



## KUNA PLANNING AND ZONING COMMISSION Agenda for December 11, 2018

Kuna City Hall ▪ Council Chambers ▪ 751 W. 4<sup>th</sup> St. ▪ Kuna, Idaho

### 1. CALL TO ORDER AND ROLL CALL

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. Meeting Minutes for November 27, 2018.
- b. **Findings of Fact and Conclusions of Law** For 18-05-S (Preliminary Plat) – Lete Commercial Subdivision.
- c. **Findings of Fact and Conclusions of Law** For 18-12-SUP (Special Use Permit) and 18-03-ZC (Rezone) – Kuna CTE High School.
- d. **Findings of Fact and Conclusions of Law** For 18-03-AN (Annexation), 18-01-CPM (Comprehensive Map Change), 18-04-ZC (Rezone), 18-02-PUD (Planned Unit Development) and 18-04-S (Preliminary Plat) – Falcon Crest Subdivision.

### 3. NEW BUSINESS

**18-38-DR (Design Review)** – Snerk’s Drive-Thru and Retail Building; ALC Architecture seeks Design Review approval from the Planning and Zoning Commission (acting as Design Review Committee) for a new 650 square-foot drive-thru soda shop and a new 6,100 square-foot retail building, accompanying landscaping, lighting and a parking lot. The site is located at 450 East Deer Flat Road, Kuna, Idaho 83634. **ACTION ITEM.**

### 4. PUBLIC HEARING

- a. **18-06-AN (Annexation), 18-08-S (Preliminary Plat) and 18-35-DR (Design Review)** – LedgeStone Subdivision; On behalf of trilogy development, Inc., WHPacific requests to annex two contiguous parcels comprising of approximately 60.85 acres on East Hubbard Road and North Locust Grove Road into Kuna City Limits with an R-8 zoning designation; and to subdivide the 60.85-acres into 298 total lots, consisting of 253 single family buildable lots, and 45 Common lots. The subject sites are adjacent to the southwest corner of East Hubbard Road and North Locust Grove Road, Kuna, ID 83634, within Section 18, Township 2 North, Range 1 East; (APN’s S1418121126 & S1418123400). **ACTION ITEM.**  
- **Staff Request this item be table to January 22, 2019; ACHD staff report was not received.**
- b. **18-05-AN (Annexation), 18-06-S (Preliminary Plat) & 18-34-DR (Design Review)** – Redcloud Subdivision; The applicant, SSM2, Company, requests to annex approximately 8.00 acres into Kuna City with an R-6, residential zone, and to subdivide the property into 41 single family residential lots and three (3) common lots and have reserved the name *Redcloud Subdivision*. A Design Review application for four common areas and buffer landscaping accompanies this application. The site is located at the southeast corner of Luker and Great Bear Roads, the site address is 1250 S. Luker Rd., Kuna, Idaho; In Section 25, T 2N, R 1W, APN #: S1325438500. **ACTION ITEM.**

### 5. ADJOURNMENT

**CITY OF KUNA  
PLANNING & ZONING COMMISSION**

**MEETING MINUTES  
Tuesday, November 27, 2018**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	X
Commissioner Dana Hennis	X	Troy Behunin, Senior Planner	X
Commissioner Cathy Gealy	X	Jace Hellman, Planner II	X
Commissioner Stephen Damron	X	Sam Weiger, Planner I	X
Commissioner John Laraway	X	Bill Gigray, City Attorney	X

**6:00 pm – COMMISSION MEETING & PUBLIC HEARING**

Chairman Young called the meeting to order at **6:00 pm**.

**Call to Order and Roll Call**

**1. CONSENT AGENDA**

- a. Meeting Minutes for October 23, 2018.

*Commissioner Hennis Motions to approve the consent agenda; Commissioner Damron Seconds, all aye and motion carried 4-0.*

**2. NEW BUSINESS**

**18-37-DR (Design Review)** – Freedom Fitness; Richard Wilmot, with ALC Architecture, seeks Design Review approval from the Planning and Zoning Commission (acting as Design Review Committee) to construct a *Freedom Fitness* gymnasium with accompanying landscaping, lighting and a parking lot. The project is within Ensign Commercial Subdivision No. 2 at 821 North Meridian Road, Kuna, Idaho 83634 (APN# S1324142215).

**C/Gealy:** Mr. Chairman, I will recuse myself from this item. **Richard Wilmot:** 1119 East State Street, Eagle, ID. We are proposing a fitness facility off of Meridian Road just south of the existing Dollar Tree building. There will be a workout area with locker rooms and child care available for patrons using the facility. The building is comprised of cement plaster, stucco, metal panel, and standing seam metal roofing. It is our plan to share our parking lot with other future buildings that are developed on the property. We don't have objections with anything in the staff report. The only condition is that we address the location of the trash enclosure. We'll finalize that in the coming week or so. **Sam Weiger:** Chairman, commissioners for the record Sam Weiger, Planner I for the City of Kuna 751 W 4<sup>th</sup> ST. The applicant is seeking Design Review approval for a new *Freedom Fitness* gymnasium accompanying landscaping, lighting and a parking lot. The new commercial building site is located within Ensign Commercial Subdivision No. 2, at the northwest corner of Meridian Road and East Meadow View Road. The property as it sits now is vacant, within city limits, and currently zoned C-1. The applicant proposes two driveway access points from North Meridian Road. The applicant proposes 78 total parking spaces and 4 accessible parking spaces. Staff finds that the proposed parking lot and parking lot lighting comply with Kuna City Code. All landscaping complies with Kuna City Code, Title 5, Chapter 17, Landscaping Requirements. Comments received from J&M Sanitation indicate that the proposed enclosure meets their standards. Staff would note the applicant was required to submit a new site plan illustrating the new location, dimensions and material types. Staff has determined that this application complies with Title 5 of Kuna City Code; Idaho Code Title 67; and the Kuna Comprehensive Plan. Staff forwards a recommendation of approval for Case No. 18-37-DR to the Planning and Zoning Commission. I will now stand for any questions you may have. **C/Young:** Did you have any feedback from fire as far as any path of travel or anything? **Sam Weiger:** There were no comments from the fire department on the Design Review application. **C/Young:** As far as

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the side layout, the parking lots are there and the circulation seems to work well. As far as landscape, there is not much to landscape. They have the planters in the area. **C/Young:** Architecturally it looks good, with a change in roofline materials. **C/Hennis:** I think they've done a nice job with layout and conformance.

