **are/are not** suitable or adequate for a commercial development.

Comment: *Correspondence from ACHD and Kuna Public Works confirms that the streets and utility services are suitable and adequate for this project, however, per Kuna City Engineer, a commensurate impact of City services will result with this development.*

I. Proposed Recommendation by the Commission:

Note: These motions are for the approval, conditional approval or denial of the design review application and the recommendation of approval, conditional approval or denial of the annexation and preliminary plat applications to the City Council. However, if the planning and Zoning Commission wishes to approve or deny specific parts of these requests as detailed in the report, those changes must be specified.

Based on the facts outlined in staff's report and public testimony as presented, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends **approval/conditional approval/denial** of Case No's 19-08-ZC (Rezone) and 19-10-S (Preliminary Plat), a rezone and subdivision request from Mason & Associates, Inc. requests a rezone for approx. 17.34 acres from Ag. **TO** a C-3 (Area Commercial) zone and to subdivide the same 17.43 acres into 15 total lots (10) buildable lots, five (5) common lots); AND **approves/conditionally approves/deny** Case No's 19-06-SUP (Special Use Permit) 20-03-DR (Design Review), subject to the following conditions of approval:

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:
 - a. The City Engineer shall approve all sewer connections and grading plans.
 - b. The City Engineer shall approve drainage and grading plans.
 - c. Central District Health Department requires the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties".
 - d. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan by the City engineer.
 - e. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
 - f. The *Boise Project Board of Control* shall approval all modifications to the existing irrigation system.
 - g. No public street construction may be commenced without the approval and permit from Ada County Highway District and Idaho Transportation Department.
 - h. All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District.
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. 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.
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 (KMIS).
5. Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The applicant shall conform all corresponding Master Plans.
6. Applicant shall work with staff in order to provide locations of street lights as required by Kuna City Code.
7. Street lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Skies practices.
8. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted).
9. 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.
10. Landscaping cannot 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.
11. Any revisions of the plat are subject to administrative determination to rule if the revision is substantial.
12. 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.
13. Applicant is conditioned to provide connection to adjacent lots and parcels for future internal circulation for all types of traffic without limit.
14. Developer/owner/applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
15. Developer/owner/applicant shall comply with all local, state and federal laws.



City of Kuna
Planning and Zoning Commission
Findings of Fact and Conclusions of Law

P.O. Box 13
Phone: (208) 922-5274
Fax: (208) 922-5989
www.Kunacity.id.gov

Based upon the record contained in Case No. 20-01-CPF, including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, including the exhibits, and the testimony during the public hearing, the Kuna City Council hereby **approves/conditionally approves/denies** the Findings of Fact and Conclusions of Law, and conditions of approval for Case No. 20-01-CPF a request for a combo/short plat approval by Emmett Partners, LLC:

1. *The Kuna Planning and Zoning Commission approves the facts as outlined in the staff report, the public testimony and the supporting evidence list presented.*

Comment: *The Commission will hold/held a public hearing on the subject applications on July 14, 2020, to hear from City staff, the applicant and to accept public testimony. The decision by the Commission is based on the application, staff report and public testimony, both oral and written.*

2. *Based on the evidence contained in Case No. 20-01-CPF, this proposal **does/does not** generally comply with the Comprehensive Plan and City Code.*

Comment: *The Comp Plan has listed numerous goals for promoting and supporting a diverse and sustainable economy that will allow more Kuna residents to work in their community and encouraging a balance of land uses to ensure that Kuna remains desirable, stable and a self-sufficient community.*

3. *Based on the evidence contained in Case No. 20-01-CPF, this proposal **does/does not** generally comply with the Kuna City Code.*

Comment: *The applicant has submitted a complete application, and following staff review the application appears to be in general compliance with the design requirements, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6.*

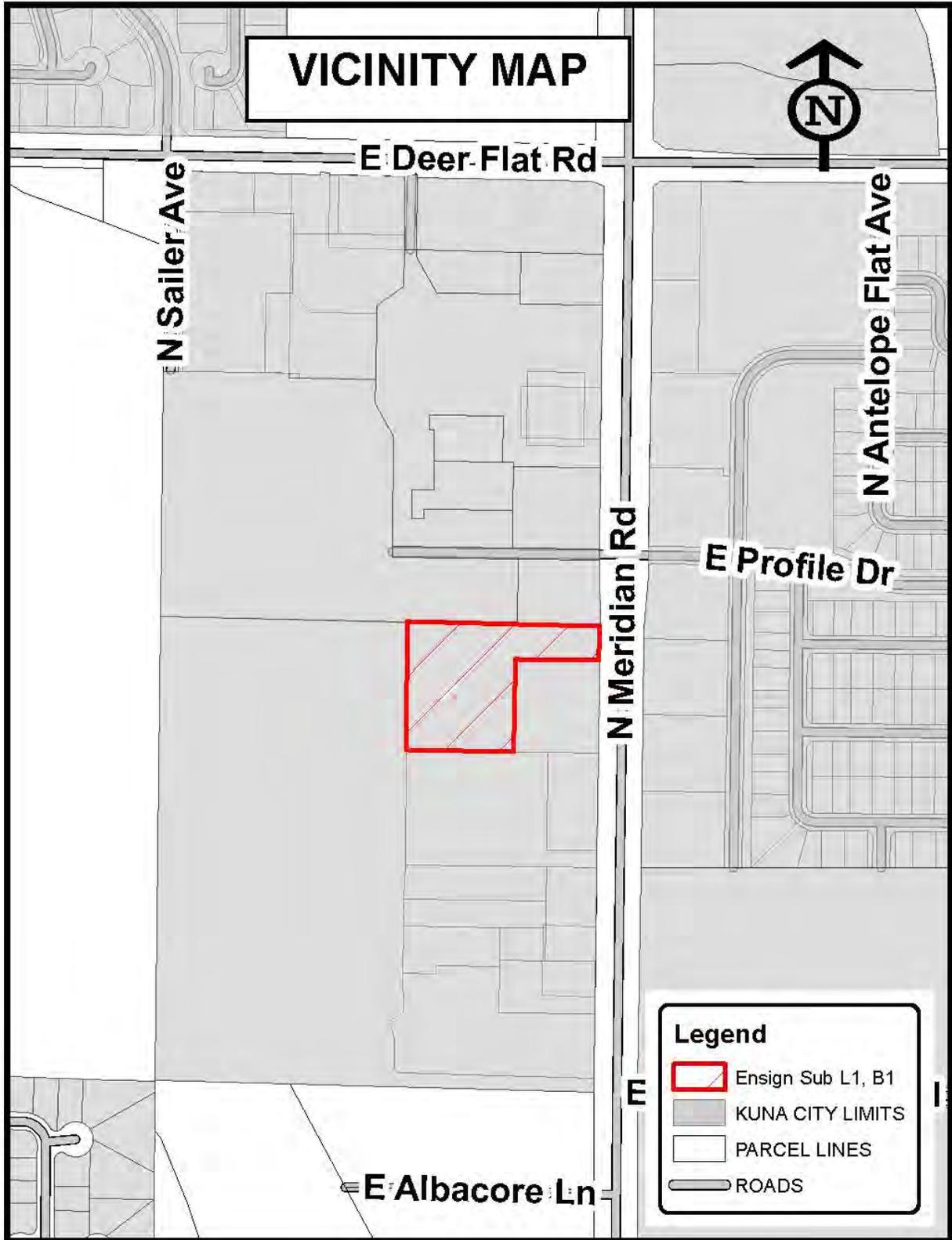
4. *The Kuna Planning and Zoning Commission has the authority to recommend **approval/denial** to Council for Case No. 20-01-CPF.*

Comment: *On July 14, 2020, the Commission **will/has voted** to recommend **approval/conditional approval/denial** of Case No. 20-01-CPF.*

5. *The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.*

Comment: *Neighborhood Notices were mailed out to residents within 300-FT of the proposed project site on May 29, 2020, and a legal notice was published in the Kuna Melba Newspaper on May 20, 2020. The applicant placed a sign on the property on June 20, 2020.*

DATED: this ___ day of _____, 2020.



March 9, 2020

City of Kuna

Planning and Zoning Department

RE: Request for a Combo Plat Ensign Subdivision

Emmett Partners, LLC requests from the City of Kuna a Combo Plat on Lot 1, Block 1 of the Ensign Subdivision NO. 1. The lot is currently 3.095 acres and we request permission to split the lot into two smaller parcels. Proposed Parcel A being 1.815 Acres and proposed Parcel B being 1.28 acres.

We have received several requests from potential tenants for this sub-division to better fit their use needs. Emmett Partners, LLC believes that having two smaller lots will better allow us to maximize the use of this property and allow us to bring two additional tenants into the City of Kuna rather than one user for the larger lot.

We have included all of the application documents that the city has requested and would like to schedule a meeting with the Planning Department to review the application and start the process.

Thank you for considering this request.

A handwritten signature in blue ink that reads "M. Brett Jensen". The signature is stylized and includes a long horizontal flourish extending to the right.

M. Brett Jensen

Emmett Partners, LLC



City of Kuna
 Planning & Zoning
 Department
 P.O. Box 13
 Kuna, Idaho 83634
 208.922.5274
 Fax: 208.922.5989
 Website: www.kunacity.id.gov

Commission & Council Review Application

Note: Engineering fees shall be paid by the applicant if required.

*Please submit the appropriate checklist (s) with application

For Office Use Only	
File Number (s)	20-01-CPF
Project name	ENSIGN SUB COMBO PLAT
Date Received	Mar. 9, 2020
Date Accepted/Complete	Mar. 19, 2020
Cross Reference Files	
Commission Hearing Date	
City Council Hearing Date	

Type of Review (check all that apply):

- Annexation
- Appeal
- Comprehensive Plan Amendment
- Design Review
- Development Agreement
- Final Planned Unit Development
- Final Plat
- Lot Line Adjustment
- Lot Split
- Planned Unit Development
- Preliminary Plat
- Rezone
- Special Use
- Temporary Business
- Vacation
- Variance

Contact/Applicant Information

Owners of Record: <u>Emmett Partners, LLC</u>	Phone Number: <u>435-881-9040</u>
Address: <u>579 South Moss Hill Drive</u>	E-Mail: <u>brett@ensigndevelopmentgroup.com</u>
City, State, Zip: <u>Bountiful, UT 84010</u>	Fax #: _____
Applicant (Developer): <u>Ensign development Group</u>	Phone Number: <u>435-881-9040</u>
Address: <u>2694 N. GRANT 920 E.</u>	E-Mail: <u>brett@ensigndevelopmentgroup.com</u>
City, State, Zip: <u>N. Logan, UT 84341</u>	Fax #: _____
Engineer/Representative: _____	Phone Number: _____
Address: _____	F-Mail: _____
City, State, Zip: _____	Fax #: _____

Subject Property Information

Site Address: <u>997 N. Meridian Rd</u>	
Site Location (Cross Streets): _____	
Parcel Number (s): <u>R2404320010</u>	
Section, Township, Range: <u>Lot 1 block 1 Ensign subdivision No. 1 Located in the SE 1/4 of the NE 1/4 of section 24</u>	
Property size: <u>3.695 Acres</u>	
Current land use: <u>Vacant Parcel</u>	Proposed land use: <u>Commercial building</u>
Current zoning district: <u>C-1</u>	Proposed zoning district: _____

Project Description

Project / subdivision name: Ensign No. 1
General description of proposed project / request: Lot Split

Type of use proposed (check all that apply):
 Residential
 Commercial
 Office
 Industrial
 Other

Amenities provided with this development (if applicable): Current utilities

Residential Project Summary (if applicable)

Are there existing buildings? Yes No
Please describe the existing buildings: _____
Any existing buildings to remain? Yes No
Number of residential units: _____ Number of building lots: _____
Number of common and/or other lots: _____
Type of dwellings proposed:
 Single-Family
 Townhouses
 Duplexes
 Multi-Family
 Other
Minimum Square footage of structure (s): _____
Gross density (DU/acre-total property): _____ Net density (DU/acre-excluding roads): _____
Percentage of open space provided: _____ Acreage of open space: _____
Type of open space provided (i.e. landscaping, public, common, etc.): _____

Non-Residential Project Summary (if applicable)

Number of building lots: 2 Other lots: _____
Gross floor area square footage: _____ Existing (if applicable): _____
Hours of operation (days & hours): _____ Building height: _____
Total number of employees: _____ Max. number of employees at one time: _____
Number and ages of students/children: _____ Seating capacity: _____
Fencing type, size & location (proposed or existing to remain): _____

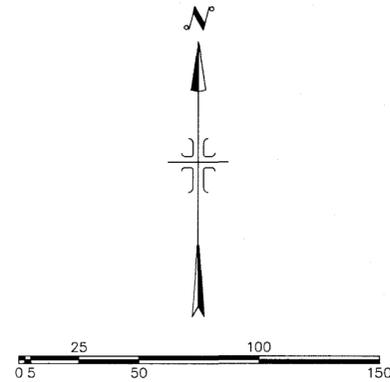
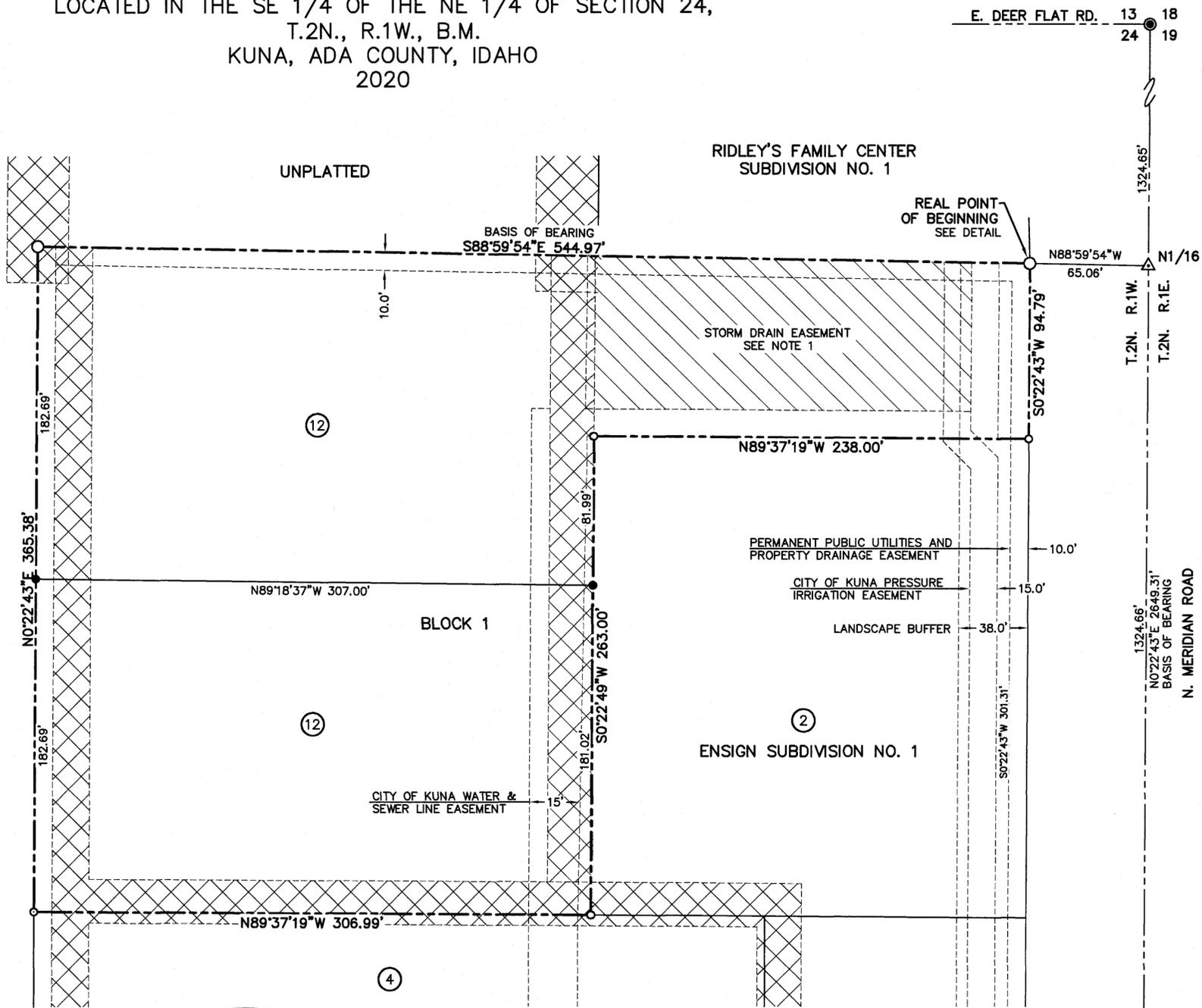
Proposed Parking: a. Handicapped spaces: _____ Dimensions: _____
b. Total Parking spaces: _____ Dimensions: _____
c. Width of driveway aisle: _____

Proposed Lighting: _____
Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.): _____

Applicant's Signature: [Signature] Date: 4/25/19

PLAT SHOWING
ENSIGN SUBDIVISION NO. 3

LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 24,
T.2N., R.1W., B.M.
KUNA, ADA COUNTY, IDAHO
2020

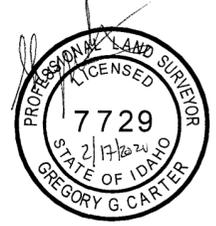
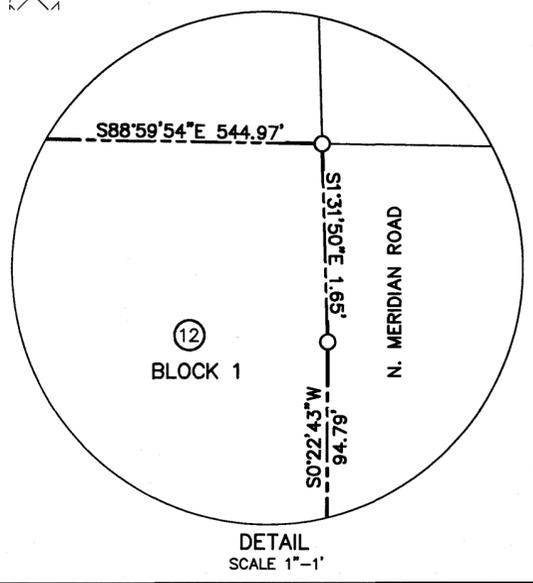


LEGEND

●	FOUND ALUMINUM CAP MONUMENT
○	FOUND 5/8" IRON PIN PLS 7729 UNLESS OTHERWISE NOTED
○	FOUND 1/2" IRON PIN PLS 7729 REPLACED WITH 5/8" IRON PIN PLS 7729
●	SET 1/2" IRON PIN WITH CAP PLS 7729
---	PROPERTY BOUNDARY LINE
- - - -	EASEMENT LINE SEE NOTE 1
---	LOT LINE
XXXXXX	CROSS-ACCESS EASEMENT AGREEMENT SEE NOTE 1
⑦	LOT NO.

NOTES:

- EASEMENTS PER THE PLAT OF ENSIGN SUBDIVISION NO. 1 ARE AS SHOWN ON THIS PLAT.
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RE-SUBDIVISION.
- MAINTENANCE OF ANY IRRIGATION, DRAINAGE PIPE OR DITCH CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE DISTRICT.
- IRRIGATION WATER WILL BE PROVIDED BY CITY OF KUNA IN COMPLIANCE WITH IDAHO CODE SECTION 31-3805(1)(B). ALL LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION RIGHTS, AND WILL BE OBLIGATED FOR ASSESSMENTS FROM CITY OF KUNA SUBJECT TO THE ANNEXING OF ENSIGN SUBDIVISION INTO THE KUNA MUNICIPAL IRRIGATION DISTRICT AND POOLING THE APPURTENANT WATER RIGHTS THEREOF, RECORDED AS INSTRUMENT NO. 2016-060881, RECORDS OF ADA COUNTY, IDAHO.
- MINIMUM BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF KUNA APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF INDIVIDUAL BUILDING PERMITS OR AS SPECIFICALLY APPROVED AND/OR REQUIRED.
- DIRECT LOT ACCESS TO N. MERIDIAN ROAD IS PROHIBITED UNLESS SPECIFICALLY ALLOWED BY THE STATE OF IDAHO AND THE CITY OF KUNA. LOT ACCESS TO LOTS 1-6, BLOCK 1 SHALL BE FROM THE CROSS ACCESS EASEMENT AS SHOWN ON THIS PLAT. LOTS 1-6, BLOCK 1 SHALL BE SUBJECT TO A CROSS ACCESS EASEMENT IN FAVOR OF LOTS 1-6, BLOCK 1 AS SHOWN ON THIS PLAT.
- ALL COMMERCIAL LOTS WITHIN THE ENSIGN SUBDIVISION ARE SUBJECT TO THE GRANT OF RECIPROCAL EASEMENTS AND DECLARATION OF COVENANTS RECORDED AS INSTRUMENT NO. 2016-091329
- THIS DEVELOPMENT RECOGNIZES IDAHO CODE SECTION 22-4503, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL FACILITY OR AN EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."



SURVEYORS NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO RE-SUBDIVIDE LOT 1, BLOCK 1 OF ENSIGN SUBDIVISION NO. 1. MONUMENTATION FOUND ON THE GROUND PER THIS PLAT ARE IN SUBSTANTIAL AGREEMENT WITH THE MONUMENTATION SHOWN ON THE PLAT AND WERE HELD AS CONTROLLING CORNERS FOR THIS SURVEY.

	IDAHO	1450 E. WATERTOWER ST
	SURVEY	SUITE 130
	GROUP, P.C.	MERIDIAN, IDAHO 83642
		PH. (208) 846-8570
		FAX (208) 884-5399

ENSIGN SUBDIVISION NO. 3

CERTIFICATE OF OWNERS

Know all men by these presents: That Emmett Partners, LLC, a limited liability company is the owner of the property described as follows:

A re-subdivision of Lot 1, Block 1 of Ensign Subdivision No. 1 as filed in Book 111 of Plats at Pages 16,059 through 16,061, records Ada County, Idaho located in the SE 1/4 of the NE 1/4 of Section 24, T.2N., R.1W., B.M., City of Kuna, Ada County, Idaho being more particularly described as follows:

Commencing at the E1/4 corner of said Section 24 from which the NE corner of said Section 24 bears North 00°22'43" East, 2,649.31 feet;

thence along the East boundary line of said Section 24 North 00°22'43" East, 1324.66 feet to the N1/16 corner of said Section 24;

thence leaving said East boundary line and along the North boundary line of the SE 1/4 of the NE 1/4 of said Section 24 North 88°59'54" West, 65.06 feet the NE corner of said Lot 1, said point also being the **REAL POINT OF BEGINNING**;

thence along the exterior boundary line of said Lot 1 the following courses and distances:

thence South 01°31'50" East, 1.65 feet;

thence South 00°22'43" West, 94.79 feet;

thence North 89°37'19" West, 238.00 feet;

thence South 00°22'49" West, 263.00 feet;

thence North 89°37'19" West, 306.99 feet;

thence North 00°22'43" East, 365.38 feet;

thence South 88°59'54" East, 544.97 feet to the **REAL POINT OF BEGINNING**. Containing 3.10 acres, more or less.

It is the intention of the undersigned to hereby include the above described property in this plat and to dedicate to the public, the public streets as shown on this plat. The easements as shown on this plat are not dedicated to the public. However, the right to use said easements is hereby perpetually reserved for public utilities and such other uses as designated within this plat, and no permanent structures are to be erected within the lines of said easements. All lots in this plat will be eligible to receive water service from an existing City of Kuna main line located adjacent to the subject subdivision, and the City of Kuna has agreed in writing to serve all the lots in this subdivision.

Emmett Partners, LLC

Jeremy Terry, Manager

CERTIFICATE OF SURVEYOR

I, Gregory G. Carter, do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this plat as described in the "Certificate of Owners" was drawn from an actual survey made on the ground under my direct supervision and accurately represents the points platted thereon, and is in conformity with the State of Idaho Code relating to plats and surveys.



ACKNOWLEDGMENT

State of Idaho)
) s.s.
County of Ada)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared Travis Stroud, known or identified to me to be a member of B&S Investments LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that said limited liability company executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My commission expires _____

Notary Public for Idaho
Residing in _____, Idaho



ENSIGN SUBDIVISION NO. 3

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied according to the letter to be read on file with the County Recorder or his agent listing the conditions of approval. Sanitary restrictions may be re-imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

District Health Department, EHS Date

APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

The foregoing plat was accepted and approved by the Board of Ada County Highway District Commissioners on the _____ day of _____, 20____.

President ACHD

APPROVAL OF CITY ENGINEER

I, the City Engineer in and for the City of Kuna, Ada County, Idaho, hereby approve this plat.

City Engineer

APPROVAL OF CITY COUNCIL

I, the undersigned, City Clerk in and for the City of Kuna, Ada County, Idaho, hereby certify that at a regular meeting of the City Council held on the _____ day of _____, 20____, this plat was duly accepted and approved.

City Clerk, Kuna, Idaho

CERTIFICATE OF COUNTY SURVEYOR

I, the undersigned, Professional Land Surveyor in and for Ada County, Idaho, do hereby certify that I have checked this plat and that it complies with the State of Idaho Code relating to plats and surveys.

County Surveyor

CERTIFICATE OF COUNTY TREASURER

I, the undersigned, County Treasurer in and for the County of Ada, State of Idaho, per the requirements of I.C.50-1308 do hereby certify that any and all current and/or delinquent county property taxes for the property included in this subdivision have been paid in full. This certification is valid for the next thirty (30) days only.

Date

County Treasurer

COUNTY RECORDER'S CERTIFICATE

State of Idaho)
) s.s.
County of Ada)

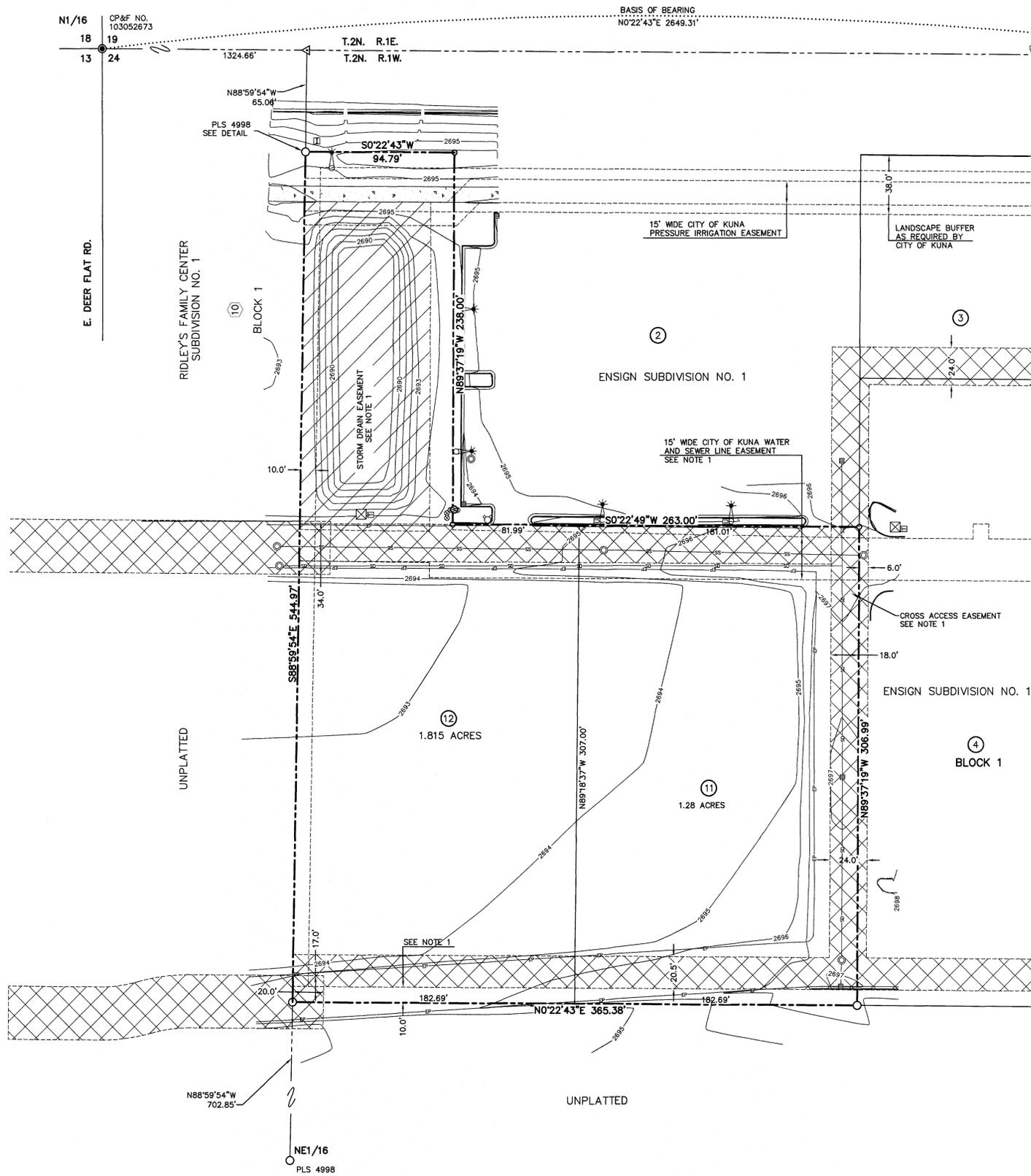
I hereby certify that this instrument was filed for record at the request of _____ at _____ Minutes past _____ O'clock _____ .M. on this _____ day of _____, 20____, in Book _____ of plats at Pages _____.

Instrument No. _____

Deputy

Ex-Officio Recorder





- LEGEND**
- FOUND 1/2" IRON PIN
 - FOUND 5/8" IRON PIN
 - FOUND BRASS CAP MONUMENT
 - FOUND ALUMINUM CAP MONUMENT
 - ⊙ BENCH MARK
 - △ CALCULATED POINT
 - PROPERTY BOUNDARY LINE
 - - - LOT LINE
 - - - EASEMENT LINE
 - LOT NO.
 - ▨ EXISTING CROSS-ACCESS EASEMENT AGREEMENT SEE NOTE 1
 - WATER VALVE
 - WATER METER
 - WATER MANHOLE
 - FIRE HYDRANT
 - MANHOLE GRATE
 - DROP INLET
 - TELEPHONE JUNCTION BOX
 - POWER JUNCTION BOX
 - POWER TRANSFORMER
 - STREET LIGHT
 - MAIL BOX
 - PRESSURE IRRIGATION VALVE
 - IRRIGATION BOX
 - SANITARY SEWER LINE W/ MANHOLE
 - STORM DRAIN LINE W/MANHOLE
 - EDGE OF PAVEMENT
 - EXTRUDED CURB
 - CURB & GUTTER
 - SIDEWALK

PROPERTY OWNER

EMMETT PARTNERS, LLC
579 S MOSS HILL DR.
BOUNTIFUL, UT 84010

PROPERTY ADDRESS

997 N MERIDIAN RD.
KUNA, IDAHO 83634

DEVELOPER/APPLICANT

EMMETT PARTNERS, LLC
579 S MOSS HILL DR.
BOUNTIFUL, UT 84010
BRETT JENSEN
435-881-9040
brett@ensigndevelopmentgroup.com

SURVEYOR

GREGORY G. CARTER
IDAHO SURVEY GROUP
9955 W. EMERALD ST.
BOISE, IDAHO 83704
PH. (208) 846-8570
FAX (208) 884-5399
gcarter@idahosurvey.com

C-1 ZONING (MINIMUM)

MINIMUM LOT SIZE: 2,000 SQUARE FEET
MINIMUM STREET FRONTAGE: 0'
PROPERTY SETBACK (ARTERIAL): 0'
FRONT SETBACK: 15'
STREET SIDE: 10'
SIDE SETBACK (INTERIOR): 0'
REAR SETBACK: 5'

DEVELOPMENT FEATURES

ACREAGE:
TOTAL PARCEL= 3.10 ACRES or 134,919 s.f.
TOTAL LOTS= 2
BUILDABLE LOTS= 2
COMMERCIAL UNITS PER LOT= 1
COMMERCIAL UNITS TOTAL= 2

SEWAGE DISPOSAL-KUNA CITY SEWER

WATER SUPPLY-KUNA CITY WATER

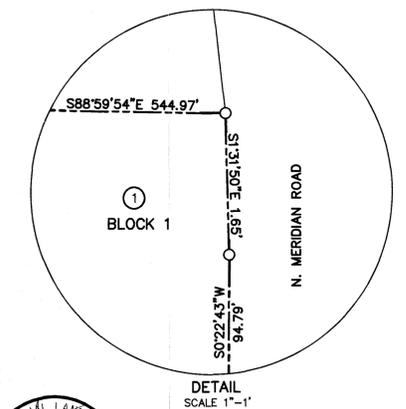
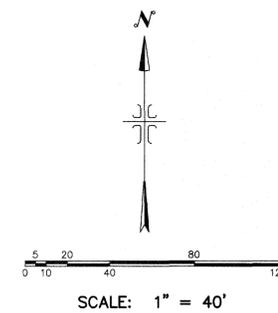
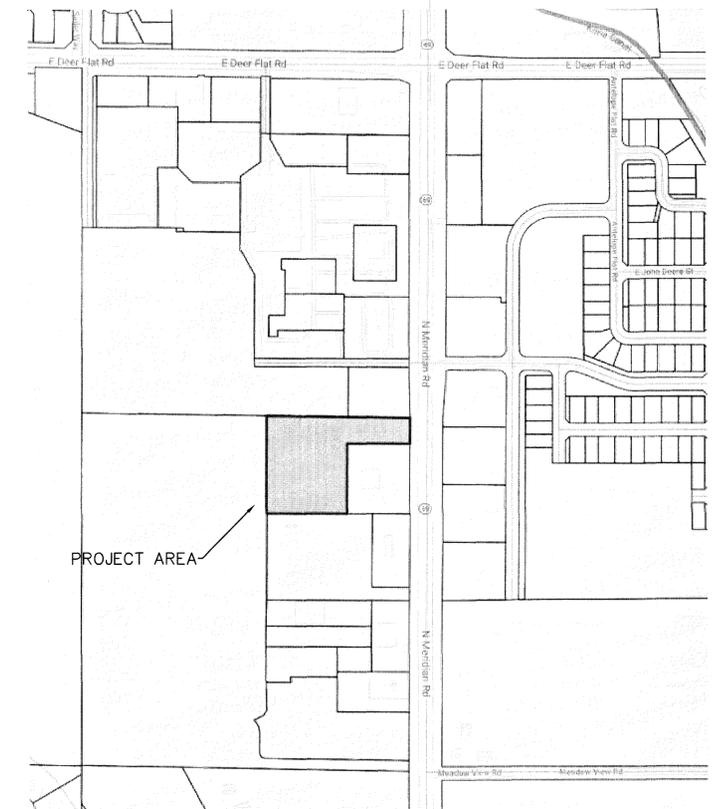
CITY-KUNA

SCHOOL DISTRICT-KUNA

IRRIGATION DISTRICT- NEW YORK IRRIGATION DISTRICT-CITY OF KUNA WILL SUPPLY PI

NOTES:

1. ALL LOT LINES ARE SUBJECT TO THE EASEMENTS PER ENSIGN SUBDIVISION NO. 1.
2. MUNICIPAL SEWER AND WATER SERVICES SHALL BE PROVIDED TO EACH LOT.
3. ALL LOTS WITHIN THIS SUBDIVISION ARE COMMERCIAL LOTS.
4. THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH IDAHO CODE SECTION 31-3805(1)(b) CONCERNING IRRIGATION WATER. PRESSURE IRRIGATION WILL BE SUPPLIED TO ALL LOTS IN THIS SUBDIVISION FROM CITY OF KUNA MUNICIPAL IRRIGATION SYSTEM. EXISTING SHARES AND WATER RIGHTS SHALL BE TRANSFERRED TO THE CITY OF KUNA



UTILITY WARNING

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH IDAHO SURVEY GROUP, INC.

NO.	REVISIONS	BY	DATE

ISG IDAHO SURVEY GROUP, LLC

9955 W. EMERALD ST.
BOISE, IDAHO 83704
PH. (208) 846-8570
FAX (208) 884-5399

ENSEIGN SUBDIVISION NO. 3

PRELIMINARY PLAT

RE-SUBDIVISION OF LOT 1, BLOCK 1 ENSIGN SUBDIVISION NO. 1 LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 24, T.2N., R.1W., B.M. KUNA, ADA COUNTY, IDAHO

DRAWN: MRP	CHECKED: GC	JOB NO. 20-061	SHEET NO. 1
DATE: 2/17/2020	DATE: 2/17/2020		

September 8, 2016

Emmett Partners, LLC

A portion of the Southeast 1/4 of the Northeast 1/4 of Section 24, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho being more particularly described as follows:

Commencing at the East 1/4 corner of said Section 24 from which the Northeast corner of said Section 24 bears North 00°22'43" East, 2,649.30 feet (formerly described as North 00°46'12" East);

Thence along the East boundary line of said Section 24 North 00°22'43" East, 1324.65 feet (formerly described as North 00°46'12" East) to the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of said Section 24;

Thence along the North boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 24 North 88°59'54" West, 65.06 feet (formerly described as North 88°36'31" West, 70.00 feet) to the West right-of-way line of North Kuna-Meridian Road (St. Hwy. 69) as described in that Warranty Deed dated March 17th, 1997 and recorded as Instrument No. 97029946, records of Ada County, Idaho, said point being the **REAL POINT OF BEGINNING**;

Thence leaving said North boundary line and along said West right-of-way line South 01°31'50" East, 1.65 feet (formerly described as South 01°08'21" East)

Thence continuing along said West right-of-way line South 00°22'43" West, 1282.81 feet (formerly described as South 00°46'12" West, 1,284.45 feet);

Thence leaving said West right-of-way line North 88°50'19" West, 551.26 feet (formerly described as North 88°26'50" West, 546.26 feet);

Thence 31.14 feet along the arc of a curve to the right having a radius of 20.00 feet, a central angle of 89°13'02" and a long chord which bears North 44°13'48" West (formerly described as North 43°50'19" West), 28.09 feet;

Thence North 00°22'43" East (formerly described as North 00°46'12" East), 70.22 feet;

Thence 59.67 feet along the arc of a curve to the left having a radius of 74.00 feet, a central angle of 46°11'54" and a long chord which bears North 22°43'14" West (formerly described as North 22°19'45" West), 58.06 feet;

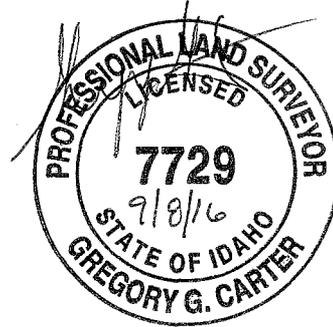
Thence North 63°47'00" East (formerly described as North 64°10'29" East), 42.13 feet;

Thence North 32°04'50" East (formerly described as North 32°28'19" East), 21.02 feet;

Thence North 00°22'43" East, 1102.49 (formerly described as North 00°46'12"

East, 1,102.47 feet) to a point on the North boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 24;

Thence along said North boundary line South $88^{\circ}59'54''$ East, 544.97 feet (formerly described as South $88^{\circ}36'31''$ East, 540.04 feet) to the **REAL POINT OF BEGINNING**. Containing an area of 16.17 acres, more or less.





CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634

Paul A. Stevens, P.E.
Kuna City Engineer

COMBO SHORT PLAT AND RE-PLAT MEMORANDUM

Date: 8 April 2020
From: Paul A. Stevens, P.E.
To: Wendy Howell, Planning and Zoning Director
RE: Ensign 1 re plat. Combination Short Plat and Re Plat, 20-01-CPF.

The Ensign Subdivision No. 3 Short Plat, 20-01-CPF request dated 9 March 2020 has been reviewed. This review is based on land use as allowed or permitted in a Commercial (C-1) zone.

This Re Plat divides a single 3.095-acre lot into two smaller lots. Parcel A at 1.825 Acres and Parcel B at 1.280 acres. A commensurate burden will be placed on City of Kuna utilities; Pressurized Irrigation, Sewer, & Water.

Comments may be expanded or refined in connection with the future land-use actions.

1) Property Description

- a) The applicant provided a cover letter, vicinity map, separate legal description, and a proposed final plat. Civil design/construction drawings were not provided with this application. Civil design/construction drawings that may affect this application and subsequent requirements are contained in Ensign Subdivision 2 Construction Drawings.

2) General

- a) Ensign Subdivision No. 3 Short Plat, 20-01-CPF will increase demand on constructed facilities and on water rights provided by others. It is assumed that water rights were transferred during the original platting sequence.
- b) Provide engineering certification on all final engineering drawings/Record Drawings.
- c) Provide final plat showing all modifications stemming from construction.

3) Inspection & Fees

- a) The responsible engineer of record will provide Record Drawings upon completion.
- b) The inspection fee for City inspection of the construction of public water, sewer and irrigation facilities associated with Ensign Subdivision No. 3 has not been paid.

Sanitary Sewer & Potable Water Connection & Fees

- a) Ensign 1 and 2 were in agreement with the Sewer, and Water master plans. Ensign 3 is a subdivision of the previous subdivisions and assumed to be in agreement with the master plans.
- b) As noted on Sheet C 2.1 of Ensign 2 construction drawings, fire hydrants shall be installed as required by the Kuna Fire Department (KFD). KFD will evaluate the water main line and fire hydrant layout to assure adequate fire suppression capability.
- c) The “optional” water main line also shown on Sheet C 2.1 of Ensign 2 construction drawings may now be needed to service the property split and to provide adequate fire suppression. The Kuna Fire Department to provide comments on size and location of the additional water mainline.
- d) Easements in addition to those shown on previous Ensign plats and easements proposed on the Ensign 3 plat may be needed to assure access and utility maintenance, especially for any and all additional water mainlines required for water supply and fire suppression.

4) Pressurized Irrigation

- a) This project is in agreement with the PI master plan
- b) Additional pressurized irrigation details will be needed to complete Ensign 3. It is expected that modified construction drawings for all utilities will be submitted to the Kuna City Engineer.

5) Grading and Storm Drainage

The following is a requirement of the Final Plat approval and subsequent civil construction drawings:

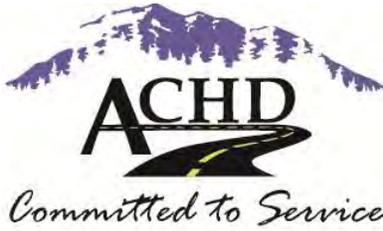
- a) Grading and drainage plans may have been provided as part of previous phase Construction Drawings. Submit any changes associated with the Re Plat to the City of Kuna Engineer.
- b) Verification that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties will be made within the final inspection process.
- c) The final inspection shall verify that slopes are not steeper than 3:1 on lots adjacent to a street or common lot and no steeper than 4:1 for lots with common rear lot lines.
- d) Storm water generated from this development must be contained on site such that downstream water quality is not decreased. Storm water runoff quantity and velocity increases inherent to placing impervious surfaces over bare ground shall be contained on site and released at a rate not exceeding the original/natural storm water runoff rate.
- e) Storm water facilities shall be owned and maintained by the developer and subsequent property owners. A method for storm water facility system maintenance shall be provided and documented to the City of Kuna.
- f) The City of Kuna shall not assume responsibility for any on site storm water retention/treatment facilities.

6) Final Plat

- a) Comments may result from the final construction review.
 - (1) The final plat appears complete.
 - (2) Upon project completion, the final plat must be compared with the record construction drawings. All lot line adjustments, easements and similar items must be recorded on the final plat such that an accurate and truthful document results.

7) As-Built Drawings

- a) As-built (Record) drawings are required at the conclusion of any public facility construction project and are the responsibility of the developer's engineer. The city may help track changes but will not be responsible for the finished product. *Correct and verified As-Built (Record Drawings) drawings will be required before occupancy or final plat approval is granted.*



Mary May, President
Kent Goldthorpe, Vice-President
Rebecca W. Arnold, Commissioner
Sara M. Baker, Commissioner
Jim D. Hansen, Commissioner

March 27, 2020

To: Brett Jensen
Ensign Development Group
2694 N. 920 East
N. Logan, UT 84010

Subject: KPP20-0003/ 20-01-CPF
Ensign Subdivision No. 3

This is a staff level approval of a preliminary and final plat for Ensign Subdivision No. 3. On June 6, 2016 the Ada County Highway District reviewed and approved this site as part of KUNA16-0013 Profile Ridge Subdivision – Ensign Subdivision Final Plat. The District had site specific requirements related to that application.

The applicant will be required to pay all applicable platting and review fees prior to final approval.

If you have any questions, please contact me at (208) 387-6293.

Sincerely,

Paige Bankhead, E.I.
Planner II
Development Services

Email cc: City of Kuna
Brett Jensen

Request for Appeal of Staff Decision

Appeal of Staff Decision: The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.

a) **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.

b) **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.

c) **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.

d) **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.

e) **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

- ACZ
Boise
Eagle
Garden City
Meridian
Kuna
Star

Rezone # _____

Conditional Use # _____

Preliminary / Final / Short Plat 20-01-CPF

Ensign No 1

- 1. We have No Objections to this Proposal.
2. We recommend Denial of this Proposal.
3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
4. We will require more data concerning soil conditions on this Proposal before we can comment.
5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
12. We will require plans be submitted for a plan review for any:
13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.
14.

Reviewed By:

Row Boaly
Date: 4/7/2020



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1445 North Orchard • Boise, ID 83706 • (208) 373-0550

Brad Little, Governor
John H. Tippetts, Director

March 27, 2020

Troy Behunin
City of Kuna
Planning & Zoning Department
P.O. Box 13
Kuna, Idaho 83634

RE: Ensign Subdivision No. 1 Re-plat of Lot 1 Blk 1 – 20-01-CPF (Combo/Short Plat)

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. Air Quality

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

All property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.

DEQ recommends the city/county require the development and submittal of a dust prevention and control plan prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.

Citizen complaints received by DEQ regarding fugitive dust from development and construction activities will be referred to the city or county to address under their ordinances.

Information on fugitive dust control plans can be found at:
http://www.deq.idaho.gov/media/61833-dust_control_plan.pdf

- Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

2. Wastewater and Recycled Water

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.

All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.

- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. Drinking Water

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.

All projects for construction or modification of public drinking water systems require preconstruction approval.

- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: deq.idaho.gov/water-quality/drinking-water.aspx). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to

explore options to both best serve the future residents of this development and provide for protection of ground water resources.

- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. Surface Water

- A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.
- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. A Construction General Permit from EPA may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. Hazardous Waste And Ground Water Contamination

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site.

These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).

Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Albert Crawshaw, Waste & Remediation Manager, at (208) 373-0550.

6. Additional Notes

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Aaron Scheff
Regional Administrator
Boise Regional Office

cc: CM#2020AEK86

Troy Behunin

From: D3 Development Services <D3Development.Services@itd.idaho.gov>
Sent: Wednesday, April 1, 2020 2:45 PM
To: Troy Behunin
Subject: 20-01-CPF Ensign Sub No. 1 Re-Plat Combo PP & FP/ Short Plat

Good afternoon,

ITD has received application 20-01-CPF for review. ITD does not anticipate any significant traffic impact to the State Highway system from this development and has no objections to the proposed development.

Thank you,

Sarah Arjona
Development Services Coordinator
ITD District 3
(208) 334-8338

From: Troy Behunin <tbehunin@kunaid.gov>
Sent: Friday, March 20, 2020 2:20 PM
To: ACHD <planningreview@achdidaho.org>; Becky Rone - Kuna USPS Addressing <rebecca.i.rone@usps.gov>; Bob Bachman <bbachman@kunaid.gov>; Boise Project Brd Cntrl <TRitthaler@boiseproject.org>; Boise-Kuna Irrigation Distr. <laurenboehlke@yahoo.com>; Brent Moore <bmoore@adacounty.id.gov>; Cable One Business <Adam.ingram@cableone.biz>; Cable One t.v. <cheryl.goettsche@cableone.biz>; Central District Health Dept. CDHD <lbadigia@cdhd.idaho.gov>; Chief Roberts <proberts@kunafire.com>; COMPASS <cmiller@compassidaho.org>; Dave R. - KSD <Dreinhart@kunaschools.org>; DEQ <Alicia.martin@deq.idaho.gov>; Eric Adolfson <eadolfson@compassidaho.org>; Idaho Power <bwatson2@idahopower.com>; Idaho Power - Jacky Chris <easements@idahopower.com>; Idaho Power - K Funke <kfunke@idahopower.com>; Intermountain Gas <robert.miller@mdu.com>; Intermountain Gas <bryce.ostler@intgas.com>; D3 Development Services <D3Development.Services@itd.idaho.gov>; J&M Sanitation - Chad Gordon <Chad.Gordon@jmsanitation.com>; Jim O. - KSD <Jim@kunaschools.org>; Julie Stanley - Regional Address Mgmt. <Julie.R.Stanley@usps.gov>; Kuna Police Chief <so4217@adaweb.net>; Kuna Postmaster - Marc C. Boyer <marc.c.boyer@usps.gov>; Kuna School District <kbekkedahl@kunaschools.org>; Kuna School District <bsaxton@kunaschools.org>; Kuna School District <wjohanson@kunaschools.org>; Lisa Holland <lholland@kunaid.gov>; Mike Borzick <mborzick@kunaid.gov>; Paul Stevens <PStevens@kunaid.gov>; Planning Mgr: Ada County Development Services <jboal@adaweb.net>
Subject: [EXTERNAL] Ensign Sub No. 1 Re-Plat Combo PP & FP/ Short Plat

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

Good afternoon everyone,

I hope this email finds everyone in good health and great spirits!

Please review the attached packet of information about the proposed Re-Plat for Ensign Subdivision, Lot 1, Blk 1 and please return relevant comments to our office within the allotted time frame, as you are able. If not, please let our office know that you need additional time. Please let me know you receive this email.

Thanks for your help and good luck to us all!

Thanks,

Troy

Troy Behunin
Planner III
City of Kuna
751 W. 4th Street
Kuna, ID 83634
TBehunin@Kunald.Gov

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This e-mail and any attachments may contain confidential or privileged information. If you are not the intended recipient, you are not authorized to use or distribute any information included in this e-mail or its attachments. If you receive this e-mail in error, please delete it from your system and contact the sender.

Troy Behunin

From: Phil Roberts <proberts@kunafire.com>
Sent: Monday, March 23, 2020 9:05 AM
To: Troy Behunin
Cc: Reggie Edwards
Subject: RE: Ensign Sub No. 1 Re-Plat Combo PP & FP/ Short Plat

Approved. No questions at this time.

Troy, I have added Reggie Edwards to these emails. Reggie was hired as are part-time Deputy Fire Marshal. Reggie just recently retired from Nampa Fire as a Deputy Fire Marshal and very knowledgeable in all aspects of plan review, inspections and subdivision plat review. In the very near future will be completing all of these for our department. Please cc; me in all cases until we get a rhythm. Turn around time and communication with the applicants will more consistent with this addition.

Thank You.

Phil Roberts
Fire Chief
Kuna Rural Fire District
208-922-1144 Ext 101
208-922-1982 Fax
208-870-3057 Cell



From: Troy Behunin <tbehunin@kunaid.gov>
Sent: Friday, March 20, 2020 2:20 PM
To: ACHD <planningreview@achdidaho.org>; Becky Rone - Kuna USPS Addressing <rebecca.i.rone@usps.gov>; Bob Bachman <bbachman@kunaid.gov>; Boise Project Brd Cntrl <TRitthaler@boiseproject.org>; Boise-Kuna Irrigation Distr. <laurenboehlke@yahoo.com>; Brent Moore <bmoore@adacounty.id.gov>; Cable One Business <Adam.ingram@cableone.biz>; Cable One t.v. <cheryl.goettsche@cableone.biz>; Central District Health Dept. CDHD <lbadigia@cdhd.idaho.gov>; Phil Roberts <proberts@kunafire.com>; COMPASS <cmiller@compassidaho.org>; Dave R. - KSD <Dreinhart@kunaschools.org>; DEQ <Alicia.martin@deq.idaho.gov>; Eric Adolfson <eadolfson@compassidaho.org>; Idaho Power <bwatson2@idahopower.com>; Idaho Power - Jacky Chris <easements@idahopower.com>; Idaho Power - K Funke <kfunke@idahopower.com>; Intermountain Gas <robert.miller@mdu.com>; Intermountain Gas <bryce.ostler@intgas.com>; ITD <D3Development.Services@itd.idaho.gov>; J&M Sanitation - Chad Gordon <Chad.Gordon@jmsanitation.com>; Jim O. - KSD <Jim@kunaschools.org>; Julie Stanley - Regional Address Mgmt. <Julie.R.Stanley@usps.gov>; Kuna Police Chief <so4217@adaweb.net>; Kuna Postmaster - Marc C. Boyer <marc.c.boyer@usps.gov>; Kuna School District <kbekkedahl@kunaschools.org>; Kuna School District <bsaxton@kunaschools.org>; Kuna School District <wjohanson@kunaschools.org>; Lisa Holland <lholland@kunaid.gov>; Mike Borzick <mborzick@kunaid.gov>; Paul Stevens <PStevens@kunaid.gov>; Planning Mgr: Ada County Development Services <jboal@adaweb.net>
Subject: Ensign Sub No. 1 Re-Plat Combo PP & FP/ Short Plat

Good afternoon everyone,

I hope this email finds everyone in good health and great spirits!

Please review the attached packet of information about the proposed Re-Plat for Ensign Subdivision, Lot 1, Blk 1 and please return relevant comments to our office within the allotted time frame, as you are able. If not, please let our office know that you need additional time. Please let me know you receive this email.

Thanks for your help and good luck to us all!

Thanks,

Troy

Troy Behunin

Planner III

City of Kuna

751 W. 4th Street

Kuna, ID 83634

TBehunin@Kunald.Gov

CONFIDENTIALITY NOTICE

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When recorded return to:

Mitchell Barlow & Mansfield, P.C.
c/o W. Michael Black
Nine Exchange Place, Suite 600
Salt Lake City, Utah 84111

GRANT OF RECIPROCAL EASEMENTS AND DECLARATION OF COVENANTS

THIS GRANT OF RECIPROCAL EASEMENTS AND DECLARATION OF COVENANTS (this "Declaration") is made to be effective as of the 2 day of September, 2016, by Emmett Partners, LLC, a Utah limited liability company ("Declarant").

RECITALS

A. Declarant is the Owner of that certain real property located in Ada County, Idaho and more particularly described on Exhibit "A" attached hereto and incorporated herein by reference (the "Property").

B. Declarant intends to record or has recorded a plat subdividing a portion of the Property into six lots known as Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot 6, and a current copy of such plat is attached hereto as Exhibit "B" (the "Plat").

C. Declarant intends that the Property, which includes the Lots 1-6 designated on the Plat and the unplatted parcel located south of the Lots 5 and 6] as shown on the Plat (the "Phase 2 Lot"), be developed and operated in conjunction with each other as integral parts of a commercial center under a general plan and scheme of improvement for the benefit of the entirety of the Property and the present and future owners thereof (each an "Owner" and collectively referred to as "Owners" or "Lot Owners").

NOW, THEREFORE, Declarant hereby declares that all of the Property shall be held, sold, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the Property and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, and which shall inure to the benefit of each Owner thereof.

SECTION 1

Definitions

Each reference in this Declaration to any of the following terms shall mean:

Building Areas. The area on the Lot upon which a building may be constructed by the Lot Owner, including the outdoor display area designated by any Lot Owner and as such buildings and outdoor display area may be relocated from time to time.

Commercial Center. All of the Property, including Lots 1-6 and the Phase 2 Lot.

Common Area. The portions of the Property designated as Common Areas on the Plat, which Common Area shall include only the retention ponds on Lot 1 and a landscaped area along Kuna-Meridian Road.

Initial Phase. Lots 1-6.

Initial Phase Owners. The Owners of Lots 1-6.

Driveway Areas. Those portions of the Lots on which the Lot Owner has built driveways for use as vehicle ingress and egress, and are otherwise accessible to customers, suppliers, tenants, service providers, guests, and invitees of Owners.

Lot. Each legally subdivided Lot within the Commercial Center. As of the date hereof, the Lots include Lots 1-6 and the Phase 2 Lot.

Person or Persons. Individuals, partnerships, firms, associations, corporations, trusts, governmental agencies, administrative tribunals, or any other forms of business or legal entity.

Second Phase. The Phase 2 Lot, and such other Lots as may be created hereafter from the subdivision of the Phase 2 Lot.

Second Phase Owners. The Owner of the Phase 2 Lot, and the Owners of such other Lots as may be created hereafter from the subdivision of the Phase 2 Lot.

SECTION 2

Grant of Easements and Rights

2.1. Reciprocal Driveway, Traffic and Access Easement. Each Owner hereby grants and conveys to the Owners of all other Lots on the Property a perpetual, non-exclusive right and easement (hereinafter referred to as the "Traffic and Access Easement") on, over and across those portions of each Lot upon which the Lot Owner has constructed driveways as necessary allow other Lot Owners and all other Persons (including but not limited to the customers,

suppliers, tenants, service providers, guests, and invitees of other Lot Owners) a perpetual, free, continuous and uninterrupted use, liberty, privilege, and easement to use and enjoy this Traffic and Access Easement for the purpose of ingressing and egressing the Property, and for moving from one location to another location within the Property. No Lot Owner may impair the flow of traffic over and across ingress/egress traffic areas (except for limited periods for repair and maintenance of an ingress/egress traffic area or when excavation is necessary). This easement shall bind and inure to the respective benefit of all Lot Owners, including future Lot Owners and mortgagees, their tenants, licensees, concessionaires, heirs, personal representatives, successors and assigns, including but not limited to the customers, suppliers, tenants, service providers, guests, and invitees of the Lot Owners. This Traffic and Access Easement is an easement, not a license. The Traffic and Access Easement and right-of-way granted hereby is for the benefit each of the Lot Owners and shall be appurtenant to and run with each Lot Owner's property. There shall be no charge from one Lot Owner to other Lot Owners for the use of this Traffic and Access Easement. In order to allow for and promote the unimpeded ingress and egress from all parts of the Property to other parts of the Property, Declarant and the Lot Owners shall, in a commercially reasonable manner, cooperate with each other to connect the driveways constructed on their Lots with the driveways constructed on other Lots at the sole expense of the Lot Owner requesting such cooperation.

2.2. Reciprocal Utilities Easement. The owner of each Lot hereby grants and conveys to the Owners of all other Lots on the Property, a perpetual, non-exclusive right and easement (the "Utility Easement") on, over, under, across and through such Lot to locate, survey, upgrade, expand, entrench, maintain, repair, replace, protect, inspect and operate utility lines and drainage ways serving such other Lot, including, but not limited to, power lines, gas lines, culinary water lines, secondary water lines, waste water drainage ways and lines, sanitary sewer lines and communications lines (collectively, the "Utility Lines"), provided that Utility Lines shall not be located upon any portion of such Lot that are identified as a Building Area. The foregoing grant includes the right of ingress and egress across such Lot to and from the Utility Lines and access on and within such Lot for the purposes of surveying, constructing, inspecting, repairing, protecting, operating and maintaining the Utility Lines and the removal or replacement of the same, either in whole or in part, with either like or different size pipe or facilities. In exercising its rights granted by this Utility Easement, a Lot Owner shall act in such a manner as to not cause a disruption of the business operations conducted on another Lot. In the event the exercise of its rights under this Utility Easement is likely to cause disruption to the business activities on other Lots, the person exercising its rights hereunder, shall conduct its work when such business is not operating. There shall be no charge for the use of the Utility Easement. In all events, the Owner of the Lot or the Owners of the Lots on whose behalf any construction, installation, maintenance or other work occurs on a servient Lot shall restore any improvements, including paving, curbing and landscaping, and paving on their own Lot and the servient Lots immediately upon completion of such work to the condition that existed prior to the commencement of any such work.

2.3 Storm Water and Retention Ponds Easement. The storm water retention ponds (the "Retention Ponds") located on Lot 1 and designated on the Plat as Common Areas shall be constructed by Declarant as required under Section 3.1 for the benefit of the Initial Phase Lots and the Owners thereof. Declarant, as the Owner of Lot 1, hereby grants to the remaining Initial Phase Lot Owners a non-exclusive, perpetual, royalty-free easement and license to the right to drain storm water over, across, under and through the storm drainage systems required to be constructed under Section 3.1 and to utilize the Retention Ponds for the storage of storm water from each other Lot (the "Retention Ponds Easement"). The Owner of Lot 1 hereby further grants to each other Initial Phase Lot Owner a non-exclusive easement to survey, maintain, repair, protect, inspect and operate the storm drainage systems and the Retention Ponds located on Lot 1. The foregoing grant includes the right of ingress and egress across Lot 1 for the purposes set forth above. There shall be no charge for the Retention Ponds Easement.

2.4 Signage Easements.

(a) Initial Phase Multi-Tenant Signage Easement. Declarant, as the Owner of Lot 3, hereby declares, creates and establishes for the benefit of the Initial Phase Owners, and anyone claiming by, through, or under any of them, a non-exclusive, perpetual and continuous easement on, over and through that portion of Lot 3 described on **Exhibit "C"** attached hereto and depicted on the Plat as the Multi-Tenant Pylon Sign (hereinafter referred to as "Initial Phase Sign Easement Area"), for use by the Initial Phase Owners and their respective successors, successors-in-title, transferees, assignees and tenants of the Initial Phase Owners, to maintain, repair and replace a sign (the "Initial Phase Sign") in accordance with, and strictly limited to, the provisions of this Agreement (the "Initial Phase Sign Easement"). The Initial Phase Owners shall each have the right to maintain a sign panel on the Initial Phase Sign. All sign panels on the Initial Phase Sign shall be kept and maintained in a first-class condition and repair at all times by each Initial Phase Owner and shall be in compliance with all laws, regulations and ordinances of governmental and administrative agencies. The designated sign panel location on the Initial Phase Sign for Lot 4 shall be the top position. The sign priority rights to the Initial Phase Sign of the other Initial Phase Lots shall be based on the size of each such Lot, with the Owners of the larger Lots having priority over the Owners of smaller Lots.

(b) Second Phase Multi-Tenant Signage Easement. Declarant, as the Owner of the Phase 2 Lot, hereby declares, creates and establishes for the benefit of the Second Phase Owners, and anyone claiming by, through, or under any of them, a non-exclusive, perpetual and continuous easement on, over and through that portion of the Phase 2 Lot described on **Exhibit "D"** attached hereto and depicted on the Plat as the Second Phase Multi-Tenant Pylon Sign (hereinafter referred to as "Second Phase Sign Easement Area"), for use by the Second Phase Owners and their respective successors, successors-in-title, transferees, assignees and tenants of the Second Phase Owners, to maintain, repair and replace a sign (the "Second Phase Sign") in accordance with, and strictly limited to, the provisions of this Agreement (the "Second Phase Sign Easement"). The Second Phase Owners shall each have the right to maintain a sign panel on the Second Phase Sign. All sign panels on the Second Phase Sign shall be kept and maintained in

a first-class condition and repair at all times by each Second Phase Owner and shall be in compliance with all laws, regulations and ordinances of governmental and administrative agencies. The sign priority rights to the Second Phase Sign of the other Second Phase Lots shall be based on the size of each such Lot, with the Owners of the larger Lots having priority over the Owners of smaller Lots.

2.5 Parking Rights. The Owner of each Lot, *other than the Owner of Lot 4*, as grantor, hereby grants to each other Owner, and its tenants, contractors, employees, agents, customers, licensees and invitees, and the subtenants, contractors, employees, agents, customers, licensees and invitees of such tenants (collectively, the “Benefit Parties”), for the benefit of the Lot belonging to each such other Owner, as grantees, a non-exclusive easement for vehicular parking upon, over and across that portion of the Parking Area located on the grantor’s Lot, except for those areas devoted to service facilities or drive-up or drive through customer service facilities. The reciprocal rights of parking set forth in this Section 2.5 shall apply to the Parking Area for each Lot other than Lot 4. Notwithstanding the foregoing, no Owner shall permit its employees or the employees of its tenants to park on the Lot of another Owner without the other Owner’s consent. For the avoidance of doubt, the Owner of Lot 4 is not hereby granting any cross parking easements or rights on Lot 4 to any other Owner or Benefit Parties. Each Lot shall be developed so that each Lot satisfies all governmental parking ratio requirements within its own Lot, and each Lot’s parking use and requirements shall be self-contained.

2.6 No Walls, Fences or Barriers. No walls, fences, barriers, or other improvements outside of the Building Areas, of any sort or kind, shall be constructed or erected which shall prevent or impair the use or exercise of any of the easements granted herein, or the free access and movement of Lot Owners, including without limitation, pedestrians and vehicular traffic between the Lots.

2.7 Repairs and Reconstruction. Any damage caused to any servient Lot by any benefited Lot Owner, including its successors, assigns, tenants, subtenants, licensees or invitees, shall be expeditiously repaired or reconstructed by the benefited Lot Owner at its sole cost and expense, and such benefited Lot Owner shall: (i) be solely responsible for all costs associated with the maintenance, repair or reconstruction performed (ii) have the obligation to perform the maintenance, repair or reconstruction during the times and in such a manner as to minimize any interference with the operation and use of the servient Lot, (iii) not block access during business operations, (iv) use reasonable efforts to minimize construction dust and debris, and (v) restore the area to the condition that existed prior to the damage.

SECTION 3

Construction, Maintenance and Repair of Improvements on the Property

3.1. Declarant's Obligations to Improve the Property. On or before September 9, 2016, Declarant shall, at its sole cost and expense, bring all Lots within the Initial Phase to grade; complete all storm drainage systems on the Property, including the installation of water retention ponds; place, or cause to be placed, all Utility Lines, with access points convenient to the Building Area of all Lots within the Initial Phase; construct all retaining walls required by governmental authorities; complete the construction of the Initial Phase Sign, and install all sewer facilities, including an access point or points convenient to the Building Area of all Lots within the Initial Phase.

3.2 Owners' Obligations to Improve and Maintain Lots. Each Owner shall construct and maintain all other improvements on its Lot other than the improvements to be made by Declarant hereunder, including, but not limited to: designing and constructing landscaping; watering, maintaining, fertilizing and trimming grass and trees; replacing vegetation when necessary; placing, maintaining and replacing, when necessary, the asphalt in Driveway Areas; striping and re-striping parking spaces; placing and maintaining signs related to handicapped parking; constructing and maintaining parking lot lighting and replacing lights and light structures, when necessary; paying utility bills for parking lot lighting on their Lots; providing snow removal from parking lots, driveways, and sidewalks; providing trash receptacles and trash collection; constructing sidewalks and walkways other than those to be constructed by Declarant pursuant to Section 3.1; maintaining all sidewalks; and in all respects assuring that the landscaping, parking areas, sidewalks, driveways and other traffic areas are maintained consistent with a first-class shopping area. These costs shall be borne by each Lot Owner on their own Lot.

3.3 Maintenance of Multi-Tenant Pylon Signs.

(a) Initial Phase Sign. The Owner of Lot 4 shall be obligated for the routine repairs and maintenance of the Initial Phase Sign. If the Owner of Lot 4 fails to perform its maintenance obligations as described herein relating to the Initial Phase Sign, the other Initial Phase Owners shall be entitled to perform such maintenance obligations. The cost of maintaining the Initial Phase Sign shall be shared by the Initial Phase Owners based on the proportion that the square footage of the sign for each Initial Phase Owner bears to the square footage of all signs located on the Initial Phase Sign. The Owner of Lot 4 shall bill the other Initial Phase Owners for the costs incurred by the Owner of Lot 4 in maintaining the Initial Phase Sign on a quarterly or less frequent basis, and the Initial Phase Owners shall pay the Owner of Lot 4 within thirty (30) days of notice from the Owner of Lot 4.

(b) Second Phase Sign. The Owner of the largest Lot created by the subdivision of the Phase 2 Lot shall be obligated for the routine repairs and maintenance of the Second Phase Sign. If such Owner fails to perform its maintenance obligations as described herein relating to the Second Phase Sign, the other Second Phase Owners shall be entitled to perform such maintenance obligations. The cost of maintaining the Second Phase Sign shall be shared by the Second Phase Owners based on the proportion that the square footage of the sign

for each Second Phase Owner bears to the square footage of all signs located on the Second Phase Sign. The Owner of the largest subdivided Lot shall bill the other Second Phase Owners for the costs incurred by such Owner in maintaining the Second Phase Sign on a quarterly or less frequent basis, and the Second Phase Owners shall pay such Owner within thirty (30) days of notice from such Owner.

3.4 Maintenance of Common Areas.

(a) Initial Phase Common Areas. The Common Areas designated on the Plat and located on the Initial Phase (the "Initial Phase Common Areas") shall be maintained in a commercially reasonable manner by the Owner of Lot 4. The cost of maintaining the Initial Phase Common Areas shall be shared by the Owners of the Initial Phase Lots based on the proportion that the square footage of each such Lot bears to the square footage of all of the Initial Phase Lots. The Owner of Lot 4 shall invoice the other Initial Phase Owners on a quarterly or less frequent basis for reimbursement of the costs incurred in repairing and maintaining the Initial Phase Common Areas, and the other Initial Phase Lot Owners shall pay the Owner of Lot 4 within thirty (30) days' notice from the Owner of Lot 4.

(b) Second Phase Common Areas. The Common Areas designated on the Plat and located on the Second Phase (the "Initial Phase Common Areas") shall be maintained in a commercially reasonable manner by the Owner of the Phase 2 Lot or the largest Lot created from the subdivision of the Phase 2 Lot. The cost of maintaining the Second Phase Common Areas shall be shared by the Owners of the Second Phase Lots based on the proportion that the square footage of each such Lot bears to the square footage of all of the Second Phase Lots. The Owner of the largest Second Phase Lot shall invoice the other Second Phase Owners on a quarterly or less frequent basis for reimbursement of the costs incurred in repairing and maintaining the Second Phase Common Areas, and the other Second Phase Lot Owners shall pay such Owner within thirty (30) days' notice from such Owner.

3.5 Unilateral Damage. Notwithstanding the foregoing, if Declarant or its successors and assigns in ownership of the Property, or any tenants, subtenants and licensees of all or any portion of the Property, unilaterally damages any portion of the area covered by the Traffic and Access Easement, or if Declarant or its respective successors and assigns in ownership of the Property perform, for their sole benefit, any maintenance, repair or reconstruction to any utility lines or related facilities located within the area of the Traffic and Access Easement, said party shall (i) be solely responsible for all costs associated with the maintenance, repair or reconstruction performed (ii) have the obligation to perform the maintenance, repair or reconstruction during the times and in such a manner as to minimize any interference with the operation and use of the area of the Traffic and Access Easement Area, (iii) not block access to any Lots within the Property during business hours, (iv) use reasonable efforts to minimize construction dust and shall not allow any construction debris to be placed on another Lot, and (v) restore the area of the Traffic Access Easement to its original condition, including but not limited to the driveway, curbing and striping located thereon.

SECTION 4
Utility Connections, Building Construction and Maintenance,
Failure of a Lot Owner to Perform Obligations Hereunder

4.1. Utility Connections. Any work performed to connect to, repair, relocate, maintain or install any storm drain, utility-line, sewer, water-line, gas-line, telephone conduits or any other public utility service shall be subject to all conditions of this Declaration and in addition shall be performed without interference with the provision of such services to any other Owner or without interference with business operations or use of any other Lot. Any work of installation, alteration, replacement or repair of utility installations that requires interference with the paving in the Driveway Areas shall be undertaken with particular care so as to minimize the impact upon traffic circulation and access to the various business establishments in the Commercial Center.

4.2. Maintenance of Building Areas. Each Lot Owner shall maintain its Lot (including the Building Area) and all improvements on its Lot in a first-class manner so that the Lot shall be in a good and clean condition and repair.

4.3. Remedies. In the event that any Lot Owner shall fail to perform its obligations under this Declaration or otherwise breach the terms of this Declaration, any non-defaulting Owner may notify the defaulting Owner and shall specify the breach. If such failure or breach is not cured within fifteen (15) days after receipt of such notice, then such non-defaulting Owner shall have the right to cure the failure or breach, and recover all actual and reasonable costs and expenses related thereto from the defaulting Owner. Notwithstanding the foregoing, in the event that the failure or breach creates an imminent danger of damage to persons or properties, or jeopardizes the access to any portion of the Property, no notice shall be required prior to the non-defaulting Owner commencing such work or commencing a cure. Any monetary amounts due and payable to the non-defaulting Owner pursuant to this Agreement shall be paid within twenty (20) days from the date the non-defaulting Owner notifies the defaulting Owner of the amounts due, including providing supporting documentation. It is expressly agreed that no breach of this Declaration shall entitle any party hereto to cancel, rescind or otherwise terminate this Declaration. Such limitation, however, shall not affect in any manner any other rights or remedies which the defaulting Owner may have hereunder by reason of such breach.

4.4. Repayment. Any sums required to be paid by a Lot Owner under Section 4.3 herein shall be due and payable within twenty (20) days of written demand. All sums due shall not bear interest if paid within thirty (30) days of the date such demand is made, but all sums not paid on or before thirty (30) days from such demand shall bear interest at five percent (5%) over Prime per annum. All payments on account shall be applied first to interest then to principal first due.

4.5 Lien. All sums owed pursuant to Section 4.3 that are not paid within the time required for payment herein shall be a lien on the Lot of the defaulting Owner. The Lot Owner to which any such sums are owed may bring an action at law or in equity against such defaulting Owner, or foreclose the lien against the Lot of the defaulting Owner without waiving any right to a deficiency. The applicable provisions of the Idaho Code are hereby adopted and incorporated herein for the purpose, among other things, of establishing the priority of liens against a Lot and the manner in which they are enforced. Any reference in such statute to property shall be deemed for the purposes hereof to be a reference to the applicable Lot and any reference therein to the beneficiary or trustee shall be deemed a reference to the non-defaulting Owner. Any lien so created shall also secure reasonable attorneys' fees incurred by the non-defaulting Owner incident to the collection of such charges or the enforcement of such lien. Such lien may also be enforced in any manner permitted by law. No lien created pursuant hereto shall defeat, render invalid, diminish or impair the lien of any mortgage or deed of trust made in good faith and for value.

4.6. Plat Changes. Lot Owners shall not make changes to the Driveway Areas on their Lots that materially and adversely affect any other Lot's access between such Lot and a public right-of-way without the written consent of any such adversely affected Lot Owners, which consent shall not be unreasonably withheld, conditioned or delayed.

SECTION 5

Subdivision of Phase 2 Lot

5.1 Declarant's Right to Subdivide Phase 2 Lot and Change Dimensions of Phase 2 Lots. Notwithstanding Section 8.1 below, the Phase 2 Lot Owner has the sole right to amend this Declaration and the Plat in order to divide the Phase 2 Lot into multiple lots, so long as the Phase 2 Lot Owner does not change the overall design or function of the Property or adversely affect any Lot Owners' rights under this Declaration. The subdivision of the Phase 2 Lot or the change of dimensions of other Second Phase Lots shall not affect the rights and duties under this Declaration of any Initial Phase Owners, and shall affect the rights and duties under this Declaration of the Second Phase Owners to the extent of the Second Phase Owners' obligations to pay Second Phase Common Area and Second Phase Sign costs may be adjusted to reflect the size of the resulting Lots.

SECTION 6

Restrictive Covenants Applicable to the Property

6.1 The following restrictions shall apply to the Property:

- (a) No more than one (1) building shall be constructed or located on each Lot.
- (b) Any building on a Lot shall not exceed twenty-five feet (25') in height as measured from the mean finished elevation of such buildings, including any mechanical equipment, parapets, chimneys or other architectural features, however the height of any building

on Lot 3 or Lot 6 shall be limited to twenty-two feet (22') and as otherwise described in this subsection.

(c) All rooftop mechanical equipment shall be properly screened.

(d) All parking required for each Lot shall be contained within each respective Lot.

(e) During any initial construction of any part of any Lot, and during any subsequent maintenance, repair or replacement thereof:

(i) all construction shall be conducted expeditiously and in such a manner as to not adversely affect business operations conducted on or visibility of any of the other Lots;

(ii) all construction materials, equipment and parking shall be kept neat so as to not detract from business operations on the other Lots; and

(iii) the Lot upon which construction is taking place shall not block the flow of traffic within the Property or use the entrance to any other Lot as a construction entrance or for any other construction purpose, and the entrance between Kuna-Meridian Road (State Highway 69) and Lot 4 shall not be used as a construction entrance.

(f) With respect to each Lot, until such time as buildings and other improvements are constructed on such Lot, appropriate ground cover and erosion control shall be installed, including keeping the grass properly cut, free from weeds and trash, and otherwise neat and attractive in appearance and in a condition that will not detract from business operations of the other Lots.

SECTION 7

Effect of Breach Upon Purchasers and Mortgagees

7.1 **Breach.** The breach of this Declaration shall not entitle any Person to cancel, rescind or otherwise terminate its obligations hereunder. No breach hereof shall defeat, render invalid, diminish or impair the lien of any mortgage or deed of trust made in good faith and for value, but the covenants and restrictions, easements and conditions herein contained shall be binding upon and effective against the Owner of any Lot, or any portion thereof, whose title thereto is acquired by foreclosure, trustee's sale or otherwise.

SECTION 8

Amendments

8.1 Amendments Generally. Except as otherwise herein expressly provided, this Declaration may be amended by an instrument signed by the Owners of at least six sevenths (6/7) of the Lots, provided that no amendment shall be effective without the prior written approval of the Owner of Lot 4 and Tractor Supply Company so long as Tractor Supply Company, its subsidiaries, affiliates, successors and assigns, shall lease or own all or any portion of Lot 4. Any amendment shall be recorded in the Official Records of the Ada County Recorder. No amendment to this Declaration shall be valid that would change the formula for determining the Owners required to amend this Declaration (whether stated as a percentage or otherwise) unless approved by all Owners.

SECTION 9 Prohibited Use

9.1 Prohibited Uses. No portion of the Commercial Center shall be occupied or used, directly or indirectly, for any of the following: (1) the sale of paraphernalia for use with illicit drugs, (2) a massage parlor, (3) an adult bookstore or any other purposes which includes the display or sale of pornographic or obscene material or entertainment, (4) a flea market, (5) a second-hand store, (6) a blood/plasma donor facility, (7) an auction house, (8) the emission of smoke, fumes, odors, gases, vapors, steam, dust, dirt, cinders and other particles or substances into the atmosphere that are detectable outside of the boundaries of the Building Area where located (except for fumes and odors normally incident to the normal operation of a restaurant), or which may be detrimental to the health, safety, welfare or comfort of any Owner, or any other person, and (9) the violation of any applicable statute, ordinance, rule, regulation, permit, condition to zoning or other land use approval or other validly imposed requirement of any governmental body or agency.

SECTION 10 Notices

10.1 Notice. Any and all notices and demands required or desired to be given hereunder shall be in writing and shall be validly given only if personally delivered, deposited in the United States mail, certified or registered, postage prepaid, return receipt requested, or if made by overnight mail or similar delivery service which keeps records of deliveries and attempted deliveries, or if made by facsimile machine (receipt of which is acknowledged or if a copy thereof is delivered by one of the other delivery methods permitted by this Section 10.1). Any notice hereunder to Declarant shall be made to:

Emmett Partners, LLC
Attention: Jeremy Terry
2694 North 920 East
North Logan, UT 84341
Facsimile: 801.322.2040
Telephone: 801.671.9349

With regard to other Owners, service shall be conclusively deemed made on the first business day delivery is attempted or upon receipt, whichever is sooner, and addressed to each Owner at the Owner's address for receipt of tax statements on record with the Office of the Ada County Treasurer.

10.2 Changes. Any of the above addresses may be changed by the addressee for the purpose of receiving notices or demands as herein provided by a written notice given in the manner aforesaid to the other addressees, which notice of change of address shall not become effective, however, until the actual receipt thereof such addressee.

SECTION 11

Insurance and Indemnification

11.1. Insurance and Indemnification.

(a) Commercial General Liability Insurance. Each Lot Owner (including Declarant for so long as it is an Owner and including the tenants of each Lot Owner, as the case may be) shall at all times carry and maintain, at their sole cost and expense, commercial general liability insurance on an occurrence form, including contractual liability, personal and bodily injury, and property damage insurance, on their Lot, with a combined single limit in an amount of not less than \$1,000,000 per occurrence and an aggregate limit of not less than \$2,000,000. Each Owner shall name the other Owners and tenants (including Tractor Supply Company, its subsidiaries, affiliates, successors and assigns so long as Tractor Supply Company shall lease any portion of Lot 4) as additional insureds under such insurance policy and provide a certificate of insurance evidencing such coverage upon written request. Each such insurance policy shall contain a clause stating that there shall be no reduction, cancellation, or non-renewal of coverage without giving thirty (30) days' prior written notice to all additional insureds. Such insurance shall be issued by insurers having an A.M. Best rating of at least A- VII, be endorsed to provide that the insurance shall be primary to and not contributory to any similar insurance carried by the other Owners, and shall contain a severability of interest clause. The obligations herein shall also apply to any tenants, subtenants and licensees of the Lots.

(b) Property Insurance. Each Lot Owner (including Declarant for so long as it is an Owner and including the tenants of each Lot Owner, as the case may be) shall carry and maintain property insurance insuring the improvements on their own Lots, including any structural alterations and any permanent improvements.

(c) Indemnification. Each Owner shall each defend, indemnify and save harmless the other Owners and each of their respective directors, officers, partners, employees, representatives, agents, tenants and assignees from all claims, costs, damages, judgments, expenses, fines, liabilities and losses (including reasonable attorneys' fees, paralegal fees, expert witness fees, consultant fees, and other costs of defense) arising from or as a result of (i) any injury, including death, loss or damage of any kind whatsoever to any person or entity or to the property of any person or entity as shall occur relative to the rights or obligations granted

hereunder that is caused by the acts or omissions of the indemnifying party, its agents, employees, tenants or contractors, or (ii) the indemnifying party's failure to perform its obligations under this Declaration. The indemnities provided herein are ones of first defense and payment, not of reimbursement or surety and shall in no way be limited by or to the amount of insurance carried. The obligations of this section shall survive the termination of this Declaration.

SECTION 12

Exclusive Use Covenants Applicable to the Property

12.1 Tractor Supply Company. So long as Tractor Supply Company ("TSC"), its subsidiaries, affiliates, successors and assigns, shall lease or own all or any portion of Lot 4, the other Lot Owners, and their respective successors, successors-in-title, transferees, assignees, tenants and subtenants, shall not sell, lease, rent, occupy or allow any portion of the other Lots to be occupied or used for the purpose of selling or offering for sale those items which support a farm/ranch/rural/do-it-yourself lifestyle including: (a) tractor and equipment repair and maintenance supplies; (b) farm fencing; (c) livestock feeding systems; (d) feed and health/maintenance products for pets or livestock; (e) western wear, outdoor work wear (similar to and specifically including Carhartt products) and boots; (f) horse and rider tack and equipment; (g) bird feed and housing and related products; (h) lawn and garden equipment (including but not limited to, push/riding mowers, mow-n-vacs, garden carts, snow blowers, chippers and shredders, wheel barrows, and log splitters); (i) hardware; (j) power tools; (k) welders and welding supplies; (l) open and closed trailers; (m) 3-point equipment; and/or, (n) truck accessories and trailer accessories (including truck tool boxes, and trailer hitches and connections) (the "TSC Restricted Products"). This restriction shall not prevent the other Lot Owners, or their respective successors, successors-in-title, transferees, assignees, tenants and subtenants, from selling TSC Restricted Products as an incidental part of their other and principal business so long as the total number of square feet to the display for sale of TSC Restricted Products does not exceed five percent (5%) of the total number of square feet of space used for merchandise display by such Owner or operator (including one-half (1/2) of the aisle space adjacent to any display area).

12.2 Dollar Store. So long as Dollar Store is an Owner or tenant of all or a portion of a Lot, the Property shall be subject to the an exclusive use covenant that prevents the Owner of a Lot from leasing all or a portion of a Lot for (i) a single price point variety retail store or any other retail store the principal business of which is the operation of a single price point variety retail store; as (ii) a variety retail operations with the word "Dollar" or any derivation, abbreviation, slang, symbol or combination thereof (or their respective equivalents in any other language) in their trade name; as (iii) a store whose principal business is the sale of merchandise which is classified as "close-out," "odd lot," "clearance," "discontinued," "cancellation," "second," "floor model," "demonstrator," "obsolescent," "over stock," "distressed," "bankruptcy," "fire sale" or "damaged"; as (iv) a store selling a combination of gifts, cards, gift wrap and other party supplies as its primary business; or (iv) an arts & crafts store or a store

whose principal business is selling a combination of craft supplies, art supplies, artificial flowers, picture frames and scrapbooking supplies; as (vi) a non-membership warehouse store less than 30,000 square feet that sells restaurant supplies, janitorial supplies and related items; or as (vi) a store selling a variety of general merchandise at a price not to exceed \$5.00, provided that such limitation on price is a part of the regularly advertised attributes of such store.

SECTION 13 Miscellaneous

13.1. Not A Public Dedication. Nothing herein contained shall be deemed a gift or dedication of any portion of the Property or of any Lot or portion thereof to the general public or for any public use or purpose whatsoever, it being the intention and understanding that this Declaration shall be strictly limited to and for the purposes herein expressed solely for the benefit of the Lot Owners. The Owners may take such action as may be necessary to prevent any such public dedication or appropriation, including, but not limited to, temporary closure of the Commercial Center by barriers at entrance-ways on non-business holidays or other appropriate times not disruptive to the businesses of the Owners. In no event shall such closure exceed the minimum reasonable time required to prevent such dedication or appropriation and such closures shall be carried out so as to minimize any adverse impact on the operation of the business of any Owner.

13.2. Severability. If any term, provision, covenant or condition of this Declaration, or any application thereof, should be held by a court of competent jurisdiction to be invalid, void, or unenforceable, all provisions, covenants and conditions of this Declaration and all applications thereof not held invalid, void or unenforceable, shall continue in full force and effect and shall in no way be affected, impaired or invalidated thereby.

13.3. Headings. The headings are included only for convenience of reference and shall be disregarded in the construction and interpretation of this Declaration.

13.4. Litigation Expenses. This Declaration may be enforced by action by any Lot Owner. If any Lot Owner shall bring an action against any other Lot Owner by reason of the breach of any covenant, term or obligation hereof, or otherwise arising out of this Declaration, the prevailing Lot Owner in such suit shall be entitled to its costs of suit and reasonable attorneys' fees, which shall be payable whether or not such action is prosecuted to judgment.

13.5. Governing Law. The laws of the State of Idaho shall govern the validity, construction, performance and effect of this Declaration.

13.6. Environmental Hazards Indemnification. Any Owner operating a Lot that includes the storage or use of Hazardous Materials shall defend, indemnify and hold harmless each other Owner and Declarant regarding government or third party claims and awards against any such indemnified party for any environmental contamination occurring, or Hazardous

Materials existing, on the Lot operated for the business, which were generated (i) by such Owner or its agents, successors or assigns, (ii) in connection with the operation of the business, or (iii) as a result of or arising from the use of the Lot containing the business. "Hazardous Materials" shall mean each and every element, substance, compound, chemical mixture, contaminant, pollutant, material, or waste that is defined as, determined to be, or identified as hazardous, toxic or presenting a risk to human health or the environment under any applicable federal, state or local law, statute, regulation, rule or ordinance or any judicial or administrative decree or decision. In addition to and without limiting the generality of the foregoing, Hazardous Materials also shall include petroleum or petroleum products and by-products, asbestos-containing materials, mold, regulated refrigerants, greenhouse gases and PCBs.

13.7. Covenants and Recordation. All of the provisions, agreements, rights, powers, covenants, conditions and obligations contained in this Declaration shall be perpetual and shall be binding upon and shall inure to the benefit of the Owners and any subsequent owner of any part of the Property or of any Lot. All of the provisions of this Declaration shall be covenants running with the land and equitable servitudes pursuant to applicable law. This Declaration shall become effective and binding upon recordation of this Declaration in the land records of Ada County, Idaho.

13.8. Tenants. The benefits and burdens of this Declaration shall extend to each tenant, licensee, concessionaire and occupant of each Owner (each, a "Permittee"). Each Owner shall be solely responsible to ensure that all such Permittees on such Owner's Lot abide by all of the terms and conditions of this Declaration. Each Owner shall be solely responsible for the actions of all of Owner's Permittees.

13.9. Discharge of Rights and Duties Upon Transfer. In the event of assignment, transfer or conveyance of the whole of the interest of any Owner in and to any Lot, without retaining any beneficial interest other than under the terms of a deed of trust, mortgage or similar instrument, the powers, rights and obligations created hereunder will be deemed assigned, transferred and conveyed to such transferee, and such powers, rights and obligations will be deemed assumed by such transferee, effective as of the date of transfer. The obligations and rights of the transferor shall immediately thereafter be deemed discharged as to any such rights and obligations arising after transfer of the interest.

13.10. Tractor Supply Company. Notwithstanding any terms, conditions, rights or obligations in this Declaration to the contrary or any restrictions in any Lot's deed or lease, so long as Tractor Supply Company has a leasehold, fee or other interest in Lot 4, TSC shall have the unencumbered right to operate on Lot 4 a farm and ranch retail facility, which specifically includes without limitation the outdoor display and sale of merchandise, including without limitation trailers, pedal boats and motorized vehicles (including ATVs, mini-bikes, dirt bikes, scooters and UTVs) and the sale of welding gas and bulk propane. The rights of TSC under this provision shall extend to any subtenants and licensees of TSC.

[Signatures contained on the following page]

IN WITNESS WHEREOF, Declarant has executed this Declaration to be effective as of the day and year first above written.

Emmett Partners, LLC, a Utah limited liability company

By: M. Brett Jensen
Name: m. Brett Jensen
Title: manager



STATE OF UTAH)
) : ss.
COUNTY OF DAVIS)

On the 2nd day of SEPTEMBER, 2016, personally appeared before me, M. Brett Jensen, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same in his capacity as the MANAGER of EMMETT PARTNERS, LLC, a Utah limited liability company, and who further acknowledged that said limited liability executed the same.

Nate Lechtenberg
NOTARY PUBLIC

EXHIBIT "A"

Legal Description of the Property

A portion of the Southeast 1/4 of the Northeast 1/4 of Section 24, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho being more particularly described as follows:

Commencing at the East 1/4 corner of said Section 24 from which the Northeast corner of said Section 24 bears North 00°22'43" East, 2,649.30 feet (formerly described as North 00°46'12" East);

Thence along the East boundary line of said Section 24 North 00°22'43" East, 1324.65 feet (formerly described as North 00°46'12" East) to the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of said Section 24;

Thence along the North boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 24 North 88°59'54" West, 65.06 feet (formerly described as North 88°36'31" West, 70.00 feet) to the West right-of-way line of North Kuna-Meridian Road (St. Hwy. 69) as described in that Warranty Deed dated March 17th, 1997 and recorded as Instrument No. 97029946, records of Ada County, Idaho, said point being the **REAL POINT OF BEGINNING**;

Thence leaving said North boundary line and along said West right-of-way line South 01°31'50" East, 1.65 feet (formerly described as South 01°08'21" East)

Thence continuing along said West right-of-way line South 00°22'43" West, 1282.81 feet (formerly described as South 00°46'12" West, 1,284.45 feet);

Thence leaving said West right-of-way line North 88°50'19" West, 551.26 feet (formerly described as North 88°26'50" West, 546.26 feet);

Thence 31.14 feet along the arc of a curve to the right having a radius of 20.00 feet, a central angle of 89°13'02" and a long chord which bears North 44°13'48" West (formerly described as North 43°50'19" West), 28.09 feet;

Thence North 00°22'43" East (formerly described as North 00°46'12" East), 70.22 feet;

Thence 59.67 feet along the arc of a curve to the left having a radius of 74.00 feet, a central angle of 46°11'54" and a long chord which bears North 22°43'14" West (formerly described as North 22°19'45" West), 58.06 feet;

Thence North 63°47'00" East (formerly described as North 64°10'29" East), 42.13 feet;

Thence North 32°04'50" East (formerly described as North 32°28'19" East), 21.02 feet;

Thence North 00°22'43" East, 1102.49 (formerly described as North 00°46'12"

East, 1,102.47 feet) to a point on the North boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 24;

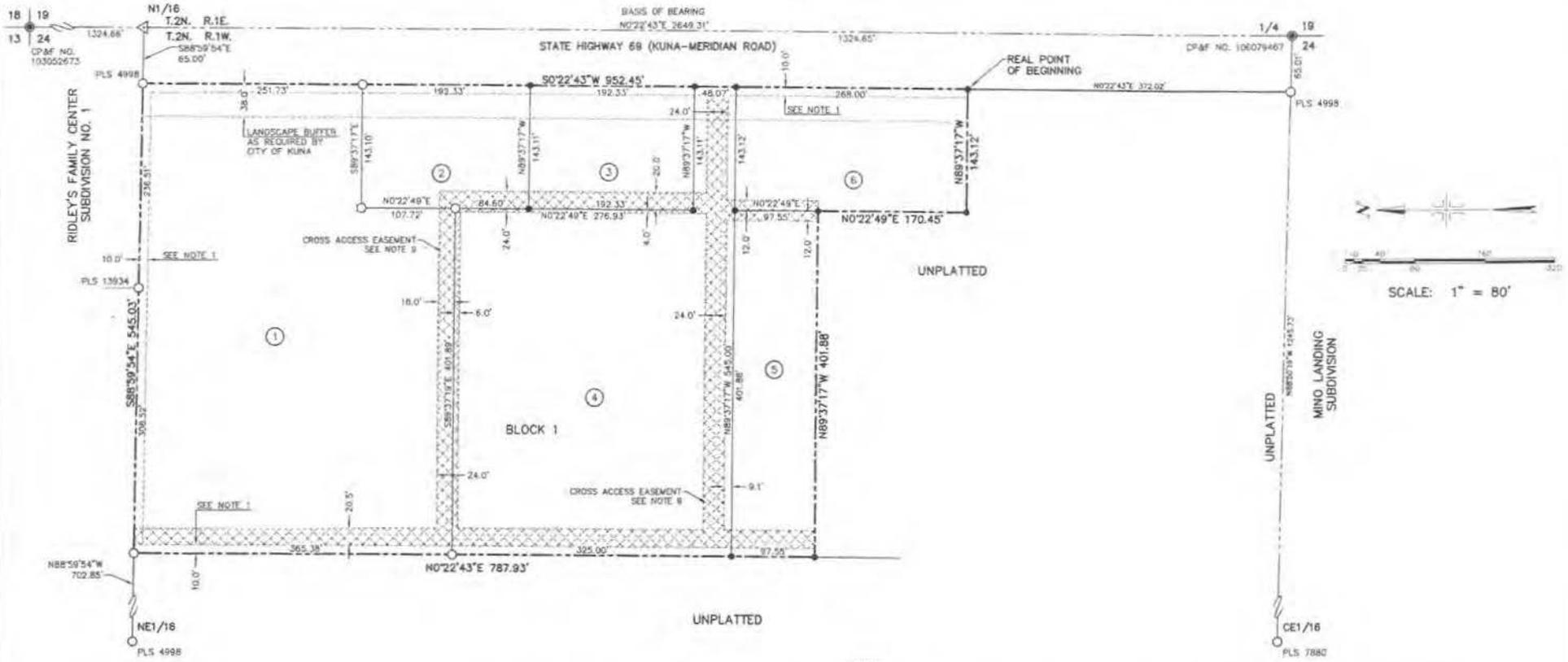
Thence along said North boundary line South 88°59'54" East, 544.97 feet (formerly described as South 88°36'31" East, 540.04 feet) to the **REAL POINT OF BEGINNING**. Containing an area of 16.17 acres, more or less.