*Commissioner Hennis motions to approve Case No. 18-37-DR with the conditions as outlined in the staff report; With an additional condition that the applicant continue to work with J&M Sanitation to arrive at the correct location for the trash enclosure and materials. Commissioner Laraway seconds, all aye and motion carried 3-0.*

### PUBLIC HEARING

**18-05-S (Preliminary Plat) & 18-26-DR (Design Review)** – Lete Commercial Subdivision; The applicant, Inaki Lete, requests to subdivide approximately 12.19-acres into 19 total lots, consisting of 10 commercial buildable lots, and 9 Common lots and has reserved the name Lete Commercial Subdivision. A Design Review application for site landscaping, and an addition to an existing on-site mini storage facility, which features eight (8) additional storage buildings on approximately 4.93-acres, accompanies this application. The subject site is located at 1795 West Deer Flat Road, Kuna, ID 83634, within Section 22, Township 2 North, Range 1 West; (APN# S1322111056).

**William Mason:** I'm with Mason and Associates, on behalf of Lete Commercial. This is on the southeast corner of Deer Flat and Ten Mile. This will be constructed out the same materials and colors as the existing facility. This will actually come with landscaping along Deer Flat. One of the questions in the staff analysis was about something that we needed to do in the landscape areas. There are 19 lots, nine of those are common lots. Those nine lots are in different phases in the project. We've split those common lots up, it's all going to be one facility and one ownership. There will be 10 commercial, buildable lots in these phases when it's built out. We made sure with staff that we would come forward with that preliminary plat, so we made sure we would meet that within one year. **C/Young:** The house that sits currently, is the intent of that house to stay until that parcel develops? **William Mason:** It would stay until that parcel develops if there was a use for that house somewhere else. There's a possibility that it can be relocated sometime in the future. Right now, there's no intention of moving it. **Jace Hellman:** Good Evening Chairman and Members of the Commission. For the Record, Jace Hellman, Planner II, Kuna Planning and Zoning Staff, 751 W 4<sup>th</sup> St, Kuna, ID. The application before you this evening is for subdivision consideration and design review approval. The applicant is proposing to subdivide approximately 12.19 acres into 19 total lots, consisting of 10 commercial buildable lots, and 9 common lots. The subject site is located on the Southwest corner of Deer Flat and Ten Mile at 1795 W. Deer Flat Road, and has reserved the name, Lete Commercial Subdivision. Staff would note, this preliminary plat comes to the Commission as step towards completing the conditions of approval of a special use permit that was granted by this body in February, 2018, which required the applicant to begin the preliminary plat process for the overall site within one year of the Commission's Order of Decision. The applicant has proposed shared accesses onto Ten Mile Road between proposed lots 18 and 16, 14 and 13, while the remaining lots are to be accessed via an existing access on Deer Flat Road. Following Correspondence with Ada County Highway District (ACHD) access to the proposed buildable lots will only be granted via approved existing access points on Ten Mile and Deer Flat Roads. Furthermore, conversation with staff members at ACHD an additional right-in/right-out entry point along Ten Mile no further than 550-Ft from the Deer Flat Road and Ten Mile Road Intersection will be permitted. Staff would recommend the applicant be conditioned to work with ACHD and City in order to provide access to the site that meets Kuna City Code and ACHD Policy. Additionally, Staff will require the applicant to allow cross access across all newly created parcels. Per comments received by ACHD, the existing driveways that service the above-mentioned household should be approved as temporary full access that may be restricted to a right-out/right-in only in the future as long as the house retains its current function as single-family residence. According to the applicant, the existing house will remain in place until the proposed phase that contains the residence is developed. Staff would note, at such time that the property is redeveloped Ada County Highway District and the City of Kuna will require the applicant to close the existing driveways. The installation of streetlights is a required public improvement listed under Kuna City Code 6-4-2. The applicant has not identified streetlight locations on the

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preliminary plat. Applicant will be required to work with staff in order to comply with Kuna City code and install street lights a maximum spacing of two hundred fifty (250) feet along the site's frontage. An updated preliminary plat and site plan will be required to be provided to staff showing the improvements. Staff would note that these street lights must be designed and installed according to "Dark skies" standards. Applicant proposes to install an eight (8) foot sidewalk. Following Staff's review of the preliminary plat, it appears that the proposed location is within the designated landscape buffer for the site. The road sections of Ten Mile Road and Deer Flat Road that abut the site are designated as minor arterials. Kuna City Code 5-17 requires the construction of detached eight (8) foot sidewalks along the accompany property frontage. This sidewalk needs to be located within the public right-of-way and separated from public vertical curb by a four to eight-foot-wide irrigated and landscaped planter strip, which is in addition to the required 20-foot landscape buffer. Staff will require the applicant conform to Kuna City Code and install the proposed sidewalk within the right-of-way separated from the public vertical curb by a four to eight-foot-wide irrigated and landscaped planter strip. A design review application for common area landscaping was included as a part of the overall application. Applicant proposes several dedicated landscaping and buffer areas throughout the project. Much of what the applicant proposed will mirror what was installed when Kuna Caves Storage was built. Staff finds the proposed landscaping complies with the landscaping requirements set by City code. Staff would note the applicant does not identify the type of groundcover that will be used for all landscape buffers. Staff would prefer sod, and Kuna City Code requires organic material for groundcover. Staff would recommend the applicant be conditioned to provide a landscape plan to staff with a Kuna City Code approved groundcover identified. Additionally, the applicant has proposed to create a second phase of Kuna Caves Storage on some of the lots to be platted. Special Use Permit approval was granted in February of 2018, with the condition that the applicant get design review approval prior to beginning construction. The applicant proposes eight additional storage related buildings on 4.93-acres (as granted by the recently approved special use permit). Extensive landscaping has been proposed along the site's frontage on Deer Flat Road. Colors, fencing and building materials are proposed to be similar those used in the existing Kuna Caves Storage facility. Staff has determined the preliminary plat and design review complies 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; and forwards a recommendation for a recommendation of approval for Case No. 18-05-S (Preliminary Plat) and a recommendation of approval for 18-26-DR (Design Review), subject to any conditions of approval outlined by Kuna's Planning and Zoning Commission and City Council. **C/Gealy:** I heard you mention several conditions that you would recommend, and I would like to clarify those conditions. **Jace Hellman:** The cross-access agreement across all parcels, that is included in the staff report. The closing of the driveway is when the property is redeveloped, and that is also in the report. The conforming to Kuna City Code is covered in No. 5. I did not include that staff would work with ACHD for their access points. That would be one that we need to include as a condition. I also would request that the commission recommend that they work with staff to provide a landscape plan showing an approved ground cover for their planter strips and buffers. Is street lighting included in there as well? **Jace Hellman:** That's tackled with No. 6 and No. 7 of the conditions of approval. **C/Gealy:** What about submitting a preliminary plat and site plan? **Jace Hellman:** That could be added to condition No. 6 as a recommendation to provide staff with an additional preliminary plat showing improvements. **C/Gealy:** We basically have three conditions to consider? **Jace Hellman:** Correct. **C/Hennis:** We'll have additional design review for the commercial lots. **C/Young:** They've done an exceptional job with the landscaping. On the preliminary plat side, I like the idea of the second entrance off of Ten Mile. We just need to verify those distances with ACHD. We're looking forward to seeing additional material in that corner. Any additional thoughts on the preliminary plat piece.