EXHIBIT "B"

Plat

PLAT SHOWING
ENSIGN SUBDIVISION

LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 24,
T.2N., R.1W., B.M.
KUNA, ADA COUNTY, IDAHO
2016



LEGEND

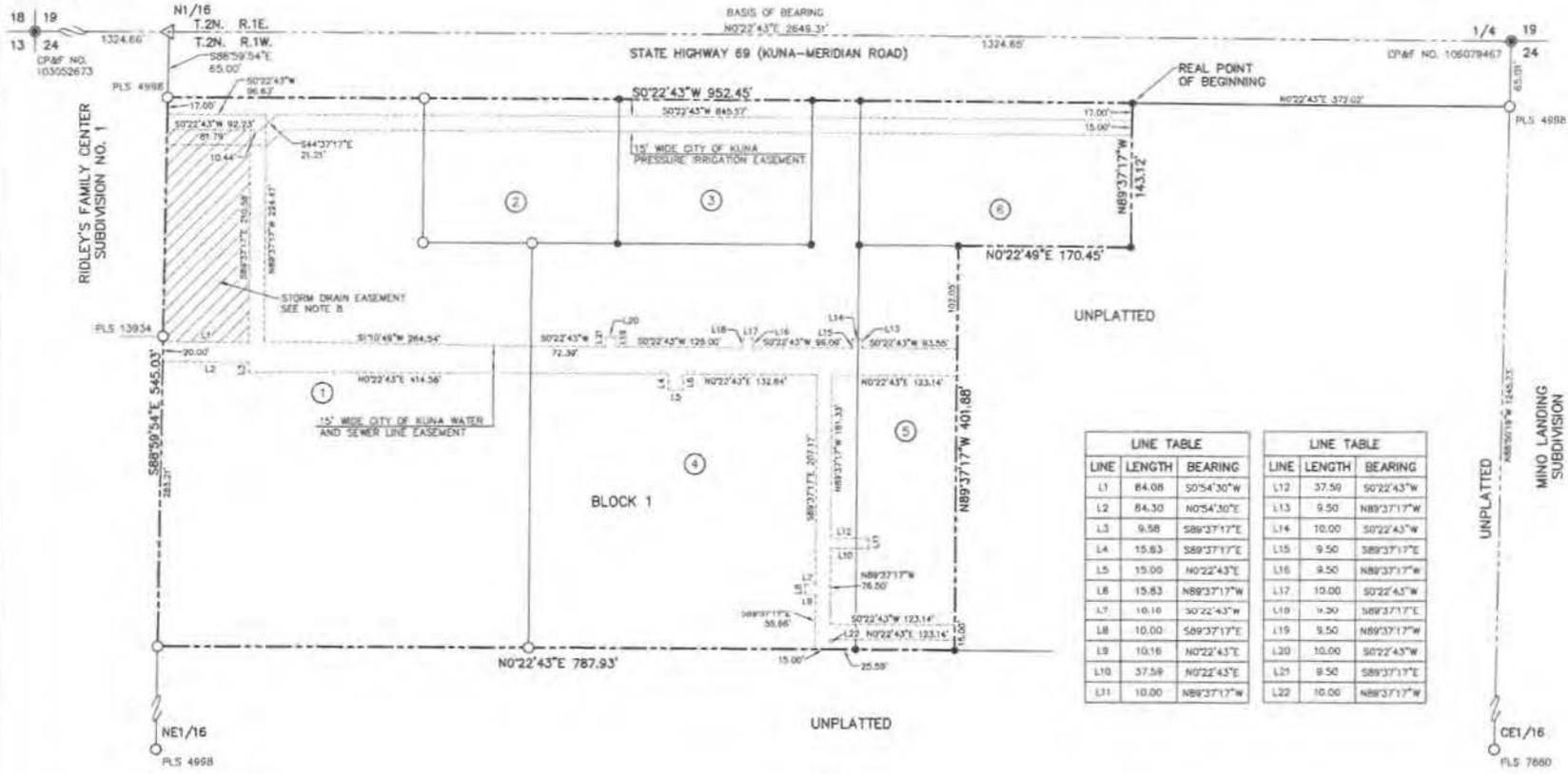
- FOUND 5/8" IRON PIN PLS 7728 UNLESS OTHERWISE NOTED
- FOUND ALUMINUM CAP MONUMENT
- SET 5/8" IRON PIN WITH CAP PLS 7729
- SET 1/2" IRON PIN WITH CAP PLS 7729
- △ CALCULATED POINT
- PROPERTY BOUNDARY LINE
- EASEMENT LINE
- LOT LINE
- SECTION LINE
- ⑦ LOT NO.

1. LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY LINE SHALL HAVE A TEN (10) FOOT WIDE PERMANENT PUBLIC UTILITIES AND PROPERTY DRAINAGE EASEMENT AS SHOWN. LOTS 1, 4 AND 5 SHALL HAVE A TEN (10) FOOT WIDE PERMANENT PUBLIC UTILITIES AND PROPERTY DRAINAGE EASEMENT AS SHOWN.
2. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RE-SUBDIVISION AND MAY REQUIRE AMENDMENT OF THE DEVELOPMENT AGREEMENT.
3. MAINTENANCE OF ANY IRRIGATION, DRAINAGE PIPE OR DITCH CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE DISTRICT.
4. IRRIGATION WATER WILL BE PROVIDED BY CITY OF KUNA IN COMPLIANCE WITH IDAHO CODE SECTION 31-3605(1)(B). ALL LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION RIGHTS, AND WILL BE OBLIGATED FOR ASSESSMENTS FROM CITY OF KUNA SUBJECT TO THE ANNEXING OF ENSIGN SUBDIVISION INTO THE KUNA MUNICIPAL IRRIGATION DISTRICT AND POOLING THE APPURTENANT WATER RIGHTS THEREOF, RECORDED AS INSTRUMENT NO. XXXXX, RECORDS OF ADA COUNTY, IDAHO.
5. MINIMUM BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF KUNA APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF INDIVIDUAL BUILDING PERMITS OR AS SPECIFICALLY APPROVED AND/OR REQUIRED.
6. ENSIGN SUBDIVISION IS SUBJECT TO A CITY OF KUNA DEVELOPMENT AGREEMENT RECORDED AS INSTRUMENT NUMBER AT THE ADA COUNTY RECORDERS OFFICE.
7. DIRECT LOT ACCESS TO KUNA-MERIDIAN ROAD IS PROHIBITED UNLESS SPECIFICALLY ALLOWED BY THE STATE OF IDAHO OR THE CITY OF KUNA.
8. LOT 1, BLOCK ONE IS SUBJECT TO A PRIVATE STORM DRAIN EASEMENT, AS SHOWN ON THIS PLAT, FOR THE BENEFIT OF LOTS 1-6, BLOCK 1.
9. LOTS 1-6, BLOCK 1 SHALL BE SUBJECT TO A CROSS ACCESS EASEMENT, AS SHOWN ON THIS PLAT, FOR THE BENEFIT OF LOTS 1-6, BLOCK 1.
10. THIS DEVELOPMENT RECOGNIZES IDAHO CODE SECTION 22-4503, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL FACILITY OR AN EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."



ISG IDAHO SURVEY GROUP, P.C.
1450 E. WATERTOWER ST., SUITE 100
MERIDIAN, IDAHO 83642
PH. (208) 846-8570
FAX (208) 884-0399

PLAT SHOWING
ENSIGN SUBDIVISION
 LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 24,
 T.2N., R.1W., B.M.
 KUNA, ADA COUNTY, IDAHO
 2016

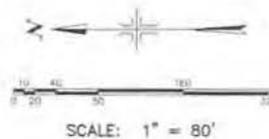


LINE TABLE			LINE TABLE		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	84.08	S0°54'30"W	L12	37.50	S0°22'43"W
L2	84.30	N0°54'30"E	L13	9.50	N89°37'17"W
L3	9.58	S89°37'17"E	L14	10.00	S0°22'43"W
L4	15.83	S89°37'17"E	L15	9.50	S89°37'17"E
L5	15.00	N0°22'43"E	L16	9.50	N89°37'17"W
L6	15.83	N89°37'17"W	L17	10.00	S0°22'43"W
L7	10.16	S0°22'43"W	L18	9.50	S89°37'17"E
L8	10.00	S89°37'17"E	L19	9.50	N89°37'17"W
L9	10.16	N0°22'43"E	L20	10.00	S0°22'43"W
L10	37.58	N0°22'43"E	L21	9.50	S89°37'17"E
L11	10.00	N89°37'17"W	L22	10.00	N89°37'17"W

LEGEND

- FOUND 5/8" IRON PIN PLS 7729 UNLESS OTHERWISE NOTED
- FOUND ALUMINUM CAP MONUMENT
- SET 3/8" IRON PIN WITH CAP PLS 7728
- SET 1/2" IRON PIN WITH CAP PLS 7729
- △ CALCULATED POINT
- PROPERTY BOUNDARY LINE
- EASEMENT LINE
- LOT LINE
- SECTION LINE
- ⑦ LOT NO.

EASEMENTS
 (SEE PAGE 1 OF 4 FOR NOTES)



ENSIGN SUBDIVISION

CERTIFICATE OF OWNERS

Know all men by these presents: That Emmett Partners, LLC, a limited liability company, is the owner of the property described as follows:

A portion of the Southeast 1/4 of the Northeast 1/4 of Section 24, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho being more particularly described as follows:

Commencing at the East 1/4 corner of said Section 24 from which the Northeast corner of said Section 24 bears North 00°22'43" East, 2,649.31 feet;

Thence along the East-West centerline of said Section 24 North 88°50'19" West, 65.01 feet to a point on the West right-of-way line of North Kuna-Meridian Road (St. Hwy. 69);

Thence along said West right-of-way line North 00°22'43" East, 372.02 feet to the **REAL POINT OF BEGINNING**;

Thence leaving said West right-of-way line North 89°37'17" West, 143.12 feet;

Thence North 00°22'49" East, 170.45 feet;

Thence North 89°37'17" West, 401.88 feet;

Thence North 00°22'43" East, 787.93 feet to a point on the North boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 24;

Thence along said North boundary line South 88°59'54" East, 545.03 feet to a point on said West right-of-way line of North Kuna-Meridian Road (St. Hwy. 69);

Thence along said West right-of-way line South 00°22'43" West, 952.45 feet to the **REAL POINT OF BEGINNING**.
Containing an area of 10.38 acres, more or less.

It is the intention of the undersigned to hereby include the above described property in this plat. The easements as shown on this plat are not dedicated to the public. However, the right to use said easements is hereby perpetually reserved for public utilities and such other uses as designated within this plat, and no permanent structures are to be erected within the lines of said easements. All lots in this plat will be eligible to receive water service from an existing City of Kuna main line located adjacent to the subject subdivision, and the City of Kuna has agreed in writing to serve all the lots in this subdivision.

Emmett Partners, LLC

Jeremy Terry, Manager

CERTIFICATE OF SURVEYOR

I, Gregory G. Carter, do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this plat as described in the "Certificate of Owners" was drawn from an actual survey made on the ground under my direct supervision and accurately represents the points platted thereon, and is in conformity with the State of Idaho Code relating to plats and surveys.



ACKNOWLEDGMENT

State of Idaho)

) s.s.

County of Ada)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared Jeremy Terry, known or identified to me to be the manager of Emmett Partners, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that said limited liability company executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My commission expires _____

Notary Public for Idaho
Residing in _____, Idaho

ENSIGN SUBDIVISION

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied according to the letter to be read on file with the County Recorder or his agent listing the conditions of approval. Sanitary restrictions may be re-imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

District Health Department, EHS Date

APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

The foregoing plat was accepted and approved by the Board of Ada County Highway District Commissioners on the _____ day of _____, 20____.

President ACHD

APPROVAL OF CITY ENGINEER

I, Gordon Law, the City Engineer in and for the City of Kuna, Ada County, Idaho, on this day _____, hereby approve this plat.

City Engineer

APPROVAL OF CITY COUNCIL

I, the undersigned, City Clerk in and for the City of Kuna, Ada County, Idaho, hereby certify that at a regular meeting of the City Council held on the _____ day of _____, 20____, this plat was duly accepted and approved.

City Clerk, Kuna, Idaho

CERTIFICATE OF COUNTY SURVEYOR

I, the undersigned, County Surveyor in and for Ada County, Idaho, do hereby certify that I have checked this plat and that it complies with the State of Idaho Code relating to plats and surveys.

County Surveyor

CERTIFICATE OF COUNTY TREASURER

I, the undersigned, County Treasurer in and for the County of Ada, State of Idaho, per the requirements of I.C. 50-1308 do hereby certify that any and all current and/or delinquent county property taxes for the property included in this subdivision have been paid in full. This certification is valid for the next thirty (30) days only.

Date

County Treasurer

COUNTY RECORDER'S CERTIFICATE

State of Idaho)
) s.s.
County of Ada)

I hereby certify that this instrument was filed for record at the request of _____ at _____ Minutes past _____ O'clock _____ M. on this _____ day of _____, 20____, in Book _____ of plats at Pages _____.

Instrument No. _____

Deputy

Ex-Officio Recorder



	IDAHO SURVEY GROUP, P.C.	1450 E. WATERTOWER ST. SUITE 130 MERIDIAN, IDAHO 83642 (208) 846-8570

EXHIBIT "C"

Legal Description of Initial Phase Sign Easement

Portions of the East 1/2 of the Northeast 1/4 of Section 24, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho being more particularly described as follows:

NORTH EASEMENT

COMMENCING at the East 1/4 corner of said Section 24 from which the Northeast corner of said Section 24 bears North 00°22'43" East, 2649.31 feet; Thence North 07°48'38" West, 687.99 feet to the **REAL POINT OF BEGINNING**;

Thence North 89°37'17" West, 20.00 feet;

Thence North 00°22'43" East, 8.00 feet;

Thence South 89°37'17" East, 20.00 feet;

Thence South 00°22'43" West, 8.00 feet to the REAL POINT OF BEGINNING.

EXHIBIT "D"

Legal Description of Second Phase Sign Easement

Portions of the East 1/2 of the Northeast 1/4 of Section 24, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho being more particularly described as follows:

SOUTH EASEMENT

COMMENCING at the East 1/4 corner of said Section 24 from which the Northeast corner of said Section 24 bears North 00°22'43" East, 2649.31 feet; Thence North 62°08'23" West, 110.47 feet to the **REAL POINT OF BEGINNING**;

Thence North 89°37'17" West, 20.00 feet;

Thence North 00°22'43" East, 8.00 feet;

Thence South 89°37'17" East, 20.00 feet;

Thence South 00°22'43" West, 8.00 feet to the REAL POINT OF BEGINNING.

Neighborhood Meeting Minutes 6/29/2020

The following individuals were sent a notice of neighborhood meeting on 6/15/2020. A copy of the notice of meeting is attached.

PRIMOWNER	ADDCONCAT	STATCONCAT
CFT NV DEVELOPMENTS LLC	1120 N TOWN CENTER DR STE 150	LAS VEGAS, NV 89144-0000
SDN LLC	P O BOX 1939	EAGLE, ID 83616-0000
EMMETT PARTNERS LLC	579 S MOSS HILL DR	BOUNTIFUL, UT 84010-0000
1011 N MERIDIAN ROAD LLC	408 E 41ST ST	BOISE, ID 83714-0000
NICOLAYSEN STEPHEN CARL	PO BOX 607	MERIDIAN, ID 83680-0000
EXCHANGERIGHT NET LEASED PORTFOLIO 16 DST	PO BOX 60308	PASADENA, CA 91116-0000
CJM LIMITED LIABILITY LIMITED PARTNERSHIP	621 WASHINGTON ST S	TWIN FALLS, ID 83301-0000
RAMA GROUP LLC	1548 W CAYUSE CREEK DR STE 100	MERIDIAN, ID 83646-0000

The meeting started at 6:00 pm and ended at 6:45 pm. A representative from Emmett Partners, LLC was the only attendee. No objections were noted.

M. Brett Jensen





ENSIGN DEVELOPMENT GROUP

Address 2694 North 920 East • N. Logan, UT 84341

Development, Consulting, Investment

Website www.EnsignDevelopmentGroup.com

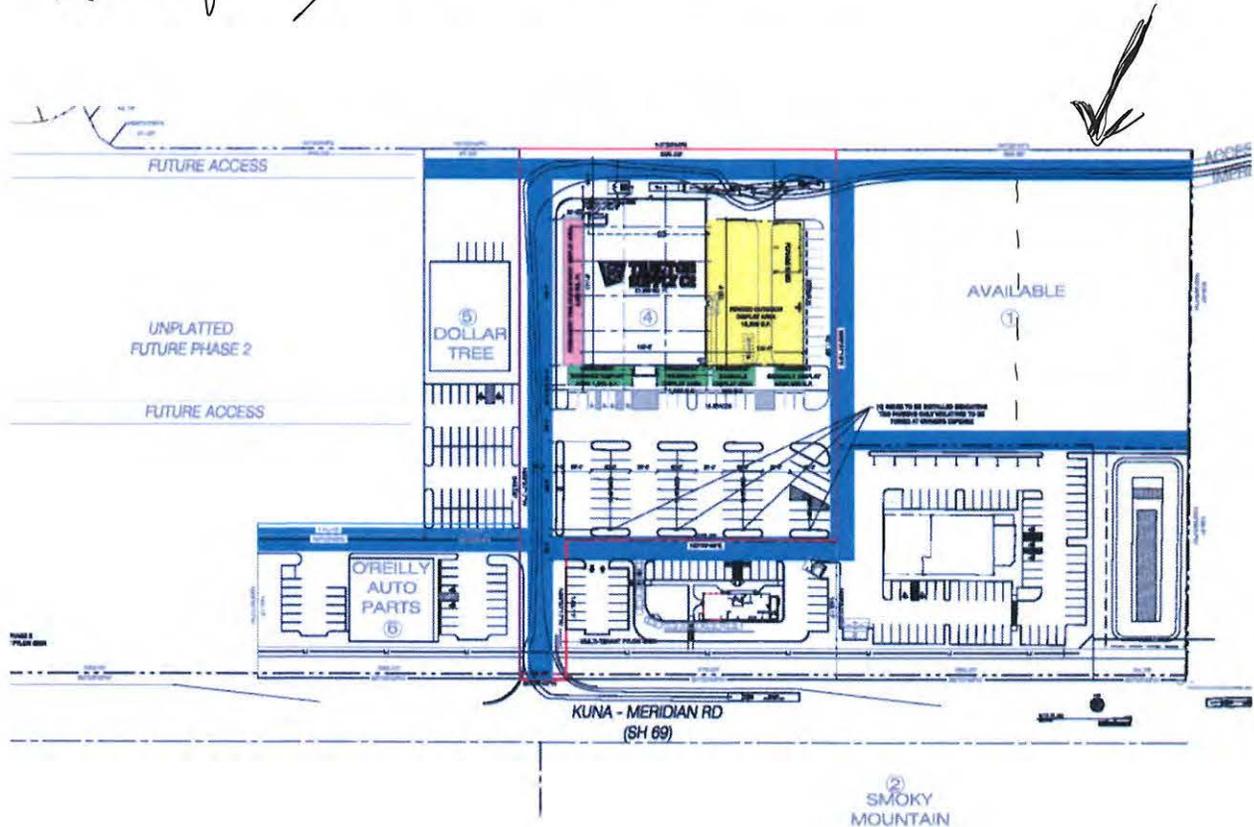
6/15/2020

Ensign Subdivision Neighbor:

This letter is to notify you that there will be a neighborhood meeting regarding the Ensign Subdivision application for re-subdividing lot 1 into two separate lots. The neighborhood meeting will be held June 29, 2020 at 6:00 pm, on site, next to the Tractor Supply store in Kuna, ID. We ask that you respond by email if you are planning on attending this meeting.

brett@ensigndevelopmentgroup.com

Thank you,



Ensign Plat Split Neighborhood Meeting Attendance 6/29/2020

Owner	Representative Name	Signature
PRIMOWNER		
CFT NV DEVELOPMENTS LLC		
SDN LLC		
EMMETT PARTNERS LLC	Brett Jenrow	
1011 N MERIDIAN ROAD LLC		
NICOLAYSEN STEPHEN CARL		
EXCHANGERIGHT NET LEASED PORTFOLIO 16 DST		
CJM LIMITED LIABILITY LIMITED PARTNERSHIP		
RAMA GROUP LLC		



City of Kuna

P.O. Box 13
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Kunacity.id.gov

P & Z Commission Staff Report

To: Planning and Zoning Commission

Case Numbers: 20-01-S (*Subdivision*) & 20-02-DR (Design Review),
Fossil Creek Subdivision

Location: Near the Southwest Corner (SWC) of Deer Flat & Ten Mile Road
Kuna, Idaho 83634

Planner: Troy Behunin, Planner III

Hearing Date: July 14, 2020

Representative: *Gem State Planning, LLC*
Jane Suggs
9840 W. Overland Rd. Ste 120
Boise, ID 83709
208.602.6941
Jane@gemstateplanning.com

Applicant: *Trilogy Development, LLC*
Shawn Brownlee
9839 W. Cable Car St. Ste. 101
Boise, ID 83709
shawn@trilogyidaho.com

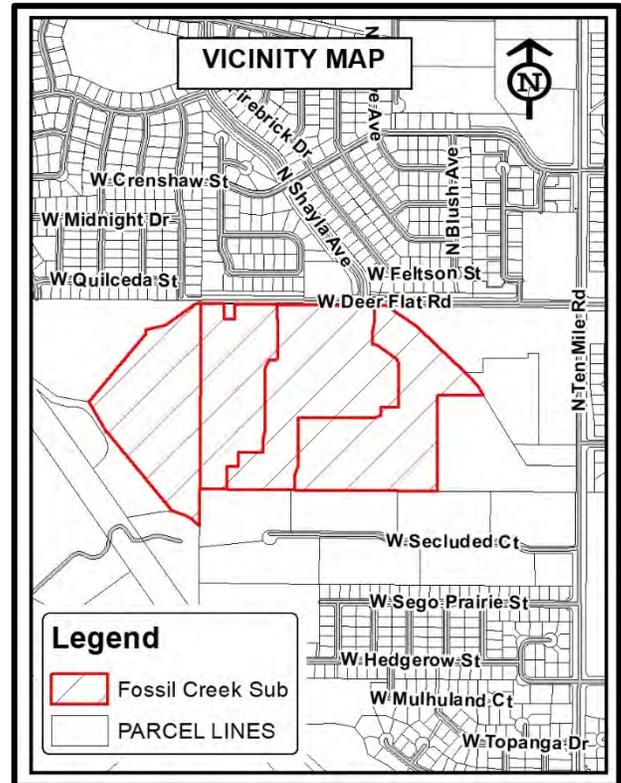


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A. Process and Noticing:

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states that design reviews are designated as *public meetings*, with the Planning and Zoning Commission (acting as the Design Review Committee) as the decision-making body; and that subdivision preliminary plat applications are designated as *public hearings*, with the Planning and Zoning Commission as the recommending body, and the City Council as the decision-making body. These land use applications were given proper public notice and have followed the requirements set forth in Idaho Code, Chapter 65, Local Land Use Planning Act (LLUPA).

a. Notifications

- | | |
|---------------------------|--|
| i. Neighborhood Meeting | Feb. 4, 2020 (twelve persons attended) |
| ii. Agencies | March 27, 2020 |
| iii. 400' Property Owners | July 2, 2020 |
| iv. Kuna, Melba Newspaper | June 17, 2020 |
| v. Site Posted | July 3, 2020 |

B. Applicant Request:

1. The applicant, Gem State Planning, LLC requests preliminary plat approval to subdivide approx. 66.75 acres into 283 total lots. The proposed gross density is 4.07 DUA (Dwelling Units/Ac.), and the net density is approx. 6.28 DUA with 12.6% usable open space for a total 8.4 acres (ac.) of open space. This is a revision to a previously approved pre plat site plan. The site is near the Southwest Corner (SWC) of Deer Flat and Ten Mile Road. Kuna, ID 83634; within Section 22 T2N, R1W, B.M., APN No's: S1322212401, S1322120900, S1322121200 and S1322121300

C. Site History: The subject site is approximately 6.00 acres in size and is currently zoned R-6 (MDR) and in Kuna City limits. The subject site has historically been used for a single-family residences and open fields.

D. General Projects Facts:

1. **Comprehensive Plan Designation:** The Future Land Use Map (FLUM) is intended to serve as a *guide* for the decision-making body for the City. The Comp Plan map indicates land use designations generally speaking, it is not the actual zone. The FLUM identifies the approximately 66.75 acre site as Medium Density Residential, or 4-8 DUA.
2. **Kuna Recreation and Pathways Master Plan Map:**
The Recreation and Pathways Master Plan Map indicates a future pathway / trail through the subject site in the Northeast Corner (NEC) along the Ramsey Lateral. Applicant has proposed a pathway and open space along the Ramsey Lateral.
3. **Surrounding Existing Land Uses and Zoning Designations:**

North	R-6, R-3, RUT	Low and Medium Density Residential: Kuna City, Rural Residential: Ada County
South	RR & RUT	Rural Residential & Rural Urban Transition: Ada County
East	C-1 & R-4	Neighborhood Comm. & Med. Density Residential: Kuna City
West	R-6 RR	Medium Density Residential: Kuna City, Rural Residential: Ada County

4. **Parcel Sizes, Current Zoning, Parcel Numbers:**

Property Owner	Parcel Size	Current Zone	Parcel Number
Corey D Barton	Approx 16.48 ac.	R-5 Med Den Res.	S1322212401
Corey D Barton	Approx 19.13 ac.	R-5 Med Den Res.	S1322120900
Corey D Barton	Approx 2.05 ac.	R-5 Med Den Res.	S1322121200
Corey D Barton	Approx 18.38 ac.	R-5 Med Den Res.	S1322121300

5. **Services:**

Sanitary Sewer – City of Kuna (COK)	Fire Protection – Kuna Rural Fire District (KRFD)
Potable Water – COK	Police Protection – Kuna City Police (ACSO)
Irrigation District – Boise-Kuna Irrigation District	Sanitation Services – J & M Sanitation
Pressure Irrigation–COK Municipal Irrig. System (KMIS)	

6. **Existing Structures, Vegetation and Natural Features:** Currently the properties listed above are used for agricultural purposes. There are no residential buildings on these lands. These parcels are generally flat and on-site vegetation is consistent with typical large Agriculture open fields. Bedrock depth according to the USGS, is approx 40” to 60” with an average of 1 - 1.4% slope across the site.

Transportation / Connectivity: The site has approx. 1,344' of frontage along Deer Flat Road. Staff recommends the applicant be conditioned to satisfy Kuna City and ACHD's requirements for roadway improvements for all on-site public roads and for the frontage along Deer Flat Road, including road widening and vertical/rolled curb, gutter and sidewalks at the appropriate widths. Deer Flat Road is a Collector Road. The Applicant shall work with the Emergency Medical Services (EMS) to provide emergency access for the site at proper widths approved by the City of Kuna, ACHD the KRFD.

7. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.
8. **Agency Responses:** The following responding agency comments are included as exhibits with this case file:
 - City Engineer (Paul Stevens) Exhibit B-1
 - Ada County Highway District (ACHD) Exhibit B-2
 - Boise Project Board of Control Exhibit B-3
 - Central District Health Department (CDHD) Exhibit B-4
 - COMPASS (Comm. Planning Assoc.) Exhibit B-5
 - Department of Environmental Quality (DEQ) Exhibit B-6
 - ID Dept. of Water Resources (IDWR) Exhibit B-7
 - Idaho Transportation Department (ITD) Exhibit B-8
 - Kuna Rural Fire District (KRFD) Exhibit B-9

E. Staff Analysis:

Applicant proposes to subdivide approx 66.75 acres to create a subdivision known as *Fossil Creek* Subdivision. The site is within Kuna City limits and is currently zoned R-5 (from the 2003 application) which is a Medium Density Residential [MDR] zone. The property was zoned with the original preliminary plat back in 2003.

The City of Kuna FLUM and the Comprehensive Plan for Kuna identifies this parcel as MDR, which equals four (4) to eight (8) dwelling units per acre (DUA). This application requests an approx. 4.07 gross DUA. This subdivision proposes 8.4 acres (12.5%) of usable open space including trails along the Ramsey Lateral, and a future open space segment along Indian Creek, plus other internal open spaces and trails. Staff views this proposal to be in concert with the FLUM and Comprehensive Plan. Applicant proposes 272 home lots and 11 common lot (283 total). Staff recommends the applicant be conditioned to work with the Public Works department to bring utilities to and thru the site and provide stubs to adjacent properties in conformance with KCC. Public utilities shall be provided at the developers cost and extended to the site in sufficient sizes. Staff recommends the applicant be conditioned to provide street lights throughout the Sub that comply with KCC for distance, style and wattage, including street lights at all intersections and near all fire hydrants. Staff recommends the applicant be conditioned to work with the KRFD for proper EMS access at the 31-lot threshold for permanent secondary access. Staff recommends that all streets (including Deer Flat Frontage) be improved widened and dedicated as public roads with curb, gutter and sidewalks at appropriate widths.

A Design Review application accompanies this project and seeks approval for the landscaping, trails and open spaces included with this subdivision (20-02-DR). A Homeowners Association (HOA) must be established for the care and maintenance for all common lots. The landscape plans appear to be in substantial compliance with KCC 5-17. In the event that during phase development there is a valid reason to relocate trees and shrubs, staff recommends that the applicant be conditioned to relocate the affected items to another location rather than removal from the project. Acceptable reasons for relocating landscaping includes ACHD drainage and vision triangles at intersections. It is the responsibility of the developer to ensure that wire baskets, twine and other forms of non-biodegradable items are removed from trees and shrubs appropriately. Applicant is hereby notified that this project is subject to design review inspection fees. Required inspections (post construction), are to verify landscaping and street lights compliance prior to signature on the final plat. It is also noted that any changes to

the landscape or street light plans must receive staff approval *prior* to changes being made. At the time of inspections, if field conditions are different than the approved plans, changes will be required until field conditions are compliant, and will be made at developers' expense.

Staff has determined these applications comply with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan and FLUM; and forwards Case No's 20-01-S and 20-02-DR, to the Commission with recommended conditions of approval listed in section 'J' of this report.

F. Applicable Standards:

1. City of Kuna Zoning Ordinance Title 5.
2. City of Kuna Subdivision Ordinance Title 6.
3. City of Kuna Comprehensive Plan.
4. Idaho Code, Title 67, Chapter 65- the Local Land Use Planning Act.
5. Future Land Use Map.

G. Procedural Background:

On Tuesday July 14, 2020, the Commission ***will/have considered*** the *Fossil Creek* subdivision project, Case No's 20-01-S & 20-02-DR, including the applications, agency comments, staff's report and public testimony presented or given.

H. Proposed Comprehensive Plan Analysis:

The Commission may accept or reject the Comprehensive Plan components, and have determined the proposed preliminary plat request for the site ***is/is not*** consistent with the following Comprehensive Plan components as described below:

The Comprehensive Plan is a living document, intended for use as a guide to governmental bodies. The plan is not law that must be strictly adhered to in the most stringent sense; it is to be used by public officials to assist their decision making for the City.

2.0 – Property Rights and Summary

Goal 1: Ensure the City land use policies, restrictions, conditions and fees do not violate private property rights and ensure that land use actions, decisions, and regulations do not effectively eliminate all economic value of the subject property. Ensure that City land use actions, decisions, and regulations do not prevent a private property owner from taking advantage of a fundamental property right and evaluate with guidance from the City attorney and the Idaho Attorney General's six criterion established to determine the potential for property "takings".

Comment: Utilizing the Idaho Attorney Generals criteria, and a review by the City Attorney, the proposed project does not constitute a "takings" and the economic value is intact. However, the applicant may request a takings analysis by the developer.

5.0 Economic Development Goals and Objectives - Summary:

Ensure an adequate supply of housing for all income levels and facilitate pedestrian connections, both visually and physically, to enhance pedestrian movement.

Comment: The proposed application complies with the comprehensive plan by providing a unique set and arrangement of lot sizes, sidewalks and open space throughout to meet this goal.

6.0 Land Use Goals and Objectives - Summary:

Adopt a future land use plan and map that includes natural and developed open spaces, while providing a variety of housing densities and types to accommodate various lifestyles, ages and economic groups. Protect existing

neighborhoods and ensure new development is sustainable and keeps Kuna desirable. Develop cohesive neighborhoods with character and quality while incorporating a variety of densities and styles.

Comment: *The project complies with the land use plan as adopted by the City by incorporating the following; landscaped open space, sidewalks, unique/varied housing densities and types and promotes desirable, cohesive community character and a possibility for a quality neighborhood as an in-fill development.*

8.0 - Public Services, Facilities and Utilities Goals and Objectives - Summary:

Provide adequate services, facilities, and utilities for all City residents and annex contiguous properties who request City services. Ensure that development within Kuna connects into the City's sanitary sewer and potable water systems and continue expansion of the City's sewer systems as resources allow.

Comment: *Kuna has adequate services for this development and the authority to approve the request. This application will expand the City's sanitary sewer system, potable water and adds to the pressure irrigation mainline in an orderly fashion and adds amenities with open spaces and trails for its residents and the community.*

9.0 - Transportation Goals and Objectives - Summary:

Work with Kuna City, ACHD and COMPASS to promote and encourage bicycling and walking as transportation modes. Develop a transportation strategy and identify future transit corridors while requiring developers to preserve rights-of-way, to improve mobility on major routes while balancing land use planning with transportation needs.

Comment: *The project meets the transportation goals of the City by improving the south side of Deer Flat Rd. with expanded rights-of-way along its frontage, adding sidewalks for public use and internal roads for transportation connections.*

12.0 - Housing Goals and Objectives - Summary:

Encourage developers to provide high-quality development with a variety of lot sizes, dwelling types, densities and price points to meet the needs of current and future population while creating safe and aesthetically-pleasing neighborhoods. Ensure housing is available throughout the community for all income levels and those with special needs. Encourage logical and orderly residential development while discouraging developers from developing land divisions greater than one half acre because large lot subdivisions increase municipal costs, require public subsidy and create sprawl.

Comment: *Applicant has proposed 283 total lots which will possibly contribute to high-quality lots of varied sizes to be developed in a logical and orderly manner. The development proposes varied and unique housing types, common lots, and possibly amenities, therefore creating a pleasant neighborhood environment that blends with the majority of the area.*

13.0 - Community Design Goals and Objectives - Summary:

Strengthen Kuna's Image through good community and urban design principles that create self-sufficient neighborhoods. Foster good community design concepts that incorporate landscape features to serve as buffers between incompatible uses while reducing scale and create a sense of place.

Comment: *The subdivision incorporates sound community design and landscape features to integrate with surrounding uses to create a sense of place for the community and will foster neighborhood interactions and activities within its boundary.*

I. Proposed Kuna City Code Analysis:

1. This request appears to be consistent and in compliance with Kuna City Code (KCC).
Comment: *The proposed project meets the land use and area standards in Chapter 3, Title 5 of KCC. Staff also finds that the proposed project meets all applicable requirements of Title 6 of KCC.*
2. The site is physically suitable for a subdivision.
Comment: *The approx. 66.75 acre subdivision has sufficient size to include a mix of lot sizes, neighborhood landscaped common lot.*
3. The subdivision uses **are/are not** likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
Comment: *The land to be subdivided is /is not used as wildlife habitat. Roads, homes and open space are planned for construction according to the City requirements and best practices. Staff is not aware of any environmental damage or loss of habitat associated with the proposed development.*
4. The subdivision application **is/is not** likely to cause adverse public health problems.
Comment: *The subdivision of the property follows the zoning designation per Kuna Code 5-13-9. The Medium Density zone requires connection to public sewer and water, therefore eliminating the occurrence of adverse public health problems. Through correspondence with public service providers and application evaluation, this project appears to avoid detriment to surrounding uses.*
5. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
Comment: *The subdivision design did consider the location of the property, classified roadway (Deer Flat Rd.) and the system. The subject property can be connected to the City's public sewer, water and pressure irrigation facilities. The adjacent uses are complimentary uses as proposed in the Kuna Comprehensive Plan Future Land Use Map.*
6. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.

J. Proposed Recommendation of the Commission:

20-01-S (Preliminary Plat), *Note: This proposed motion is to recommend **approval, conditional approval, or denial** for this request to City Council. If the Commission wishes to approve or deny specific parts of the requests as detailed in this report, those changes must be specified.*

20-02-DR (Design Review), *Note: The proposed motion is to **approve or deny** the design review request. If the Planning and Zoning Commission wishes to approve or deny specific parts of the requests as detailed in the report, those changes must be specified.*

Based on the facts outlined in staff's memo, the Comp Plan, City Code, the record before the Commission, the applicant's presentation, public testimony and discussion during the public hearing by the Planning and Zoning Commission of Kuna, Idaho, the Commission hereby recommends **approval / conditional approval / denial** to City Council for Case No's 20-01-S, a Preliminary Plat request, and votes to **approve / conditional approve / deny AND 20-02-DR, a Design Review request** by Gem State Planning, LLC with the following conditions of approval *at time of development*:

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:

- a. The City Engineer shall approve all sewer connections and grading plans.
 - b. The City Engineer shall approve drainage and grading plans.
 - c. Central District Health Department requires the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties".
 - d. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan by the City engineer.
 - e. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
 - f. The *Boise Project Board of Control* shall approval all modifications to the existing irrigation system.
 - g. No public street construction may be commenced without the approval and permit from Ada County Highway District and Idaho Transportation Department.
 - h. All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District.
2. Installation of utility service facilities shall comply with requirements of the public utility or irrigation district providing services. All utilities shall be installed underground, see KCC 6-4-2-W.
 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.
 4. Street lighting shall use LED lights, with spacing and wattages meeting KCC 5-4-6; applicant shall coordinate a street light plan for P & Z Commission approval in concert with the prepared construction drawings for the project. Place street lighting at all intersections and near all fire hydrants.
 5. Parking within the site shall comply with KCC 5-9-3.
 6. Fencing within and around the site shall comply with Kuna City standards – KCC 5-5-5- A-J and KCC 6-4-2-E.
 7. A sign permit is required prior to subdivision entrance sign construction and it shall comply with KCC 5-10-4. *Monument signs will require applicant to obtain design review approval.*
 8. 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 three days or as the planting season permits. And is required to meet KCC 5-17-7 standards. Maintenance and planting within public rights-of-way shall be approved and permitted by the public entities owning the property.
 9. Submit a petition to the City consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation System of the City (KMIS) prior to requesting final plat signature from the City Engineer.
 10. Applicant shall work with the Public Works department to bring utilities to and thru the site and provide stubs to adjacent properties in conformance with KCC.
 11. Applicant shall improve and widen Deer Flat Road with curb, gutter and sidewalk at the appropriate width.
 12. 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 Commission and Council, or seek amending them through the public hearing process.
 13. The applicant's proposed preliminary plat (dated 02/11/20) shall be considered a binding site plan, or as modified and approved through the public hearing process.
 14. The applicant's proposed landscape plan (dated 02/13/20) shall be considered a binding site plan, or as modified and approved through the public hearing process.
 15. Applicant shall remedy any outstanding code enforcement issues prior to recordation of a final plat.
 16. All streets shall be improved and dedicated as public roads.
 17. Applicant shall work with KRFD to accommodate EMS access and all other requirements of the KRFD.

18. Applicant shall keep the subdivision name as presented and approved by Council and may not change it for marketing purposes unless approved by Council.
19. Applicant shall follow staff, city engineer and other agency recommended requirements as applicable.
20. Compliance with all local, state and federal laws is required.



City of Kuna
Planning and Zoning Commission
Findings of Fact and Conclusions of Law

P.O. Box 13
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 Fax: (208) 922-5989
 www.Kunacity.id.gov

K. Based upon the record contained in Case No's 20-01-S and 20-02-DR, including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, including the exhibits, and the testimony during the public hearing, the Kuna City Council hereby **approves/conditionally approves/denies** the Findings of Fact and Conclusions of Law, and conditions of approval for Case No's 20-01-S and 20-02-DR a request for Preliminary Plat and Design Review approval by Gem State Planning, LLC:

1. *The Kuna Planning and Zoning Commission approves the facts as outlined in the staff report, the public testimony and the supporting evidence list presented.*

Comment: *The Commission will hold a public hearing on the subject applications on July 14, 2020, to hear from City staff, the applicant and to accept public testimony. The decision by the Commission is based on the application, staff report and public testimony, both oral and written.*

2. *Based on the evidence contained in Case No's 20-01-S and 20-02-DR, this proposal **does/does not** generally comply with the Comprehensive Plan and City Code.*

Comment: *The Comp Plan has listed numerous goals for promoting and supporting a diverse and sustainable economy that will allow more Kuna residents to work in their community and encouraging a balance of land uses to ensure that Kuna remains desirable, stable and a self-sufficient community.*

3. *Based on the evidence contained in Case No's 20-01-S and 20-02-DR, this proposal **does/does not** generally comply with the Kuna City Code.*

Comment: *The applicant has submitted a complete application, and following staff review the application appears to be in general compliance with the design requirements, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6.*

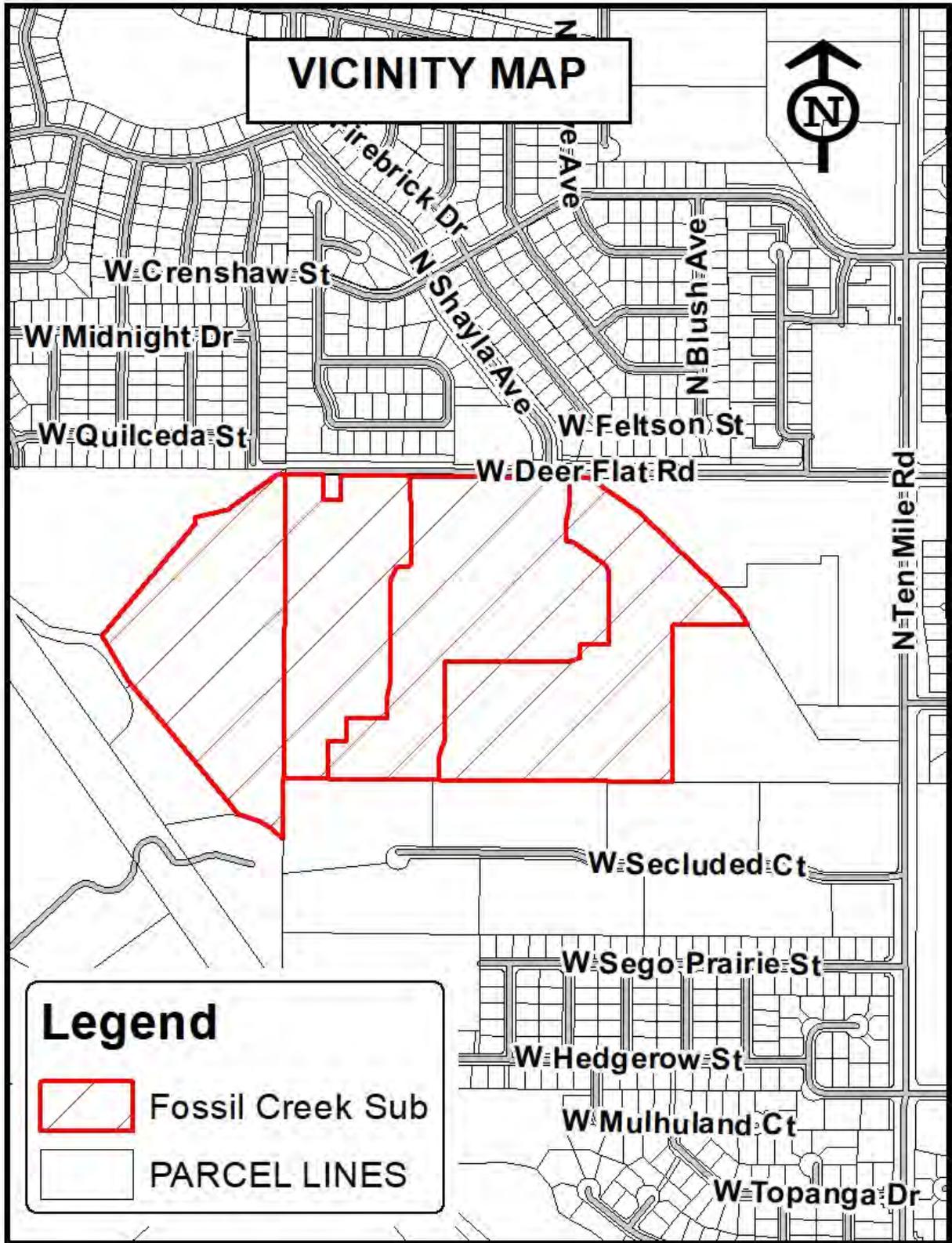
4. *The Kuna Planning and Zoning Commission has the authority to recommend **approval/denial** to Council for Case No. 20-01-S, and authority to **approve/deny** Case No. 20-02-DR.*

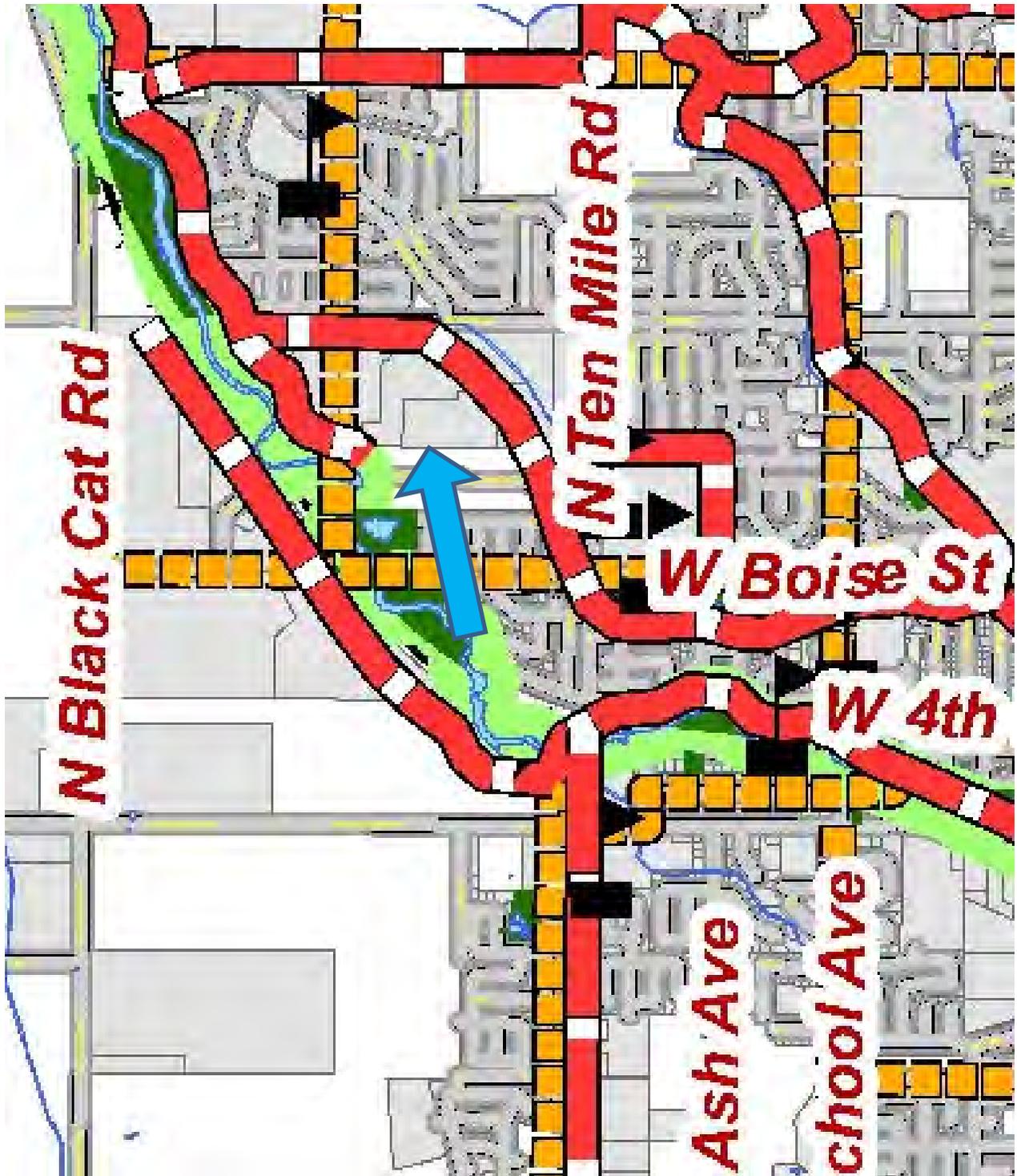
Comment: *On July 14, 2020, the Commission will/has voted to recommend **approval/conditional approval/denial** of Case No. 20-01-S and to **approve/deny** Case No. 20-02-DR.*

5. *The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.*

Comment: *Neighborhood Notices were mailed out to residents within 400-FT of the proposed project site on July 2, 2020, and a legal notice was published in the Kuna Melba Newspaper on June 15, 2020. The applicant placed a sign on the property on July 2, 2020.*

DATED: this ____ day of _____, 2020.