*Commissioner Gealy motions to recommend approval of Case No. 18-05-S with the conditions as outlined in the staff report; With an additional condition to update the preliminary plat and site plan. And an additional condition to work with staff regarding the landscape plan with the allowable ground cover; And an additional condition to work with ACHD to work with staff on access points. Commissioner Hennis seconds; Motion carried 4-0. Commissioner Gealy motions to approve Case No. 18-26-DR with the conditions as outlined in the staff report; With an additional condition to update the preliminary plat and site plan; And an additional condition to work with staff to include allowable*

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*ground cover and to work with ACHD and staff on the access points. Commissioner Hennis seconds, all aye and motion carried 4-0.*

**18-03-AN (Annexation), 18-01-CPM (Comprehensive Map Change), 18-04-ZC (Rezone), 18-02-PUD (Planned Unit Development), 18-04-S (Preliminary Plat) & 18-20-DR (Design Review)** – Falcon Crest Subdivision; Scott Wonders with JUB Engineers, on behalf of M3 Companies- Mark Tate (Owner), requests approval to Annex approximately 996 acres into Kuna City limits, Change the Comprehensive Plan Map (CPM) from Agriculture to Mixed-Use for approximately 163 acres, for a Planned Unit Development (PUD) for approx. 1,028 acres, to rezone approx. 20 acres and subdivide approx. 132 acres into 409 residential lots, 51 common lots, four common driveway lots, two well lots and one private road. This site is located at the NEC of Cloverdale and Kuna Roads, Kuna, Idaho. Please see the application for a list of parcel numbers affected by this application.

**Mark Tate:** I'm with M3 Companies, the address is 1087 W River Street, Boise, ID 83702. The Falcon Crest property is over 1,000 acres. There's an additional property that's 160 acres. They have maintenance buildings. There is a residence, a pro shop, and the courses were constructed in the 1990s. The property is also irrigated as a sod farm and has been operated as such for some time now. The bulk of the property was designated as mixed-use in the comprehensive plan. With Boise not really continuing to grow to the south, this would be a great opportunity for the City of Kuna. This will be restricted to people 55 and over. The area will have many amenities, including tennis, pickleball, swimming pools, horseshoe, any kind of activity that you can think of as far as popular recreation. On the corner of Kuna and Cloverdale, we have 19 acres of commercial. Regarding the east-west collector road, if it ultimately extended, there's a big ridge line right there. The road would never be able to be built on that section line. Because it drops off at such a steep angle, it would have to come back down that ridge line at an angle. It's important to note that the east-west collector road, knowing about the concerns of traffic there, for what our project would do regarding trips. Having the east-west collector road running through the middle of the property would really funnel our own traffic into the collector road and out to Cloverdale Road without having to push it down to the south. We also noticed that we have limited access at Kuna Road. Most of the traffic is really going to come into the middle and will have very little impact, relatively speaking. The most logical way will be to come into the project and out that way, we'll talk about the open space and trails. Another thing to point out is the overall gross density, which is only 2.25 units inside the community. It's not really a high-density development. One thing we're really excited about is the new golf club facilities and community amenities up where the existing club house is. There are three zones in our rezone we're requesting. One is C-2 in the corner at 19 acres. We made it large enough to include a restaurant, a grocery store, any uses that be ancillary to residential uses. This will ultimately reduce trips and make the location more walkable. The greyed-out areas are all zoned R-6. Each of those parcels has boundaries called villages. For the larger density, we have R-12. We've focused that kind of zone around our community. It would potentially be townhomes or things like that. It doesn't mean apartment complexes. It would be really for a smaller lot kind of property. There is an eight- to 10-foot wide greenbelt area. This is much more than any of the items required in city code. There is a seven-acre city park, which should go up to a 10-acre city park. We're proposing a roundabout as you come into the property. The main reason that we're doing the PUD is to focus on private streets, different types of lots. We're looking at concepts to build additional lakes. The first subdivision is in the southwest corner there. This would be a four-mile extension from the sewer line to the Orchard Lift Station. Water will be done on site through a well. We're currently in a process with the City of Kuna to decide exactly where that would be and get that located on the site. The city would be developing the well, and we'd be responsible for building all of the infrastructure for the community from the well. We've got one access proposed at Cloverdale Road directly into the subdivision, which would be gated. This project does not have a lot of surface water available. Most of the property is elevated above the New York Canal. Most of it is done through a couple of large irrigation wells to serve the golf course and sod farm. Our irrigation system would be private, the owning rights would stay with that community and the Homeowner's Association. The City of Kuna and the City Engineer seem comfortable with what we're proposing. There's a central community park off to Cloverdale that