Gem State Planning, LLC

February 24, 2020

Ms. Wendy Howell, Planning Director
751 W. 4th Street
Kuna, ID 83634

Subject: Fossil Creek Subdivision
Preliminary Plat application

Dear Ms. Howell,

Please accept the attached application and support materials for a preliminary plat for Fossil Creek Subdivision. Fossil Creek, located south of Deer Flat Road and west of Ten Mile Road (2N, 1W, 22), will include 272 single family home lots, along with large open spaces, pathways and amenities for the residents.

History

You may recall that Fossil Creek was originally annexed, rezoned and subdivided in 2006. However, that plat expired, and staff determined that a new preliminary plat and traffic impact study were needed to reflect changing regulations and conditions in the area. An electronic copy of the old Fossil Creek plan is included in our application package.

Preliminary Plat

The new Fossil Creek plat improves on the layout by removing long cul-de-sacs and providing more open space, amenities and pedestrian connectivity. The old Fossil Creek subdivision was annexed with an R-5 zone. The Kuna Zoning Code recognizes this zone to be replaced with the R-6 zone lot sizes and dimensional standards. All lots meet the R-6 code with no waivers or variances. The plat includes 272 single family home lots and the lots range in size from 4500 sf, close to the park, to over 13,000 sf. The larger ¼ acres lots are located along the south boundary, adjacent to the Secluded Court rural parcels. The average lot size is 6935 sf. The gross density of the subdivision is 4.07 du/acre, which meets the Kuna Comprehensive Plan for Medium Density Residential.

Open Space and Connectivity

An updated plat also means we are meeting new Kuna zoning code requirements including providing 9.5% usable open space. Fossil Creek includes 9.57 acres or 14.3% of the total site as common open space. Of that area, 8.2 acres or 12.3% of the property is usable open space, i.e. does not include landscaped street buffers or end caps.

We've included a conceptual landscape plan and a color landscape rendering to show the improved open spaces in Fossil Creek, including a 5-acre park with playground, covered shelter and a ½ basketball court. In addition, a 2.5-acre open play area is located on the east side of the community adjacent to the Ramsey Lateral. Pathways and sidewalks link the 2 parks.

A Design Review Application is included in our application package. The DR application is for the common area landscaping. Landscaping and open space treatments will meet design review standards.

Streets and Utilities

All streets will be constructed to ACHD and Kuna standards with plenty of on-street parking for guests. There are two streets, Coltsfoot Avenue and Shayla Avenue, that provide connections to Deer Flat Road, a residential arterial, and Thistle Drive that connects to Crimson Point South Subdivision, located to the west and currently under construction. Stub streets to the southwest, south and east will provide connection to adjacent parcels when or if they are developed.

Sanitary sewer and water are available to the property. Pressurized irrigation will be provided to each lot.

Schools

Base on the current school boundaries, students in Fossil Creek will attend Crimson Point Elementary School, Kuna Middle School and either Kuna High School or Swan Falls High School that will open this Fall. The Kuna School District has estimated that there is capacity in each of the schools based on anticipated 2020-21 enrollment. Of course, full build out of Fossil Creek will take 3-5 years, so anticipated enrollment will change.

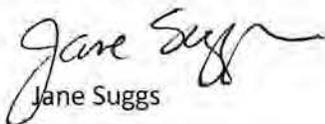
Neighborhood Meeting

A neighborhood meeting was held at nearby Kuna Middle School on Tuesday, February 4, 2020 at 6 pm. An attendance list is included in our application package. The meeting was well attended, and neighbors voiced concerns with traffic, irrigation water, storm water runoff and schools.

In summary, we are re-submitting the Fossil Creek plat that provides an improved street network, more pathways, open space that meets current code and much needed homes that are walkable to schools and a short drive or bike ride to Downtown Kuna. Fossil Creek will be an asset to the City of Kuna.

We look forward to working with you and the planning staff through the approval process for the Fossil Creek preliminary plat.

Sincerely,


Jane Suggs

Received
2-25-20



**City of Kuna
Planning & Zoning
Department**
P.O. Box 13
Kuna, Idaho 83634
208.922.5274
Fax: 208.922.5989
Website: www.kunacity.id.gov

Commission & Council Review Application

Note: Engineering fees shall be paid by the applicant if required.

*Please submit the appropriate checklist (s) with application

Type of Review (check all that apply):

- Annexation
- Appeal
- Comprehensive Plan Amendment
- Design Review
- Development Agreement
- Final Planned Unit Development
- Final Plat
- Lot Line Adjustment
- Lot Split
- Planned Unit Development
- Preliminary Plat
- Rezone
- Special Use
- Temporary Business
- Vacation
- Variance

For Office Use Only	
File Number (s)	20-01-S
Project name	Fossil Creek Sub
Date Received	2-25-20
Date Accepted/Complete	
Cross Reference Files	20-02-DR
Commission Hearing Date	
City Council Hearing Date	

Contact/Applicant Information

Owners of Record: <u>Corey D. Barton</u>	Phone Number: _____
Address: <u>1977 E. Overland Road</u>	E-Mail: _____
City, State, Zip: <u>Meridian, Idaho 83642</u>	Fax #: _____
Applicant (Developer): <u>Trilogy Development</u>	Phone Number: <u>208-895-8858</u>
Address: <u>9839 W. Cable Car St, Suite 101</u>	E-Mail: _____
City, State, Zip: <u>Boise, Idaho 83709</u>	Fax #: _____
Engineer/Representative: <u>Gem State Planning</u>	Phone Number: <u>208-602-6941</u>
Address: <u>9840 W. Overland Road, Suite 120</u>	E-Mail: <u>jane@gemstateplanning.com</u>
City, State, Zip: <u>Boise, ID 83709</u>	Fax #: _____

Subject Property Information

Site Address: <u>2221, 2455 W. Deer Flat Road, plus adjacent parcels</u>
Site Location (Cross Streets): <u>N. Ten Mile Road</u>
Parcel Number (s): <u>S1322212401, S1322120900, S1322121200, S1322121300</u>
Section, Township, Range: <u>Section 22, 2N, 1W,</u>
Property size : <u>66.75 acres</u>
Current land use: <u>agriculture</u> Proposed land use: <u>single family subdivision</u>
Current zoning district: <u>old R-5, now R-6 per code</u> Proposed zoning district: <u>R-6</u>

Project Description

Project / subdivision name: Fossil Creek Subdivision
General description of proposed project / request: revision of previously approved subdivision with single family homes, open space and amenities, and pathways
Type of use proposed (check all that apply):
 Residential _____
 Commercial _____
 Office _____
 Industrial _____
 Other _____
Amenities provided with this development (if applicable): 5+ acre park w/playground, shelter & 1/2 basketball court, additional open play area and pathways

Residential Project Summary (if applicable)

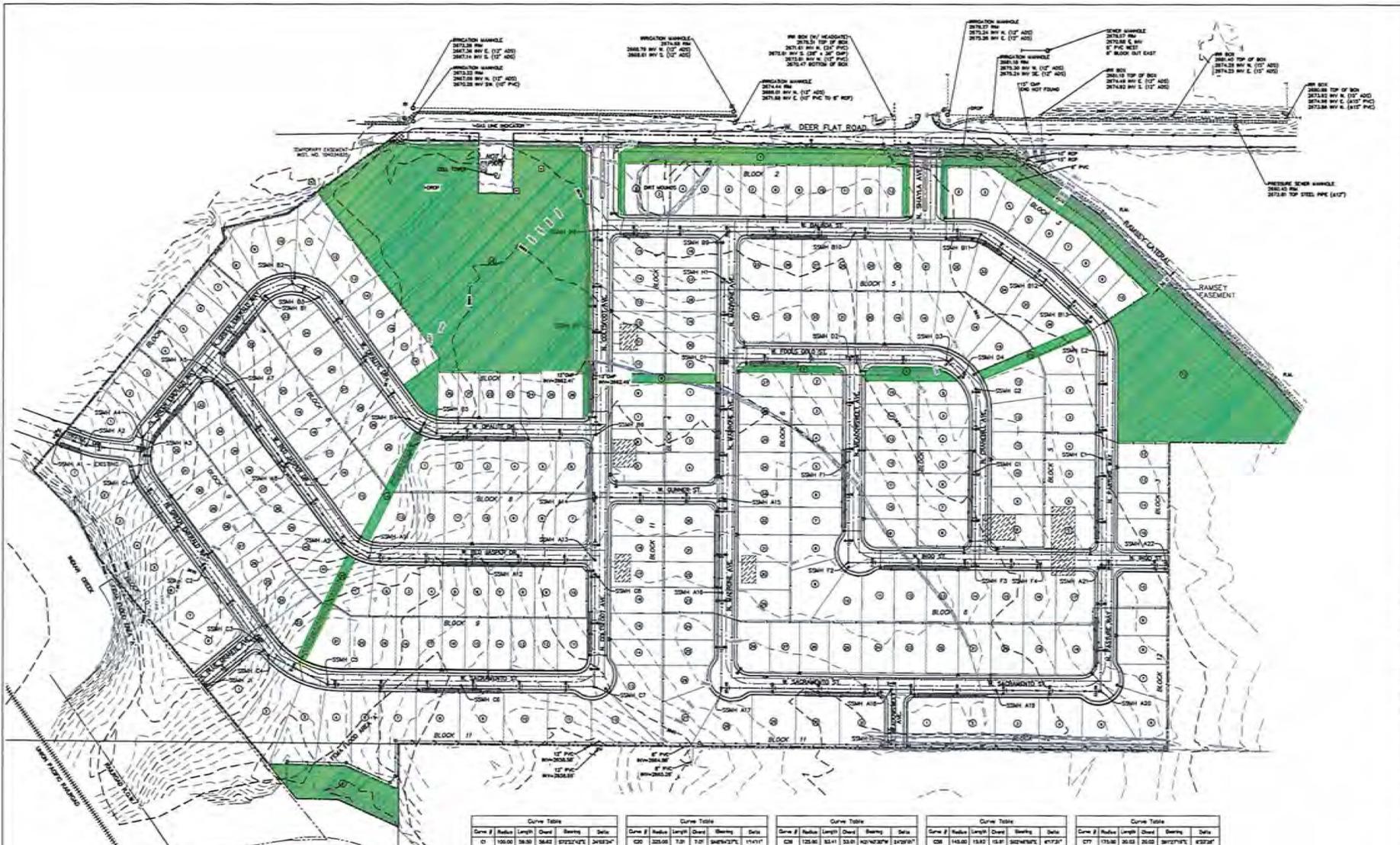
Are there existing buildings? Yes No
Please describe the existing buildings: _____
Any existing buildings to remain? Yes No
Number of residential units: 272 Number of building lots: 272
Number of common and/or other lots: 11
Type of dwellings proposed:
 Single-Family single family homes
 Townhouses _____
 Duplexes _____
 Multi-Family _____
 Other _____
Minimum Square footage of structure (s): 1500 sf
Gross density (DU/acre-total property): 4.07 du/ac Net density (DU/acre-excluding roads) and open space: 6.28 du/ac
Percentage of open space provided: 12.6% usable Acreage of open space: 8.4 acres
Type of open space provided (i.e. landscaping, public, common, etc.): parks, pathways, landscaping

Non-Residential Project Summary (if applicable)

Number of building lots: _____ Other lots: _____
Gross floor area square footage: _____ Existing (if applicable): _____
Hours of operation (days & hours): _____ Building height: _____
Total number of employees: _____ Max. number of employees at one time: _____
Number and ages of students/children: _____ Seating capacity: _____
Fencing type, size & location (proposed or existing to remain): _____
Proposed Parking: a. Handicapped spaces: _____ Dimensions: _____
b. Total Parking spaces: _____ Dimensions: _____
c. Width of driveway aisle: _____
Proposed Lighting: _____
Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.): _____

Applicant's Signature: Jane Suggs Date: 2/20/20
Representative





Curve Table					Curve Table					Curve Table					Curve Table					Curve Table									
Curve #	Radius	Length	Chord	Bearing	Delta	Curve #	Radius	Length	Chord	Bearing	Delta	Curve #	Radius	Length	Chord	Bearing	Delta	Curve #	Radius	Length	Chord	Bearing	Delta	Curve #	Radius	Length	Chord	Bearing	Delta
C1	100.00	38.50	38.43	87°22'31" N	24°37'29" E	C6	125.00	52.41	52.33	82°42'31" N	17°17'29" E	C11	100.00	38.50	38.43	87°22'31" N	24°37'29" E	C16	125.00	52.41	52.33	82°42'31" N	17°17'29" E	C21	100.00	38.50	38.43	87°22'31" N	24°37'29" E
C2	100.00	47.28	47.20	87°04'41" N	13°55'19" E	C7	125.00	58.41	58.33	82°24'41" N	16°55'19" E	C12	100.00	47.28	47.20	87°04'41" N	13°55'19" E	C17	125.00	58.41	58.33	82°24'41" N	16°55'19" E	C22	100.00	47.28	47.20	87°04'41" N	13°55'19" E
C3	100.00	61.40	61.32	86°46'51" N	10°55'09" E	C8	125.00	72.32	72.24	82°06'51" N	15°55'09" E	C13	100.00	61.40	61.32	86°46'51" N	10°55'09" E	C18	125.00	72.32	72.24	82°06'51" N	15°55'09" E	C23	100.00	61.40	61.32	86°46'51" N	10°55'09" E
C4	50.00	78.40	78.32	86°28'51" N	8°55'09" E	C9	125.00	87.24	87.16	81°48'51" N	14°55'09" E	C14	50.00	78.40	78.32	86°28'51" N	8°55'09" E	C19	125.00	87.24	87.16	81°48'51" N	14°55'09" E	C24	50.00	78.40	78.32	86°28'51" N	8°55'09" E
C5	50.00	98.00	97.92	86°10'51" N	6°55'09" E	C10	125.00	112.16	112.08	81°30'51" N	13°55'09" E	C15	50.00	98.00	97.92	86°10'51" N	6°55'09" E	C20	125.00	112.16	112.08	81°30'51" N	13°55'09" E	C25	50.00	98.00	97.92	86°10'51" N	6°55'09" E
C6	50.00	124.00	123.92	85°52'51" N	4°55'09" E	C11	125.00	137.10	137.02	81°12'51" N	12°55'09" E	C16	50.00	124.00	123.92	85°52'51" N	4°55'09" E	C21	125.00	137.10	137.02	81°12'51" N	12°55'09" E	C26	50.00	124.00	123.92	85°52'51" N	4°55'09" E
C7	50.00	150.00	149.92	85°34'51" N	2°55'09" E	C12	125.00	162.04	161.96	80°54'51" N	11°55'09" E	C17	50.00	150.00	149.92	85°34'51" N	2°55'09" E	C22	125.00	162.04	161.96	80°54'51" N	11°55'09" E	C27	50.00	150.00	149.92	85°34'51" N	2°55'09" E
C8	50.00	176.00	175.92	85°16'51" N	0°55'09" E	C13	125.00	187.00	186.92	80°36'51" N	10°55'09" E	C18	50.00	176.00	175.92	85°16'51" N	0°55'09" E	C23	125.00	187.00	186.92	80°36'51" N	10°55'09" E	C28	50.00	176.00	175.92	85°16'51" N	0°55'09" E
C9	50.00	202.00	201.92	84°58'51" N	1°55'09" E	C14	125.00	212.00	211.92	80°18'51" N	9°55'09" E	C19	50.00	202.00	201.92	84°58'51" N	1°55'09" E	C24	125.00	212.00	211.92	80°18'51" N	9°55'09" E	C29	50.00	202.00	201.92	84°58'51" N	1°55'09" E
C10	50.00	228.00	227.92	84°40'51" N	3°55'09" E	C15	125.00	248.00	247.92	80°00'51" N	8°55'09" E	C20	50.00	228.00	227.92	84°40'51" N	3°55'09" E	C25	125.00	248.00	247.92	80°00'51" N	8°55'09" E	C30	50.00	228.00	227.92	84°40'51" N	3°55'09" E
C11	50.00	254.00	253.92	84°22'51" N	5°55'09" E	C16	125.00	284.00	283.92	79°42'51" N	7°55'09" E	C21	50.00	254.00	253.92	84°22'51" N	5°55'09" E	C26	125.00	284.00	283.92	79°42'51" N	7°55'09" E	C31	50.00	254.00	253.92	84°22'51" N	5°55'09" E
C12	50.00	280.00	279.92	84°04'51" N	7°55'09" E	C17	125.00	320.00	319.92	79°24'51" N	6°55'09" E	C22	50.00	280.00	279.92	84°04'51" N	7°55'09" E	C27	125.00	320.00	319.92	79°24'51" N	6°55'09" E	C32	50.00	280.00	279.92	84°04'51" N	7°55'09" E
C13	50.00	306.00	305.92	83°46'51" N	9°55'09" E	C18	125.00	356.00	355.92	79°06'51" N	5°55'09" E	C23	50.00	306.00	305.92	83°46'51" N	9°55'09" E	C28	125.00	356.00	355.92	79°06'51" N	5°55'09" E	C33	50.00	306.00	305.92	83°46'51" N	9°55'09" E
C14	50.00	332.00	331.92	83°28'51" N	11°55'09" E	C19	125.00	392.00	391.92	78°48'51" N	4°55'09" E	C24	50.00	332.00	331.92	83°28'51" N	11°55'09" E	C29	125.00	392.00	391.92	78°48'51" N	4°55'09" E	C34	50.00	332.00	331.92	83°28'51" N	11°55'09" E
C15	50.00	358.00	357.92	83°10'51" N	13°55'09" E	C20	125.00	428.00	427.92	78°30'51" N	3°55'09" E	C25	50.00	358.00	357.92	83°10'51" N	13°55'09" E	C30	125.00	428.00	427.92	78°30'51" N	3°55'09" E	C35	50.00	358.00	357.92	83°10'51" N	13°55'09" E
C16	50.00	384.00	383.92	82°52'51" N	15°55'09" E	C21	125.00	464.00	463.92	78°12'51" N	2°55'09" E	C26	50.00	384.00	383.92	82°52'51" N	15°55'09" E	C31	125.00	464.00	463.92	78°12'51" N	2°55'09" E	C36	50.00	384.00	383.92	82°52'51" N	15°55'09" E
C17	50.00	410.00	409.92	82°34'51" N	17°55'09" E	C22	125.00	500.00	499.92	77°54'51" N	1°55'09" E	C27	50.00	410.00	409.92	82°34'51" N	17°55'09" E	C32	125.00	500.00	499.92	77°54'51" N	1°55'09" E	C37	50.00	410.00	409.92	82°34'51" N	17°55'09" E
C18	50.00	436.00	435.92	82°16'51" N	19°55'09" E	C23	125.00	536.00	535.92	77°36'51" N	0°55'09" E	C28	50.00	436.00	435.92	82°16'51" N	19°55'09" E	C33	125.00	536.00	535.92	77°36'51" N	0°55'09" E	C38	50.00	436.00	435.92	82°16'51" N	19°55'09" E
C19	50.00	462.00	461.92	81°58'51" N	21°55'09" E	C24	125.00	572.00	571.92	77°18'51" N	1°55'09" E	C29	50.00	462.00	461.92	81°58'51" N	21°55'09" E	C34	125.00	572.00	571.92	77°18'51" N	1°55'09" E	C39	50.00	462.00	461.92	81°58'51" N	21°55'09" E
C20	50.00	488.00	487.92	81°40'51" N	23°55'09" E	C25	125.00	608.00	607.92	77°00'51" N	1°55'09" E	C30	50.00	488.00	487.92	81°40'51" N	23°55'09" E	C35	125.00	608.00	607.92	77°00'51" N	1°55'09" E	C40	50.00	488.00	487.92	81°40'51" N	23°55'09" E
C21	50.00	514.00	513.92	81°22'51" N	25°55'09" E	C26	125.00	644.00	643.92	76°42'51" N	0°55'09" E	C31	50.00	514.00	513.92	81°22'51" N	25°55'09" E	C36	125.00	644.00	643.92	76°42'51" N	0°55'09" E	C41	50.00	514.00	513.92	81°22'51" N	25°55'09" E
C22	50.00	540.00	539.92	81°04'51" N	27°55'09" E	C27	125.00	680.00	679.92	76°24'51" N	1°55'09" E	C32	50.00	540.00	539.92	81°04'51" N	27°55'09" E	C37	125.00	680.00	679.92	76°24'51" N	1°55'09" E	C42	50.00	540.00	539.92	81°04'51" N	27°55'09" E
C23	50.00	566.00	565.92	80°46'51" N	29°55'09" E	C28	125.00	716.00	715.92	76°06'51" N	1°55'09" E	C33	50.00	566.00	565.92	80°46'51" N	29°55'09" E	C38	125.00	716.00	715.92	76°06'51" N	1°55'09" E	C43	50.00	566.00	565.92	80°46'51" N	29°55'09" E
C24	50.00	592.00	591.92	80°28'51" N	31°55'09" E	C29	125.00	752.00	751.92	75°48'51" N	0°55'09" E	C34	50.00	592.00	591.92	80°28'51" N	31°55'09" E	C39	125.00	752.00	751.92	75°48'51" N	0°55'09" E	C44	50.00	592.00	591.92	80°28'51" N	31°55'09" E
C25	50.00	618.00	617.92	80°10'51" N	33°55'09" E	C30	125.00	788.00	787.92	75°30'51" N	1°55'09" E	C35	50.00	618.00	617.92	80°10'51" N	33°55'09" E	C40	125.00	788.00	787.92	75°30'51" N	1°55'09" E	C45	50.00	618.00	617.92	80°10'51" N	33°55'09" E
C26	50.00	644.00	643.92	79°52'51" N	35°55'09" E	C31	125.00	824.00	823.92	75°12'51" N	1°55'09" E	C36	50.00	644.00	643.92	79°52'51" N	35°55'09" E	C41	125.00	824.00	823.92	75°12'51" N	1°55'09" E	C46	50.00	644.00	643.92	79°52'51" N	35°55'09" E
C27	50.00	670.00	669.92	79°34'51" N	37°55'09" E	C32	125.00	860.00	859.92	74°54'51" N	0°55'09" E	C37	50.00	670.00	669.92	79°34'51" N	37°55'09" E	C42	125.00	860.00	859.92	74°54'51" N	0°55'09" E	C47	50.00	670.00	669.92	79°34'51" N	37°55'09" E
C28	50.00	696.00	695.92	79°16'51" N	39°55'09" E	C33	125.00	896.00	895.92	74°36'51" N	1°55'09" E	C38	50.00	696.00	695.92	79°16'51" N	39°55'09" E	C43	125.00	896.00	895.92	74°36'51" N	1°55'09" E	C48	50.00	696.00	695.92	79°16'51" N	39°55'09" E
C29	50.00	722.00	721.92	78°58'51" N	41°55'09" E	C34	125.00	932.00	931.92	74°18'51" N	1°55'09" E	C39	50.00	722.00	721.92	78°58'51" N	41°55'09" E	C44	125.00	932.00	931.92	74°18'51" N	1°55'09" E	C49	50.00	722.00	721.92	78°58'51" N	41°55'09" E
C30	50.00	748.00	747.92	78°40'51" N	43°55'09" E	C35	125.00	968.00	967.92	74°00'51" N	0°55'09" E	C40	50.00	748.00	747.92	78°40'51" N	43°55'09" E	C45	125.00	968.00	967.92	74°00'51" N	0°55'09" E	C50	50.00	748.00	747.92	78°40'51" N	43°55'09" E
C31	50.00	774.00	773.92	78°22'51" N	45°55'09" E	C36	125.00	1004.00	1003.92	73°42'51" N	1°55'09" E	C41	50.00	774.00	773.92	78°22'51" N	45°55'09" E	C46	125.00	1004.00	1003.92	73°42'51" N	1°55'09" E	C51	50.00	774.00	773.92	78°22'51" N	45°55'09" E
C32	50.00	800.00	799.92	78°04'51" N	47°55'09" E	C37	125.00	1040.00	1039.92	73°24'51" N	0°55'09" E	C42	50.00	800.00															

Description for
FOSSIL CREEK SUBDIVISION
February 19, 2020

A parcel of land situated within the North 1/2 of Section 22, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho being more particularly described as follows:

BEGINNING at the 1/4 corner common to Sections 15 and 22, T.2N. R.1W. B.M., from which the Section corner common to Sections 14, 15, 22, and 23, T.2N. R.1W. B.M. bears, South 89°25'24" East, 2656.47 feet;

thence on the North boundary line of said Section 22, South 89°25'24" East, 163.77 feet to the Northwest corner of a parcel of land conveyed by a Warranty Deed, recorded on July 31, 2013, as Instrument No. 113086726, records of Ada County, Idaho;

thence South 00°34'36" West, 130.00 feet to the Southwest corner of said parcel;

thence South 89°25'24" East, 75.00 feet to the Southeast corner of said parcel;

thence North 00°34'36" East, 130.00 feet to the Northeast corner of said parcel and the North boundary line of said Section 22;

thence on said North boundary line, South 89°25'24" East, 1,031.14 feet to the centerline of the Ramsey Lateral;

thence on said centerline the following four (4) courses and distances:

South 55°20'00" East, 287.43 feet;

South 46°17'22" East, 520.83 feet;

South 41°17'22" East, 88.60 feet;

South 31°35'29" East, 81.89 feet;

thence leaving said centerline, North 89°29'01" West, 323.10 feet;

thence South 00°21'55" West, 670.14 feet to the South boundary line of the North 1/2 of the Northeast 1/4 and the North boundary line of Secluded Creek Estates as filed in Book 60 of Plats at Pages 5955 through 5956, records of Ada County, Idaho;



thence on said North and South boundary lines, North 89°30'27" West, 1,665.03 feet to the Center-North 1/16 corner of said Section 22;

thence on the East boundary line of the Southeast 1/4 of the Northwest 1/4 of said Section 22 and the West boundary line of said Secluded Creek Estates, South 00°21'22" West, 179.70 feet to the Northeasterly bank of Indian Creek;

thence on said Northeasterly bank the following two (2) courses and distances:

North 65°47'25" West, 143.76 feet;

North 88°43'09" West, 89.65 feet to the Northeasterly boundary line of Parcel A conveyed by a Quitclaim Deed, recorded on January 30, 2018, as Instrument No. 2018-008864, records of Ada County, Idaho;

thence on said Northeasterly boundary line, North 39°34'07" West, 675.80 feet to the Northeasterly bank of Indian Creek;

thence on said Northeasterly bank the following two (2) courses and distances:

North 26°13'46" West, 102.22 feet;

North 44°32'48" West, 138.76 feet;

thence leaving said Northeasterly bank, North 39°36'09" East, 650.51 feet;

thence North 12°49'38" West, 25.00 feet;

thence North 77°10'22" East, 147.08 feet;

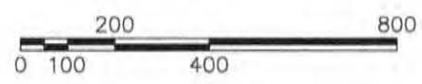
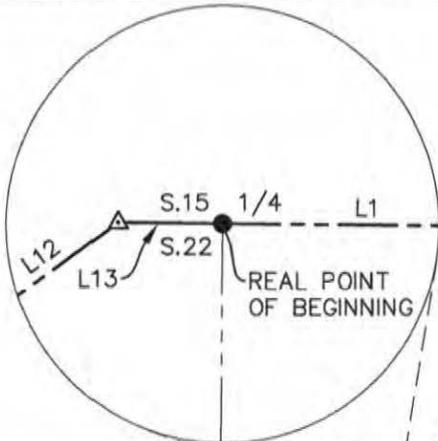
thence North 54°15'09" East, 298.60 feet to the North boundary line of said Section 22;

thence on said North boundary line, South 89°25'33" East, 8.23 feet to the **REAL POINT OF BEGINNING.**

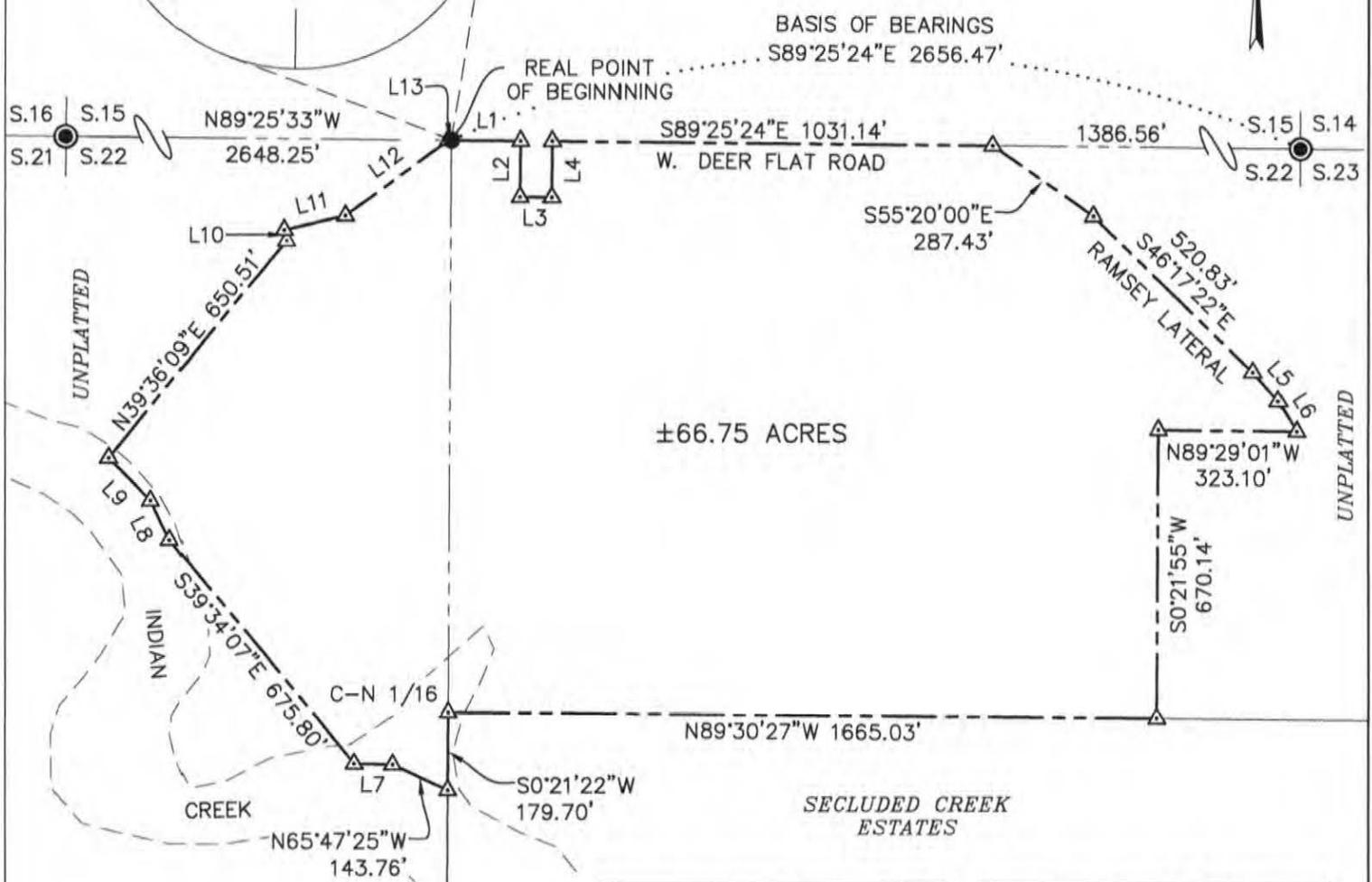
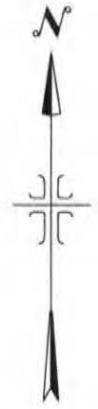
Containing 66.75 acres, more or less.

End of Description.





SCALE: 1" = 400'



±66.75 ACRES



LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°25'24"E	163.77
L2	S0°34'36"W	130.00
L3	S89°25'24"E	75.00
L4	N0°34'36"E	130.00
L5	S41°17'22"E	88.60
L6	S31°35'29"E	81.89
L7	N88°43'09"W	89.65

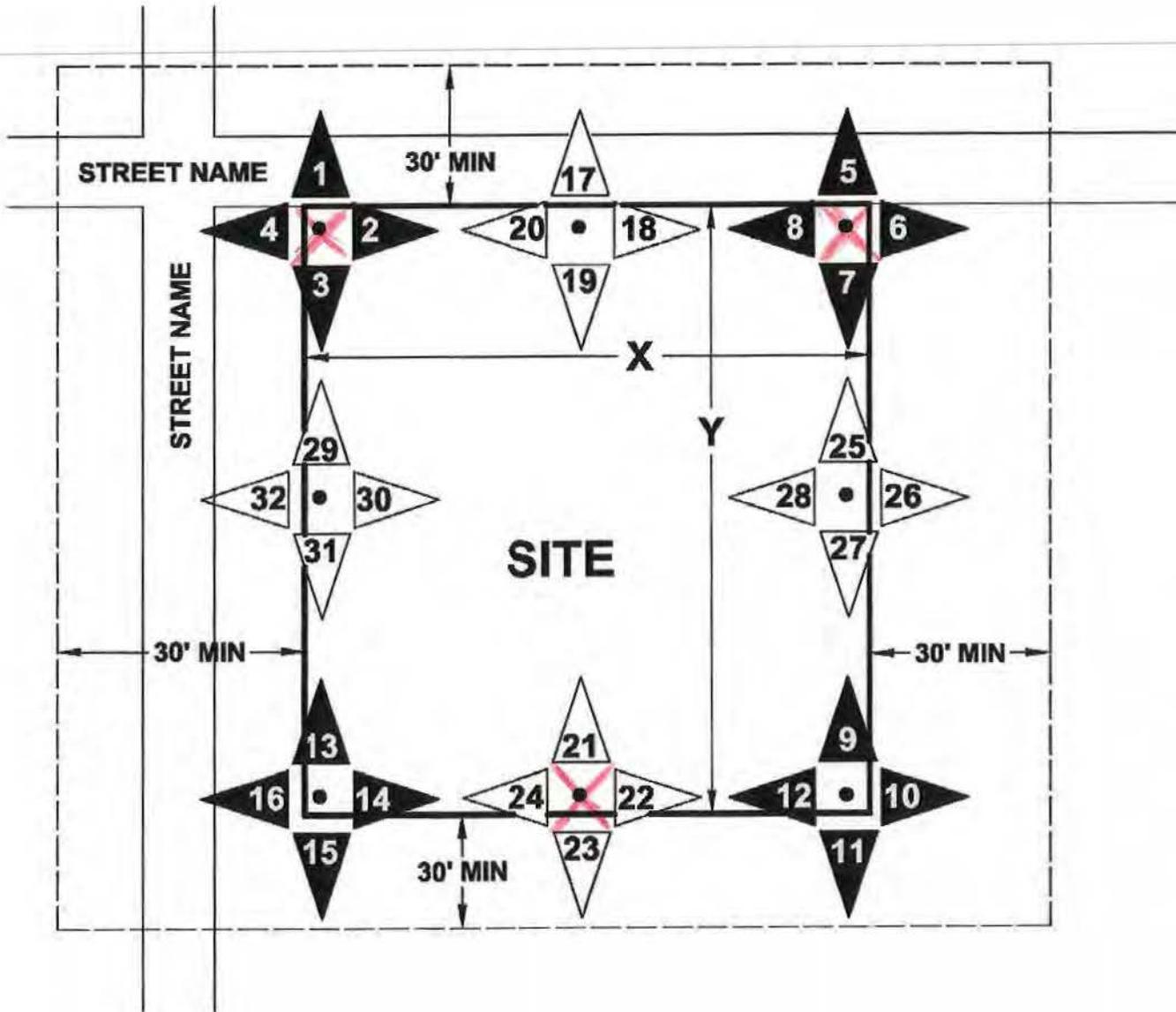
LINE TABLE		
LINE	BEARING	LENGTH
L8	N26°13'46"W	102.22
L9	N44°32'48"W	138.76
L10	N12°49'38"W	25.00
L11	N77°10'22"E	147.08
L12	N54°15'09"E	298.60
L13	S89°25'33"E	8.23

Fossil Creek Sub 19-186.dwg\19186_Bndy.dwg 2/20/2020 9:13:28 AM

ISG IDAHO SURVEY GROUP, LLC
 9955 W. EMERALD ST.
 BOISE, IDAHO 83704
 (208) 846-8570

EXHIBIT DRAWING FOR
FOSSIL CREEK SUBDIVISION
 LOCATED IN THE N 1/2 OF SECTION 22, T.2N., R.1W., B.M.,
 KUNA, ADA COUNTY, IDAHO

JOB NO. 19-186
SHEET NO. 1
DWG. DATE 2/20/2020



Project Information:
Name: *Fossil Creek*
Project:
Gross Acre: *66.75 ac*

NOTE:
Provide Site Plan on an 8 1/2" x 11" paper—indicating placement of photo orientation.
All applicants are expected to provide COLOR photographs at a 1-16 minimum.
If Distance 'X' is GREATER than 500-feet, also take photos 17-24.
If Distance 'Y' is GREATER than 500-feet, also take photos 17-24.



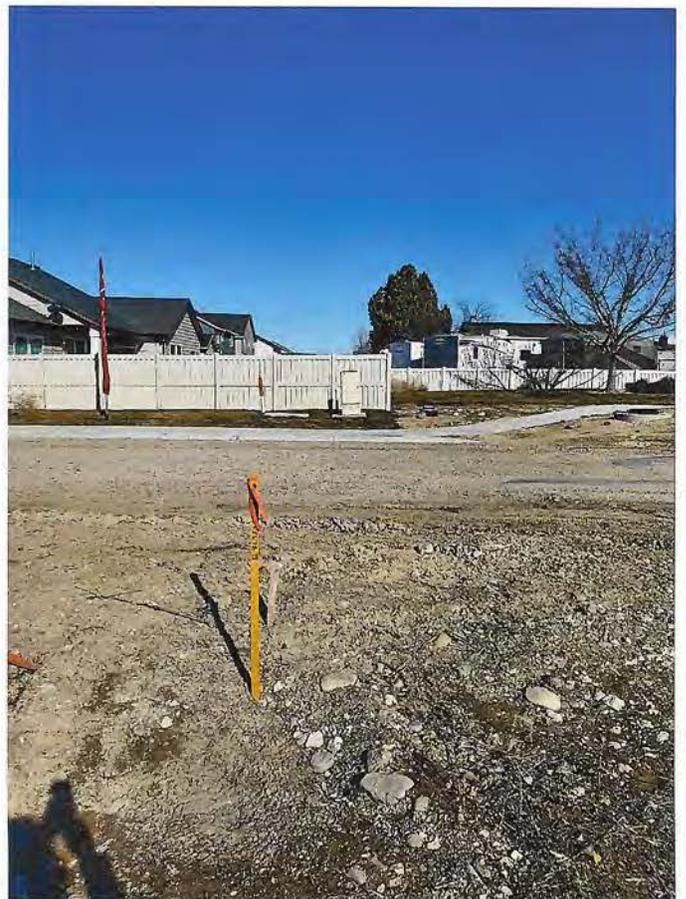
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3



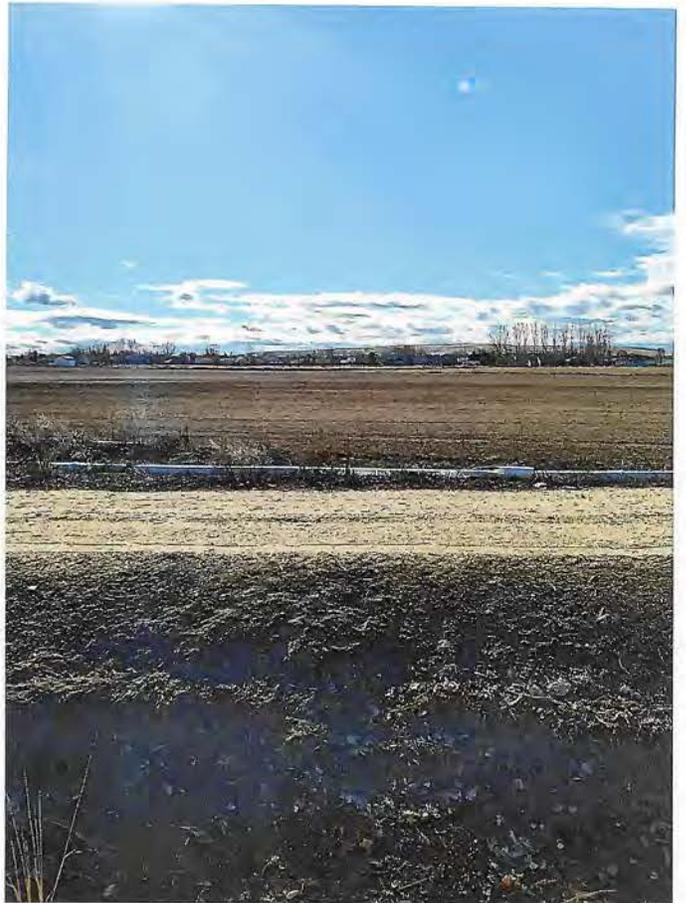
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1



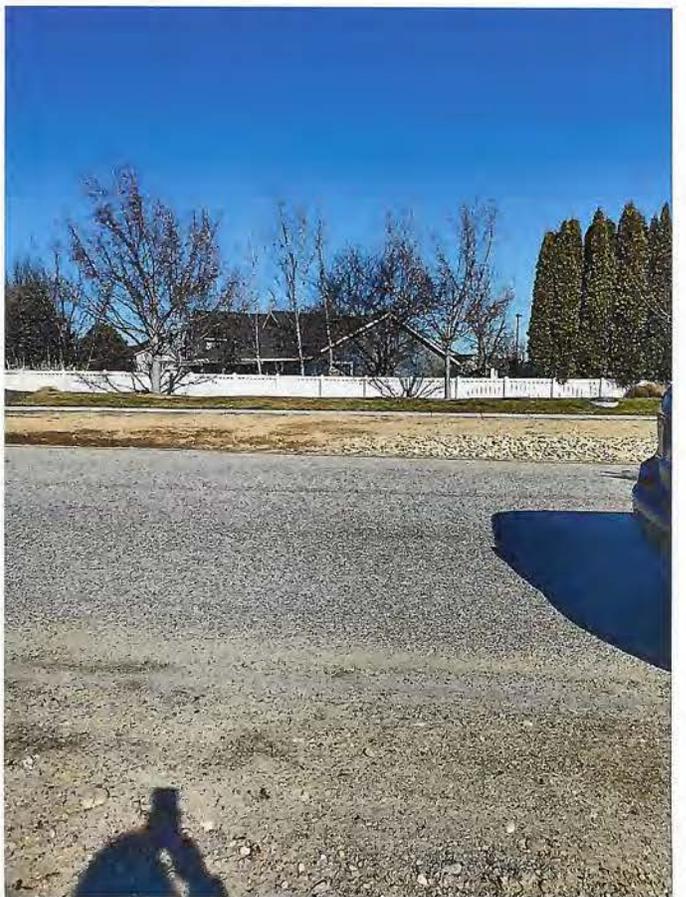
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#7



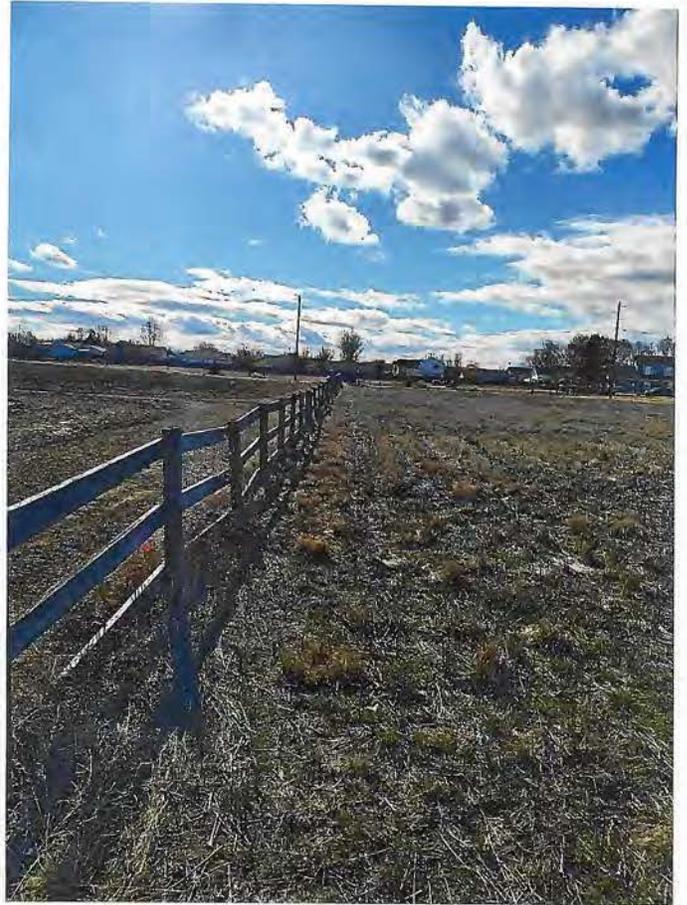
#8



#5



22



23



24



21

EXHIBIT B-1



CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.id.gov

Paul A. Stevens, P.E.
Kuna City Engineer

MEMORANDUM

Date: 29 June 2020
From: Paul A. Stevens, P.E.
To: Wendy Howell, Planning and Zoning Director
RE: Fossil Creek Subdivision 20-01-S, Preliminary Plat

The Fossil Creek Subdivision 20-01-S dated 20 February 2020 has been reviewed. The application provides a narrative explaining the developers vision for the subdivision, vicinity map, and legal description with exhibit. These comments apply to the revised preliminary plat. Landscaping, population density, parking requirements, emergency access, pedestrian and vehicular traffic in the proposed R 6 zone and similar topics are evaluated by the Planning and Zoning Department. Review and evaluation of civil design drawings is accomplished separately, when received.