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will serve the neighborhood. There's a pathway network where you see a lot of trees lining. It's eight feet long and loops the entire property. There's no access to Kuna Road with this phase. The lot sizes vary from 55 feet wide to about 75 feet wide. These are smaller than your standard subdivision lot size, because we are targeting a demographic that does not want to have to maintain large lots. I've reviewed the city's staff report, and I agree to the conditions. I will ask a request from you. For the development agreement that is part of the application, I will ask that you include in your motion direction to staff to continuously refine the development agreement exhibits, formatting, numbering. We want to make sure that we can revise the development agreement before we go to City Council. There were a couple of specific modifications that were included in the City Engineer's letter. There was some form language in there as it relates to irrigation. Typically, irrigation rights are returned to the city. Because we're not doing that, we request you include these changes in your motion. **C/Laraway:** You mentioned in here a gated community, and ACHD bought off on that? **Mark Tate:** Yes, the important thing to them is that the collector be maintained through the property. We should not be foreclosing anything beyond the property or adjacent to the property. They've seen the east-west collector that runs through the property and extending Five Mile Road to the north. These would all be public roads. **C/Laraway:** All snow and stuff like that would be at your hands? **Mark Tate:** Yes, snow removal, road maintenance, all that goes through the HOA. **C/Laraway:** The second house between Five Mile and Kuna, is that going to be renovated? Has that been discussed with the Fire District? **Mark Tate:** The owners of the Falcon Crest Golf Course take title to that property, and the Fire District has requested to have a location somewhere out along Cloverdale Road with the industrial stuff going on to the south. We don't any specific use for it right now, but I know that the nursery next to it is potentially looking into using it during the interim. **C/Laraway:** Part of my concern is, as big as this is going to be, there are not many first responders out there. **Mark Tate:** believe the fire district has had an opportunity to weigh in on the application. I know that they are working on acquiring a place on Cloverdale Road. I believe all the fire districts in the area are charging impact fees for land acquisition. **C/Young:** Has anybody done any test wells out there for water? **Mark Tate:** There are two large irrigation wells, and there is a domestic well on the property. The domestic well is associated with the clubhouse area to use for potable water or drinking water. The two irrigation wells do 1,800 gallons per minute, and the domestic well is about 2,500 gallons per minute. In terms of capacity, that would be on par with a very highly productive municipal well. The water quality out there is substantial. The wells out there are pretty old, they haven't seen any decline in water levels. We've also done a lot of water quality testing. Some wells in the region have had some water quality issues. We did test all three wells for irrigation, and that water does not need to be treated. As far as water rights go, there are water rights that have been used for irrigation out there. We would be maintaining those irrigation rights; sod water and golf is a very water-intensive use. **C/Young:** As far as product types in this first phase, if it's geared toward active adults, are they mainly one-story, two-story, or is there a mix? **Mark Tate:** We haven't written the design guidelines yet, I don't know if we would preclude two-story houses, but we probably won't see a lot of four-bedroom houses. Two bedrooms is about as large people would go. We would allow in some of the larger lots an RV garage. There will be all the travelers. I would anticipate single clubhouses. **C/Young:** Do you have for the first phase or the first preliminary plat, an average lot size? **Mark Tate:** I would estimate about a fifth of an acre. **C/Young:** As far as the higher density, I'm guessing that it's a townhome type community? **Mark Tate:** It could even be a detached type of product. Maybe two master suites with indoor and outdoor living, maybe with 6,200 square feet. This could be 6-7 square units per acre for a detached product. Some of our houses have featured a bigger side yard to the next house, and there are ways to maintain the outsides of it. We envision cluster-type projects out there. **C/Hennis:** One of the applications you're looking at out there is an R-12 area. All your densities so far are R-6, so why go to an R-12? **Mark Tate:** It really has a lot more to do with the lot standards. The R-12 gives us more flexibility with the design to try to get to 12 or more units per acre. We might have areas that get up to 8 units per acre. All of the open space in there comes in at a reasonable density. **C/Young:** We'll start off with the R-6, where we're looking at being able to work with an R-6, which has an average size of 4,500 square feet. **Mark Tate:** These are around 6,000 square feet. **C/Young:** That is well into an R-4. **C/Young:** As far as plats and that go and the grand scheme of things, the clubhouse portion for the active living section, what plat is that intended to come in? **Mark Tate:** It will actually come in the second plat and will

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definitely include the collector road with the community clubhouse. **C/Hennis:** That roundabout or that collector that comes in, you have an area designated as Design Review, what is the DR? **Mark Tate:** That is actually for the driving range. **C/Young:** With this preliminary plat, you've got one entryway into the subdivision for 400 plus units. Do you have plans for a temporary access until this builds out? **Mark Tate:** Along the Cloverdale Road portion of the boundary, there will be an emergency access going out to Cloverdale right there. That's a potential future well site as well. We would build a 20-foot access and put a well site as well. We would basically double the access and put emergency services in there. We also have one along Kuna Road for emergency access ingress. **C/Young:** Do you have an initial intent until there's a second entrance at the subdivision coming from another direction to use one of those as a full access until it builds out? **Mark Tate:** We're still looking at the exact phasing. I know that the plat we submitted included Cloverdale access, the first one that we're planning on doing. Potentially looking at the Falcon Crest entry as the first access and coming off of that. In this case, we'll need to get out to the secondary access very quickly. **C/Hennis:** You indicated that you would the extension on Five Mile and then reconnect down to Kuna. I noticed in ACHD's report, there was a recommendation to not have it wander. There was a recommendation to keep it a hybrid of the section line going all the way over to where we proposed. Part of their recommendation is that they will need to address it as future applications come in and as we get to platting in that area. **C/Young:** As far as ACHD's report goes, it was one of the biggest reports from ACHD I've ever seen. What are your anticipations for left turn lane, southbound direction, deceleration lanes and that sort of thing for these messages? **Mark Tate:** That would have to be done immediately, and we would anticipate that to be done at the outset. One of the big reasons that their traffic study is large is because they are all private streets on the interior, so there's not a lot to comment on. As we go through this project, there will be many preliminary plats that we will submit as we go. Each one will require its own ACHD approval. They will continue over the life of this project to a 20-year horizon. We will be looking at trip counts, traffic rates, where we are at in five years. They have a twenty-year work plan for much of Cloverdale Road. They will look at what gets built in that time. The retired buyers will do their commute in the middle of the day, which will reduce the 8-5 commute problems. **C/Young:** Can you describe the initial modifications of Cloverdale? There aren't any specific recommendations from ACHD for 400 units. **Mark Tate:** The traffic study determined that Kuna Road or Cloverdale Road is functioning well. They've got projects in the cue to remedy things much closer to Overland Road. When you look at 400 units, it sounds like a lot of units. From a percentage of trips as we get closer to Cloverdale Road, it is a very small percentage of those trips because Cloverdale Road is an arterial. It's covered by impact fees. Every house in this project is going to pay some impact fee for the road arterial system. We will build arterial roads in our project. We're also responsible to build the entire frontage of the project. All along Cloverdale road with the accesses and the turn lane, we'll be building that. **C/Young:** Cloverdale being an arterial road, you have no plans to put a middle turn lane in? **Mark Tate:** We would at our access. **C/Young:** I'm trying to get some specifics because it's not in the report. Where are you looking to put those? Where are the deceleration lanes? How long are those? What is that plan that you have? **Mark Tate:** There would be a deceleration lane and a center turn lane associated with the Cloverdale entry on this preliminary plat. ACHD has the real idea on the deceleration and turn lane. It has to do with travel speeds and that sort of thing. They are still going to improve all of our projects. **Troy Behunin:** Good Evening Commissioners, for the record, Troy Behunin, Planner III, 751 W. 4th Street, Kuna. The applications before you tonight are case No's 18-03-AN (Annexation), 18-01-CPM (Comprehensive Plan Map Change), 18-04-ZC (rezone), 18-02-PUD (Planned Unit Development), 18-04-S (Preliminary Plat) is presented for your vote to recommend approval, conditional approval or denial to Council. 18-20-DR (Sub Design Review) is before you for your decision tonight. The application materials have been assembled for your packets for your reading pleasure. All of the noticing procedures have been followed to hold the public hearing tonight. The applicant seeks approval for annexation of approximately 996 acres, approximately 807 acres at R-6 and 187 acres at R-12, a comp plan map change from Ag to Mixed Use for approximately 160 acres, a rezone of approximately 20 acres, and a pre-plat for approximately 131 acres to subdivide up to 409 lots and 58 common lots, 2 well lots, and up to 4 common driveways in a PUD in Kuna City limits. The applicant also proposes a DA to memorialize the requirements, obligations for both applicant and COK. This request (except for the request for CPM for approx. 160 ac) matches the Comp Plan map,

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designation of Mixed-Use General. This project is located at the NEC of Cloverdale and Kuna Roads, and 40 ac is already in the COK limits. This project has significant on frontage Cloverdale and Kuna Roads and proposes half mile collectors for E-W and N-S alignments. There are several topographic challenges and Staff is willing to work with the applicant on alignment. What is important is they are proposing to continue the MSM Kuna has approved. As a PUD, and the fact the applicant is willing to meet and exceed the 10% open space requirements and other amenities, these requests meet the criteria to request changes in dimensional and other code changes to add variety and flexibility to their communities. Staff (including our Attorney) has meet with the applicant multiple times to discuss and negotiate the requested changes and even as late as yesterday, to bring a unified request to Commission and ultimately on to City Council. In the back of the DA is a side by side comparative to showcase what the applicant will be required and obligated and where flexibility has been extended. It is up to the Commission to decide if they recommend approval. Staff has vetted out this entire document with the applicant and we have reached an agreement that will provide a way for a resort style community that Kuna has never seen before. This will include age-targeted audiences as well as family subdivisions, or villages. The pre-plat appears to meet all COK standards and does include a request for private streets, which staff and ACHD have both met with applicant to discuss standards and we have reached agreeable terms. The Landscape plan appears to meet all COK standards. The same goes for the pressurized irrigation. There are limited surface water rights out there. They will be creating their own system to facilitate watering all of the common lots and nursery. If they connected to our system, as Mark indicated in his request, the water rights would have to be dedicated to the city in order for the city to continue servicing those customers. The applicant has been notified and is willing to bring the sewer to this site. Staff would support a condition that in the event that the pressurized irrigation system is dedicated to the city, then it would be held at that time. The Development Agreement indicated that there would be several city parks. Right now, the plan is to dedicate just one city park of 10 acres as a public park. Staff would ask the applicant work with the Kuna Fire District, based on how many houses can be built at one time. There has been an incomplete application submitted by the Kuna Rural Fire District for a new site, which is almost a half-mile south of Cloverdale Road. Staff has worked with the applicant to get it before you tonight, and they have submitted everything that staff has asked for. Staff finds this application to be complimentary to the comprehensive plan goals and the comprehensive plan map. I stand for questions. **C/Laraway:** You mentioned the sewage situation. Is there going to be a sewage system built on site, or will it be transferred all the way back here? **Troy Behunin:** It will come from the Falcon Crest Subdivision. It will travel down Kuna Road for a large part of that. It will empty into the Orchard Street Lift Station. There will not be a sewage site on Falcon Crest. It will all travel this way. **C/Laraway:** The Commercial lot on the corner of Kuna and Cloverdale Road, will that be commercial pads or will we see townhome applications? **Troy Behunin:** That will allow for townhome or any other kind of multi-family or single-family residence. It will be commercial uses. They will come back with a plat for that, because right now, it's being platted as one single lot. They'll come back at a later time when the commercial development does kick off. **C/Young:** Have there been any discussion with Kuna Police Dept for that jump in current control areas to this, and have they worked with staff to do all that? **Troy Behunin:** ACHD will not support or fund anything with roads until there's actually been something created. That also goes for police and fire, too. Their actually contracted through the city as Ada County Sheriff Office. They will add more control once this comes up. **Wendy Howell:** The fire and police departments attend the pre-ap meetings. As far as coverage, the budget season is when council and the sheriff's office determine if there's additional need for additional detectives. That would go for the next coming year. **C/Young:** For the code modifications addressed in the DA are just specific to the DA, not a city-wide request? **Troy Behunin:** Correct. It's not a city-wide zoning code request. It meets the criteria for a PUD. **C/Gealy:** With respect to these exhibits, the schedule of district regulations and official height and area standards, they are only applicable to this application, correct? **Troy Behunin:** Any code changes are specific to this project only. **C/Damron:** I didn't see anything on street sizes. Did they send anything in? **Troy Behunin:** They did not, they will have to meet those standards. Even for the private streets. They have met with the fire district. The fire district did not have any significant concerns. Fire hydrant spacing is not handled at this level. That is a technical question that is handled during construction plan review. The only standard that they are requesting a change for is the length of cul-de-