These comments may be expanded or refined based on future land-use actions. The following comments apply considering current, effective requirements:

1. General

- a. The Fossil Creek Subdivision 20-01-S site is approximately 66.75 acres and is currently zoned R-5. R-6 medium density residential is requested.
- b. Equivalent Dwelling Units (EDU) are reckoned at approximately 3.18 people per household. The resultant projected population for this subdivision is approximately 865.
- c. The Fossil Creek Subdivision 20-01-S is within the Crimson Point Lift Station sewer basin. The maximum number of sewer connections in this basin was projected at 3.5 EDU per acre. The proposed zoning density of R-6 or up to six dwelling units per acre exceeds the projected zoning density.
- d. Sewage produced from Fossil Creek subdivision will be conveyed to the Crimson Point Lift Station. With the addition of 272 EDU from Fossil Creek Subdivision to the Crimson Point Lift Station the estimated maximum remaining capacity of Crimson Point Lift Station is approximately (183) EDU. This negative capacity results after projected subdivisions are connected to Crimson Point Lift Station.
- e. Additional capacity is needed in Crimson Point Lift Station. The developer may be requested to participate in an engineered evaluation of Crimson Point Lift Station and proposed improvements to expand the lift station & force main capacity.
- f. Fossil Creek Subdivision 20-01-S shall obtain pressurized irrigation by connecting to the City of Kuna's pressurized irrigation system and extending pressurized irrigation throughout the subdivision.
- g. Potable water will be provided to Fossil Creek Subdivision 20-01-S by connection to the City of Kuna's potable water system.
- h. A commensurate impact to traffic volumes and densities will follow.

- i. Access to Fossil Creek Subdivision 20-01-S is from Deer Flat Road onto Ten Mile road. Two exits onto Deer Flat Road are shown approximately 400 feet apart. A separate exit should be considered to service the southern half of the subdivision. A proposed exit appears to be placed at the SE quadrant of the property however this road stubs into an undeveloped property. There is no schedule for developing this property. Wherever possible, roads should be continuous and go through to adjoining arterial roads.
- j. Areas for outside activities have been shown as part of the project. Connection to the City of Kuna pathways presents a long-term goal that is being considered.
- k. A plan approval letter from local irrigation districts will be necessary if this project affects any local irrigation districts.
- l. All positional information shall be from the state plane coordinate system, latest version.
- m. Elevations shall be actual NAVD 88 datum elevations. A localized elevation system is not acceptable.
- n. State the vertical datum used for elevations on the construction drawings.
- o. Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties.
- p. The final inspection shall verify that slopes are not steeper than 3:1 on lots adjacent to a street or common lot and no steeper than 4:1 for lots with common rear lot lines.
- q. Provide engineering certification on all final engineering drawings.

2. Inspection Fees

- a. An inspection fee will be levied for City inspection of water, sewer and irrigation facilities constructed in associated with this development. The current inspection fee is \$1.00 per lineal foot of pressure irrigation, sewer, and water mainline pipe. Payment is due and payable prior to City's approval of final construction plans. Site work shall not begin until all fees are paid.
- b. The developer shall retain a qualified responsible, Idaho registered professional engineer to provide sufficient inspection to certify to DEQ that the project was completed in accordance with approved plans and specifications and to provide accurate as-built drawings to the City. IDAPA 10.01.02 lists the professional engineer's project responsibilities.
- c. The developer's engineer and the City's inspector are encouraged to coordinate inspections.

3. Right-of-Way

- a. The Kuna Fire Department shall review all road configurations to verify fire truck access and at least two entrances/exits.
- b. Fossil Creek Subdivision 20-01-S will impact travel on Deer Flat Road, and Ten Mile Road.
 - a. All street construction must meet or exceed ACHD and City of Kuna development standards.
 - b. Sufficient right-of-way for existing and future classified streets shall be provided pursuant to City & ACHD standards.
 - c. Approaches onto classified streets must comply with ACHD and City of Kuna approach policies.
 - d. Sidewalk, curb and gutter, street widening and any related storm drainage facilities, consistent with city code and policies, shall be provided in connection with property development.
 - e. Easements shall be provided for all city mainlines crossing proposed lots, running along the back of lots and sides of lots, that allow the City of Kuna to access and maintain the utilities.
 - f. All mainlines owned by the development shall be placed in easements large enough to allow maintenance and repairs.

4. Sanitary Sewer & Potable Water

EXHIBIT B-1

- a. It is recommended that this application be conditioned to conform to the sewer and water master plans as applicable. Sewer and water master plans specify minimum pipe sizes and support the “to and through” utility policy.
- b. Improvements must meet or exceed the quality requirements of the City of Kuna.
- c. The applicant’s property is not connected to City services and is subject to connection fees for the ultimate connected sewer load as provided in the City’s Standard Tables. City Code (6-4-2) requires connection to the City sewer system for all sanitary sewer needs.
- d. All sewer infrastructure must meet or exceed City of Kuna requirements.
- e. Sewer flows from this development are expected to be substantial and will add a considerable burden to Crimson Point Lift Station. It is expected that the development shall provide the additional lift station and force main capacity needed to serve the property.
- f. Water and sewer flow models will be required to verify adequate water supply, fire suppression and sewage removal.
- g. Sewer and water connection fees apply to each lot containing a home or other facility.
- h. All existing sewage treatment facilities (septic tank and drain field) must be decommissioned in accordance with Idaho Department of Environmental Quality requirements. Documentation shall be provided to the City of Kuna.
- i. Decommission wells as needed, in accordance with Idaho Department of Water Resources (IDWR) requirements. Provide documentation to the City of Kuna.

5. Pressurized Irrigation

- a. It is recommended that this application be conditioned to conform to the Pressure Irrigation Master Plan. The Pressurized Irrigation Master Plan specifies minimum pipe size and supports the “to and through” utility policy.
- b. The applicant’s property is not connected to the City’s pressurized irrigation system. Relying on drinking water for irrigation purposes conflicts with City Code (6-4-2).
- c. All pressurized irrigation infrastructure shall meet or exceed City of Kuna standards.
- d. Irrigation of Fossil Creek Subdivision 20-01-S shall be an extension of the City of Kuna pressurized irrigation system.
- e. Existing irrigation ditches (supply & drain) must be relocated as needed and as approved by the irrigation ditch company/users.
- f. Pressurized irrigation flow model will be required to verify adequate pressurized irrigation supply.
- g. An additional irrigation storage pond and pumping station is needed in the vicinity of Fossil Creek Subdivision.

6. Grading and Storm Drainage

- a. Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties. Slopes shall not be steeper than 3:1 on lots adjacent to a street or common lot and no steeper than 4:1 for lots with common rear lot lines.
- b. Provide a grading and drainage plan which supports and maintains all upstream drainage rights and all downstream irrigation delivery rights as they presently exist for this property.
- c. The City of Kuna relies on the ACHD Stormwater Policy Manual to establish the requirements for design of private storm water disposal systems.
- d. Provide a storm water disposal & treatment plan which accounts for increased storm water runoff volumes. Provide detailed drawings of drainage & treatment facilities with supporting calculations for review and approval.

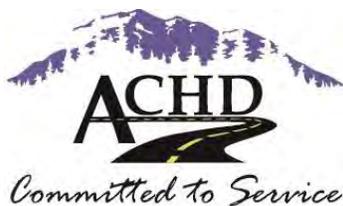
- e. Runoff from public right-of-way is regulated by ACHD. On site storm water retention (if any) shall be reviewed by the City Engineer in conjunction with the Civil Engineering construction improvements review.

7. As-Built Drawings

- a. As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the developer's engineer. The city may help track changes but will not be responsible for the finished product. As-built drawings will be required before occupancy or final plat approval is granted.

8. Property Description

- a. The applicant provided a legal description and representative figure of Fossil Creek Subdivision 20-01-S with the application.



Project/File: **Fossil Creek Subdivision/ KPP19-0010/ City File Number**
This is a preliminary plat application to develop 272 residential lots and 11 common lots on 66.75 acres.

Lead Agency: City of Kuna

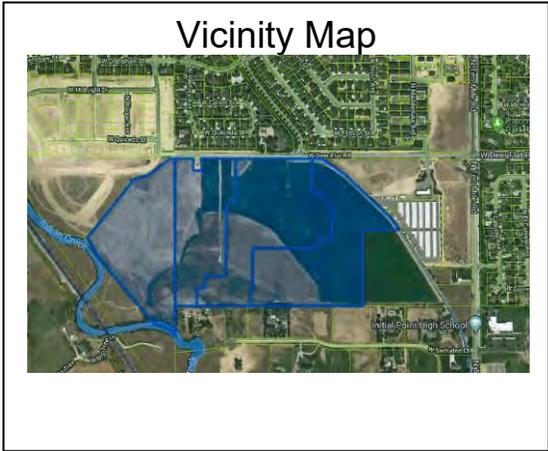
Site address: 2221 Deer Flat Road, south and west of the intersection of Deer Flat Road and Ten Mile Road

Staff Approval: April 24, 2020

Applicant: Trilogy Development
 9839 W. Cable Car Street, Suite 101
 Boise, ID 83709

Representative: Jane Suggs
 Gem State Planning, LLC
 9840 W. Overland Road, Suite 120
 Boise, ID 83709

Staff Contact: Paige Bankhead, E.I.
 Phone: 387-6293
 E-mail: pbankhead@achdidaho.org



A. Findings of Fact

1. **Description of Application:** The applicant is requesting approval for a preliminary plat application to develop 272 single family residential lots and 11 common lots on 66.75 acres. The site is zoned Medium Density Residential (R-6). The City of Kuna’s Comprehensive Plan designates this area as Medium Density Residential.

2. **Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Medium Density Residential	R-6
South	Rural Urban Transition	RUT
East	Neighborhood Business District and Medium Density Residential	C-1, R-6
West	Medium Density Residential	R-6

3. **Site History:** ACHD has not previously reviewed this site for a development application.

4. **Adjacent Development:** The following developments are pending or underway in the vicinity of the site:

- Crimson Point South, preliminary plat to develop 53 single family lots and 7 common lots on 13 acres directly west of the site, approved by ACHD in July 2007.

5. **Transit:** Transit services are not available to serve this site.
6. **New Center Lane Miles:** The proposed development includes 2.17 centerline miles of new public road.
7. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.
8. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**
 - The intersection of Ten Mile Road and Deer Flat Road is scheduled in the IFYWP to be reconstructed as a single lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 2-lanes on the east, and 2-lanes on the west leg, but is unfunded at this time and not scheduled.
 - Ten Mile Road is listed in the CIP to be widened to 3-lanes from Deer Flat Road to Hubbard Road between 2031 and 2035.
 - The intersection of Hubbard Road and Ten Mile Road is listed in the CIP to be reconstructed as a single lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 2-lanes on the east, and 2-lanes on the west leg, and signalized between 2031 and 2035.

B. Traffic Findings for Consideration

1. **Trip Generation :** This development is estimated to generate 2,568 additional vehicle trips per day (0 existing); 269 additional vehicle trips per hour in the PM peak hour (0 existing), based on the traffic impact study.
2. **Traffic Impact Study**

WH Pacific prepared a traffic impact study for the proposed. Fossil Creek Subdivision. The executive summary of the findings **as presented by WH Pacific can be found as Attachment 3.** The executive summary is **not the opinion of ACHD staff.** ACHD has reviewed the submitted traffic impact study for consistency with ACHD policies and practices, and may have additional requirements beyond what is noted in the summary. ACHD Staff comments on the submitted traffic impact study can be found below under staff comments.

- If the impacted roadway segments and/or intersections are programmed as funded in the Integrated Five Year Work Plan (IFYWP) or the Capital Improvements Plan (CIP); no alternative mitigation is required.
- If the impacted roadway segments and/or intersections are not programmed in either the IFYWP or the CIP; the applicant may (i) analyze the shoulder hour and (ii) provide a safety analysis to determine alternative mitigation requirements.
 - If the impacted roadway segments and intersections meet the minimum acceptable level of service planning thresholds in the shoulder hour the applicant may suggest feasible alternative mitigation such as: sidewalks, bike facilities, connectivity, safety improvements, etc. within 1.5 miles of the proposed development.
 - If the shoulder hour planning thresholds are exceeded the applicant may request to enter into a Development Agreement and pay into the Priority Corridor Fund an amount determined by the ACHD to offset impacts from the project.
- Alternative Mitigation may also include:
 - Revision to the Phasing Plan to coincide with the District’s future Capital Projects.
 - Reducing the scope and/or scale of the project.

Staff Comments/Recommendations: Staff has reviewed the submitted traffic impact study (TIS) and generally agrees with the findings and recommendations. The TIS identified that the roadway segment of Ten Mile Road between Ardell Road and Hubbard Road is expected to exceed ACHD’s level of service planning thresholds as a 2-lane minor arterial for the 2025 full build out traffic conditions for the AM peak hour, but meet the thresholds for the PM peak hour. However, this segment of Ten Mile Road will meet ACHD’s level of service planning thresholds as a 3-lane minor arterial for the 2025 full build out for the AM and PM peak hours. This segment is listed in the CIP to be widened to 3-lanes between 2031 and 2035 and the site traffic from the 2025 full build out at this segment of Ten Mile Road is less than 10% of the total traffic entering this segment of roadway.

Therefore, no improvements are required for this segment of Ten Mile Road consistent with District policy 7106.7.3 Alternative Mitigation Measures, which states, if an impacted roadway segment or intersection are programmed or funded in the IFYWP, or the CIP; and District policy for Level of Service Planning Thresholds, that states a proposed development with site traffic less than 10% of the existing downstream roadway or intersection peak hour traffic shall not be required to provide mitigation for a roadway or intersection that currently exceeds minimum acceptable level of service planning threshold or V/C ratio.

The TIS indicates that all other roadway segments and intersections are expected to meet ACHD level or service planning thresholds for the existing traffic, 2025 background traffic and 2025 total build out traffic.

3. Condition of Area Roadways

Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Ten Mile Road North of Deer Flat	0-feet	Minor Arterial	245	Better than “D”

EXHIBIT B-2

Ten Mile Road North of Ardell	0-feet	Minor Arterial	299	Better than “D” for PM & AM 2-lanes
Deer Flat Road West of Ten Mile Rd.	1,195-feet	Minor Arterial	145	Better than “D”
Deer Flat Road East of Ten Mile Rd.	0-feet	Minor Arterial	269	Better than “D”

* Acceptable level of service for a two-lane minor arterial is “E” (575 VPH).

* Acceptable level of service for a three-lane minor arterial is “E” (720 VPH).

4. Average Daily Traffic Count (VDT)

Average daily traffic counts are based on ACHD’s most current traffic counts.

- The average daily traffic count for Ten Mile Road north of Deer Flat road was 4,558 on 09/17/2019.
- The average daily traffic count for Deer Flat Road west of Ten Mile Road was 2,771 on 09/17/2019.
- The average daily traffic count for Deer Flat Road east of Ten Mile Road was 5,545 on 09/17/2019.

C. Findings for Consideration

1. Offsite Level of Service Planning Thresholds - Ten Mile Road north of Ardell Road

a. **Existing Conditions:** The level of service for Ten Mile Road north of Ardell Road with the existing the PM peak hour traffic count is currently better than “D”. Ten Mile Road is improved with 2-travel lanes and 5-foot wide detached sidewalk. There is 72-feet of right-of-way for Ten Mile Road for this segment.

b. **Policy:**

Level of Service Planning Thresholds: District Policy 7205.3.1 states that, Level of Service Planning Thresholds have been established for principal arterials and minor arterials within ACHD’s Capital Improvement Plan and are also listed in section 7106. Unless otherwise required to provide a Traffic Impact Study under section 7106, a proposed development with site traffic less than 10% of the existing downstream roadway or intersection peak hour traffic shall not be required to provide mitigation for a roadway or intersection that currently exceeds the minimum acceptable level of service planning threshold or V/C ratio.

Alternative Mitigation Measures: 7106.7.3 states that if traditional mitigation measures such as roadway widening and intersection improvements are infeasible as determined by ACHD, the TIS may recommend alternative mitigation measures. Alternative mitigation measures shall demonstrate that impacts from the project will be offset.

- If the impacted roadway segments and/or intersections are programmed as funded in the Integrated Five Year Work Plan (IFYWP) or the Capital Improvements Plan (CIP); no alternative mitigation is required.
- If the impacted roadway segments and/or intersections are not programmed in either the IFYWP or the CIP; the applicant may (i) analyze the shoulder hour and (ii) provide a safety analysis to determine alternative mitigation requirements.
 - If the impacted roadway segments and intersections meet the minimum acceptable level of service planning thresholds in the shoulder hour the applicant

may suggest feasible alternative mitigation such as: sidewalks, bike facilities, connectivity, safety improvements, etc. within 1.5 miles of the proposed development.

- If the shoulder hour planning thresholds are exceeded the applicant may request to enter into a Development Agreement and pay into the Priority Corridor Fund an amount determined by the ACHD to offset impacts from the project.
- Alternative Mitigation may also include:
 - Revision to the Phasing Plan to coincide with the District's future Capital Projects.
 - Reducing the scope and/or scale of the project.

- c. **Staff Comments/Recommendations:** Ten Mile Road currently meets ACHD's acceptable level of service planning thresholds for a 2-lane minor arterial roadway during the AM and PM peak hour. With the 2025 full build out, Ten Mile Road will exceed ACHD's acceptable level of service planning level threshold for a 2-lane minor arterial roadway during the AM peak hour, but meet thresholds for the PM peak hour. Ten Mile Road will meet ACHD's acceptable level of service planning level threshold for a 3-lane minor arterial roadway for the AM and PM peak hour for the 2025 full build out traffic. The site traffic is less than 10% of the total traffic entering this segment of Ten Mile Road. Therefore, consistent with District policy 7205.3.1 Level of Service Planning Threshold, which states, a proposed development with site traffic less than 10% of the existing downstream roadway or intersection peak hour traffic shall not be required to provide mitigation; no improvements are required at this intersection.

Furthermore, this segment of Ten Mile Road is listed in the CIP to be widened to 3-lanes from Deer Flat Road to Hubbard Road. Thus, consistent with District Policy for Alternative Mitigation Measures, no additional mitigation measures should be required.

2. Deer Flat Road

- a. **Existing Conditions:** Deer Flat Road is improved with 2-travel lanes and no curb, gutter or sidewalk abutting the site. There is 50 to 60-feet of right-of-way for Deer Flat Road (20-feet from centerline).

b. **Policy:**

Arterial Roadway Policy: District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Master Street Map and Typology Policy: District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master Street Map and Livable Streets Design Guide. The developer or engineer should contact the District before starting any design.

Street Section and Right-of-Way Width Policy: District Policies 7205.2.1 & 7205.5.2 state that the standard 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a principal arterial.

Right-of-Way Dedication: District Policy 7205.2 states that The District will provide compensation for additional right-of-way dedicated beyond the existing right-of-way along arterials listed as impact fee eligible in the adopted Capital Improvements Plan using available impact fee revenue in the Impact Fee Service Area.

No compensation will be provided for right-of-way on an arterial that is not listed as impact fee eligible in the Capital Improvements Plan.

EXHIBIT B-2

The District may acquire additional right-of-way beyond the site-related needs to preserve a corridor for future capacity improvements, as provided in Section 7300.

Sidewalk Policy: District Policy 7205.5.7 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all arterial streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

Frontage Improvements Policy: District Policy 7205.2.1 states that the developer shall widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site. Curb, gutter and additional pavement widening may be required (See Section 7205.5.5).

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Deer Flat Road is designated in the MSM as a Residential Arterial with 5-lanes and on-street bike lanes, a 72-foot street section within 96-feet of right-of-way.

- c. **Applicant Proposal:** The applicant has proposed to improve Deer Flat Road abutting the site with pavement widening to 17-feet from the centerline of Deer Flat Road and construct vertical curb, gutter, 10-foot wide planter strip and detached 8-foot wide concrete sidewalk located 28-feet from the centerline of Deer Flat Road. The applicant has proposed to dedicate additional right-of-way to total 25-feet from the centerline of Deer Flat Road.

Staff Comments/Recommendations: The applicant's proposal to widen the pavement meets District policy and should be approved, as proposed. The applicant should be required to dedicate additional right-of-way to total a minimum of 48-feet from the centerline of Deer Flat Road abutting the site. The applicant will not be compensated for any improvements or right-of-way dedication along Deer Flat Road abutting the site, as this roadway is not scheduled for improvements in ACHD's IFYWP or CIP.

The applicant's proposal to construct curb and gutter for Deer Flat Road abutting the site exceeds ACHD policy which requires pavement widening and the construction of sidewalks on arterial roadways and is not approved, as proposed. The applicant should be required to construct a 3-foot wide gravel shoulder and place the 5-foot wide concrete sidewalk a minimum of 41-feet from the centerline of Deer Flat Road. The applicant should provide a permanent right-of-way easement for detached sidewalks located outside of the right-of-way. ACHD will not accept the construction of additional pavement widening, curb and gutter at this time.

3. Internal Local Roads

- a. **Existing Conditions:** There are no local roadways within the site. There is a local road, Thistle Drive, that stubs to the site's west property line that was approved with the Crimson Point South Subdivision.
- b. **Policy:**

Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Street Section and Right-of-Way Policy: District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).

Standard Urban Local Street—33-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 33-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 47-feet of right-of-way.

For the City of Kuna and City of Star: Unless otherwise approved by Kuna or Star, the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 50-feet of right-of-way.

Continuation of Streets Policy: District Policy 7207.2.4 states that an existing street, or a street in an approved preliminary plat, which ends at a boundary of a proposed development shall be extended in that development. The extension shall include provisions for continuation of storm drainage facilities. Benefits of connectivity include but are not limited to the following:

- Reduces vehicle miles traveled.
- Increases pedestrian and bicycle connectivity.
- Increases access for emergency services.
- Reduces need for additional access points to the arterial street system.
- Promotes the efficient delivery of services including trash, mail and deliveries.
- Promotes appropriate intra-neighborhood traffic circulation to schools, parks, neighborhood commercial centers, transit stops, etc.
- Promotes orderly development.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

EXHIBIT B-2

Landscape Medians Policy: District policy 7207.5.16 states that landscape medians are permissible where adequate pavement width is provided on each side of the median to accommodate the travel lanes and where the following is provided:

- The median is platted as right-of-way owned by ACHD.
- The width of an island near an intersection is 12-feet maximum for a minimum distance of 150-feet. Beyond the 150-feet, the island may increase to a maximum width of 30-feet.
- At an intersection that is signalized or is to be signalized in the future, the median width shall be reduced to accommodate the necessary turn lane storage and tapers.
- The Developer or Homeowners Association shall apply for a license agreement if landscaping is to be placed within these medians.
- The license agreement shall contain the District's requirements of the developer including, but not limited to, a "hold harmless" clause; requirements for maintenance by the developer; liability insurance requirements; and restrictions.
- Vertical curbs are required around the perimeter of any raised median. Gutters shall slope away from the curb to prevent ponding.

- c. Applicant's Proposal:** The applicant has proposed to construct the entry portion of Coltsfoot Avenue as a 50-foot wide street section, with an 8-foot wide center landscape island with vertical curb, two 21-foot wide travel lanes with rolled curb, gutter, and a 10-foot wide planter strip within 70-feet of right-of-way and a 5-foot wide detached concrete sidewalk located outside of the right-of-way.

The applicant has proposed to extend Thistle Drive into the site and construct all internal local roads as 36-foot street sections with curb, gutter and attached 5-foot wide concrete sidewalk within 50-feet of right-of-way, except for Shayla Avenue and the west side of Coltsfoot Avenue north of Opalite Drive which are proposed to have a 10-foot wide planter strip located partially within right-of-way and 5-foot wide detached concrete sidewalks outside of the right-of-way.

- d. Staff Comments/Recommendations:** The applicant's proposal for the entry roadway on Coltsfoot Avenue and the internal local street sections meets District policy for the City of Kuna local street section requirements and should be approved, as proposed. For detached sidewalks, the applicant should be required to extend the right-of-way to 2-feet behind the back edge of sidewalk, or the applicant may reduce the right-of-way width to 2-feet behind the back of curb and provide a permanent right-of-way easement from the right-of-way line to 2-feet behind back edge of the sidewalk.

The applicant should be required to plat the proposed center landscape island on Coltsfoot Avenue as right-of-way owned by ACHD. The applicant or the future owners association should enter into license agreement for any landscaping proposed within the center landscape island.

4. Roadway Offsets

- a. Existing Conditions:** There are no roadways within the site.

b. Policy:

Local Street Intersection Spacing on Minor Arterials: District policy 7205.4.3 states that new local streets should not typically intersect arterials. Local streets should typically intersect collectors. If it is necessary, as determined by ACHD, for a local street to intersect an arterial, the minimum allowable offset shall be 660-feet as measured from all other existing roadways as identified in Table 1a (7205.4.6).

Local Offset Policy: District policy 7207.4.2, requires local roadways to align or provide a minimum offset of 125-feet from any other street (measured centerline to centerline).

- c. **Applicant's Proposal:** The applicant has proposed to construct Shayla Avenue onto Deer Flat Road to align centerline to centerline with Shayla Avenue to the north 1,530 west of Ten Mile Road and Coltsfoot Avenue onto Deer Flat Road 700-feet west of Shayla Avenue.
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy and should be approved, as proposed.

5. Stub Streets

a. **Existing Conditions:** There are currently no stub streets within the site.

b. **Policy:**

Stub Street Policy: District policy 7207.2.4.3 states that stub streets will be required to provide circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7207.2.4.3 except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

In addition, stub streets must meet the following conditions:

- A stub street shall be designed to slope towards the nearest street intersection within the proposed development and drain surface water towards that intersection; unless an alternative storm drain system is approved by the District.
- The District may require appropriate covenants guaranteeing that the stub street will remain free of obstructions.

Temporary Dead End Streets Policy: District policy 7207.2.4.3 requires that the design and construction for cul-de-sac streets shall apply to temporary dead end streets. The temporary cul-de-sac shall be paved and shall be the dimensional requirements of a standard cul-de-sac. The developer shall grant a temporary turnaround easement to the District for those portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends onto a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.

- c. **Applicant's Proposal:** The applicant has proposed to stub Ingo Street to the site's east property line 412-feet north of the south property line, Blue Granite Avenue to the site's west property line 410-feet northwest of the southwest property corner, and stub Meadowsweet Avenue to the site's south property line 590-feet west of the east property line.
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District Policy and should be approved, as proposed. The applicant should be required to construct a temporary cul-de-sac at the terminus of Blue Granite Avenue per District policy which requires a temporary cul-de-sac at the terminus of a stub street if the street length is greater than 150-feet. The developer shall grant a temporary turnaround easement to the District for those portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends into a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.

The applicant should be required to install a sign at the terminus of Ingo Street, Blue Granite Avenue and Meadowsweet Avenue stating that, "THIS STREET WILL BE EXTENDED IN THE FUTURE".

6. Traffic Calming

- a. **Speed Control and Traffic Calming Policy:** District policy 7207.3.7 states that the design of local street systems should discourage excessive speeds by using passive design elements. If the design or layout of a development is anticipated to necessitate future traffic calming implementation by the District, then the District will require changes to the layout and/or the

EXHIBIT B-2

addition of passive design elements such as horizontal curves, bulb-outs, chokers, etc. The District will also consider texture changes to the roadway surface (i.e. stamped concrete) as a passive design element. These alternative methods may require maintenance and/or license agreement.

- b. **Staff Comments/Recommendations:** Balboa Street, Pasture Way, Sacramento Street, and Coltsfoot Avenue are greater than 750-feet in length and will need to be redesigned to reduce the length of the roadways or to include the use of passive design elements. Speed humps/bumps and valley gutter will not be accepted as traffic calming.

The applicant should be required to submit a revised preliminary plat showing the redesigned roadways for review and approval prior to ACHD's signature on the first final plat.

7. Ramsey Lateral Crossing

The District will require that the applicant submit plans for the crossing of the Ramsey Lateral for review and approval prior to the pre-construction meeting and final plat approval. Note: all plan submittals for bridges or pipe crossings of irrigation facilities should be submitted to ACHD for review no later than December 15th for construction in the following year prior to irrigation season.

8. Tree Planters

Tree Planter Policy: Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

9. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

10. Other Access

Deer Flat Road is classified as minor arterials roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.

D. Site Specific Conditions of Approval

1. Dedicate additional right-of-way to total 48-feet from the centerline of Deer Flat Road.
2. Widen the pavement on Deer Flat Road abutting the site to total 17-feet from centerline, construct a 3-foot wide gravel shoulder and construct a 5-foot wide sidewalk a minimum of 41-feet from the centerline of Deer Flat Road.
3. Construct Shayla Avenue onto Deer Flat Road to align centerline to centerline with Shayla Avenue to the north, located 1,530 west of Ten Mile Road, as proposed.
4. Construct Coltsfoot Avenue onto Deer Flat Road 700-feet west of Shayla Avenue, as proposed.
5. Construct the entry portion of Coltsfoot Avenue as a 50-foot wide street section, with a 8-foot wide center landscape island with vertical curb, two 21-foot wide travel lanes with rolled curb, gutter, and a 10-foot wide planter strip with a 5-foot wide concrete sidewalk, as proposed. Dedicate 70-feet of right-of-way, as proposed. For detached sidewalk, extend the right-of-way to 2-feet the back of

detached sidewalk or provide a permanent right-of-way easement for the sidewalk. Plat the proposed center landscape island on Coltsfoot Avenue as right-of-way owned by ACHD. The applicant or the future owners association should enter into license agreement for any landscaping proposed within the center landscape island.

6. Extend Thistle Drive into the site and construct all internal local roads as 36-foot street sections with curb, gutter and 5-foot wide attached or detached concrete sidewalks and dedicate 50-feet of right-of-way, as proposed. For detached sidewalks, the right-of-way may be reduced to 2-feet behind the back of curb and provide a right-of-way easement from the right-of-way line to 2-feet behind the back of sidewalk. If street trees are desired, 8-foot wide planter strips are required.
7. Construct one stub street, Ingo Street, to the site's east property line 412-feet north of the south property line, as proposed.
8. Construct one stub street, Blue Granite Avenue, to the site's west property line 410-feet northwest of the southwest property corner, as proposed. Construct a temporary cul-de-sac at the terminus of Blue Granite Avenue and grant a temporary turnaround easement to the District for those portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends into a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.
9. Construct one stub street, Meadowsweet Avenue, to the site's south property line 590-feet west of the east property line, as proposed.
10. The applicant should be required to install a sign at the terminus of Ingo Street, Blue Granite Avenue and Meadowsweet Avenue stating that, "THIS STREET WILL BE EXTENDED IN THE FUTURE".
11. Redesign Balboa Street, Pasture Way, Sacramento Street, and Coltsfoot Avenue are to reduce the length of the roadways or to include the use of passive design elements. Speed humps/bumps and valley gutter will not be accepted as traffic calming. Submit a revised preliminary plat showing the redesigned roadways for review and approval prior to ACHD's signature on the first final plat.
12. The applicant will not be compensated for any improvements or right-of-way dedication along Deer Flat Road abutting the site as this roadway is not scheduled for improvements in ACHD's IFYWP or CIP.
13. Submit plans for the crossing of the Ramsey Lateral for review and approval prior to the pre-construction meeting and final plat approval. Note: all plan submittals for bridges or pipe crossings of irrigation facilities should be submitted to ACHD for review no later than December 15th for construction in the following year prior to irrigation season.
14. Other than access specifically approved with this applicant, direct lot access to Deer Flat Road is prohibited and should be noted as such on the final plat.
15. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.
16. Payment of impact fees is due prior to issuance of a building permit.
17. Comply with all Standard Conditions of Approval.

E. Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.

EXHIBIT B-2

3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

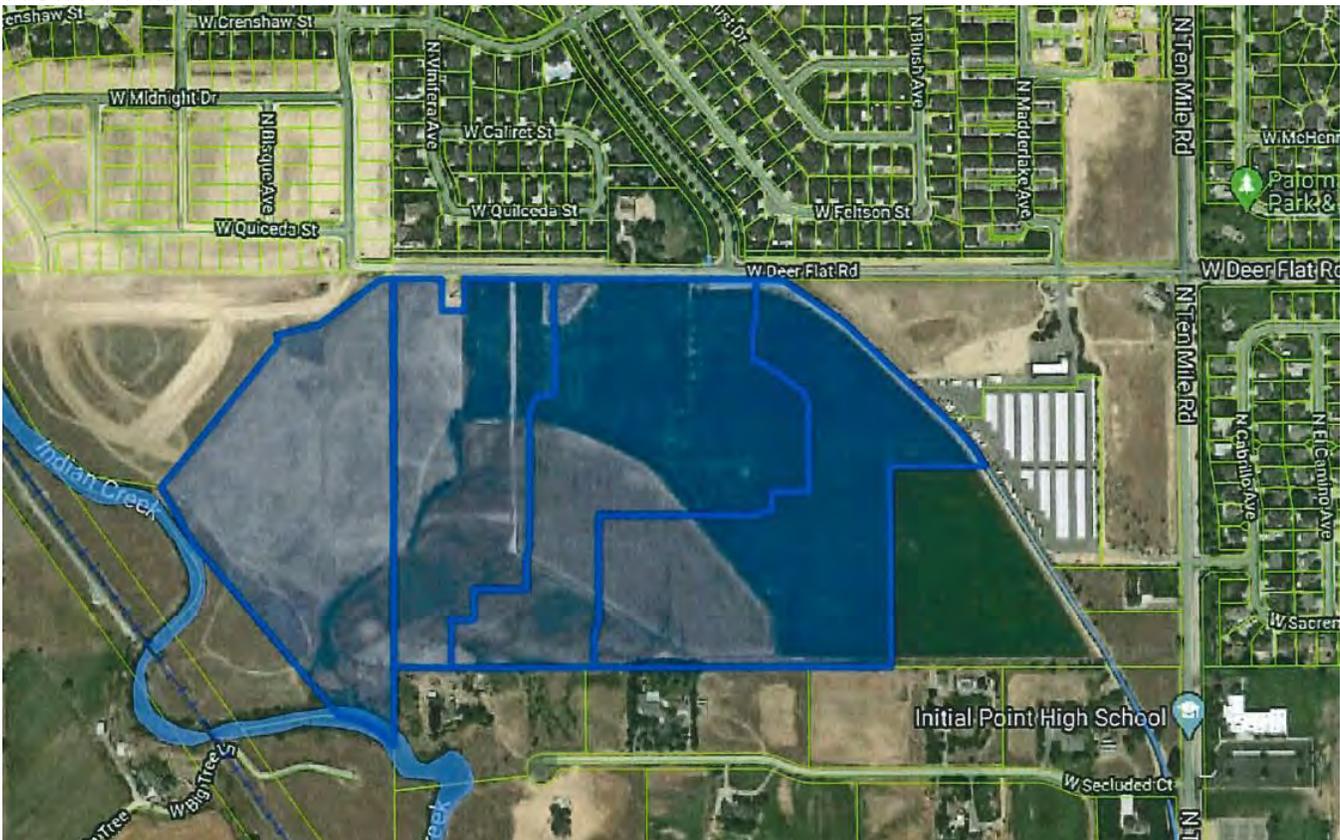
F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

G. Attachments

1. Vicinity Map
2. Site Plan
3. Traffic Impact Study Executive Summary
4. Utility Coordinating Council
5. Development Process Checklist
6. **Request for Reconsideration Guidelines OR Appeal Guidelines**

VICINITY MAP



Traffic Impact Study Executive Summary

5.1 EXISTING TRAFFIC CONDITIONS

1. For the existing traffic conditions analyzed with the existing roadway configuration, all study area roadway segments meet ACHD's minimum operational thresholds. No roadway improvements are needed to mitigate the existing traffic.
2. For the existing traffic conditions analyzed with the existing intersection control and lane configuration, all study area intersections meet ACHS's minimum v/c operational threshold. No intersection improvements are needed to mitigate the existing traffic.

5.2 2025 BACKGROUND TRAFFIC CONDITIONS

3. ACHD's current *IFYWP* indicated a single-lane roundabout to be designed for the intersection of Deer Flat Rd and Ten Mile Rd in the year 2024. There is no specified construction year in the *IFYWP*. There are no planned improvements to the study roadways by 2025 according to the *IFYWP*.
4. For the 2025 Background traffic conditions analyzed with the existing roadway lane configuration, one roadway segment does not meet ACHD's minimum operational threshold. Ten Mile Rd, between Ardell Rd and Hubbard Rd performs below the LOS E threshold. ACHD's CIP has a programmed roadway widening between 2031-2035, adding a TWLTL to the roadway segment. Under this scenario, traffic operations are improved and perform above LOS D.
5. For the 2025 Background traffic conditions analyzed with the existing intersection control and lane configurations, all study area intersections meet ACHD's minimum v/c operational threshold. No intersection improvements are needed to mitigate the existing traffic.

5.3 2025 SITE PLUS BACKGROUND CONDITIONS

6. This scenario reflects a full buildout of the 272 single family dwelling units which is expected to generate 2,568 daily trips, 201 AM peak hour trips, and 269 PM peak hour trips.
7. Site traffic is expected to enter and exit the subdivision exclusively from the East on Deer Flat Road. Traffic distribution at Deer Flat Rd and Ten Mile Rd is expected to follow the following pattern:
 - North (Ten Mile) 25%
 - East (Deer Flat) 60%
 - South (Ten Mile) 15%
8. For the 2025 Site Plus Background traffic condition analyzed with the existing lane configurations, all study area roadway segments meet the ACHD's minimum operational

EXHIBIT B-2

9. For the 2025 Site Plus Background traffic conditions analyzed with the existing intersection control and lane configurations, one of the study area intersections does not meet ACHD's minimum operational thresholds. The intersection of Deer Flat Rd and Ten Mile Rd performs poorly in the PM peak hour. It meets one signal warrant (Warrant 2, Four-Hour Vehicular Volume) under the 2025 Background traffic conditions. Though installing a traffic signal is an option, ACHD's *IFYWP* has a single-lane roundabout programmed at this location to be designed in 2024 and the *CIP* indicated the construction in the years 2031-2035. Under this scenario, traffic operations are improved to LOS A.
10. Two full access points along Deer Flat Rd will serve as access to the subdivision. With the 2025 Site Plus Background traffic conditions, the proposed access intersections are expected to operate at LOS B or better.
11. With the 2025 Site Plus Background traffic conditions, no turn lane warrants were satisfied.

Regarding item number 9, the applicant re-evaluated the Deer Flat Road and Ten Mile Road intersection with the appropriate growth rates, existing traffic control and lane configurations. The 2025 background and 2025 site plus background volumes operate at an acceptable level of service and v/c ratio.

Regarding item number 4, the applicant also re-evaluated the roadway segments with the appropriate growth rates and existing lane configurations and showed the same level of service results as noted in the executive summary.

Ada County Utility Coordinating Council

Developer/Local Improvement District Right of Way Improvements Guideline Request

Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

Notification to the Ada County UCC can be sent to: 50 S. Cole Rd. Boise 83707, or Visit iducc.com for e-mail notification information.

EXHIBIT B-2

Development Process Checklist

Items Completed to Date:

- Submit a development application to a City or to Ada County
- The City or the County will transmit the development application to ACHD
- The ACHD **Planning Review Section** will receive the development application to review
- The **Planning Review Section** will do one of the following:
 - Send a “**No Review**” letter to the applicant stating that there are no site specific conditions of approval at this time.
 - Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
 - Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

Items to be completed by Applicant:

- For **ALL** development applications, including those receiving a “**No Review**” letter:
 - The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
 - The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:

Construction (Non-Subdivisions)

Driveway or Property Approach(s)

- Submit a “Driveway Approach Request” form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

Working in the ACHD Right-of-Way

- Four business days prior to starting work have a bonded contractor submit a “Temporary Highway Use Permit Application” to ACHD Construction – Permits along with:
 - a) Traffic Control Plan
 - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50’ or you are placing >600 sf of concrete or asphalt.

Construction (Subdivisions)

Sediment & Erosion Submittal

- At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

Idaho Power Company

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

- Final Approval from Development Services is required** prior to scheduling a Pre-Con.

Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
 - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
 - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
 - c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
 - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
 - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.

EXHIBIT B-2

Request for Reconsideration of Commission Action

1. **Request for Reconsideration of Commission Action:** A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.
 - a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.
 - b. The request must be in writing and delivered to the Secretary of the Highway District no later than 11:00 a.m. 2 days prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.
 - c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.
 - d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.
 - e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.
 - f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.

RON PLATT
CHAIRMAN OF THE BOARD

BRIAN MCDEVITT
VICE CHAIRMAN OF THE BOARD

ROBERT D. CARTER
PROJECT MANAGER

THOMAS RITTHALER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

MARY SUE CHASE
ASSISTANT SECRETARY-TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2485 OVERLAND ROAD
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000
ACRES FOR THE FOLLOWING
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT
BOISE-KUNA DISTRICT
WILDER DISTRICT
NEW YORK DISTRICT
BIG BEND DISTRICT

TEL: (208) 344-1141
FAX: (208) 344-1437

RECEIVED
APR 01 2020
CITY OF KUNA

30 March 2020

City of Kuna
751 W 4th Street
Kuna, Id 83634

RE: Fossil Creek Sub.
2221 & 2455 W. Deer Flat Road
Boise-Kuna Irrigation District
Ramsey Lateral 58+30, 75+20, 78+50
Sec. 22, T2N, R1W, BM.

20-01-S

BK-353-3, -3A, -3B & 358

Troy Behunin Planner III:

The United States' Ramsey Lateral lies within the boundary of the above-mentioned location. The easement for this lateral is held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890. (26 Stat. 391; 43 U.S.C. 945)

The Boise Project Board of Control is contracted to operate and maintain this lateral. We assert this federal easement 18 feet north and 24 feet south of the lateral's centerline. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

The Boise Project does not approve landscaping (other than grass or gravel) within its easements, as this will certainly increase our cost of maintenance. All easements must remain a flat drivable surface.

All fencing and/or pathways as may be required must be constructed outside of any Boise Project easements.

Parking lots, curbing, light poles, signs, etc. and the placing of asphalt and/or cement over and/or on Project facility easements must be approved by Boise Project Board of Control prior to construction.

The construction of any roadway crossings must be conducted only during the non-irrigation season when the lateral is dewatered. In any case no work shall take place within the easement before the proper crossing agreements have been secured through the Bureau of Reclamation and the Boise Project Board of Control.

Utilities planning to cross any project facility must do so in accordance with the master policies now held between the Bureau of Reclamation and most of the utilities. In any case no work shall take place within the easement before proper crossing agreements have been secured through both the Bureau of Reclamation and the Boise Project Board of Control.

The proposed piping and relocation of the Ramsey Lateral (to include all appurtenant boxes and/or structures) must be warranted by the land owner for a period of (5) five-years. The Warrantee Agreement must be secured through Boise Project Board of Control and the Relocation Agreement must be secured through the Bureau of Reclamation and Boise Project Board of Control prior to ANY disturbance of that facility.

Storm Drainage and/or Street Runoff must be retained on site.

Whereas this property lies within the Boise-Kuna Irrigation District it is important that representatives of this development contact the BKID office as soon as possible to discuss the pressure system prior to any costly design work. If applicable, the irrigation system will have to be built to specific specifications as set by the District / Project.

Written confirmation from the Boise-Kuna Irrigation District and the City of Kuna is required.

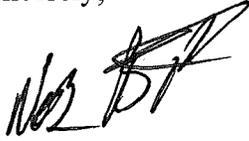
If the district is to own and operate this pressurized irrigation system, Boise Project Board of Control will require a set of plans be sent to Jim Money, Civil Survey Consultants, Inc. at 1400 E. Watertower Street, Meridian, Idaho 83642-3513 for his review, comments and approval.

Local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement.

Boise Project is also requesting one set of full plans of the drainage and irrigation system.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,

A handwritten signature in black ink, appearing to read 'TR' with a stylized flourish.

Thomas Ritthaler
Assistant Project Manager, BPBC

Tbr/tr

cc: Clint McCormick Watermaster, Div; 2 BPBC
Lauren Boehlke Secretary – Treasurer, BKID

File



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

- ACZ
Boise
Eagle
Garden City
Meridian
Kuna
Star

Rezone # _____

Conditional Use # _____

Preliminary / Final / Short Plat 20-01-S

Fossil Creek

- 1. We have No Objections to this Proposal.
2. We recommend Denial of this Proposal.
3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
4. We will require more data concerning soil conditions on this Proposal before we can comment.
5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
12. We will require plans be submitted for a plan review for any:
13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.
14.

Reviewed By:

[Signature]

Date: 4/7/2020

EXHIBIT B-5

Communities in Motion 2040 2.0 Development Review

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of *Communities in Motion 2040 2.0* (CIM 2040), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2040 2.0 goals.

Development Name: Fossil Creek

Agency: Kuna

CIM Vision Category: Future Neighborhoods

New households: 272

New jobs: 0

Exceeds CIM forecast: Yes

	CIM Corridor: Deer Flat Road Pedestrian level of stress: R Bicycle level of stress: R	Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with G or PG ratings better support bicyclists and pedestrians of all ages and comfort levels.
	Housing within 1 mile: 2,110 Jobs within 1 mile: 250 Jobs/Housing Ratio: 0.1	A good jobs/housing balance – a ratio between 1 and 1.5 – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.
	Nearest police station: 1.4 miles Nearest fire station: 2.3 miles	Developments within 1.5 miles of police and fire stations ensure that emergency services are more efficient and reduce the cost of these important public services.
	Farmland consumed: Yes Farmland within 1 mile: 872 acres	Farmland contributes to the local economy, creates additional jobs, and provides food security to the region. Development in farm areas decreases the productivity and sustainability of farmland.
	Nearest bus stop: >4 miles Nearest public school: 0.7 miles Nearest public park: 1 mile Nearest grocery store: 2.3 miles	Residents who live or work less than ½ mile from critical services have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle.

Recommendations

This proposal exceeds growth forecasted for this area. Transportation infrastructure may not be able to support the new transportation demands. The site is not currently served by public transportation. ValleyConnect 2.0 plans for bus service from the intersection of Ten Mile Road and 4th Street to the Boise Research Center via downtown Kuna and downtown Meridian with 20-minute frequencies. The closest bus stop would be less than one mile in distance when that route is operational. Consider an improved pathway along the Ramsey Lateral to comply with the Kuna Regional Pathway Map. This pathway will improve non-motorized connections to downtown Kuna and to future bus service. Also, consider a safe pedestrian crossing of Deer Flat Road, near Shayla Avenue to provide safe connections for school children to Crimson Pointe Elementary School, as well as pedestrian infrastructure for students walking down Deer Flat to Initial Point High School, Kuna High School or Kuna Middle School.

More information about COMPASS and *Communities in Motion 2040 2.0*:

Web: www.compassidaho.org

Email info@compassidaho.org

More information about the development review process:

<http://www.compassidaho.org/dashboard/devreview.htm>

EXHIBIT B-6



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1445 North Orchard • Boise, ID 83706 • (208) 373-0550

Brad Little, Governor
John H. Tippetts, Director

April 10, 2020

Troy Behunin
City of Kuna
P.O. Box 13
Kuna, Idaho 83634

RE: Fossil Creek Subdivision, 20-01-S

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. Air Quality

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

All property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.

DEQ recommends the city/county require the development and submittal of a dust prevention and control plan prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.

Citizen complaints received by DEQ regarding fugitive dust from development and construction activities will be referred to the city or county to address under their ordinances.

Information on fugitive dust control plans can be found at:
http://www.deq.idaho.gov/media/61833-dust_control_plan.pdf

- Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

2. Wastewater and Recycled Water

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.

All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.

- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. Drinking Water

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.

All projects for construction or modification of public drinking water systems require preconstruction approval.

- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: deq.idaho.gov/water-quality/drinking-water.aspx). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for

EXHIBIT B-6

Response to Request for Comment

April 10, 2020

Page 3

protection of ground water resources.

- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. Surface Water

- A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.
- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. A Construction General Permit from EPA may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. Hazardous Waste And Ground Water Contamination

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste

Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).

Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Albert Crawshaw, Waste & Remediation Manager, at (208) 373-0550.

6. Additional Notes

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Aaron Scheff
Regional Administrator
Boise Regional Office

ec: CM#2020AEK93

EXHIBIT B-7



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 6, 2020

Shawn Brownlee
Trilogy Development, Inc.
9839 W. Cable Car St., Ste. 101
Boise, ID 83709

RE: Joint Application for Permit No. S63-20885
Unnamed Irrigation Ditches – Piping and Filling

Dear Mr. Brownlee:

The Idaho Department of Water Resources (IDWR) has reviewed your attached Joint Application for Permits, dated February 24, 2020, for the Fossil Creek Subdivision Project. Project activities include piping and filling approximately 4,425-feet of unnamed irrigation ditches to accommodate the Fossil Creek Subdivision. Your proposed project is located in Section 22, Township 02 North, Range 01 West, Boise Meridian, Ada County, Idaho. It has been determined that an IDWR Stream Channel Alteration Permit will not be required for this activity as provided for within Section 42-3802(d), Idaho Code.

This does not relieve you of the responsibility to obtain any other local, state, or federal permits that may be required, such as those required under the Clean Water Act or local ordinances required to meet federal flood insurance guidelines.

Please contact Cass Jones (208)-287-4897 or cass.jones@idwr.idaho.gov if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads 'Cass Jones'. The signature is written in a cursive, flowing style.

Cass Jones
Stream Channel Protection
Idaho Department of Water Resources

cc: Mike Borzick, City of Kuna
Kati Carberry, Idaho Department of Environmental Quality, Boise
Lance Holloway, Idaho Department of Environmental Quality, Boise
Bill Bosworth, Idaho Department of Fish and Game, Nampa
Dean Johnson, Idaho Department of Lands, Boise
Tracy Peak, US Army Corps of Engineers, Boise
Aaron Golart, Idaho Department of Water Resources, Boise

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 38, Idaho Code and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code). In addition the information will be used to determine compliance with Section 401 of the Clean Water Act by the appropriate State, Tribal or Federal entity.

Joint Application: Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary. Failure to supply the requested information may delay processing and issuance of the appropriate permit or authorization. **Applicant will need to send a completed application, along with one (1) set of legible, black and white (8 1/2"x11"), reproducible drawings that illustrate the location and character of the proposed project / activities to both the Corps and the State of Idaho.**

See Instruction Guide for assistance with Application. Accurate submission of requested information can prevent delays in reviewing and permitting your application. Drawings including vicinity maps, plan-view and section-view drawings must be submitted on 8-1/2 x 11 papers.

Do not start work until you have received all required permits from both the Corps and the State of Idaho

FOR AGENCY USE ONLY

USACE NWW-	Date Received:	<input type="checkbox"/> Incomplete Application Returned	Date Returned:
Idaho Department of Water Resources No. S63-20885	Date Received: 3-2-2020	<input type="checkbox"/> Fee Received DATE: 3-2-2020	Receipt No.: C108379
Idaho Department of Lands No.	Date Received:	<input type="checkbox"/> Fee Received DATE:	Receipt No.:

INCOMPLETE APPLICATIONS MAY NOT BE PROCESSED

1. CONTACT INFORMATION - APPLICANT Required:				2. CONTACT INFORMATION - AGENT:			
Name: Shawn Brownlee				Name:			
Company: Trilogy Development, Inc				Company:			
Mailing Address: 9839 W Cable Car St, Suite 101				Mailing Address:			
City: Boise		State: ID	Zip Code: 83709	City:		State:	Zip Code:
Phone Number (include area code): 208-895-8858		E-mail: shawn@trilogyidaho.com		Phone Number (include area code):		E-mail:	

RECEIVED
MAR 02 2020
DEPARTMENT OF
WATER RESOURCES

3. PROJECT NAME or TITLE: Fossil Creek Subdivision				4. PROJECT STREET ADDRESS: 2221 W Deer Flat Road				
5. PROJECT COUNTY: Ada		6. PROJECT CITY: Kuna		7. PROJECT ZIP CODE: 83634		8. NEAREST WATERWAY/WATERBODY: Ramsey Lateral/ Indian Creek		
9. TAX PARCEL ID#: S1322212401; S1322120900; S1322121200; S1322121300		10. LATITUDE: 43°30'02.85" N LONGITUDE: 116°26'26.69" W		11a. 1/4: NW	11b. 1/4: NE	11c. SECTION: 22	11d. TOWNSHIP: 2N	11e. RANGE: 1W
12a. ESTIMATED START DATE: Fall/Winter 2020		12b. ESTIMATED END DATE: Winter/Spring 2021		13a. IS PROJECT LOCATED WITHIN ESTABLISHED TRIBAL RESERVATION BOUNDARIES? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES Tribe:				
13b. IS PROJECT LOCATED IN LISTED ESA AREA? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES				13c. IS PROJECT LOCATED ON/NEAR HISTORICAL SITE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES				

14. DIRECTIONS TO PROJECT SITE: Include vicinity map with legible crossroads, street numbers, names, landmarks.
From Boise continue to I-184 W. Take exit 42 for Ten Mile Rd. After about 6 miles, turn right onto W Deer Flat Rd. After about 0.5 miles, the project site is located on the left.

15. PURPOSE and NEED: Commercial Industrial Public Private Other

Describe the reason or purpose of your project; include a brief description of the overall project. Continue to Block 16 to detail each work activity and overall project.

Fossil Creek Subdivision will produce single-family lots in Kuna, Idaho. The on-site irrigation ditches will be tiled/filled with development.

16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

EXHIBIT B-7

See Attached

17. DESCRIBE ALTERNATIVES CONSIDERED to AVOID or MEASURES TAKEN to MINIMIZE and/ or COMPENSATE for IMPACTS to WATERS of the UNITED STATES, INCLUDING WETLANDS: See Instruction Guide for specific details.

Construction will occur in the off irrigation season or the gravity irrigation piping will be constructed prior to filling/rerouting facilities. This will allow construction to occur without sediment washout in the ditches.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.

Due to the size and nature of the proposed work, it is not believed that mitigation will be necessary.

19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:

Dirt or Topsoil: 333 cubic yards
 Dredged Material: _____ cubic yards
 Clean Sand: _____ cubic yards
 Clay: _____ cubic yards
 Gravel, Rock, or Stone: _____ cubic yards
 Concrete: _____ cubic yards

Other (describe): _____ : _____ cubic yards
 Other (describe): _____ : _____ cubic yards

TOTAL: 333 cubic yards

20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:

Filling: 0.37 acres 16290 sq ft. 333 cubic yards
 Backfill & Bedding: _____ acres _____ sq ft. _____ cubic yards
 Land Clearing: _____ acres _____ sq ft. _____ cubic yards
 Dredging: _____ acres _____ sq ft. _____ cubic yards
 Flooding: _____ acres _____ sq ft. _____ cubic yards
 Excavation: _____ acres _____ sq ft. _____ cubic yards
 Draining: _____ acres _____ sq ft. _____ cubic yards
 Other: _____ : _____ acres _____ sq ft. _____ cubic yards

TOTALS: 0.37 acres 16290 sq ft. 333 cubic yards

21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? NO YES If yes, describe ALL work that has occurred including dates.

22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS:

N/A

23. YES, Alteration(s) are located on Public Trust Lands, Administered by Idaho Department of Lands

24. SIZE AND FLOW CAPACITY OF BRIDGE/CULVERT and DRAINAGE AREA SERVED: N/A Square Miles

25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? NO YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A Floodplain Development permit and a No-rise Certification may be required.

26a WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, anyone who wishes to discharge dredge or fill material into the waters of the United States, either on private or public property, must obtain a Section 401 Water Quality Certification (WQC) from the appropriate water quality certifying government entity.
See *Instruction Guide for further clarification and all contact information.*

The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation:

- NO YES Is applicant willing to assume that the affected waterbody is high quality?
- NO YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not?
- NO YES Is the applicant willing to collect the data needed to determine whether the affected waterbody is high quality or not?

26b. BEST MANAGEMENT PRACTICES (BMP's): List the Best Management Practices and describe these practices that you will use to minimize impacts on water quality and anti-degradation of water quality. All feasible alternatives should be considered - treatment or otherwise. Select an alternative which will minimize degrading water quality

EC 1- The filling of the ditches will occur during the off irrigation season or the gravity irrigation piping will be constructed first. This will ensure that high flows do not wash sediment downstream during the construction process.

Through the 401 Certification process, water quality certification will stipulate minimum management practices needed to prevent degradation.

27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.

Activity	Name of Water Body	Intermittent Perennial	Description of Impact and Dimensions	Impact Length Linear Feet
TOTAL STREAM IMPACTS (Linear Feet):				

28. LIST EACH WETLAND IMPACT include mechanized clearing, fill excavation, flood, drainage, etc. Attach site map with each impact location.

Activity	Wetland Type: Emergent, Forested, Scrub/Shrub	Distance to Water Body (linear ft)	Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length (acres, square ft linear ft)
TOTAL WETLAND IMPACTS (Square Feet):				

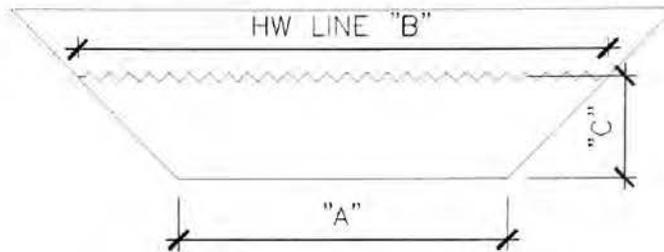
Bailey Engineering, Inc.

CIVIL ENGINEERING|PLANNING|CADD

**Joint Application for Permits: Fossil Creek Subdivision
02/25/2020**

Block 16:

Currently farmland, Fossil Creek Subdivision will produce single-family lots in Kuna, Idaho. Attached is a site plan view showing the locations. As shown below, this ditch were modeled as a trapezoid. The table below shows the impact calculations for the ditch.



Model for Trapezoidal Ditch

Trapezoidal Ditches									
Ditch #	"A" (ft)	"B" at high water (ft)	"C" (ft)	Length (ft)	Fill volume below high water(ft ³)	Fill volume below high water (cy)	Area of impact (sf)	Area of Impact (acres)	Ditch Type
1	1.0	2.7	0.7	1080	1320	49	2880	0.066	Earthen
2	0.7	1.3	0.8	196	154	6	255	0.006	Earthen
3	0.7	1.3	0.8	904	723	27	1175	0.027	Earthen
4	0.5	4.0	1.0	25	56	2	100	0.002	Earthen
5	2.0	5.0	0.7	1960	4573	169	9800	0.225	Earthen
Ramsey Lateral	2.0	8.0	1.7	260	2167	80	2080	0.048	Earthen
Totals	-	-	-	4425	8994	333	16290	0.37	-

Filling the ditches will result in approximately 333 cubic yards of fill below the high-water line and will impact approximately 0.37 acres.

Note that all ditch dimensions were measured with the combination of Civil 3D using the site topographic survey and on-site measurements.

Lastly, it should be noted that the gravity irrigation for the ditches will run along the southern boundary and then drain into the Indian Creek. The Indian Creek will be left open with development.

On the north of the subdivision, 260 LF of Ramsey Lateral will be tiled with development.

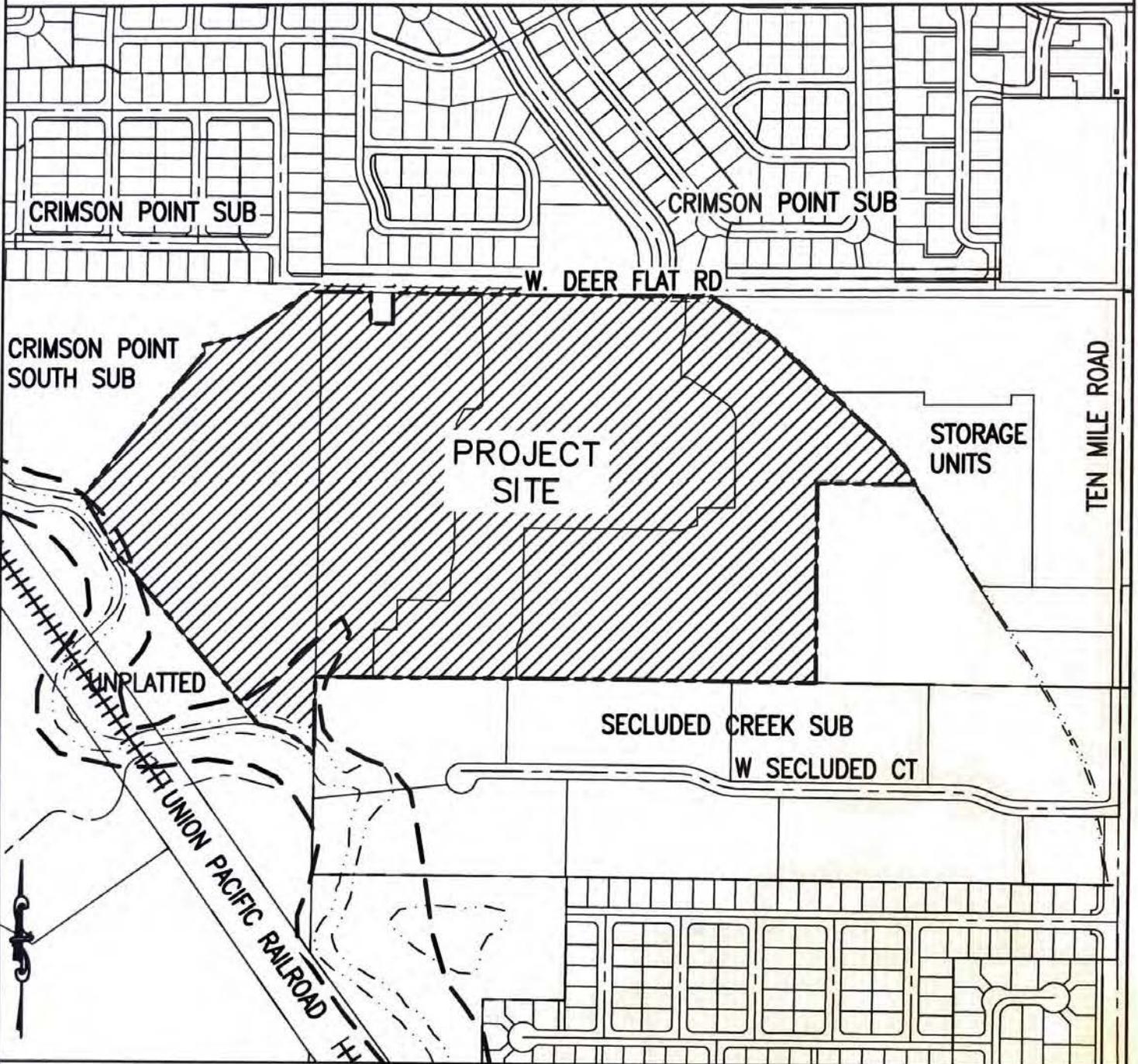
EXHIBIT B-7

Attachments:

- ✓ Vicinity Map
- ✓ Site Plan View
- ✓ Neighboring Parcels Map
- ✓ Neighboring Parcels List

VICINITY MAP FOR FOSSIL CREEK SUBDIVISION

A PORTION OF THE N 1/2 OF SECTION 22
TOWNSHIP 2 NORTH RANGE 1 WEST
B.M., KUNA, ADA COUNTY, IDAHO
2019

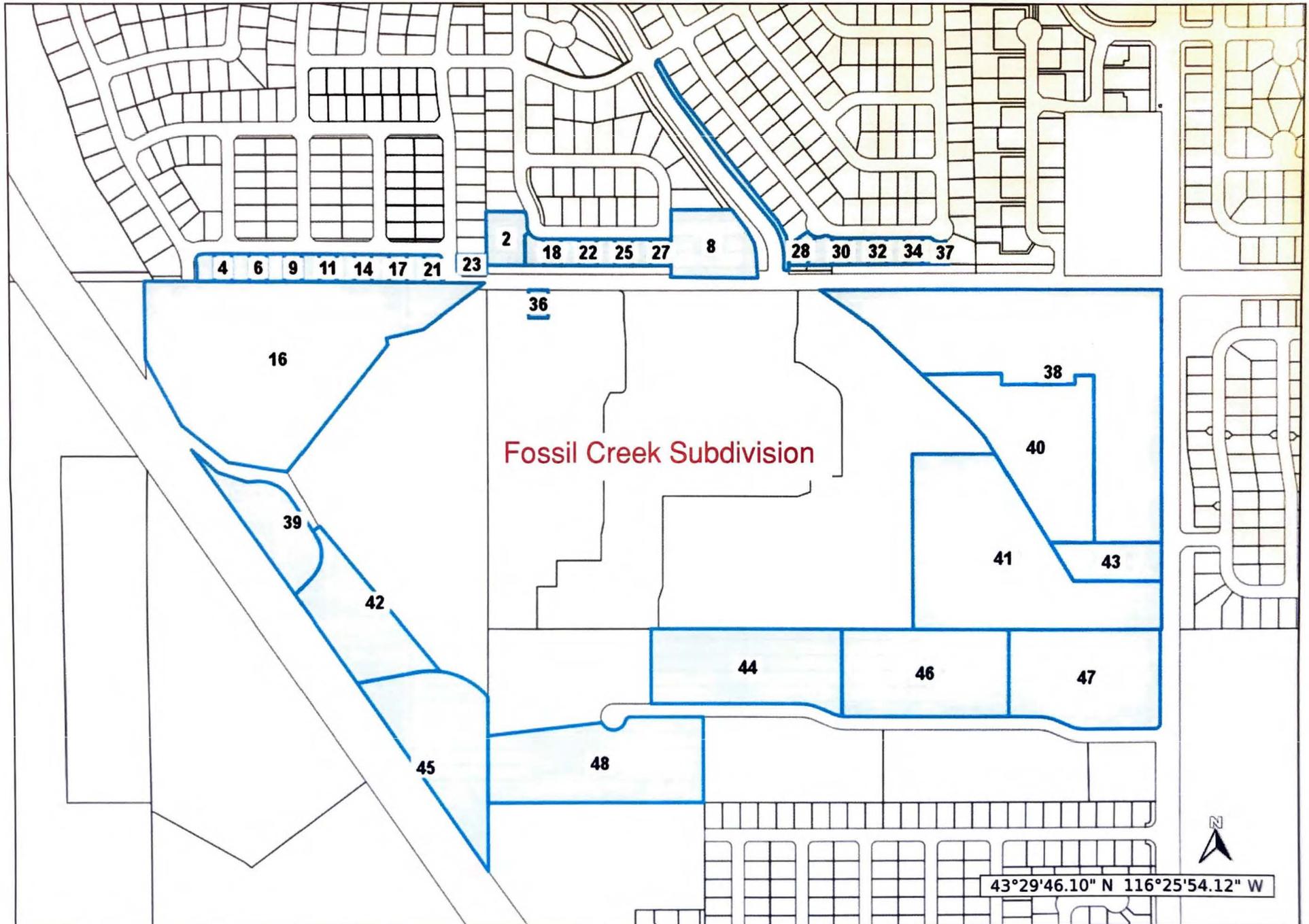


VICINITY MAP

1"=500'

Fossil Creek

Neighboring Parcels Map



**Fossil Creek Subdivision
Neighboring Parcels Information**

Label ID	Parcel	Property Address	Property City	Primary Owner	Second Owner	Owner Address	Owner City
1	R1610570010	N SHAYLA AVE	KUNA, ID 83634-0000	CRIMSON POINT SUBDIVISION HOA		2155 W CRENSHAW ST	KUNA, ID 83634-0000
2	R1610590370	1561 N VINIFERA AVE	KUNA, ID 83634-0000	WINKLE JAMES C JR	WINKLE KAREN L	1561 N VINIFERA AVE	KUNA, ID 83634-0000
3	R1610561040	2725 W QUILCEDA ST	KUNA, ID 83634-0000	COREY BARTON HOMES INC		1977 E OVERLAND RD	MERIDIAN, ID 83642-0000
4	R1610561020	2701 W QUILCEDA ST	KUNA, ID 83634-0000	COREY BARTON HOMES INC		1977 E OVERLAND RD	MERIDIAN, ID 83642-0000
5	R1610561000	2679 W QUILCEDA ST	KUNA, ID 83634-0000	COREY BARTON HOMES INC		1977 E OVERLAND RD	MERIDIAN, ID 83642-0000
6	R1610560980	2665 W QUILCEDA ST	KUNA, ID 83634-0000	COREY BARTON HOMES INC		1977 E OVERLAND RD	MERIDIAN, ID 83642-0000
7	R1610560960	2647 W QUILCEDA ST	KUNA, ID 83634-0000	COREY BARTON HOMES INC		1977 E OVERLAND RD	MERIDIAN, ID 83642-0000
8	S1315438700	2110 W DEER FLAT RD	KUNA, ID 83634-0000	CRITCHER STEVEN	CRITCHER BEVERLY JEAN	2110 W DEER FLAT RD	KUNA, ID 83634-1224
9	R1610560940	2629 W QUILCEDA ST	KUNA, ID 83634-0000	COREY BARTON HOMES INC		1977 E OVERLAND RD	MERIDIAN, ID 83642-0000
10	R1610560920	2611 W QUILCEDA ST	KUNA, ID 83634-0000	COREY BARTON HOMES INC		1977 E OVERLAND RD	MERIDIAN, ID 83642-0000
11	R1610560900	2593 W QUILCEDA ST	KUNA, ID 83634-0000	COREY BARTON HOMES INC		1977 E OVERLAND RD	MERIDIAN, ID 83642-0000
12	R1610590380	2255 W QUILCEDA ST	KUNA, ID 83634-0000	WEAVER TAMMY		2255 W QUILCEDA ST	KUNA, ID 83634-0000
13	R1610560880	2575 W QUILCEDA ST	KUNA, ID 83634-0000	COREY BARTON HOMES INC		1977 E OVERLAND RD	MERIDIAN, ID 83642-0000
14	R1610560860	2557 W QUILCEDA ST	KUNA, ID 83634-0000	COREY BARTON HOMES INC		1977 E OVERLAND RD	MERIDIAN, ID 83642-0000
15	R1610560840	2539 W QUILCEDA ST	KUNA, ID 83634-0000	COREY BARTON HOMES INC		1977 E OVERLAND RD	MERIDIAN, ID 83642-0000
16	S1322212500	2459 W DEER FLAT RD	KUNA, ID 83634-0000	DB DEVELOPMENT LLC		2228 W PIAZZA ST	MERIDIAN, ID 83646-0000
17	R1610560820	2521 W QUILCEDA ST	KUNA, ID 83634-0000	ROSS SIDNEY JR	ROSS NANCY	2521 W QUILCEDA ST	KUNA, ID 83634-0000
18	R1610590390	2235 W QUILCEDA ST	KUNA, ID 83634-0000	HAYES DAMON E	HAYES TYANNE	2235 W QUILCEDA ST	KUNA, ID 83634-0000
19	R1610560800	2501 W QUILCEDA ST	KUNA, ID 83634-0000	COREY BARTON HOMES INC		1977 E OVERLAND RD	MERIDIAN, ID 83642-0000
20	R1610590400	2217 W QUILCEDA ST	KUNA, ID 83634-0000	BRIGGS MICKEY	BRIGGS MONICA	2217 W QUILCEDA ST	KUNA, ID 83634-0000
21	R1610670520	2475 W QUILCEDA ST	KUNA, ID 83634-0000	TUCKER TREVOR		2475 W QUILCEDA ST	KUNA, ID 83634-0000
22	R1610590410	2199 W QUILCEDA ST	KUNA, ID 83634-0000	CARPENTER SAMUEL	CARPENTER MICHELLE	2199 W QUILCEDA ST	KUNA, ID 83634-0000
23	R1610670020	1584 N VERIDIAN AVE	KUNA, ID 83634-0000	HIBBARD DENISE L		1584 N VERIDIAN AVE	KUNA, ID 83634-0000
24	R1610590420	2181 W QUILCEDA ST	KUNA, ID 83634-0000	AIRCRAFT CRASH FIRE RESCUE LLC		2360 UA AVE	EMMETT, ID 83617-0000
25	R1610590430	2163 W QUILCEDA ST	KUNA, ID 83634-0000	WUEHLER TRUST 03/23/2018	WUEHLER JAMES A TRUSTEE	2163 W QUILCEDA ST	KUNA, ID 83634-0000
26	R1610590440	2145 W QUILCEDA ST	KUNA, ID 83634-0000	CRANFORD LIVING TRUST FOR THE BENEFIT OF MARY E TIPPS		2145 W QUILCEDA ST	KUNA, ID 83634-0000
27	R1610590450	2125 W QUILCEDA ST	KUNA, ID 83634-0000	HARRIS JEFFREY R	HARRIS KATRINA D	2125 W QUILCEDA ST	KUNA, ID 83634-0000
28	R1610580132	1539 N FIREBRICK DR	KUNA, ID 83634-0000	BONHAM KARIN		1539 N FIREBRICK DR	KUNA, ID 83634-0000
29	R1610580145	1537 N FIREBRICK DR	KUNA, ID 83634-0000	SERNA FAMILY LIVING TRUST 10/27/16	SERNA JOHN ALLEN TRUSTEE	1537 N FIREBRICK DR	KUNA, ID 83634-0000
30	R1610610020	1993 W FELTSON ST	KUNA, ID 83634-0000	NEW CENTURY PROPERTY MANAGEMENT LLC		1993 W FELTSON ST	KUNA, ID 83634-4801
31	R1610610030	1971 W FELTSON ST	KUNA, ID 83634-0000	KNOELK ROBYN		1971 W FELTSON ST	KUNA, ID 83634-0000
32	R1610610040	1949 W FELTSON ST	KUNA, ID 83634-0000	BURGESS KYLE C	BURGESS COURTNEY R PIVA	1949 W FELTSON ST	KUNA, ID 83634-0000
33	R1610610050	1927 W FELTSON ST	KUNA, ID 83634-0000	LAURSEN DAWN M	LAURSEN TRAVIS R	1927 W FELTSON ST	KUNA, ID 83634-0000
34	R1610610060	1905 W FELTSON ST	KUNA, ID 83634-0000	WOLVERTON TRENTON LEVI		1905 W FELTSON ST	KUNA, ID 83634-0000
35	R1610610070	1873 W FELTSON ST	KUNA, ID 83634-0000	PETERSON KATHARINA B	PETERSON GARY J JR	12961 N HAUSER LAKE RD	HAUSER, ID 83854-0000
36	S1322120800	2221 W DEER FLAT RD	KUNA, ID 83634-0000	CROWN CASTLE TOWERS 09 LLC		4017 WASHINGTON RD	MCMURRAY, PA 15317-0000
37	R1610610080	W FELTSON ST	KUNA, ID 83634-0000	CRIMSON POINT SUBDIVISION HOA		2155 W CRENSHAW ST	KUNA, ID 83634-0000
38	S1322111056	1795 W DEER FLAT RD	KUNA, ID 83634-0000	LETE FAMILY REVOCABLE TRUST		1795 W DEER FLAT RD PMB 301	KUNA, ID 83634-0000
39	S132212560	N BLACK CAT RD	KUNA, ID 83634-0000	DYMENCORE LLC		3963 N DIXON AVE	MERIDIAN, ID 83646-0000
40	S1322111061	W DEER FLAT RD	KUNA, ID 83634-0000	LETE FAMILY REVOCABLE TRUST		1795 W DEER FLAT RD PMB 301	KUNA, ID 83634-0000
41	S1322110400	1233 N TEN MILE RD	KUNA, ID 83634-0000	ADKINS ELEANOR		1265 N TEN MILE RD	KUNA, ID 83634-1248
42	S132212600	N BLACK CAT RD	KUNA, ID 83634-0000	DYMENCORE LLC		PO BOX 1011	PAYETTE, ID 83661-1011
43	S1322110500	1265 N TEN MILE RD	KUNA, ID 83634-0000	ADKINS ELEANOR		1265 N TEN MILE RD	KUNA, ID 83634-1248
44	R7794480075	2150 W SECLUDED CT	KUNA, ID 83634-0000	MARSALA JOHN L	MARSALA CLARE H	2150 W SECLUDED CT	KUNA, ID 83634-1272
45	S1322244360	N BLACK CAT RD	KUNA, ID 83634-0000	DYMENCORE LLC		3963 N DIXON AVE	MERIDIAN, ID 83646-0000
46	R7794480050	1830 W SECLUDED CT	KUNA, ID 83634-0000	JACOBSON MARK C	JACOBSON CLAUDIA J	1830 W SECLUDED CT	KUNA, ID 83634-0000
47	R7794480010	1700 W SECLUDED CT	KUNA, ID 83634-0000	RAZUTIS DANIEL J	RAZUTIS JUDITH K	1700 W SECLUDED CT	KUNA, ID 83634-1273
48	R7794480125	2251 W SECLUDED CT	KUNA, ID 83634-0000	BLANCHARD RYAN	BLANCHARD AUDREY	2251 W SECLUDED CT	KUNA, ID 83634-0000

EXHIBIT B-8



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

April 3, 2020

Troy Behuin
City of Kuna, Planning and Zoning Department
P.O. Box 13
Kuna, ID 83634

VIA EMAIL

Development Application	20-01-S
Project Name	FOSSIL CREEK SUBDIVISION
Project Location	Southwest corner of Ten Mile Road and Deer Flat Road, west of SH-69 milepost 3.0
Project Description	Construct a subdivision consisting of 272 residential units
Applicant	Jane Suggs

The Idaho Transportation Department (ITD) reviewed the referenced preliminary plat application and has the following comments:

1. This project does not abut the State Highway system.
 2. Correspondence within the application indicates a Traffic Impact Study (TIS) is being done for this development. ITD requests a copy of the TIS to determine the impact of trips generated by this development on the State Highway system. ITD reserves the right to make further comments upon review of any additionally submitted documents.
 3. ITD needs more information on the trip generations to determine what mitigations, if any, that the applicant may be required to construct on the State Highway system. ITD objects to the proposed application due to insufficient traffic analysis as noted in item 2.
 4. Once traffic concerns have been resolved with ITD Staff, ITD will withdraw any objection to the proposed application.
-

EXHIBIT B-8



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 8028 • Boise, ID 83707-2028

(208) 334-8300 • itd.idaho.gov

If you have any questions, you may contact Ken Couch at (208) 332-7190 or me at (208) 334-8338.

Sincerely,

A handwritten signature in blue ink that reads 'Sarah Arjona'.

Sarah Arjona
Development Services Coordinator
Sarah.Arjona@itd.idaho.gov



EXHIBIT B-9

Troy Behunin

From: Phil Roberts <proberts@kunafire.com>
Sent: Monday, March 30, 2020 9:04 AM
To: Troy Behunin
Cc: Reggie Edwards
Subject: RE: Fossil Creek Sub Request for Comments

Categories: Agency Comments

Troy, One issue that keeps coming up is a Second access. Each phase over 30 lots has to have this second access. We can approve a temporary if a period of time as long as the permanent is coming in the very near future. Looks like this subdivision has four phases. Reggie will be completing the final plat for hydrant spacing and any other concerns he may have.

*Phil Roberts
Fire Chief
Kuna Rural Fire District
208-922-1144 Ext 101
208-922-1982 Fax
208-870-3057 Cell*



From: Troy Behunin <tbehunin@kunaid.gov>
Sent: Friday, March 27, 2020 5:19 PM
To: ACHD <planningreview@achdidaho.org>; Becky Rone - Kuna USPS Addressing <rebecca.i.rone@usps.gov>; Bob Bachman <bbachman@kunaid.gov>; Boise Project Brd Cntrl <TRitthaler@boiseproject.org>; Boise-Kuna Irrigation Distr. <laurenboehlke@yahoo.com>; Brent Moore <bmoore@adacounty.id.gov>; Cable One Business <Adam.ingram@cableone.biz>; Cable One t.v. <cheryl.goettsche@cableone.biz>; Central District Health Dept. CDHD <lbadigia@cdhd.idaho.gov>; Phil Roberts <proberts@kunafire.com>; COMPASS <cmiller@compassidaho.org>; Dave R. - KSD <Dreinhart@kunaschools.org>; DEQ <Alicia.martin@deq.idaho.gov>; Eric Adolfson <eadolfson@compassidaho.org>; Idaho Power <bwatson2@idahopower.com>; Idaho Power - Jacky Chris <easements@idahopower.com>; Idaho Power - K Funke <kfunke@idahopower.com>; Intermountain Gas <robert.miller@mdu.com>; Intermountain Gas <bryce.ostler@intgas.com>; ITD <D3Development.Services@itd.idaho.gov>; J&M Sanitation - Chad Gordon <Chad.Gordon@jmsanitation.com>; Jim O. - KSD <Jim@kunaschools.org>; Julie Stanley - Regional Address Mgmt. <Julie.R.Stanley@usps.gov>; Kuna Police Chief <so4217@adaweb.net>; Kuna Postmaster - Marc C. Boyer <marc.c.boyer@usps.gov>; Kuna School District <kbekkedahl@kunaschools.org>; Kuna School District <bsaxton@kunaschools.org>; Kuna School District <wjohanson@kunaschools.org>; Lisa Holland <lholland@kunaid.gov>; Mike Borzick <mborzick@kunaid.gov>; New York Irrigation District <terri@nyid.org>; Paul Stevens <PStevens@kunaid.gov>; Planning Mgr: Ada County Development Services <jboal@adaweb.net>; Reggie Edwards <redwards@kunafire.com>
Subject: Fossil Creek Sub Request for Comments

Evening Salutations everyone,

Please review the attached PDF for the Fossil Creek Subdivision request by Trilogy Development. This is a revised plan for a previously approved preliminary plat. Please return relevant comments about the service you office provides to our office by the date requested. If you need additional time, please notify our office as soon as possible. If you need additional information and/or paper copies, we will be happy to send them your way.

Thanks in advance,
Troy

Troy Behunin
Planner III
City of Kuna
751 W. 4th Street
Kuna, ID 83634
TBehunin@Kunald.Gov

CONFIDENTIALITY NOTICE

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**DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR THE
FOSSIL CREEK SUBDIVISION**

_____, 20____

NOTICE

THE FOLLOWING IS A VERY IMPORTANT DOCUMENT WHICH EACH AND EVERY POTENTIAL OWNER OF PROPERTY WITHIN THE FOSSIL CREEK SUBDIVISION SHOULD READ AND UNDERSTAND. THIS DOCUMENT DETAILS THE OBLIGATIONS AND PROHIBITIONS IMPOSED UPON ALL OWNERS AND OCCUPANTS.

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**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE FOSSIL CREEK SUBDIVISION**

This Declaration of Covenants, Conditions and Restrictions for the Fossil Creek Subdivision (this "Declaration") is made effective this ____ day of _____, 20__, by Corey Barton and/or Corey Barton Homes, Inc., an Idaho corporation doing business as CBH Homes (collectively "Declarant").

ARTICLE I: PROPERTY AND PURPOSE

Section 1. Property Covered. The initial property subject to this Declaration is legally described on the attached Exhibit A, which is made a part hereof ("Property"). The Property is phase 1 of the entire Fossil Creek Subdivision as described on the attached Exhibit B, which is made a part hereof ("Fossil Creek Subdivision"). It is currently anticipated that the remainder of the Fossil Creek Subdivision shall be platted, annexed into the Property and made subject to this Declaration. **Each Owner, as hereinafter defined, covenants and agrees that 1) the remainder of the Fossil Creek Subdivision can be platted, annexed into the Property and made subject to this Declaration, and 2) he/she/it shall not contest any such platting, annexation and/or subjection to this Declaration.**

This Declaration is for the benefit of the Declarant, the Association and all Owners of any portion of the Property, as that term is hereafter defined.

Section 2. Purpose of Declaration. The purpose of this Declaration is to set forth the basic Restrictions, as that term is hereafter defined, that will apply to the Property, and use of any and all portions thereof. The Restrictions contained herein are designed to protect, enhance and preserve the value, amenities, desirability, and attractiveness of the Property in a cost effective and administratively efficient manner.

ARTICLE II: DECLARATION

Declarant hereby declares that the Property, and each Lot, Dwelling Unit, parcel or portion thereof, is and/or shall be held, sold, conveyed, encumbered, used, occupied and improved subject to the following terms and Restrictions, all of which are declared and agreed to be in furtherance of a general plan for the protection, maintenance, subdivision, improvement and sale of the Property, and to enhance the value, desirability and attractiveness thereof.

ARTICLE III: DEFINITIONS

Section 1. "Architectural Committee" shall mean the architectural committee of the Association established pursuant to Article X herein.

Section 2. "Assessments" shall mean Regular Assessments, Special Assessments and Limited Assessments.

Section 3. "Association" shall mean the Fossil Creek Subdivision Homeowners' Association, Inc., its successors and/or assigns.

Section 4. "Board" shall mean the Board of Directors of the Association.

Section 5. "Common Lots" shall mean all real property (including the Improvements thereto) owned by the Association for the common benefit and enjoyment of the Owners. The Common Lots are legally described on the attached Exhibit C, which is made a part hereof.

Section 6. "Declarant" shall mean collectively Corey Barton and/or Corey Barton Homes, Inc., an Idaho corporation doing business as CBH Homes, or their permitted assigns.

Section 7. "Dwelling Unit" shall mean single family, detached residential houses to be constructed on each Lot.

Section 8. "Improvement" shall mean any structure, facility or system, or other improvement or object, whether permanent or temporary, which is erected, constructed, placed upon, under or over any portion of the Property, including, without limitation, Dwelling Units, fences, landscaping, streets, roads, drives, driveways, parking areas, sidewalks, bicycle paths, curbs, walls, rocks, signs, lights, mail boxes, electrical lines, pipes, pumps, ditches, waterways, recreational facilities, grading, utility improvements, dog runs and/or kennels, play equipment, and any other exterior construction or exterior improvement which may not be included in the foregoing. Improvement(s) includes both original improvements existing on the Property on the date hereof and/or all later additions and/or alterations.

Section 9. "Limited Assessment" shall mean a charge against a particular Owner and such Owner's Lot, directly attributable to the Owner, equal to the cost incurred by the Association in connection with corrective action performed pursuant to the provisions of this Declaration or any supplemental declaration, including, without limitation, damage to the Common Lots or the failure of an Owner to keep his or her Lot or Dwelling Unit in proper repair.

Section 10. "Lot" shall mean any lot shown on the Plat with the exception of the Common Lots.

Section 11. "Member" shall mean each Person holding a membership in the Association, including Declarant.

Section 12. "Mortgage" shall mean any mortgage, deed of trust, or other document pledging any portion of the Property or interest therein as security for the payment of a debt or obligation.

Section 13. "Owner" shall mean the record owner, other than Declarant, whether one or more Persons, of a fee simple title to any Lot which is a part of the Property, including contract sellers and builders, but excluding those having such interest merely as security for the performance of an obligation.

Section 14. "Person(s)" shall mean any individual, partnership, corporation or other legal entity, including Declarant.

Section 15. "Plat" shall mean the Fossil Creek Subdivision No. 1 final plat filed in Book

_____ of Plats at Pages _____ through _____, Records of Canyon County, Idaho, a copy of which is attached hereto as Exhibit D, and made a part hereof.

Section 16. "Pressurized Irrigation System" shall mean that certain non-potable water irrigation delivery system further described in Article V.

Section 17. "Property" shall mean that certain real property legally described on the attached Exhibit A, and such other annexations or other additions thereto as may hereafter be brought within the jurisdiction of this Declaration.

Section 18. "Regular Assessments" shall mean the cost of maintaining, improving, repairing, managing and operating the Common Lots, including all Improvements thereon or thereto, and all other costs and expenses incurred to conduct the business and affairs of the Association which is levied against the Lot of each Owner by the Association, pursuant to the terms of this Declaration or any supplemental declaration.

Section 19. "Restrictions" shall mean the restrictions, covenants, limitations, conditions and equitable servitudes that will apply to the Property and use of any and all portions thereof as specified in this Declaration.

Section 20. "Special Assessments" shall mean that portion of the costs of the capital improvements or replacements, equipment purchases and replacements or shortages in Regular Assessments paid to the Association pursuant to the provisions of this Declaration or any supplemental declaration.

ARTICLE IV: GENERAL USES AND REGULATION OF USES

Section 1. Single Family Lots. Each Lot shall be used for detached single family residential purposes only, and for the common social, recreational or other reasonable uses normally incident to such use, and also for such additional uses or purposes as are from time to time determined appropriate by the Board. Lots may be used for the purposes of operating the Association and for the management of the Association if required. The provisions of this Section shall not preclude Declarant from conducting sales, construction, development and related activities from Lots owned by Declarant.

No shack, tent, trailer house, basement only, split entry, manufactured, mobile or pre-built homes shall be allowed. No Dwelling Units shall be more than two stories above ground.

Section 2. Common Lots. The Association shall own and be responsible for the maintenance, repair and replacement of the Common Lots including any and all Improvements located thereon. The Association shall maintain and operate these Common Lots in a competent and attractive manner, including the watering, mowing, fertilizing and caring for any and all lawns, shrubs and trees thereon. Nothing shall be altered or constructed in or removed from the Common Lots except upon written consent of the Board and in accordance with procedures required herein and by law. Every Owner shall have a right and easement of enjoyment in and to the Common Lots which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

(a) the right of the Association to charge reasonable admission and other fees or Assessments for the use of any recreational facility situated upon a Common Lot;

(b) the right of the Association to adopt rules and regulations governing the use of any recreational facility situated upon a Common Lot; and

(c) the right of the Association to suspend the voting rights and use of any recreational facility by an Owner for any period during which any Assessment remains unpaid and/or for any infraction of its rules and regulations.

The Common Lots cannot be mortgaged, conveyed or encumbered without the approval of at least two-thirds (2/3) of the Class A Members. If ingress or egress to any Lot is through any portion of the Common Lots, any such conveyance or encumbrance shall be subject to an easement of the Owners for the purpose of ingress and egress.

Section 3. Home Occupations. Assuming all governmental laws, rules, regulations, and ordinances are complied with, home occupations may be conducted from the interior of Dwelling Units **provided such home occupations do not increase the burdens on the streets within the Property (including increased traffic)**. If the Board determines, in its sole and absolute discretion, that a home occupation is increasing the burden on the streets, the Board shall have the right to terminate any Owner's ability to conduct a home occupation from his or her Dwelling Unit. Notwithstanding the foregoing, Declarant may conduct any business operation they see fit from any portion of the Property owned by them, regardless of the impact on the streets.

Section 4. Vehicle Storage. Unenclosed areas, which include driveways and all other unenclosed areas within the Property, are restricted to use for temporary parking of operative motor vehicles of Owners and their guests, invitees and licensees, provided that such vehicles are parked so as to not interfere with any other Owner's right of ingress and egress to his or her Dwelling Unit. Notwithstanding the foregoing, the parking of equipment (lawn or otherwise), inoperative vehicles, motor homes, campers, trailers, boats, any other recreational vehicles and other items on the Property is strictly prohibited unless parked within an Owner's garage (and said garage door is closed) or other enclosed area approved by the Architectural Committee.

The Board may remove any inoperative vehicle, or any unsightly vehicle, and any other vehicle, motor home, camper, trailer, boat, equipment or item improperly parked or stored after three (3) days' written notice, at the risk and expense of the owner thereof.

Section 5. Compliance With Laws, Rules and Ordinances. No Owner shall permit anything to be done or kept in his or her Lot or Dwelling Unit or any part of the Common Lots which would be in violation of any laws, rules, regulations or ordinances.

Section 6. Signs. No sign of any kind shall be displayed on any Lot or Dwelling Unit without the prior written consent of the Board; provided however, one sign of not more than five (5) square feet advertising the Lot for sale may be installed on any Lot, but the sign shall be removed within five (5) days following sale. Notwithstanding the foregoing, Declarant may display any sign they see fit on any portion of the Property owned by Declarant.

Section 7. Pets. No animals (which term includes livestock, domestic animals, poultry, reptiles and any other living creature of any kind) shall be raised, bred or kept in any Dwelling Unit, Lot or in the Common Lots, whether as pets or otherwise; provided however, that this provision shall not prohibit Owners from having two (2) or less dogs and/or cats (i.e. an Owner may have a maximum of two (2) dogs, two (2) cats or one (1) dog and one (1) cat). The Board may at any time require the removal of

any animal, including domestic dogs and cats, which it finds is creating unreasonable noise or otherwise disturbing the Owners unreasonably, in the Board's determination, and may exercise this authority for specific animals even though other animals are permitted to remain. All dogs shall be walked on a leash only and shall not be allowed to roam or run loose, whether or not accompanied by an Owner or other person. All Owners shall be responsible for picking up and properly disposing of all organic waste of their domestic dogs and cats.

Section 8. Nuisance. No noxious or offensive activity shall be carried on in any Dwelling Unit, Common Lots or Lot, nor shall anything be done therein which may be or become an annoyance or nuisance to other Owners. No rubbish or debris of any kind shall be placed or permitted to accumulate anywhere upon the Property, including the Common Lots, and no odor shall be permitted to arise from any portion of the Property so as to render the Property or any portion thereof unsanitary, unsightly, offensive or detrimental to the Property or to its occupants or residents, or to any other property in the vicinity thereof. No noise, obstructions to pedestrian walkways, unsightliness, or other nuisance shall be permitted to exist or operate upon any portion of the Property so as to be offensive or detrimental to the Property or to its occupants or residents or to other property in the vicinity thereof, as determined by the Board, in its reasonable judgment, or in violation of any federal, state or local law, rule, regulation or ordinance. Without limiting the generality of any of the foregoing, no whistles, bells or other sound devices (other than security devices used exclusively for security purposes which have been approved by the Architectural Committee), flashing lights or search lights, shall be located, used or placed on the Property. No unsightly articles shall be permitted to remain on any Lot so as to be visible from any other portion of the Property. Without limiting the generality of the foregoing, refuse, garbage, garbage cans, trash, trash cans, dog houses, equipment, gas canisters, propane gas tanks, barbecue equipment, heat pumps, compressors, containers, lumber, firewood, grass, shrub or tree clippings, metals, bulk material, and scrap shall be screened from view at all times. No clothing or fabric shall be hung, dried or aired in such a way as to be visible to any other portion of the Property. In addition, no activities shall be conducted on the Property, and no Improvements shall be constructed on any Property which are or might be unsafe or hazardous to any Person or property.

Section 9. Exterior Improvements, Appearance and Emergency Maintenance. **No Owner shall install or place any item or construct any Improvement on any Lot or the exterior of his or her Dwelling Unit without the prior written consent of the Architectural Committee. In addition, all Owners shall keep and maintain their Lots and Dwelling Unit exteriors in a repaired, attractive, clean and habitable condition as determined by the Board in its reasonable judgement.** In the event any Owner does not satisfy this standard, the Board and its agents or employees, may, after thirty (30) days' prior written notice to such Owner, enter such Lot to make such repairs or perform such maintenance as to bring such Lot and/or Dwelling Unit exterior into compliance with this Section. The cost of any such repairs and maintenance shall be treated as a Limited Assessment to such Owner. In the event an emergency which in the judgment of the Board presents an immediate threat to the health and safety of the Owners, their guests or invitees, or an immediate risk of harm or damage to any Lot, Dwelling Unit or any other part of the Property, the Board and its agents or employees, may enter any Lot to make repairs or perform maintenance. Such entry shall be repaired by the Board out of the common expense fund if the entry was due to an emergency (unless the emergency was caused by an Owner in which case the cost shall be treated as a Limited Assessment and charged only to that Owner). If the repairs or maintenance were requested by an Owner, the costs thereof shall be treated as a Limited Assessment to such Owner.

Section 10. Outbuildings. All outbuildings shall be pre-approved in writing by the Architectural Committee and be constructed of quality building material, completely finished and painted

on the outside and shall be of quality and character that will be in harmony with the other buildings on the Property.

Section 11. Fences. Fences are not required. If a fence is desired, plans for such fence shall be pre-approved in writing by the Architectural Committee. Fences shall be of good quality and workmanship and shall be properly finished and maintained. Fences may be built of wood, such as dog-eared cedar, vinyl or wrought iron. Chain link fences are prohibited. Interior fencing adjacent to any Common Lots shall allow visibility from the street or, if solid fencing is used, shall not exceed four feet (4') in height. No fence shall be higher than six feet (6') in height. Fences shall not be built closer to the front of a Lot than the corner of the Dwelling Unit on either side. The location of fences, hedges, high plantings, obstructions, or barriers shall be so situated as to not unreasonably interfere with the enjoyment and use of any other portion of the Property and shall not be allowed to constitute an undesirable, nuisance or noxious use.