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sac. They are willing to and will provide emergency accesses for those over length cul-de-sacs. The two cul-de-sacs that they have proposed do meet code. **C/Damron:** The C-2 access, that's internal from within that subdivision? **Troy Behunin:** They will have to go through the preliminary plat process for that. **C/Damron:** They've got the access points for the other phases. Do we know if that will be internal or external? **Troy Behunin:** It will be external. There are separation distance requirements, especially for an intersection. **C/Gealy:** There will be pressurized irrigation on the common lots, golf courses, and lots themselves? **Troy Behunin:** Yes, they have to come up with their own pressurized irrigation system for that. **C/Gealy:** The swales are on Cloverdale, but there is no curb, gutter and sidewalk? **Troy Behunin:** All arterials and collectors do require those to the proper widths. **C/Gealy:** Curb, gutter, and sidewalk? **Troy Behunin:** We're willing to work with ACHD. Sometimes we have these roadways in the five-year work plan. If they are not in the work plan or capital improvement plan (CIP), then they would require a swale. Staff would like to recommend that if it's not in their CIP then they widen and improve it to city standards. **C/Gealy:** Would that also include Kuna Road? **Troy Behunin:** Yes. **C/Laraway:** Is there any discussion about greenbelt walkway? **Troy Behunin:** Yes, there is. They have their own master plan for a regional walkway system. That's in addition to the internal walkways, which will be extensive. They plan to exceed our open space requirement by a significant margin. **C/Gealy:** I have a question regarding the development agreement. The red copy that you gave us, does that also include the red line copy that was in our packet? **Troy Behunin:** Actually, this supersedes the development agreement portion in your packet. That represents everything said since yesterday afternoon. **Troy Behunin:** Staff would also note that there were four letters sent in from the public. The fourth one was not, and it was anonymous. That does not meet the requirements for sending in a citizen's letter. **C/Gealy:** On page eight, item number 1.5.7 private road. I think it's confusing to have a public street a private road. **Bill Gigray:** With regards to the definitions, the reasons that they are definitions for private roads and public streets is so that we can find in the development agreement that this development will have both. When we're using the word streets, we're denoting that these are going to be public. ACHD indicated it would be in their jurisdiction. They would be the holders for the public streets. The private roads will be retained, and in accordance with the development agreement, the developer once they have been completed will then be transferring those to HOAs. Within the HOA CC&Rs, they'll be responsible to maintain them. **C/Gealy:** What I don't understand is why public street is included as a separate definition and it is also included in the definition of private road. **C/Gealy:** Can I request that we get a current copy of the agreement before we discuss it? **Wendy Howell:** We can go through your concerns to make sure they are addressed on this new development agreement. **Wendy Howell:** On our copy, it just says any road or street. **C/Gealy:** Next is 5.1.1.5.1. If they're going to modify curb drainage and other standards, then would they need to go through another approval process or will they modify it at will? **Troy Behunin:** This gives them the ability to modify that. The standards and what actually is transpiring will actually be construction plan review. **C/Gealy:** Would there still be staff review of those modifications? **Troy Behunin:** Yes. **Wendy Howell:** In addition, it will be looked at in the subdivision review process. **C/Gealy:** In the next section, it mentions an owner's association. Typically, we hear about homeowner's associations. In this case, it's referring to an owner's association. **Troy Behunin:** If you go back to the definitions, owner's association refers to any nonprofit organization or any responsible for the maintenance and operation of management, private roads, green space, public green space, pressure irrigation system and common lots as such are set forth in the CC&Rs. It is talking about a homeowner's association. **Bill Gigray:** The reason to include that it is a non-profit entity is because the developer intends to form either a non-profit corporation or it could be a non-profit association. There are different kinds of entities that can be created under the Idaho law to establish membership and the membership within those. These are usually the property owners in the designated boundaries of the homeowner's association. They're the ones who establish and pick the board of directors. They manage it just like you would manage a corporation. They are responsible for administering the CC&Rs in the designated areas, and it's my understanding that planning this development will be done in phases so they will create different HOAs for different phases of this development. **C/Gealy:** My concern is that when I read owners, I think I'm rightly so that it will include all owners of the property will be represented. If everybody with a 6,000-foot lot gets one vote, the people in the golf course get more votes than anybody. I have that the homeowners be well-represented in the presentation. **Bill**

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**Gigray:** You might want to ask Mr. Tate about that with regards to how they plan to deal with HOAs and the entities that they create. How I understand it is they will be able to review all of those, because we're going to be really concerned that those associations will be in a position and well able to maintain all the necessary infrastructure that they'll be responsible for. It's their intention that it will come back before it's ever finalized.

**C/Gealy:** My feeling is that we are representing the residents and future residents of this area. 5.2.2.7 reimbursement regards to potable water service. What does this mean? **Troy Behunin:** They are subject to the reimbursement agreement, and it's been decided in the reimbursement policies that the city has in place right now or that are reached through this process. **Bill Gigray:** We are prohibited by law to extend and enlarge our proprietary systems water and sewer. Developers can put extensions to them to at their expense if proposed. We require them to oversize the line so that it would be able to handle the load of adjacent properties as those are developed. When they do the oversizing, through the reimbursement process they can recapture some of the investment that comes from these hookups. This is a process used all over the valley by cities that are growing. It enables the city to maintain a controlled sewer and water system through this process. **C/Gealy:** My next one is 5.4.2.2.4. It says the developer shall be eligible for reimbursement of 100 percent of the cost. **Bill Gigray:** It would be the same idea that I mentioned for water. **Bob Bachman:** We have a section of the sewer line that's basically 7,700 lineal feet that the city had to put in. Instead of the city putting it in, we are actually having the developer put it in and basically treat it as a CIP. The benefit to the city for doing that is general contractors can do it much cheaper than we can. That percentage of the 7,700 feet is 100 percent eligible that will be eligible for reimbursement. The fee for future development tying in that line will go to pay that back quicker. They're putting in the line for us and getting reimbursed for that section of the line at 100 percent. Some of that basically gets done by the developments. **Troy Behunin:** They have to pull it like three and a half miles? **Bob Bachman:** From Cloverdale down Kuna Road to Strobel, the developers putting that section in are paying for their reasonable duty and we will reimburse them for anything over their reasonable duty. **C/Gealy:** For 5.5.7, in locations where pathways and trails are isolated and not connected to any development or trail, such isolated trails shall be constructed and approved by the city. **Troy Behunin:** The whole trail system is not being built all at one time. Portions of that will be built with each phase as it progresses. In a way to make it a better situation for the developer and public interest, a short trail doesn't just end. Really what we've negotiated with the developer is that small trails won't just be created and site for long periods of time. We're hoping to extend as much with each phase as we can. **C/Gealy:** Why would the city construct those trails rather than the developer? **Wendy Howell:** We will delete constructed. The system will be constructed by the developer and then dedicated to the city.

**C/Gealy:** For 5.6.9, I just wanted to clarify the statement beginning with if the developer develops and conveys any public park within the subject property to the city upon approval from the city administrator of the public park improvement costs. This included the fair market value of the land. My question is with respect to all other developers that come before us and we ask them for amenities or additional amenities and they pay park impact fees. We have not offered to any other developer that I know of an offset of their park impact fees by putting in a park. **Troy Behunin:** It is offered to any developer that comes in. It may not make the public arena, but it is offered. There is a Kuna City ordinance that does allow for that. **C/Gealy:** I do understand that this is a different animal here. I want to make sure we recognize that we're opening this as an opportunity. **Troy Behunin:** Other developers have implemented that same structure involving parks and trails. **Bill Gigray:** This really follows the impact layout of the State of Idaho. There is a mandatory provision in your ordinance for impact fees, and it's driven by state law. A fee payer can request a credit if they are entitled to an offset that's in the CIP for the parks. The payment of those fees, for which the fees can be used to buy for an improve facilities. This is doing nothing in my mind but complying with the Idaho Law and what the city's own ordinances which follow the law for development impact fees. **C/Gealy:** The next one is 8.5, the top of page 25. Could you explain this section please? **Troy Behunin:** With respect to the residential densities, as was discussed earlier, the minimum lot size for an R-6 right now is 4,500 square feet. Their average lot size is 6,500. They will exceed that in terms of density. They may get into a situation where they can't reach R-6. They may shift things around so one village is 5.2 dwelling units per acre, but they cannot go over six. That will be reviewed by staff in the preliminary plat process. **C/Gealy:** The next one is at