Section 12. Antennae. Antennae and/or satellite or other dishes shall be placed in the back yards or mounted on the back or side of all Dwelling Units and shall be placed and/or mounted in such a way to minimize the visual impact to all other portions of the Property.

Section 13. Insurance. Nothing shall be done or kept in any Dwelling Unit, Lot or Common Lots which will increase the rate of insurance on the Common Lots or any other Dwelling Unit or Lot. Each Owner must maintain a homeowner's insurance policy insuring the homeowner from loss by fire, theft, and all other loss or damage.

Section 14. Drainage. All Lots and Common Lots shall be graded such that all storm water and other water drainage shall run across a curb or to a drainage easement and no drainage shall cross from a Lot or Common Lot onto another Lot or Common Lot except within an applicable drainage easement.

Section 15. Garages. Garages shall be well constructed of good quality material and workmanship. All Dwelling Units shall have attached, enclosed garages which hold no less than two vehicles. To the extent possible, garage doors must remain closed at all times.

Section 16. Construction Commencement, Completion and Other Activities. Each Owner of a Lot originally purchased from Declarant must commence construction of his or her Dwelling Unit and all other Lot Improvements within one year from the closing date thereof, unless otherwise agreed by Declarant. Once such construction has commenced, such Owner shall have twelve months from the commencement date in which to complete construction of the Dwelling Unit and all other Lot Improvements. **In the event any Owner violates either (or both) of the construction time requirements contained herein, said Owner shall pay to Declarant a penalty of \$100/day for as long as the violation persists. This penalty is applicable to both the construction commencement and construction completion requirements.** Any penalty, or penalties, shall be due and payable within thirty days of receiving an invoice therefore.

Section 17. Construction Equipment. No construction machinery, building equipment, or material shall be stored upon any Lot until the Owner is ready and able to immediately commence construction. Such machinery, equipment and materials must be kept within the boundaries of the Lot.

Section 18. Damage to Improvements. It shall be the responsibility of an Owner to leave street curbs, sidewalks, fences, utility facilities, tiled irrigation lines, if any, and any other existing Improvements free of damage and in good and sound condition during any construction period. It shall be

conclusively presumed that all such Improvements are in good sound condition at the time building has begun on each Lot unless the contrary is shown in writing at the date of conveyance or by date of possession, whichever date shall first occur, which notice is addressed to a member of the Architectural Committee.

Section 19. Garbage Pick-Up. Garbage and recycle containers shall be placed on the appropriate sidewalks or driveways only on garbage and recycle collection days, and such containers must be removed no later than 8:00pm that evening.

Section 20. No Further Subdivision. No Lot may be further subdivided; provided, however, that this Section is not applicable to Declarant who may further subdivide any Lot owned by it.

ARTICLE V: PRESSURIZED IRRIGATION SYSTEM

Non-potable (non-drinkable) irrigation water will be supplied to the Property by the City of Kuna utilizing a pressurized irrigation system which may include main lines, pumps, sprinkling clocks, service lines, valves, and other facilities located on or near the Property ("Pressurized Irrigation System").

The Pressurized Irrigation System will be used for all irrigation, including the irrigation of the Common Lots and Lots. By accepting a deed to any portion of the Property, each Owner hereby agrees to pay its proportionate share of Association Assessments and District assessments associated with the operation and maintenance of the Pressurized Irrigation System. In addition, each Owner covenants and agrees to hold the Association and Declarant harmless from any and all liability for damages or injuries to their children, guests, agents, or invitees caused by the Pressurized Irrigation System.

ARTICLE VI: INSURANCE

Section 1. Insurance. The Association may obtain insurance from insurance companies authorized to do business in the State of Idaho, and maintain in effect any insurance policy the Association deems necessary or advisable, which shall include, without limitation, the following policies to the extent its is possible for the Association to obtain the same:

(a) Fire insurance including those risks embraced by coverage of the type known as the broad form or "All Risk" or special extended coverage endorsement on a blanket agreed amount basis for the full insurable replacement value of all Improvements, equipment and other property located within the Common Lots;

(b) Comprehensive general liability insurance insuring the Association and its agents and employees, invitees and guests against any liability incident to the ownership, management, maintenance and/or use of the Common Lots;

(c) Such other insurance to the extent necessary to comply with all applicable laws and such indemnity, faithful performance, fidelity and other bonds as the Association shall deem necessary or required to carry out the Association functions or to insure the Association against any loss from malfeasance or dishonesty of any employee or other person charged with the management or possession of any Association funds or other property.

Section 2. Premiums Included in Assessments. Insurance premiums for the above insurance coverage shall be deemed a common expense to be included in the Regular Assessments levied by the Association.

ARTICLE VII: MEMBERSHIP AND VOTING RIGHTS

Section 1. Membership. Every Owner of a Lot shall be a Member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot which is subject to assessment.

Section 2. Voting Classes. The Association shall have two (2) classes of voting memberships:

Class A. Class A Members shall be all Owners and shall be entitled to one vote for each Lot owned. When more than one Person holds an interest in any Lot, all such Persons shall be Members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one (1) vote be cast with respect to any Lot.

Class B. The Class B Member shall be the Declarant and shall be entitled to five (5) votes for each Lot owned. The Class B membership shall cease when, and if, Declarant has sold all Lots within the Property.

ARTICLE VIII: COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments. **Each Owner of any Lot by acceptance of a deed therefore is deemed to covenant and agree to pay to the Association all Assessments levied thereby. In addition, each Owner upon the purchase of a Lot and Dwelling Unit shall pay a one-time "start-up" assessment for use by the Association.** This one-time start-up assessment shall only be used by the Association for the operation of the Association and/or the performance of its duties and obligations contained herein. All Assessments, together with interest, costs, late fees and reasonable attorneys' fees, shall be a continuing lien upon the Lot against which each such Assessment is made. Each such Assessment, together with interest, costs, and reasonable attorneys' fees, shall also be the personal obligation of the Person who was the Owner of such Lot at the time when the Assessment fell due. The personal obligation for delinquent Assessments shall not pass to his or her successors in title unless expressly assumed by them. **Declarant has no obligation to pay Assessments.**

Section 2. Purposes of Assessments. The Assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents in the Property and for any construction, maintenance, and operation of the Common Lots.

Section 3. Uniform Rate of Assessment. Regular and Special Assessments must be fixed at a uniform rate for all Lots.

Section 4. Date of Commencement of Annual Assessments; Due Dates. The Regular Assessments provided for herein shall commence as to all Lots on the first day of the month following the closing of the sale of a Lot from Declarant to an Owner. The first annual assessment shall be pro-rated according to the number of months remaining in the calendar year. Subsequently, the Board shall fix and notify all Owners in writing of the amount of the Regular Assessments against each Lot at least thirty (30) days in advance of each annual Regular Assessment period. The due dates shall be established by the Board, which may be annually, quarterly or monthly as the Board, in its sole discretion, shall determine.

The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the Assessments on a specific Lot have been paid. A properly executed certificate of the Association as to the status of Assessments on a Lot is binding upon the Association as of the date of its issuance.

Section 5. Effect of Nonpayment of Assessments; Remedies of the Association. Any Assessment not paid within thirty (30) days after the due date shall bear interest from that date at a rate equal to the lesser of twelve percent (12%) or the highest rate allowed by applicable law. Additionally, a late fee of \$50.00 shall be added to and charged on each Assessment which is not paid within this payment period. The Association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the Lot. No Owner may waive or otherwise escape liability for the Assessments provided for herein by non-use of the Common Lots or abandonment of his or her Lot.

Section 6. Subordination of the Lien to Mortgages. The lien of the Assessments provided for herein shall be subordinate to the lien of any first Mortgage. Sale or transfer of any Lot shall not affect the Assessment lien. However, the sale or transfer of any Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof, shall extinguish the lien of such Assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any Assessments thereafter becoming due or from the lien thereof.

ARTICLE IX: AUTHORITY OF BOARD OF DIRECTORS

Section 1. Authority of Board. The Board, for the benefit of the Association and the Owners, shall enforce the provisions of this Declaration and the Association's articles and by-laws, shall have all powers and authority permitted to the Board under the Association's articles of incorporation and by-laws and this Declaration, and shall acquire and shall pay for, out of a common expense fund to be established by the Board, all goods and services requisite for the proper functioning of the Association and the Property, including, but not limited to, the following:

(a) Operation, maintenance and management of the Common Lots, including repair and replacement of property damaged or destroyed by casualty loss.

(b) Water, sewer, garbage collection, electrical, and any other utility service as required for the Common Lots and Pressurized Irrigation System. The Board may arrange for special metering of utilities as appropriate.

(c) Maintenance and repair of storm drains located on the Property, if any, except for those storm drains located on or within the right-of-way of any street, road, alley or other land dedicated to public use.

(d) Policies of insurance providing coverage for fire and other hazard, public liability and property damage, and fidelity bonding as the same are more fully described in the by-laws or this Declaration. **Each Owner shall be responsible for the insurance for his or her Lot, Dwelling Unit and personal property.**

(e) The services of Persons as required to properly manage the affairs of the Association to the extent deemed advisable by the Board as well as such other personnel as the Board shall determine are necessary or proper for the operation of the Property.

(f) Legal and accounting services necessary or proper in the operation of the Association's affairs, administration of the Property, or the enforcement of this Declaration.

(g) Any other materials, supplies, labor services, maintenance, repairs, structural alterations, insurance, taxes or assessments which the Board is required to secure by law or which in its opinion shall be necessary or proper for the operation of the Property or for the enforcement of this Declaration.

(h) The Board shall not incur any non-budgeted expenditure in excess of \$3,000.00 without the approval thereof by two-thirds (2/3) of each class of Members voting thereon at a meeting called for such purpose, except for an emergency threatening the security of any Improvement on the Property.

The Board shall have the absolute right to adopt any rules and regulations it deems to be in the best interest of the Property and the Owners. By accepting a deed to any portion of the Property, all Owners hereby covenant that they will adhere to any such rules or regulations. In addition, the Board shall have the absolute right to hire or otherwise contract with independent third parties to operate, maintain and manage the Common Lots, and to perform any other right, duty or obligation of the Board or Association.

Section 2. Easement. The Association and Board, and their agents and employees, shall have, and are hereby granted, a permanent easement of ingress and egress to enter upon each Lot for the purposes of performing repairs, maintenance and care of the Property as provided herein and for otherwise discharging the responsibilities and duties of the Association and Board as provided in this Declaration.

Section 3. Non-Waiver. The failure of the Board in any one or more instances to insist upon the strict performance of any of the terms or Restrictions of this Declaration, or of the Association's articles of incorporation or by-laws, or to exercise any right or option contained in such documents, or to serve any notice or to institute any action, shall not be construed as a waiver or a relinquishment for the future of such term, or Restriction, but such term, or Restriction shall remain in full force and effect. Failure by the Board to enforce any such term or Restriction shall not be deemed a waiver of the right to do so thereafter, and no waiver by the Board of any provision hereof shall be deemed to have been made unless expressed in writing and signed for the Board. This Section also extends to the Declarant exercising the powers of the Board during the initial period of operation of the Association.

Section 4. Limitation of Liability. The Board shall not be liable for any failure of any utility or other service to be obtained and paid for by the Board, or for injury or damage to a Person or property caused by the elements, or by another Owner or Person; or resulting from electricity, gas, water, rain, dust or sand which may lead or flow from pipes, drains, conduits, appliances, or equipment, or from articles used or stored by Owners on the Property or in Dwelling Units. No diminution or abatement of common expense assessments shall be claimed or allowed for inconveniences or discomfort arising from the making of repairs or Improvements to the Property or from any action taken to comply with any law, ordinance, or order of a governmental authority. This Section shall not be interpreted to impose any form of liability by implication, and shall extend to and apply also for the protection of the Declarant exercising the powers of the Board during the initial period of operation of the Association and the Property.

Section 5. Indemnification of Board Members. Each member of the Board shall be indemnified by the Association and the Owners against all expenses (including attorneys' fees), judgments, liabilities, fines and amounts paid in settlement, or actually and reasonably incurred, in connection with any action, suit or proceeding, whether civil, criminal, administrative or investigative instituted by or against the Association or against the Board member and incurred by reason of the fact that he or she is or was a

Board member, if such Board member acted in good faith and in a manner such Board member believed to be in or not opposed to the best interests of the Association, and, with respect to any criminal action or proceeding, had no reasonable cause to believe that such Board member's conduct was unlawful. This Section shall extend to and apply also to the indemnification of the Declarant.

ARTICLE X: ARCHITECTURAL COMMITTEE

Section 1. Charter of Architectural Committee. The Association or Declarant is authorized to appoint an Architectural Committee. The charter of the Architectural Committee is to represent the collective interests of all Owners, and to help Owners wishing to make exterior Improvements. **Each Owner is deemed to covenant and agree to be bound by the terms and conditions of this Declaration, including the standards and process of architectural review and approval. This Article does not apply to the Declarant.**

Section 2. Architectural Control. No exterior Improvement, including, without limitation, Dwelling Unit, building, deck, patio, fence, landscaping, permanent exterior affixed decoration, exterior lighting or heating, cooling and other utility systems shall be altered, erected, or placed on the Property unless and until the building, plot or other plan has been reviewed in advance by the Architectural Committee and same has been approved in writing, and an appropriate building permit has been acquired, if required by law. The review and approval may include, without limitation, topography, finish, ground elevations, landscaping, lighting, drainage, color, material, design, conformity to other residences in the area, and architectural symmetry. Approval of the architectural design shall apply only to the exterior appearance of said Improvements. It shall not be the intent of these restrictions to control the interior layout or design of said structures.

Section 3. Review of Proposed Improvements. The Architectural Committee shall consider and act upon any and all proposals or plans and specifications submitted for its approval pursuant to this Declaration, and perform such other duties from time to time as may be assigned to it by the Board and/or Declarant, including the inspection of construction in progress. The Architectural Committee may condition its approval of proposals upon the agreement of the Owner to an additional assessment for the cost of maintenance and the payment of an architectural review processing fee. The Architectural Committee may require submission of additional plans or review by a professional architect. The Architectural Committee may issue guidelines setting forth procedures for the submission of plans for approval. The Architectural Committee may require such detail in plans and specifications submitted for its review as it deems proper, including, without limitation, floor plans, site plans, drainage plans, elevations, drawings and description of samples of exterior material and colors. Until receipt by the Architectural Committee of any required plans and specifications the Architectural Committee may postpone review of plans. Decisions of the Architectural Committee and the reasons therefor shall be transmitted by the Architectural Committee, in writing, to the applicant at the address set forth in the application for approval within thirty (30) days after filing all materials required by the Architectural Committee. If the Architectural Committee has not accepted (either conditionally or otherwise) or rejected an Owner's application within this thirty (30) day period, such application shall be deemed approved.

Section 4. Inspection of Approved Improvements. Inspection of work and correction of defects therein shall proceed as follows:

(a) Upon completion of any work for which approved plans are required under this Article, the Owner shall give written notice of completion to the Architectural Committee.

(b) Within sixty (60) days thereafter, the Architectural Committee, or its duly authorized representative, may inspect such Improvement. If the Architectural Committee finds that such work was not done in substantial compliance with the approved plans, it shall notify the Owner and the Board in writing of such noncompliance within such sixty (60) day period, specifying the particulars of noncompliance, and shall require the Owner to remedy the same.

(c) If upon the expiration of thirty (30) days from the date of such notification the Owner shall have failed to remedy such noncompliance, the Board may, at its option, exercise its right to enforce the provisions of this Declaration by proceeding at law or in equity on behalf of the Association and/or correcting such noncompliance itself, and may take such other actions as are appropriate, including the levy of a Limited Assessment against such Owner for reimbursement associated with correcting or removing the same pursuant to this Declaration.

Section 5. Review of Unauthorized Improvements. The Architectural Committee may identify for review, Improvements which were not submitted to the approval process as follows:

(a) The Architectural Committee or its duly authorized representative may inspect such unauthorized Improvement.

(b) If the Architectural Committee finds that the work is in noncompliance with this Declaration and/or its standards or guidelines, it shall notify the Owner and the Board in writing of such noncompliance and its request to remedy such noncompliance.

(c) If the Owner has not remedied such noncompliance within a period of not more than forty-five (45) days from his or her receipt of the noncompliance notice, then the Board may, at its option, exercise its right to enforce the provisions of this Declaration by a proceeding at law or in equity on behalf of the Association and/or correcting such noncompliance itself, and may take such other actions as are appropriate, including the levy of a Limited Assessment against such Owner for reimbursement of the costs associated with correcting or removing the same pursuant to this Declaration.

ARTICLE XI: GENERAL PROVISIONS

Section 1. Enforcement. The Association, Declarant and/or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all terms and Restrictions now or hereafter imposed by the provisions of this Declaration. Failure by the Association, Declarant or by any Owner to enforce any term or Restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these terms or Restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

Section 3. Term and Amendment. The terms and Restrictions of this Declaration shall run with and bind the land, for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended by an instrument signed by Declarant (assuming Declarant owns one or more Lots) and the consent of two-thirds (2/3) of the Class A Members. Amendments shall be in the form of supplemental declarations, and must be recorded in the records of Canyon County, Idaho.

Section 4. Annexation. **As described in Article I, Section 1, additional real property consisting of the remainder of the Fossil Creek Subdivision may be annexed into the Fossil Creek Subdivision. These future annexations will be accomplished by Declarant at its sole and absolute**

discretion without any Association, Owner or Class A Member consent. In addition, additional residential property not currently anticipated to be a part of the Fossil Creek Subdivision may be annexed into the Property by Declarant or with the consent of two-thirds (2/3) of the Class A Members. Annexations shall be accomplished by supplemental declarations to this Declaration recorded in the records of Canyon County, Idaho.

Section 5. Duration and Applicability to Successors. The terms and Restrictions set forth in this Declaration shall run with the land and shall inure to the benefit of and be binding upon the Declarant, the Association and all Lot Owners and their successors in interest. **Declarant shall have the absolute right, at their sole and absolute discretion, to assign any and all of Declarant’s rights, duties and/or obligations under this Declaration to any third party. Any such assignment shall be in writing signed by both the assignor and assignee.**

Section 6. Attorneys Fees. In the event it shall become necessary for the Association, Declarant or any Owner to retain legal counsel to enforce any term or Restriction contained within this Declaration, the prevailing party to any court proceeding shall be entitled to recover their reasonable attorneys' fees and costs of suit, including any bankruptcy, appeal or arbitration proceeding.

Section 7. Governing Law. This Declaration shall be construed and interpreted in accordance with the laws of the State of Idaho.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand this _____ day of _____, 20____.

Declarant:

Corey Barton

Corey Barton Homes, Inc.,
an Idaho corporation dba CBH Homes

By: _____
Corey Barton, President

STATE OF IDAHO)
) ss.
County of Ada)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared Corey Barton, known or identified to me to be the person who executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at: _____
My commission expires: _____

STATE OF IDAHO)
) ss.
County of Ada)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared Corey Barton, known or identified to me to be the President of Corey Barton Homes, Inc., the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at: _____
My commission expires: _____

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

EXHIBIT B
DESCRIPTION OF FOSSIL CREEK SUBDIVISION

EXHIBIT C
LEGAL DESCRIPTION OF COMMON LOTS

EXHIBIT D
FOSSIL CREEK SUBDIVISION NO. 1 FINAL PLAT



City of Kuna Design Review Application

P.O. Box 13
Kuna, Idaho 83634
(208) 922.5274
Fax: (208) 922.5989
Website: www.kunacity.id.gov

FILE NO.: _____

CROSS REF.: _____

FILES: _____

The City of Kuna has adopted a Design Review process whose purpose is to make Kuna a pleasant and comfortable place to live and work. This Design Review process is based on standards and guidelines found in the Design Review Ordinance No. 2007-02 and the Architecture and Site Design Booklet. Both documents can be found online (www.cityofkuna.com) or are picked up in the City's Planning and zoning department is located at 751 W 4th Street, Kuna ID.

The Design Review application applies to the following land use actions:

- ▶ Multi- family dwellings (3 or more)
- ▶ Commercial
- ▶ Industrial
- ▶ Institutional
- ▶ Office
- ▶ Common Area
- ▶ Subdivision Signage
- ▶ Proposed Conversions
- ▶ Proposed changes in land use and/or building use or exterior remodeling
- ▶ Exterior restoration, and enlargement or expansion of existing buildings, signs or sites.

Application Submittal Requirements

Applicant Use		Staff Use
<input checked="" type="checkbox"/>	Date of pre- application meeting : <u>8/20/19 - just a replot</u> <i>Note: Pre-Applications are valid for a period of three (3) months.</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	A complete Design Review Application form <i>Note: It is the applicant's responsibility to use a current application.</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Detailed letter of explanation or justification for the application, describing the project and design elements, and how the project complies with Design Review standards.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	One (1) Vicinity Map (8 ½" x 11") at 1" = 300' scale (or similar), label the location of the property and adjacent streets.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	One 8 ½" x 11" colored aerial photo depicting proposed site, street names, and surrounding area within five-hundred feet (500').	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Copy of Deed; and, if the applicant is not the owner, an original notarized statement (affidavit of legal interest) from the owner (and all interested parties) stating the applicant is authorized to submit this application.	<input type="checkbox"/>

Detailed site, landscape, drainage plan, elevation and to scale. (No smaller than 1"=30', unless otherwise approved.)

One of each plan (site, landscape, drainage plan and elevations) is required to be submitted in the following plan sizes:

- (2) 24" x 36" LARGE FORMAT PLANS
- (1) 11" X 17" PLAN REDUCTIONS
- (1) 8 1/2" x 11" PLAN REDUCTIONS

N/A

Provide a color rendering and material sample board specifically noting where each color and material is to be located on the structure.

Note: Provide photo of the colored rendering and material samples board to City Staff electronically in a JPG or PDF format.

The Applicant is obligated to provide a site plan that graphically portrays the site and includes the following features:

Site Plan

✓ Applicant Use

North Arrow

Staff Use

To scale drawings

Property lines

Name of "Plan Preparer" with contact information

Name of project and date

Existing structures, identify those which are to be relocated or removed

On-site and adjoining streets, alleys, private drives and rights-of-way

Drainage location and method of on-site retention / detention

Location of public restrooms

Existing / proposed utility service and any above-ground utility structures and their location

Location and width of easements, canals and drainage ditches

Location and dimension of off-street parking

Locations and sizes of any loading area, docks, ramps and vehicle storage or service areas

Trash storage areas and exterior mechanical equipment, with proposed method of screening

Sign locations (a separate sign application must be submitted with this application)

On-site transportation circulation plan for motor vehicles, pedestrians and bicycles

Locations and uses of ALL open spaces

Locations, types and sizes of sound and visual buffers (Note: all buffers must be located outside the public right-of-way)

Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle

Locations of subdivision lines (if applicable)

Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles

Location of walls and fences and indication of their height and material of construction

Roofline and foundation plan of building, location on the site

Location and designations of all sidewalks

Location and designation of all rights-of-way and property lines

Landscape and Streetscape Plan

The landscape and streetscape plans need to be drawn by the project architect, professional landscape architect, landscape designer, or qualified nurseryman for development's possessing more than twelve thousand (12,000) square feet of private land. The landscaped and streetscape plans must be colored. The Planning Director or City Forester may require the preparation of a landscape plan for smaller developments by one of the noted individuals if the lot(s) have unique attributes.

<input checked="" type="checkbox"/> Applicant Use		<input type="checkbox"/> Staff Use
<input type="checkbox"/>	North Arrow	<input type="checkbox"/>
<input type="checkbox"/>	To scale drawings	<input type="checkbox"/>
<input type="checkbox"/>	Boundaries, property lines and dimensions	<input type="checkbox"/>
<input type="checkbox"/>	Name of "Plan Preparer" with contact information	<input type="checkbox"/>
<input type="checkbox"/>	Name of project and date	<input type="checkbox"/>
<input type="checkbox"/>	Type and location of all plant materials and other ground covers. <i>Please review the City's plant list and rely upon it to identify the site's planting strategy. Include botanical and common name, quantity, spacing and sizes of all proposed landscape materials at the time of planting, and at maturity. A list of acceptable trees is available upon request from City Planning Staff.</i>	<input type="checkbox"/>
<input type="checkbox"/>	Existing vegetation identified by specific size. Identify those which are proposed to be relocated or removed	<input type="checkbox"/>
<input type="checkbox"/>	Method of irrigation <i>Note: All plant materials, except existing native plants not damaged during construction or xeriscape species shown not to require regular watering, shall be irrigated by underground sprinkler systems set on a timer in order to obtain proper watering duration and ease of maintenance.</i>	<input type="checkbox"/>
<input type="checkbox"/>	Location, description, materials, and cross-sections of special features, including berming, retaining walls, hedges, fences, fountains street/pathway furniture (benches, etc.), etc.	<input type="checkbox"/>
<input type="checkbox"/>	Sign locations <i>Note: A separate sign application must be submitted with this application</i>	<input type="checkbox"/>
<input type="checkbox"/>	Locations and uses for open spaces	<input type="checkbox"/>
<input type="checkbox"/>	Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle	<input type="checkbox"/>
<input type="checkbox"/>	Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles	<input type="checkbox"/>
<input type="checkbox"/>	Location and designations of all sidewalks	<input type="checkbox"/>
<input type="checkbox"/>	Clearly identify pressurized irrigation lines and underground water storage	<input type="checkbox"/>
<input type="checkbox"/>	Engineered grading and drainage plans: A generalized drainage plan showing direction drainage with proposed on-site retention. Upon submission of building/construction plans for an approved design review application, a detailed site grading and drainage plan, prepared by a registered professional engineer (PE) shall be submitted to the City for review and approval by the City Engineer.	<input type="checkbox"/>

Building Elevations

Applicant Use		Staff Use
N/A	<input type="checkbox"/> Detailed elevation plans of each side of any proposed building(s) or additions(s) <i>Note: Four (4) elevations to include all sides of development and must be in color</i>	<input type="checkbox"/>
	<input type="checkbox"/> Identify the elevations as to north, south, east, and west orientation	<input type="checkbox"/>
	<input type="checkbox"/> Colored copies of all proposed building materials and indication where each material and color application is to be located <i>Note: Submit as 11"x17" reductions</i>	<input type="checkbox"/>
	<input type="checkbox"/> Screening/treatment of mechanical equipment	<input type="checkbox"/>
	<input type="checkbox"/> Provide a cross-section of the building showing any roof top mechanical units and their roof placement	<input type="checkbox"/>
	<input type="checkbox"/> Detailed elevation plans showing the materials to be used in construction of trash enclosures	<input type="checkbox"/>

Lighting Plan

Applicant Use		Staff Use
N/A	<input type="checkbox"/> Exterior lighting including detailed cut sheets and photometric plan (pedestrian, vehicle, security, decoration)	<input type="checkbox"/>
	<input type="checkbox"/> Types and wattage of all light fixtures <i>Note: The City encourages use of "dark sky" lighting fixtures</i>	<input type="checkbox"/>
	<input type="checkbox"/> Placement of all light fixtures shown on elevations and landscaping plans	<input type="checkbox"/>

Roof Plans

Applicant Use		Staff Use
N/A	<input type="checkbox"/> Size and location of all roof top mechanical units	<input type="checkbox"/>

Design Review Application

Applicant: Gem State Planning Phone: 208-602-6941
 Owner Representative Fax/Email: jane@gemstateplanning.com

Applicant's Address: 9840 W. Overland Rd, Suite 120
Boise, ID Zip: 83709

Owner: Corey D. Barton Phone: _____

Owner's Address: 1977 E. Overland Road Email: _____
Meridian, ID Zip: 83642

Represented By: (if different from above) Gem State Planning Phone: _____

Address: _____ Email: _____
Zip: _____

Address of Property: 2221, 2455 W. Deer Flat Road
Kuna Zip: _____

Distance from Major Cross Street: ≈ 2600 feet Street Name(s): Ten Mile Road

Please check the box that reflects the intent of the application

- BUILDING DESIGN REVIEW DESIGN REVIEW MODIFICATION
 SUBDIVISION / COMMON AREA LANDSCAPE STAFF LEVEL APPLICATION

This Design Review application is a request to construct, add or change the following: (Briefly explain the nature of the request.)

- provide landscaping on common lots throughout the subdivision
- provide amenities on park lot

1. Dimension of Property: 66.75 acres

2. Current Land Use(s): agriculture

3. What are the land uses of the adjoining properties?

North: Crimson Point Subdivision - single family

South: Secluded Creek Subdivision - single family in Ada Co.

East: mini storage ? open land

West: Crimson Point South Sub - SF, and Indian Creek

4. Is the project intended to be phased, if so what is the phasing time period? 2020 → 2024

Please explain: begin grading/utilities late 2020 - complete 2024

5. The number and use(s) of all structures: 272 single family homes
playground, shelter & 1/2 basketball court in park

6. Building heights: less than 35' Number of stories: 2

The height and width relationship of new structures shall be compatible and consistent with the architectural character of the area and proposed use.

Note: The maximum building height for each zoning district is as follows:

L-O: 35'	C-2: 60'	CBD: 80'	M-2: 60'	P: 60'
C-1: 35'	C-3: 60'	M-1: 60'	M-3: 60'	

7. What is the percentage of building space on the lot when compared to the total lot area? 40% or less

N/A 8. Exterior building materials & colors: (Note: This section must be completed in compliance with the City of Kuna Ordinance No. 2007-21A (as amended); found online at www.cityofkuna.com) under the City Code.

MATERIAL / **COLOR**

Roof: _____ / _____

Walls: (State percentage of wall coverage for each type of building material below for each frontage wall) If there is not adequate space to identify the various building materials and applications, please list them on the attached sheet of this application. Please attach photos to support application types.

- % of Wood application: _____ / _____
- % EIFS: _____ / _____
(Exterior Insulation Finish System)
- % Masonry: _____ / _____
- % Face Block: _____ / _____
- % Stucco: _____ / _____
- & other material(s): _____ / _____
- List all other materials: _____
- Windows/Doors: _____ / _____
(Type of window frames & styles / doors & styles, material)
- Soffits and fascia material: _____ / _____
- Trim, etc.: _____ / _____
- Other: _____ / _____

9. Please identify Mechanical Units: _____
Type/Height: _____
Proposed Screening Method: _____

10. Please identify trash enclosure: (size, location, screening & construction materials) _____

11. Are there any irrigation ditches/canals on or adjacent to the property?
If yes, what is the name of the irrigation or drainage provider?
Boise - Kuna Irrigation District

12. Fencing: (Please provide information about new fencing material as well as any existing fencing material)
6' lattice top vinyl fence along landscape buffers, property perimeter
Type: connection pathways

Size: _____

Location: _____

(Please note that the City has height limitations of fencing material and requires a fence permit to be obtained prior to installation)

13. Proposed method of On-site Drainage Retention/Detention:

subsurface infiltration basins

14. Percentage of Site Devoted to Building Coverage:

64.9% to building LOTS

% of Site Devoted to Landscaping:
(Including landscaped rights-of-way)

14.3%

Square
Footage: _____

% of Site that is Hard Surface:
(Paving, driveways, walkways, etc.)

20.8% roadway
rightofway

Square
Footage: _____

% of Site Devoted to other uses: _____

Describe: _____

% of landscaping within the parking lot (landscaped islands, etc.): _____

15. For details, please provide dimensions of landscaped areas within public rights-of-way:

16. Are there any existing trees of 4" or greater in caliper on the property? (Please provide the information on the site plans.)

If yes, what type, size and the general location? (The City's goal is to preserve existing trees with a four inch (4") or greater caliper whenever possible):

NO

17. Dock Loading Facilities:

Number of docking facilities and their location: _____

Method of screening: _____

18. Pedestrian Amenities: (bike racks, receptacles, drinking fountains, benches, etc.)

pathways

19. Setbacks of the proposed building from property lines:

Front _____ -feet

Rear _____ -feet

Side _____ -feet

Side _____ -feet

20. Parking requirements:

Total Number of Parking Spaces: _____

Width and Length of
Spaces: _____

Total Number of Compact Spaces 8'x17': _____

21. Is any portion of the property subject to flooding conditions?

Yes _____

No _____

IF THE PLANNING DIRECTOR OR DESIGNEE, THE DESIGN REVIEW BOARD AND/OR THE CITY COUNCIL DETERMINE THAT ADDITIONAL AND/OR REVISED INFORMATION IS NEEDED, AND/OR IF OTHER UNFORESEEN CIRCUMSTANCES ARISE, ANY DATES OUTLINED FOR PROCESSING MAY BE RE-SCHEDULED BY THE CITY. APPLICANT/REPRESENTATIVE MUST ATTEND THE DESIGN REVIEW BOARD MEETING/PLANNING AND ZONING MEETINGS.

The Ada County Highway District may also conduct public meetings regarding this application. If you have questions about the meeting date or the traffic that this development may generate or the impact of that traffic on streets in the area, please contact the Ada County Highway District at 208.387.6170. In order to expedite your request, please have ready the file number indicated in this notice.

Signature of Applicant Jane Szyr Date 2/20/20

City staff comments:

Signature of receipt by City Staff _____ Date _____

FOR ADDITIONAL INFORMATION:
(Please list page number and item in reference)



PLANT PALETTE

SYM	COMMON NAME	BOTANICAL NAME	SIZE
EVERGREEN TREES			
	AUSTRIAN PINE	Pinus nigra	6-8' HT DBD
	FAT ALBERT GO BLUE SPRUCE	FICIA PARGENS 'PAT ALBERT'	6-8' HT DBD
	NORWAY SPRUCE	FICIA ABIES	6-8' HT DBD
	SKY HIGH JUNIPER	JUNIPERUS SCOPULORUM 'BALLION'	6-8' HT DBD
	VANDERKOP'S PINE	Pinus flexilis 'VANDERKOP'S'	6-8' HT DBD
SHADE TREES (CLASS III)			
	BLOODWOOD LONDON PLANETREE	PLATANUS X ACERIFOLIA 'BLOODWOOD'	2" CAL DBD
	SHAW'S OAK	QUERCUS BICOLOR	2" CAL DBD
SHADE/TREES TREES (CLASS III)			
	AUTUMN PURPLE ASH	FRAXINUS AMERICANA 'AUTUMN PURPLE'	2" CAL DBD
	SCYLLINE HONEYLOCUST	GLEDITSIA TRIACANTHOS 'NORMIS SCYCOLE'	2" CAL DBD
	LITTLELEAF LINDEN	TILIA GORDATA	2" CAL DBD
	HANDKERCHIEF ASH	FRAXINUS HANDBURGA	2" CAL DBD
	AMERICAN SHRETSUM	LIQUIDAMBAR STRYACIFLUA	2" CAL DBD
	TULIP TREE	LIRIODENDRON TULIPIFERA	2" CAL DBD
ORNAMENTAL TREES (CLASS II)			
	CANADA RED DOGWOOD	FRAXINUS VIRGINIANA 'CANADA RED'	6-8' HT. MULTI-STEM
	GRANITE CRABAPPLE	MALUS GRAY-GRUBER	2" CAL DBD
	CHANTRELLE PEAR	PIRUS CALLENTANA 'ISLAND FORM'	2" CAL DBD
	NOTHING MAPLE	ACER TATARICUM 'BARRANI'	6-8' HT. MULTI-STEM
	ROYAL HANDBURGS CRABAPPLE	MALUS X 'JPS-KR'	2" CAL DBD
	SPRING SMOKE CRABAPPLE	MALUS 'SPRINGSMOKE'	2" CAL DBD
SHRUBS/ORNAMENTAL GRASSES/PERENNIALS			
	ANIZONA SUN GALLIARDIA	GALLIARDIA X 'MELISSA SUN'	1 GAL
	ELACATED RUSSIA	RUSSOCOLA 'ELACIDA GOLDSTROM'	1 GAL
	BLUE GRAMMA GRASS	BOULEGIA GRACILIS 'BLONDE AMBITION'	1 GAL
	BLUE GRASS	HELICTROCHON SEMPERVIRENS	1 GAL
	BLUE RIG JUNIPER	JUNIPERUS HORIZONTALIS 'WILTON'	5 GAL
	PURPLE CONEFLOWER	ROBINIA PURPUREA	1 GAL
	RED FLOWER CARPET ROSE	ROSA 'FLOWER CARPET ROSE'	3 GAL
	DARTS GOLD NINEBARK	PHYSCOCARPUS OPILOPUS 'DARTS GOLD'	5 GAL
	STELLA DE ORO DAYLILY	HEMEROCALLIS 'STELLA D'ORO'	1 GAL
	FINE LINE BUCHSORN	RYTHYMUS FRAGULA 'RON WILLIAMS'	5 GAL
	GRASS-LION SNAKE	RHYS ARDMATICA 'SNAKE-LION'	5 GAL
	MUSKER RED PENSTEMON	PODSIPHON DIGITALIS 'MUSKER RED'	1 GAL
	IVORY HALO DOGWOOD	CORNUS ALBA 'TRIALHALO'	5 GAL
	KARL FORSTER'S REED GRASS	CANADARIS ABBENRACIA 'K.F.'	1 GAL
	LITTLE DEVIL NINEBARK	PHYSCOCARPUS OPILOPUS 'DONNA MAY'	5 GAL
	HISCOGUE BLUE ENGLISH LAVENDER	LAVANDULA ANGUSTIFOLIA 'HISCOGUE BLUE'	1 GAL
	HAIDEN GRASS	HISICANTHUS SINENSIS 'GRACILLIS'	1 GAL
	DRINKLIGHTS RED YUCCA	HEPICALORIS PARVIFLORA 'TERPA'	2 GAL
	SUMMERWINE NINEBARK	PHYSCOCARPUS OPILOPUS 'SEWARD'	5 GAL



DEVELOPMENT DATA

TOTAL AREA	66.75 ACRES
RESIDENTIAL LOTS	212
OPEN SPACE/COMMON/PARK LOTS	2
TOTAL LOTS	208
COMMON AREA	4.51 ACRES (4.33%)
TOTAL USABLE OPEN SPACE	8.2 ACRES (12.3%)
EXISTING ZONING	R-5
PROPOSED ZONING	R-6

LANDSCAPE CALCULATIONS

LOCATION	BUFFER WIDTH	LENGTH	REQUIRED	PROVIDED
H. DEER FLAT RD.	35'	1307' / 100' =	24 TREES	24.5 TREES (15 SHADE TREES + 9 ORNAMENTAL TREES)
			36 EVERGREENS 144 SHRUBS	36 EVERGREENS 150 SHRUBS
NUMBER OF TREES PROVIDED ON BUFFERS:			70	
NUMBER OF TREES PROVIDED ON COMMON LOTS:			203	
TOTAL NUMBER OF TREES:			533	

NOTES

- ALL LANDSCAPE SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF KUNA ORDINANCE REQUIREMENTS.
- ALL PLANTING AREAS TO BE WATERED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
- TREES SHALL NOT BE PLANTED WITHIN THE 10-FOOT CLEAR ZONE OF ALL ACID STORM DRAIN PIPE STRUCTURES OR FACILITIES. SEEPAGE BEDS MUST BE PROTECTED FROM ANY AND ALL CONTAMINATION DURING THE CONSTRUCTION AND INSTALLATION OF THE LANDSCAPE IRRIGATION SYSTEM. ALL SHRUBS PLANTED OVER OR ADJACENT TO SEEPAGE BEDS TO HAVE A ROOT BALL THAT DOES NOT EXCEED 18" IN DIAMETER. NO LAWN SOD TO BE PLACED OVER DRAINAGE SHALE SAND WINDOWS.
- NO TREES SHALL IMPERE THE 40' VISION TRIANGLES AT ALL INTERSECTIONS. NO CONIFEROUS TREES OR SHRUBS OVER 9' HIGH AT MATURITY WILL BE LOCATED WITHIN VISION TRIANGLE OR ACAD ROAD AS TREES MATURE. THE OWNER SHALL BE RESPONSIBLE FOR PRUNING TREE CANOPIES TO MEET ACAD REQUIREMENTS FOR MAINTAINING CLEAR VISIBILITY WITHIN 40' STREET AND DEPARTURE VISION TRIANGLE. TREES SHALL BE PLANTED NO CLOSER THAN 30' FROM INTERSECTION STOP SIGNS.
- CLASS II TREES AND LANDSCAPE IN FRONT OF BUILDING LOTS ON INTERIOR STREETS TO BE COMPLETED DURING CONSTRUCTION ON THESE LOTS. TREE LOCATIONS MAY BE ALTERED TO ACCOMMODATE DRIVEWAYS AND UTILITIES. TREES MUST BE CLASS II IN PARKSTRIPS AND SHALL NOT BE PLANTED WITHIN 5' OF WATER METERS OR UNDERGROUND UTILITY LINES.
- PLANT LIST IS REPRESENTATIVE AND SUBJECT TO ADDITIONAL AND/OR SUBSTITUTIONS OF SIMILAR SPECIES THAT ARE SUBJECT TO CITY FORESTER'S PRE-APPROVAL. PLANTING BED DESIGN AND QUANTITIES MAY BE ALTERED DURING FINAL PLAT LANDSCAPE PLAN DESIGN. BURLAP AND WIRE BASKETS TO BE REMOVED FROM ROOT BALL AS MUCH AS POSSIBLE AT LEAST HALFPRAY DOWN THE BALL OF THE TREE. ALL NYLON ROPES TO BE COMPLETELY REMOVED FROM TREES.
- THERE ARE NO EXISTING TREES ON SITE. NO MITIGATION IS REQUIRED.

FOSSIL CREEK SUBDIVISION

KUNA, IDAHO

PRELIMINARY PLAT LANDSCAPE PLAN

OWNER

COREY D. BARTON
1877 E. DEERFLAT RD.
KUNA, ID 83642

PLANNER/CONTACT

SHAWN DROWNLEE
TRILOGY DEVELOPMENT, INC.
8839 W. OAKLIFE ST.
BOISE, ID 83709

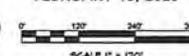
DEVELOPER

TRILOGY DEVELOPMENT, INC.
9839 K. OAKLIFE ST.
BOISE, ID 83709

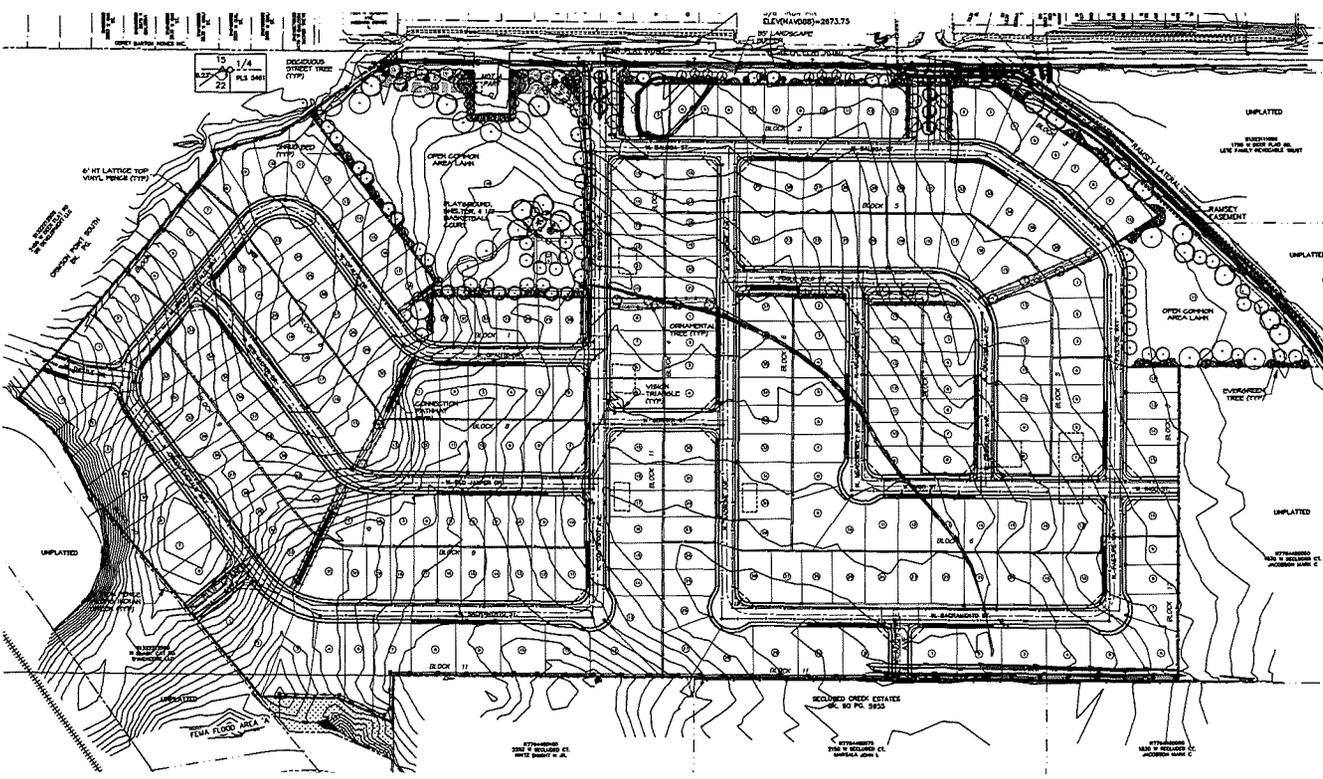
ENGINEER

DAVID A. BAILEY, P.E.
BAILEY ENGINEERING, INC.
1119 E. SINE ST., SUITE 210
BOISE, ID 83616

FEBRUARY 13, 2020



received
2-25-2020



PLANT PALETTE

SYM	COMMON NAME	BOTANICAL NAME	SIZE
EVERGREEN TREES			
	AUSTRIAN PINE	PINUS NIGRA	6'-8' HT. B1B
	FAT ALBERT GO BLUE SPRUCE	PICEA PARSONS FAT ALBERT	6'-8' HT. B1B
	NORWAY SPRUCE	PICEA ABIES	6'-8' HT. B1B
	SKY HIGH JUNIPER	JUNIPERUS SCOPULORUM BAILEIGH	6'-8' HT. B1B
	WANDERSPRUCE PINE	PINUS FLEXILIS WANDERSPRUCE	6'-8' HT. B1B
SHADE TREES (CLASS III)			
	BLOODGOOD LONDON PLANETREE	PLATANUS x ACERIFOLIA 'BLOODGOOD'	2' CAL. B1B
	SHAMP OAK	QUERCUS BICOLOR	2' CAL. B1B
SHADE STREET TREES (CLASS III)			
	AUTUMN PURPLE ASH	FRAXINUS AMERICANA 'AUTUMN PURPLE'	2' CAL. B1B
	SKYLINE HONEYLOCUST	GLEDITSIA TRIACANTHOS INERMIS 'SKYCOLE'	2' CAL. B1B
	LITTLELEAF LINDEN	TILIA GORDATA	2' CAL. B1B
	MANGROVIA ASH	FRAXINUS MANGROVICA	2' CAL. B1B
	AMERICAN SWEETGUM	LIQUIDAMBAR STYRACIFLUA	2' CAL. B1B
	TULIP TREE	LIRIODENDRON TULIPIFERA	2' CAL. B1B
ORNAMENTAL TREES (CLASS II)			
	CANADA RED CHOKECHERRY	PRUNUS VIRGINIANA 'CANADA RED'	6'-8' HT. MULTI-STEM
	CRISPAN CRUSADER HAWTHORN	CRATAEGUS CRUS-GALLI 'CRUZAM'	2' CAL. B1B
	GIANTLEAF PEAR	PYRUS GALESIANA 'GIANTS FORM'	2' CAL. B1B
	NOTTINGHAM MAPLE	ACER TATARICUM 'SARANN'	6'-8' HT. MULTI-STEM
	ROYAL RANDERSONS CRABAPPLE	MALUS x 'SPRING'	2' CAL. B1B
	SPRING SNOW CRABAPPLE	MALUS SPRINGSNOW	2' CAL. B1B
SHRUBS/ORNAMENTAL GRASSES/PERENNIALS			
	ARIZONA SUN GALLARDIA	GALLARDIA x 'ARIZONA SUN'	1 GAL.
	BLACK EYED SUSAN	RUDBECKIA FLUGIDA 'GOLDSTREAM'	1 GAL.
	BLUE SAVANNAH GRASS	BOULEDOU GRACILIS 'BLONDE AMBITION'	1 GAL.
	BLUE OAT GRASS	HELICTOTRICHON SEMPERVIRENS	1 GAL.
	BLUE RIO JUNIPER	JUNIPERUS HORIZONTALIS 'MILTON'	3 GAL.
	PURPLE CONEFLOWER	RYNOPSIS PURPUREA	1 GAL.
	RED FLOWER CARPET ROSE	ROSA 'FLOWER CARPET-NOISE'	3 GAL.
	DARTS GOLD NINESBARK	PHYSCOCARPUS OPILOPIOLUS 'DARTS GOLD'	2 GAL.
	STELLA DE ORO DAYLILY	HEMEROCALLIS 'STELLA D'ORO'	1 GAL.
	RAVENS FRAGALA IRON WILLIAMS	BRUNNIA FRAGALA 'IRON WILLIAMS'	5 GAL.
	RIES ARDENATA IRIS-LILY	IRIS ARDENATA 'IRIS-LILY'	2 GAL.
	PENSTEMON DIGITALIS 'HUSKER RED'	PENSTEMON DIGITALIS 'HUSKER RED'	1 GAL.
	IVORY HALO DOGWOOD	CORNUS ALBA 'IVORY HALO'	5 GAL.
	KARL FOERSTER REED GRASS	GALAMAGROSTIS ARUNDINACEA 'K.F.'	1 GAL.
	LITTLE DEVIL NINESBARK	PHYSCOCARPUS OPILOPIOLUS 'DONNA HAY'	5 GAL.
	NIDIGOTE BLUE ENGLISH LAVENDER	LAVANDELA ANGIKATOLIA 'NIDIGOTE BLUE'	1 GAL.
	MAIDEN GRASS	MISCANTHUS SINENSIS 'ISRAELI 1950'	1 GAL.
	BRACKNELL RED YUCCA	HEPHERCALOE PARVIFLORA 'REDYU'	2 GAL.
	SUMMERHINE NINESBARK	PHYSCOCARPUS OPILOPIOLUS 'SEWARD'	5 GAL.