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9.1.3.1, just further down on that same page. Where it says the City Council shall grant an application for a limited termination for some parts of this agreement, is the shall a directive? Should it say shall or may in this sentence? I would like to defer to a legal. **Bill Gigray:** The reason why this has this wording is that it would depend on the circumstances in which the applicant is going to want some of this terminated. It's going to depend on the completion of the complete phase of the project. The idea was that they would come back, and they would say all of it is completed and in place. We want to have a certain portion of the agreement terminated. I wanted to make sure that we included provisions for perpetual maintenance and operation of infrastructure is going to be maintained throughout by a homeowner's association. That's why that was left in there. If they were seeking terminations in portions of the agreement, it would likely only be parts of the agreement, rather than the whole agreement. **C/Gealy:** Does the City Council have flexibility to grant the limited termination. **Bill Gigray:** "May" is a better word for us, absolutely. **C/Gealy:** I prefer the word 'may' as well. My next one is 11.2. For this part, if there is additional property will there be another PUD? **Bill Gigray:** I requested that be added there, because the applicant wants to have the assurance as they move forward. The city's zoning ordinance is as it is now. They don't change as they add phases to this development. We were saying it's ok within the original property subject to development within this agreement. We're not going to agree that it can automatically apply to some additional property that they may want to add to this development years from now. If you change your zoning ordinance for whatever reason, then those new ordinances would apply. **C/Gealy:** Section 14 on default, it did seem that it was primarily one sided, but you'll continue working it. **Bill Gigray:** It is provided so that the developer can only seek specific performance in the agreement. There are provisions are there for which the city can seek modifications for the other. The way in which it's written, there will be more options for the city than there would be for the developer. It is a deliberate process of notice of intent, ability to cure, proceeding through the process that will end up in the City Council's lap. Much of it, if you have original jurisdiction, will start with you, and it would go directly to the city council. This process also assures that the City Council and you have a chance to look at the default and determine. If they claim that we're in default, then they must go through the same process. They can't just run to court and say that we're in default and try some sort of declaratory relief action in district court. They have to go through our process and we have a chance to address whether we are or are not. **C/Gealy:** In 14.1.3 under default, there had been a comment regarding mediation. I don't see it on the copy that I have here. The part that states that the claimant shall ask the Planning and Zoning Commission or City Council to proceed to set a hearing and provide written notice of the hearing to show cause of the accused. In the event of default, the Planning and Zoning Commission will potentially hear the default? **Bill Gigray:** Yes, if you have original jurisdiction and other factors, it may just fall to the City Council. It's hard to tell at the point. As you know, this is a very large development with all kinds of issues. Some may be public works alone, some may be a compilation of a PUD permit. You have original jurisdiction and it seem to me that if you have original jurisdiction on the granting and permitting process, then they're in violation of the development agreement as well. They'll need to come back to the original jurisdiction and that's why it's written that way. **C/Gealy:** The last question I have is on question 16, legal defense of this agreement. The city and the developer may mutually agree to hold a legal counsel. However, all other costs of such defense shall be shared equally by the parties. **Bill Gigray:** It's helpful to the city too, because if we get third party action claiming that the agreement was contrary law, we would probably be in a position for good faith and fair dealing under a contract to defend it as well as the developer. The idea is for the parties to share the cost of defending the agreement if they declare that it is unlawful. **C/Gealy:** In the packet I received, there was nothing about CC&Rs. There was a title page and nothing else there. Are they not available yet? **Troy Behunin:** That's not something that we actually review, they just have to show and provide for a homeowner's association the CC&Rs. It's just to show this body and the City Council that there are CC&Rs for the owner's association. **Wendy Howell:** We do review the maintenance portion to make sure all of that's covered, but not anything else because it's a civil issue. We don't comment on them. We'll get that with the final plat. **Troy Behunin:** We want to make sure that the proper mechanism is in place to take care of the trails, the roads, and the green spaces. **C/Gealy:** 5-3-3 and 5-3-2 will only apply to the modifications on this project, correct? **Troy Behunin:** Anything is specific to Falcon Crest Subdivision. **C/Young:** We'll open the public testimony at 8:23. We'll start with

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those in favor. **John Lawson:** I am a resident of Ada County and I live in the subdivision to the west. I am actually opposed. I am representing myself and my neighbors. I'm on the board of the Cloverdale Ridge Corporation just to the west. We provide irrigation water for about 50 homes, farms in over 250 acres of irrigated land, which has been there since the late 70s. All of the homes in this area have personal wells. There's not a unit that depends on more than the well. My biggest concern with this proposal is that I understand that you look at the surface. There has not been a Comprehensive analysis on this site. There are two wells that the golf course uses, and there is a drinking water well that the golf course drinks from. No sophisticated pump test has been provided. We are in no effort to document the water in the subdivision. We have two significant irrigation wells that could be affected by this. Those wells are a significant cost to us. One of those wells is fairly deep and is not drinking water. We have over 50 homes that could be affected. If we lose a well to our house, who do we talk to? We all have senior rights, but with bureaucracy, we would go through an incredible process to recoup our losses. **C/Young:** Next I have those who are neutral. **B.J. Henningfield:** I live at 11893 S Cloverdale Road, which is a house directly across from the new development. I'm concerned about the R-6, because that's in front of me. The other concern I had was the widening of the road. If it encroached on my property versus the development side. I want to know about the speed limit as well. I have two boys at home. Nobody really follows that speed limit. For the City of Kuna, what does the future look like for those five-to-10-acre lots? We have a lot of those in this new development. On the south side there, Kuna Road, this condensed look that we'll have out there will look kind of funky. I'm wondering what the future holds for that area as well as we move forward with this. **C/Young:** Next is opposition. **David Enhoff:** I live at 9901 W Kuna Road. We attended the initial meeting at Falcon Crest Clubhouse. Most are strongly against it based on our way of life. We have large animals, gardens, we have a 15-20 commute. We value small community and minimal traffic. Controlled growth is important for the current members. Infrastructure expansion would be enormous. An addition 4,000 plus trips from Cloverdale and Kuna Road, and a secondary road coming in east of Five Mile Road. Growth in other locations of Kuna has seen a change in the demographic. We're all on wells, and it will be affected. To handle the increase of populations and traffic, what properties will be taken to handle those needs? These people will lose 25 to 50 feet of their property lines and put homes closer to busy lifestyle. Developers are looking at this solely to maximize profits. Please respect the people who you are attempting to run over. Being a respectful neighbor is everything this community stands for. We would ask that everyone affected by the development have an opinion about it. We need their voice heard and carried equally. **Brad Rosenbaum:** 1091 Cutting Horse Drive. I'm on an individual well and the system, we're very concerned about water and traffic. I've been out here for 25 years and it's in jeopardy now. I heard Troy talk about the infrastructure of the water and the water lines. They will be built to Kuna standards. I'm concerned about where the water's actually coming from. Have there been studies on the aquifer We have 2,300 homes coming up and a lot of it is on dry ground. I'm concerned about the horse trailers trying to get onto to the road. Can some more studies possibly be done? **Brent Higby:** 12741 S Romiro Avenue. This is just off Kuna Road next to the development. As this growth comes, we need to temper it. If it fits within the surrounding area and subdivisions that are close to there. To the north are typically one-acre lots. To the west are 5-10 plus acre lots. All this is agricultural in nature. In 2009 it got rezoned. I'd like to mention that the R-6 will not fit well in the surrounding area. Also, one person uses 80 to 100 gallons of water per day. When that comes out of the ground, it gets used in their system and goes into a sewer pipe on Cloverdale. With the amount of people, that becomes 600,000 gallons of water per day. It won't percolate back down into the water. **Richard Wharton:** 999 Cutting Horse Drive. I'm about 600 yards west of Cloverdale Road. We've lived in our property for 46 years where the golf course was developed. I put myself down as semi-neutral for this development. When the golf course was developed, it was planned to be a class act. What I find inadequate is the analysis of where the water is coming from. There is no record of where the water is coming from. Will we dry up and have to do new wells? Should there be a condition that the developer put money in for our wells? Nobody knows. The Bureau of Reclamation has done studies near the New York Canal. **Vicky Lane:** 3907 E Indian Trail. I am off the beaten path but Cloverdale is my path out. Cloverdale is my main concern. I look at the houses that are right on the street, are they going to be widened? How many streets will be added? What's our speed limit going to be on Cloverdale? It said in the statesman here