NOTES

- ALL LANDSCAPE SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF KUNA ORDINANCE REQUIREMENTS.
- ALL PLANTING AREAS TO BE WATERED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
- TREES SHALL NOT BE PLANTED WITHIN THE 10-FOOT CLEAR ZONE OF ALL ACID STORM DRAIN PIPE STRUCTURES OR FACILITIES. SEEPAGE BEDS MUST BE PROTECTED FROM ANY AND ALL CONTAMINATION DURING THE CONSTRUCTION AND INSTALLATION OF THE LANDSCAPE IRRIGATION SYSTEM. ALL SHRUBS PLANTED OVER OR ADJACENT TO SEEPAGE BEDS TO HAVE A ROOT BALL THAT DOES NOT EXCEED 10" IN DIAMETER. NO LAWN SOD TO BE PLACED OVER DRAINAGE SHALE SAND WINDOWS.
- NO TREES SHALL IMPEDRE THE 40' VISION TRIANGLES AT ALL INTERSECTIONS. NO CONIFEROUS TREES OR SHRUBS OVER 9' HIGH AT MATURITY WILL BE LOCATED WITHIN VISION TRIANGLES OR ACID RAYS. AS TREES MATURE, THE OWNER SHALL BE RESPONSIBLE FOR PRUNING TREE CANOPIES TO MEET ACID REQUIREMENTS FOR MAINTAINING CLEAR VISIBILITY WITHIN 40' STREET AND DEPARTURE VISION TRIANGLE. TREES SHALL BE PLANTED NO CLOSER THAN 50' FROM INTERSECTION STOP SIGNS.
- CLASS III TREES AND LANDSCAPE IN FRONT OF BUILDING LOTS ON INTERIOR STREETS TO BE COMPLETED DURING CONSTRUCTION ON THESE LOTS. TREE LOCATIONS MAY BE ALTERED TO ACCOMMODATE DRIVEWAYS AND UTILITIES. TREES MUST BE CLASS II IN PARKSTRIPS AND SHALL NOT BE PLANTED WITHIN 5' OF WATER METERS OR UNDERGROUND UTILITY LINES.
- PLANT LIST IS REPRESENTATIVE AND SUBJECT TO ADDITIONS AND/OR SUBSTITUTIONS OF SIMILAR SPECIES THAT ARE SUBJECT TO CITY FORESTER'S PRE-APPROVAL. PLANTING BED DESIGN AND QUANTITIES MAY BE ALTERED DURING FINAL PLANT LANDSCAPE PLAN DESIGN. BURLAP AND WINE BASKETS TO BE REMOVED FROM ROOT BALL AS MUCH AS POSSIBLE, AT LEAST 1/2 WAY DOWN THE BALL OF THE TREE. ALL IN-LAW ROSES TO BE COMPLETELY REMOVED FROM TREES.
- THERE ARE NO EXISTING TREES ON SITE. NO MITIGATION IS REQUIRED.

DEVELOPMENT DATA

TOTAL AREA	66.75 ACRES
RESIDENTIAL LOTS	212
OPEN SPACE/COMMON/PARK LOTS	11
TOTAL LOTS	223
COMMON AREA	4.51 ACRES (14.3%)
TOTAL USABLE OPEN SPACE	8.2 ACRES (12.3%)
EXISTING ZONING	R-5
PROPOSED ZONING	R-6

LANDSCAPE CALCULATIONS

LOCATION	BUFFER WIDTH	LENGTH	REQUIRED	PROVIDED
K. DEER FLAT RD.	35'	1150' / 100' x	24 TREES	245 TREES (5 SHADE TREES + 19 ORNAMENTAL TREES)
			36 EVERGREENS 144 SHRUBS	36 EVERGREENS 150 SHRUBS
NUMBER OF TREES PROVIDED ON BUFFERS:			10	
NUMBER OF TREES PROVIDED ON COMMON LOTS:			282	
TOTAL NUMBER OF TREES:			333	

FOSSIL CREEK SUBDIVISION

KUNA, IDAHO

PRELIMINARY PLAT LANDSCAPE PLAN

OWNER
COREY D. BARTON
1977 E. OVERLAND RD.
MERIDIAN, ID 83642

DEVELOPER
TRILOGY DEVELOPMENT, INC.
9839 W. CARLE DR ST.
BOISE, ID 83709

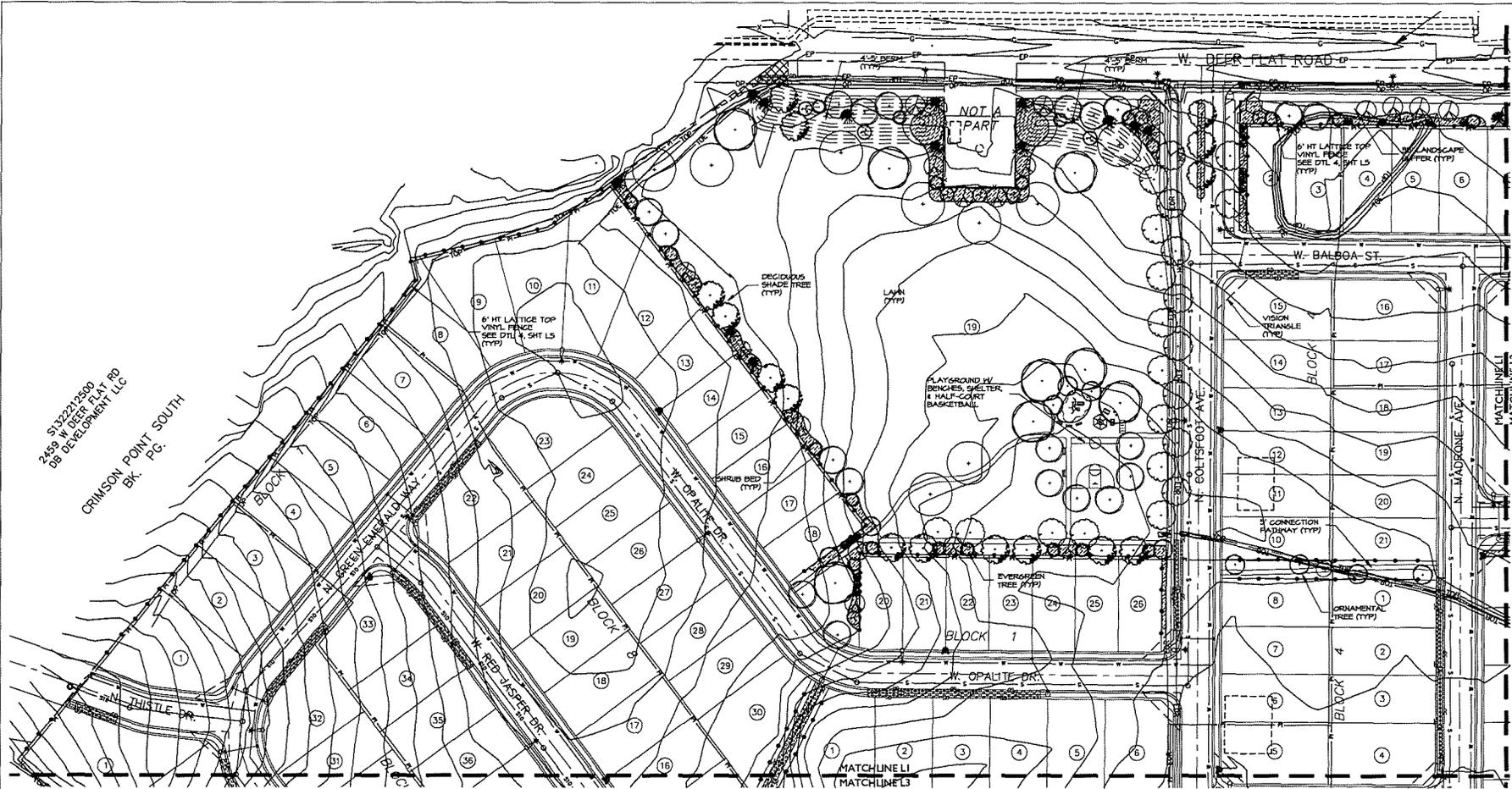
PLANNER/CONTACT
SHAWN DRONWALEE
TRILOGY DEVELOPMENT, INC.
8839 W. CARLE DR ST.
BOISE, ID 83709

ENGINEER
DAVID A. BAILEY, P.E.
BAILEY ENGINEERING, INC.
1119 E. STATE ST., SUITE 210
EAGLE, ID 83616

FEBRUARY 13, 2020



S1322212900
 2459 P. W. DEER FLAT RD
 DB DEVELOPMENT LLC
 CRIMSON POINT SOUTH
 Bk. PG.



PLANT PALETTE

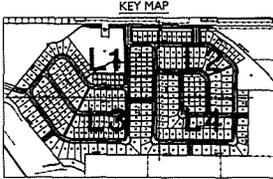
(REFERENCE SHEET L3)

SYM	COMMON NAME	SYM	COMMON NAME	SYM
	EVERGREEN TREES		SHRUBS/ORNAMENTAL GRASSES/PERENNIALS	
	AUSTRIAN PINE		ARIZONA SUN GALLIARDIA	LAWN
	FAT ALBERT GO BLUE SPRUCE		BLACK EYED SUSAN	
	NORWAY SPRUCE		BLUE GRAMA GRASS	
	SKY HIGH JUNIPER		BLUE OAT GRASS	
	VANDERHOLTS PINE		BLUE RIG JUNIPER	
	SHADE TREES (CLASS III)		PURPLE GONFLOWER	
	BLOODGOOD LONDON PLANETREE		RED FLOXER GARRET ROSE	
	SWAMP OAK		DARTS GOLD NINEBARK	
	SHADE/STREET TREES (CLASS III)		STELLA DE ORO DANTILLY	
	AUTUMN PURPLE ASH		FINE LINE BUCKTHORN	
	SKYLINE HONEYLOCUST		GRD-LOW SHRUB	
	LITTLELEAF LINDEN		HICKORY RED PENSTEMON	
	HANGARIAN ASH		WORY HALO DOWNWOOD	
	AMERICAN SHEETGUM		KARL FORSTER REED GRASS	
	TULIP TREE		LITTLE DEVIL NINEBARK	
	ORNAMENTAL TREES (CLASS I)		HIDCOTE BLUE ENGLISH LAVENDER	
	CANADA RED CHOKEBERRY		MAIDEN GRASS	
	CRIZAN CRUSAIDER HAWTHORN		BRACKLIGHTS RED YUGA	
	GHANTIGLEEB PEAR		SUMMERWINE NINEBARK	
	NOTHINGS MAPLE			
	ROYAL RAINDROPS CRABAPPLE			
	SPRING SNOW CRABAPPLE			

NOTES

1. REFERENCE SHEET L3 FOR PLANT PALETTE, LANDSCAPE NOTES, DETAILS, CALCULATIONS, AND DEVELOPMENT DATA.

JENSENBELTS ASSOCIATES
 400 Phoenix / Landscape Architecture
 1000 North 10th Street, Suite 200
 Phoenix, AZ 85006
 (602) 254-1100
 www.jensbelts.com



Bailey Engineering, Inc.
 CIVIL ENGINEERING PLANNING CADD
 1000 N. CENTRAL AVENUE, SUITE 210
 PHOENIX, AZ 85004
 WWW.BAILEYENGINEERING.COM

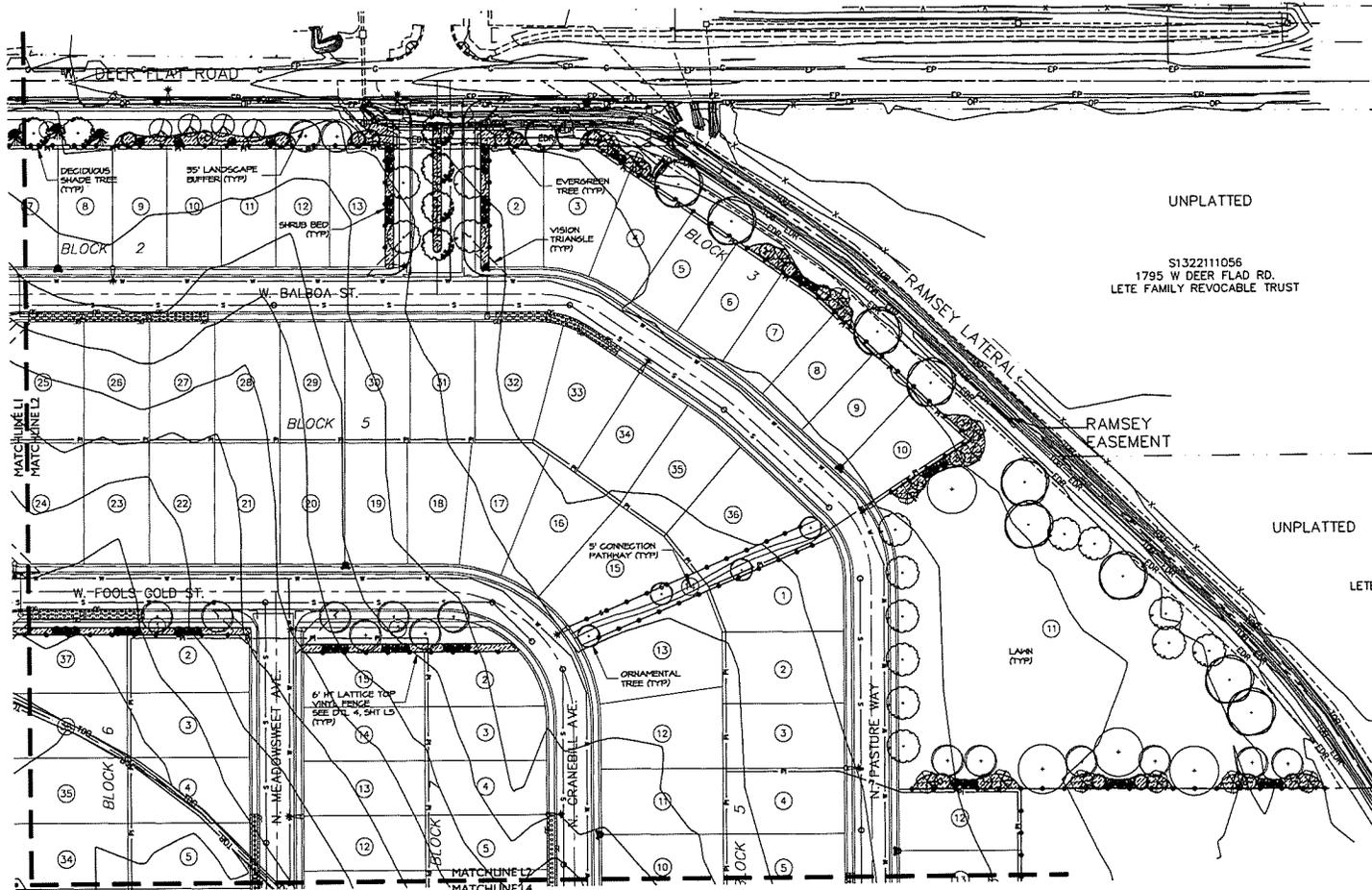


CHECKED BY: _____
 DRAWN BY: _____
 REVISIONS:
 NO. DATE DESCRIPTION
 1 1/2/20 STREET MARKS

PRELIMINARY PLAT LANDSCAPE PLAN
 FOSSIL CREEK SUBDIVISION
 TRILOGY DEVELOPMENT, INC.

DATE: 02-13-2020
 PROJECT: 13-1197





PLANT PALETTE
(REFERENCE SHEET L3)

SYM COMMON NAME

- EVERGREEN TREES**
 - AUSTRIAN PINE
 - FAT ALBERT GO BLUE SPRUCE
 - NORWAY SPRUCE
 - SKY HIGH JUNIPER
 - VANDERHOLTS PINE
- SHADE TREES (CLASS III)**
 - BLOODGOOD LONDON PLANETREE
 - SHAWNS OAK
- SHADE/STREET TREES (CLASS II)**
 - AUTUMN PURPLE ASH
 - SKYLINE HONEYLOCUST
 - LITTLELEAF LINDEN
 - HUNGARIAN ASH
 - AMERICAN SNETEGUM
 - TULIP TREE
- ORNAMENTAL TREES (CLASS II)**
 - CANADA RED CHOKEBERRY
 - CRUIZAN CRUSAIDER HAWTHORN
 - CHANTICLEER PEAR
 - HOTTINGS MAPLE
 - ROYAL RAINBOROVS CRABAPPLE
 - SPRING SNOW CRABAPPLE

- SHRUBS/ORNAMENTAL GRASSES/PERENNIALS**
 - ARIZONA SUN GALLIARDIA
 - BLAZE EYED SEBAN
 - BLUE GRAMMA GRASS
 - BLUE OAT GRASS
 - BLUE RUG JUNIPER
 - PURPLE GONIFLOWER
 - RED FLOWER CARPET ROSE
 - DARTS GOLD NINEBARK
 - STELLA DE ORO DANTELLY
 - FINE LINE BUCKTHORN
 - GRID-LOW SUMAC
 - HARKER RED PENSTEMON
 - IVORY HALD DOGWOOD
 - KARL FORSTERIS REED GRASS
 - LITTLE DEVIL NINEBARK
 - HIGGOTE BLUE ENGLISH LAVENDER
 - HAIDEN GRASS
 - BRACELIGHTS RED YUCCA
 - SUMMERWINE NINEBARK

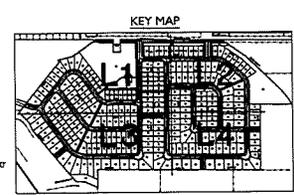
- LAWN
- 6' LATTICE TOP VINYL FENCE ALONG LANDSCAPE BUFFER, PROPERTY PERIMETER, & CONNECTION PATHWAYS (TYP). SEE DET. 4, SHT L3.
- 3' IRON FENCE ALONG INDIAN CREEK EASEMENT (TYP). SEE DET. 5, SHT L3.

NOTES

1. REFERENCE SHEET L3 FOR PLANT PALETTE, LANDSCAPE NOTES, DETAILS, CALCULATIONS, AND DEVELOPMENT DATA.

JENSENBELTS ASSOCIATES
 1000 North 1st Street, Suite 100
 Fort Worth, TX 76102
 Phone: 817.335.1111
 Fax: 817.335.1112
 www.jensensbelts.com

SCALE 1" = 50'



Balley Engineering, Inc.
 CIVIL ENGINEERING (PLANNING) CADD
 1116 STATE STREET, SUITE 210
 DALLAS, TEXAS 75201
 www.balleyengineering.com

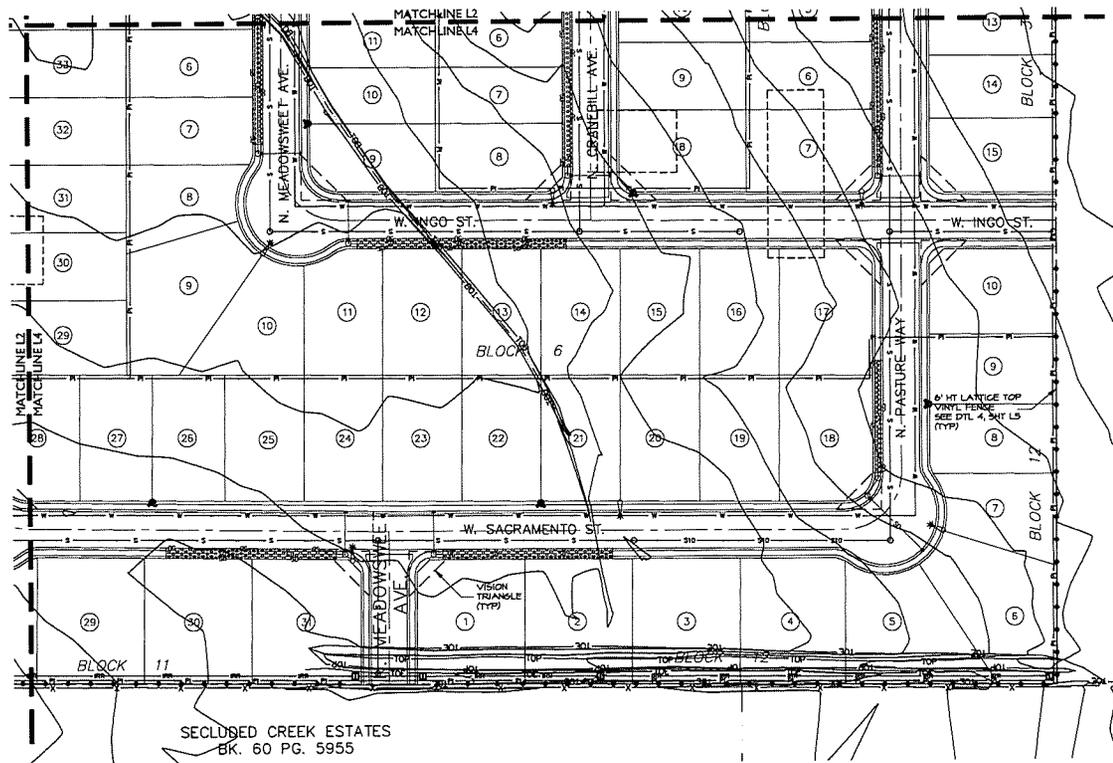


CHECKED BY: JCM
 DRAWN BY: JCM

REVISED	NO.	DATE	DESCRIPTION	BY	DATE
	1	7/27/20	ISSUE FOR PERMITS	JCM	

PRELIMINARY PLAT LANDSCAPE PLAN
 FOSSIL CREEK SUBDIVISION
 TRILOGY DEVELOPMENT, INC.

DATE: 07-13-2020
 PROJECT: Fossil Creek Subdivision
 SHEET: 12



SECLUDED CREEK ESTATES
BK. 60 PG. 5955

PLANT PALETTE

(REFERENCE SHEET L5)
SYN COMMON NAME

- EVERGREEN TREES**
 - AVSTRIAN PINE
 - FAT ALBERT GO BLUE SPRUCE
 - NORWAY SPRUCE
 - SKY HIGH LIMP
 - VANDERHOLTS PINE
- SHADE TREES (CLASS III)**
 - BLODDOOD LONDON PLANETREE
 - SHARP OAK
- SHADE STREET TREES (CLASS II)**
 - AUTUMN PURPLE ASH
 - SKYLINE HONEYLOCUST
 - LITTLELEAF LINDEN
 - HANGKUAN ASH
 - AMERICAN SWEETGUM
 - TULIP TREE
- ORNAMENTAL TREES (CLASS I)**
 - CANADA RED CHOKEBERRY
 - GRIZAN CRUSAIDER HAWTHORN
 - CHANTELEEK PEAK
 - ROSTRATE MALE
 - ROYAL RANDOROPS CRABAPPLE
 - SPRING SNOW CRABAPPLE
- SHRUBS/ORNAMENTAL GRASSES/PERENNIALS**
 - ARIZONA SUN GALLIARDIA
 - BLACK EYED SESAM
 - BLUE GRAMMA GRASS
 - BLUE OAT GRASS
 - BLUE RUG JANIPE
 - PURPLE CONEFLOWER
 - RED FLOWER GARRET ROSE
 - DARTS GOLD NINEBARK
 - STELLA DE GRD DANLILLY
 - FINE LINE BUCKTHORN
 - GRD-LOH SUNAG
 - HUGER RED PENSTEMON
 - IVORY KALO DOGWOOD
 - KARL FORSTER REED GRASS
 - LITTLE DEVIL NINEBARK
 - HIDCOTE BLUE ENGLISH LAVENDER
 - MAIDEN GRASS
 - BRACKELIGHTS RED YUCCA
 - SUMMERWINE NINEBARK

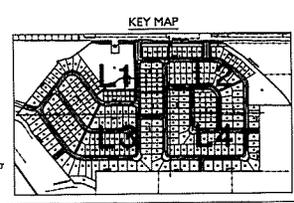
- LAWN
- 6' LATTICE TOP VINYL FENCE ALONG LANDSCAPE BARRIERS, PROPERTY PERIMETER, & CONNECTION PATHWAYS (TYP). SEE DTL. 4, SHT L5.
- 5' IRON FENCE ALONG INDIAN CREEK BASEMENT (TYP). SEE DTL. 5, SHT L5.

NOTES

1. REFERENCE SHEET L5 FOR PLANT PALETTE, LANDSCAPE NOTES, DETAILS, CALCULATIONS, AND DEVELOPMENT DATA.

JENSENBELTS ASSOCIATES
Site Planning / Landscape Architecture
400 Third Lane, Ste. 200, Bala, IL 60009
PH: 312.644.7970 FAX: 312.644.7971

SCALE 1" = 30'



Balley Engineering, Inc.
CIVIL ENGINEERING | PLANNING | CAD
1116 S. STATE STREET, SUITE 212
EAGLE, ILLINOIS
www.balleyengineering.com



CHECKED BY:	JAN
DRAWN BY:	JAN
REVISED	
NO. DATE DESCRIPTION	
1 1/27/2017 STREET DOWNS	

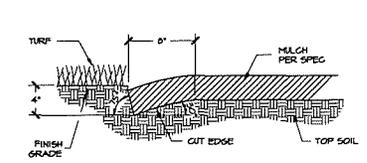
PRELIMINARY PLAT LANDSCAPE PLAN
FOSSIL CREEK SUBDIVISION
TRILOGY DEVELOPMENT, INC.

DATE: 07-11-2019
PROJECT: 204-11007
SHEET 14

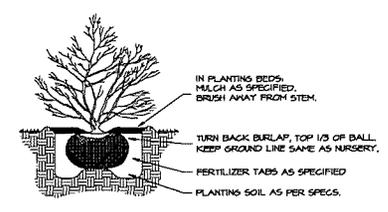


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 KCS
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 JLS
 REVISED: NO. DATE DESCRIPTION
 1 1/27/2020 STREET NOTES

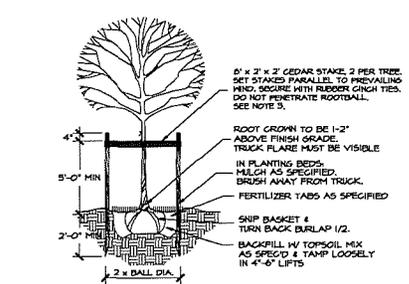
PRELIMINARY PLAT LANDSCAPE PLAN
 FOSSIL CREEK SUBDIVISION
 TRILOGY DEVELOPMENT, INC.



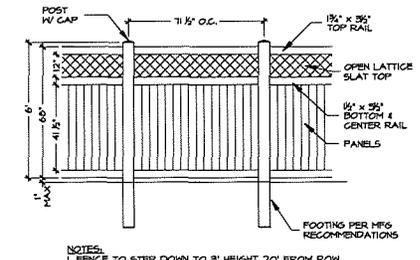
① SHRUB PLANTING
 NOT TO SCALE



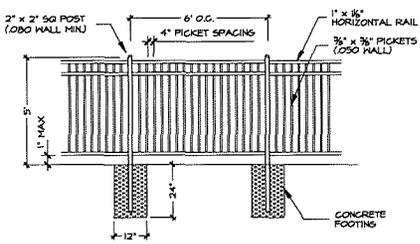
② SHRUB PLANTING
 NOT TO SCALE



③ TREE PLANTING/STAKING
 NOT TO SCALE



④ VINYL LATTICE PRIVACY FENCE
 NOT TO SCALE



⑤ IRON FENCE
 NOT TO SCALE

PLANT PALETTE

SYM	COMMON NAME	BOTANICAL NAME	SIZE
EVERGREEN TREES			
	AUSTRIAN PINE	PINUS NIGRA	6-8\"/>

NOTES

- ALL LANDSCAPE SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF KIMA ORDINANCE REQUIREMENTS.
- ALL PLANTING AREAS TO BE WATERED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
- TREES SHALL NOT BE PLANTED WITHIN THE 10-FOOT CLEAR ZONE OF ALL ACID STORM DRAIN PIPE STRUCTURES OR FACILITIES. SEEPAGE BEDS MUST BE PROTECTED FROM ANY AND ALL CONTAMINATION DURING THE CONSTRUCTION AND INSTALLATION OF THE LANDSCAPE IRRIGATION SYSTEM. ALL SHRUBS PLANTED OVER OR ADJACENT TO SEWERAGE BEDS TO HAVE A ROOT BALL THAT DOES NOT EXCEED 18\"/>

DEVELOPMENT DATA

TOTAL AREA	86.75 ACRES
RESIDENTIAL LOTS	212
OPEN SPACE/COMMON/PARK LOTS	11
TOTAL LOTS	223
COMMON AREA	4.51 ACRES (4.3%)
TOTAL PAVABLE OPEN SPACE	0.2 ACRES (0.3%)
EXISTING ZONING	R-5
PROPOSED ZONING	R-6

LANDSCAPE CALCULATIONS

LOCATION	BUFFER WIDTH	LENGTH	REQUIRED	PROVIDED
N DEER FLAT RD.	35'	130' / 100' +	24 TREES	24.5 TREES (5 SHADE TREES + 19 ORNAMENTAL TREES)
			36 EVERGREENS 144 SHRUBS	36 EVERGREENS 150 SHRUBS
			NUMBER OF TREES PROVIDED ON BUFFERS:	70
			NUMBER OF TREES PROVIDED ON COMMON LOTS:	253
			TOTAL NUMBER OF TREES:	323



JENSENBELTS ASSOCIATES
 1001 S. Main Street, Suite 200
 St. Louis, MO 63103



Neighborhood Meeting Certification

CITY OF KUNA PLANNING & ZONING * 763 W. Avalon, Kuna, Idaho, 83634 * www.kunacity.id.gov * (208) 922-5274 * Fax: (208) 922-5989

GENERAL INFORMATION:

You must conduct a neighborhood meeting prior to application for variance, conditional use, zoning ordinance map amendment, expansion or extension of a nonconforming use, and/or a subdivision. Please see Section 8-7A-3 of the Kuna City Code or ask one of our planners for more information on neighborhood meetings.

The meeting must be held either on a weekend between 10 a.m. and 7 p.m., or a weekday between 6 p.m. and 8 p.m. Meetings cannot be conducted on holidays, holiday weekends, or the day before or after a holiday or holiday weekend. The meeting must be held at one of the following locations:

- The Subject Property;
- The nearest available public meeting place (Examples include fire stations, libraries and community centers);
- An office space within a 1-mile radius of the subject property.

The meeting cannot take place more than 2 months prior to acceptance of the application and the application will not be accepted before the neighborhood meeting is conducted. You are required to send written notification of your meeting, allowing a reasonable amount of time before your meeting for property owners to plan to attend. Contacting and/or meeting individually with residents will not fulfill Neighborhood Meeting requirements.

You may request a list of the people you need to invite to the neighborhood meeting from our department. This list includes property owners within 300 feet of the subject property. Once you have held your neighborhood meeting, please complete this certification form and include it with your application.

Please Note: The neighborhood meeting must be conducted in one location for attendance by all neighboring residents. Contacting and/or meeting individually with residents does not comply with the neighborhood meeting requirements.

Please include a copy of the sign-in sheet for your neighborhood meeting, so we have written record of who attended your meeting and the letter of intent sent to each recipient. In addition, provide any concerns that may have been addressed by individuals that attended the meeting.

Description of proposed project: residential subdivision for 272 single family homes

Date and time of neighborhood meeting: Tuesday, February 4, 2020, 6pm

Location of neighborhood meeting: Kuna Middle School, 1360 W. Boise Street

SITE INFORMATION:

Location: Quarter: _____ Section: 22 Township: 2N Range: 1W Total Acres: 66.75 acres

Subdivision Name: Fossil Creek Lot: _____ Block: _____

Site Address: 2221, 2455 W. Deer Flat Rd. Tax Parcel Number(s): S1322212401
S1322120900, S1322121200, S1322121300

Please make sure to include **all** parcels & addresses included in your proposed use.

CURRENT PROPERTY OWNER:

Name: Corey D. Barton

Address: 1977 E. Overland Rd City: Meridian State: ID Zip: 83642

CONTACT PERSON (Mail recipient and person to call with questions):

Name: Jane Suggs Business (if applicable): Gem State Planning

Address: 9840 W. Overland Rd. City: Boise State: ID Zip: 83709
Suite 120

PROPOSED USE:

I request a neighborhood meeting list for the following proposed use of my property (check all that apply):

Application Type

Brief Description

Annexation

Re-zone

Subdivision (Sketch Plat and/or Prelim. Plat)

Special Use

Variance

Expansion of Extension of a Nonconforming Use

Zoning Ordinance Map Amendment

Preliminary plat for single family subdivision

APPLICANT:

Name: Jane Suggs / Gem State Planning

Address: 9840 W. Overland Road, Suite 120

City: Buise State: ID Zip: 83709

Telephone: 208-602-6941 Fax: jane@gemstateplanning.com

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accord with Section 5-1A-2 of the Kuna City Code

Signature: (Applicant) Jane Suggs Date 2/5/20

Gem State Planning, LLC

January 27, 2019

Subject: Fossil Creek – a new residential community

Dear Neighbors:

You and your family are invited to attend a neighborhood meeting to discuss the plans to develop Fossil Creek Subdivision, a residential community, located at 2221 and 2455 W. Deer Flat Road, south of Deer Flat Road and west of Ten Mile Road.

Please see the map on the back showing the existing parcels that will make up Fossil Creek. This subdivision was previously approved in 2007, but the project approvals expired during the economic downturn. The 67-acre subdivision has been updated and will include approximately 270 lots for single family homes, along with large open spaces, play area, covered shelter and ½ basketball court.

The meeting will be held on **Tuesday, February 4, 2020, at 6 pm at Kuna Middle School in the Cafeteria**, 1360 W. Boise Street.

If you have any questions about the meeting or the proposed community, please do not hesitate to e-mail me at jane@gemstateplanning.com.

Sincerely,



Jane Suggs
Planner



The boundary of Fossil Creek is shown in blue on the map. The area is bounded by W. Deer Field Rd to the north, W. Secord Ct to the east, and S. Main St to the south. Nicholson Park is located to the south of the Fossil Creek area.

[Handwritten signature]

Fossil Creek Subdivision
Neighborhood Meeting
 Tuesday, February 4, 2020
 6 pm

Name	Address	Email / Phone
1. John Marsala	2150 Secluded Ct.	JohnMarsala@hotmail.com
2. Doyle McPherson	4387 W. HUBBARD RD	TX 76088 870-6082
3. Claudia Jacobson	1830 W. Secluded Ct	claudiaj@cdbleone.net
Steven Jean Critcher	2110 W Deertlat	Kuna ID 83634 Jean.henrichs@yahoo.com
5. Jim Wuehler	2163 W. Quilceda St,	Kuna 83634
6. DEE Wuehler		
7. Paul Dimer		paul@dimercore.com
8. Luke Dimer		
9. Audrey Blanchard	2251 W. Secluded Ct.	rynomite@gmail.com
10. Denise Hubbard	5814 N Veridian Ave	denisehubbard
11. Dan Hintz	2252 W Secluded	clenischibbard44@gmail.com danhintzjr@yahoo.com 208 800 1155
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		



Neighborhood Meeting List Request

CITY OF KUNA PLANNING & ZONING, 763 West Avalon, Kuna, Idaho 83634 * www.kunacity.id.gov * (208) 922-5274 * Fax: (208) 922-5989

GENERAL INFORMATION:

If you are applying for one of the uses listed below, you must conduct a Neighborhood Meeting. This meeting allows neighbors to learn more about your project before the public hearing (Kuna Planning & Zoning will notify surrounding property owners of the hearing). All involved property owners within *300 feet of the subject property boundary need to be invited to your meeting.

According to Kuna City Code, the meeting must be held either on a weekend between 10 a.m. and 7 p.m., or a weekday between 6 p.m. and 8 p.m. Meetings cannot be conducted on holidays, holiday weekends, or the day before or after a holiday or holiday weekend. The meeting must be held at one of the following locations:

- The Subject Property;
- The nearest available public meeting place (Examples include fire stations, libraries and community centers);
- An office space within a 1-mile radius of the subject property.

The meeting cannot take place more than 6 months prior to acceptance of the application and the application will not be accepted before the neighborhood meeting is conducted. You are required to send written notification of your meeting, allowing a reasonable amount of time before your meeting for property owners to plan to attend. **Please fill out the supplied certification form and include it with your application so we have written record of your meeting.** Contacting and/or meeting individually with residents will not fulfill Neighborhood Meeting requirements.

*PLEASE NOTE: A \$20.00 FEE IS REQUIRED FOR THIS SERVICE (CITY OF KUNA PROVIDES MAILING LABELS)

PROPOSED USE:

I request a neighborhood meeting list for the following proposed use of my property (check all that apply):

<u>APPLICATION TYPE</u>	<u>BRIEF DESCRIPTION</u>
<input checked="" type="checkbox"/> Subdivision (Sketch Plat and/or Prelim. Plat)	<u>residential subdivision for single</u>
<input type="checkbox"/> Conditional Use	<u>family lots (± 270)</u>
<input type="checkbox"/> Variance	_____
<input type="checkbox"/> Expansion of Extension of a Nonconforming Use	_____
<input type="checkbox"/> Zoning Ordinance Map Amendment	_____

SITE INFORMATION:

Location: Quarter: _____ Section: 22 Township: 2N Range: 1W Total Acres: ± 67
 Subdivision Name: Fossil Creek Sub Lot(s): _____ Block(s): _____
 Site Address: 2221, 2455 W. Deer Flat Road Tax Parcel Number(s): 51322212401,
51322120900, 51322121200,
51322121300

Please make sure to include **all** parcels & addresses included in your proposed use.

CURRENT PROPERTY OWNER:

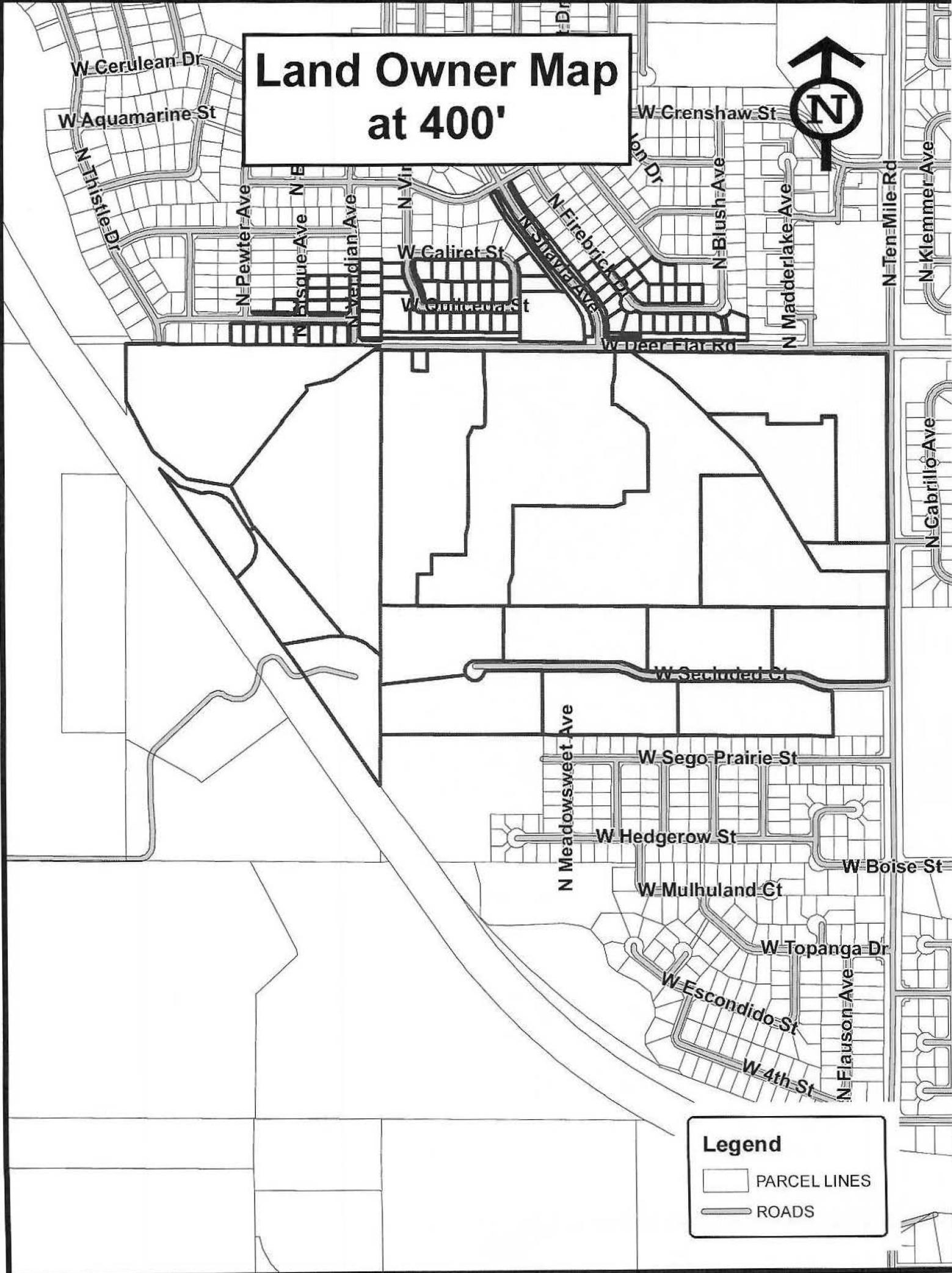
Name: Corey D. Barton
 Address: 1977 E. Overland Rd City: Meridian State: ID Zip: 83642

CONTACT PERSON (Mail recipient and person to call with questions):

Name: Jane Suggs Business (if applicable): WHPacific / NV5
 Address: 2141 Airport Way City: Boise State: ID Zip: 83705
 Fax: _____ Phone: _____ Cell: _____

OFFICE USE ONLY			
File No.:	Received By:	Date:	Stamped:

Land Owner Map at 400'



Legend

- PARCEL LINES
- ROADS

21

HINTZ DWIGHT H JR	2252 W SECLUDED CT	KUNA, ID 83634-0000
HOBECK KYLE	2178 W QUILCEDA ST	KUNA, ID 83634-0000
HOLSAPPLE JEREMY R	1608 N VERIDIAN AVE	KUNA, ID 83634-0000
HOREN HERBERT L	1596 N HUTCHINS AVE	KUNA, ID 83634-0000
HORN MICHAEL	2141 W CALIRET ST	KUNA, ID 83634-0000
HUNT STEVEN	1554 N FIREBRICK DR	KUNA, ID 83634-0000
IVERSON ANDREW	2196 W QUILCEDA ST	KUNA, ID 83634-0000
JACOBSON MARK C	1830 W SECLUDED CT	KUNA, ID 83634-0000
JONES THOMAS L	2161 W CALIRET ST	KUNA, ID 83634-0000
JORDAN HARVEY CRAIG	2145 W SECLUDED CT	KUNA, ID 83634-0000
KESL WENDY	1632 N VERIDIAN AVE	KUNA, ID 83634-0000
KIRK KYLE	1551 N FIREBRICK DR	KUN, ID 83634-0000
KNOELK ROBYN L	1971 W FELTSON ST	KUNA, ID 83634-0000
KROHN CURTIS D	1851 W FELTSON ST	KUNA, ID 83634-0000
LAURSEN DAWN M	1927 W FELTSON ST	KUNA, ID 83634-0000
LETE FAMILY REVOCABLE TRUST	1795 W DEER FLAT RD PMB 301	KUNA, ID 83634-0000
MANTHEI STEVEN R	1934 W FELTSON ST	KUNA, ID 83634-0000
MARSALA JOHN L	2150 W SECLUDED CT	KUNA, ID 83634-1272
MARTIN CARL	1841 W SECLUDED CT	KUNA, ID 83634-0000
MCKENDRICK SCOTT W	2214 W QUILCEDA ST	KUNA, ID 83634-0000
MCMULLEN SHANNON H	2160 W QUILCEDA ST	KUNA, ID 83634-0000
MONSON TYLER J	1579 N VINIFERA AVE	KUNA, ID 83634-0000
NEW CENTURY PROPERTY MANAGEMENT LLC	1993 W FELTSON ST	KUNA, ID 83634-4801
NICOLAYSEN BRET	1737 N ROSEDUST DR	KUNA, ID 83634-0000
PALMER DEAN E	1978 W FELTSON ST	KUNA, ID 83634-0000
PERSON RANDY J	1607 N VERIDIAN AVE	KUNA, ID 83634-0000
PETERSON KATHARINA B	12961 N HAUSER LAKE RD	HAUSER, ID 83854-0000
POND KEALEN	1619 N VERIDIAN AVE	KUNA, ID 83634-0000
RAZUTIS DANIEL J	1700 W SECLUDED CT	KUNA, ID 83634-1273
ROVIG CHEYENNE E	1620 N VERIDIAN AVE	KUNA, ID 83634-0000
SERNA FAMILY LIVING TRUST 10/27/16	1537 N FIREBRICK DR	KUNA, ID 83634-0000
TOOMEY AARON J	2234 W QUILCEDA ST	KUNA, ID 83634-0000
TUCKER TREVOR	2475 W QUILCEDA ST	KUNA, ID 83634-0000
TURNER CHARLES R JR	1956 W FELTSON ST	KUNA, ID 83634-0000

6

VINCENT JAMES D
WARREN ANDREW VK
WEAVER TAMMY
WINKLE JAMES C JR
WOLVERTON TRENTON LEVI
WUEHLER TRUST 03/23/2018

1587 N FIREBRICK DR
1912 W FELTSON ST
2255 W QUILCEDA ST
1561 N VINIFERA AVE
1905 W FELTSON ST
2163 W QUILCEDA ST

KUNA, ID 83634-0000
KUNA, ID 83634-0000