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last month that road construction will begin in 2023. The Cloverdale won't expand until between 2031 and 2035? We'll have 2,000 houses and the road won't be started for four years. All of these rural communities next to the subdivision I support. **Brian Wilson:** 6171 Cutting Horse Drive. My biggest concerns are water and traffic. I understand they pump a tremendous amount of water for the golf course. If you take what they're pumping and add another 2,300 homes, they're taking so much water but they're not doing it year-round. Can they only pump during the ag season? I'm not sure how those wells work. That and traffic will become more and more of a problem. We all know that, but you can widen the road but the traffic noise will be a problem. I used to live off of Victory Drive and they put that big wall on the other side of the freeway. **Richard Vick:** 11457 S Cloverdale. I raise hay and I'm right across the entrance to Falcon Crest. When we moved in 16 years ago, we were told they'd add 400 houses. The meeting's been hyped up. The area is 220 feet with no water left in it, that's all. If you allow this development to go in with these wells, you'll put our whole subdivision out of business. None of us will have any water. **Nicole White:** 12625 S Five Mile Road. Next to me is the sod farm field. Everyone in Desert View has farm animals. A lot of our homes were built in the mid-70s. Having that type of atmosphere next to an HOA type atmosphere doesn't fit. The school concerns are noticeable. Rural people are feeling forced or pushed out. When I heard of this my heart sank. Our whole style of life is being threatened. If this development happens, we won't stay around. We don't want an HOA type of community. I'd like to speak on behalf of those families that couldn't make it. I don't know how the demand is for all of this senior living. I would like to more affordable housing. Who will fund these HOA communities? **Tom Atwood:** 12793 N Sonora in Desert View. I've lived there for 42 years and I kind of expected this to happen. We have a pressurized irrigation system and a domestic system. We have a little over 200 residents. We pump one million gallons a day as a community. 10 million gallons a day would occur in the irrigation water in the summer months. **Ben Eichelberger:** I live at 4008 E King Road. I live 2-3 miles southwest of this development. My kids are the fifth generation to live on this property. I commute north on Cloverdale every day. It's six miles to Overland. The plans for widening are way out. I'll take exception to the 55 and over, but what is the average retirement age. There are many people working well into their 60s. I just ask that you take that into consideration. Thank you for your time. **Mark Tate:** Commissioner Gealy asked about the owner's association. We run HOAs typically in the course of all of our developments. As we are developing, a lot is declared by the HOA board. That master association will take over certain portions of the project. There will either be affiliated associations of that master that have private amenities that aren't available to the entire community. The community also won't have to pay for those amenities. There are basically neighborhoods within the homeowner's association that will have their own structure. For instance, if you have your own community with private streets. You will have access to all the master amenities. However, if you're not in that area, you won't be paying for their private streets, the parks within that area. There are benefits to each of them, if somebody wants to be in the gated portion. There will also be amenities that are for everybody in the community. There are community parks and entry monuments. It's a master system so there will be use of those wells that are currently out there. To get to your question about HOA representation, it is very developer oriented. You're probably wondering if the golf course is part of this association. Our owner's association would really just be for the golf course. We've done it 100 percent the opposite way where it's basically an HOA amenity. For the isolated trails, I do in my defense want to say that there's another way to refute that. The city will not build the items as mentioned earlier. In the termination section, we just ask that we have a little bit of flexibility as we continue to make that exactly what it needs to be. We'll do that through your motion. We want to continue to work on that agreement to clean those things up. I think that the structure is there, we have no problem with what the attorney described. As a response for what I've heard from the neighbors, there were three main themes that I heard. The first was water, which was obviously a concern. Development uses less water than agriculture, irrigation water is still used seasonally. The really isn't a more water-intensive unit than sod. If the whole thing was going from dry land to development. We'll be taking sod out of production for the most part. As part of a permit to drill a new well out, the submit a watering plan to the Idaho Department of Water Resources. They submit readings from that well to monitor aquifer levels. To their question about impacts, you need to monitor them. There are provisions in the state law to address impacts to wells. There are also provisions in state law that says if you have 200 feet of water in the aquifer, and

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you draw a well to the top foot, that doesn't necessary preclude people from certain wells. It needs to be a reasonable depth of wells, so this is certainly not the first place to deal with these sorts of things, and I certainly understand their concern. We will be very efficient with our water systems, it's smaller lots and lawns which should be a benefit. Cloverdale and traffic in general are the other issues. Development pays impact fees, unfortunately the roads must be built in phases. ACHD does have their five-year work plan. With this interchange being replaced, they're actually looking at speeding up a lot of those projects. This is because they thing that it will be a better connection. We'll at bike facilities and a lot of other stuff. I would say look in the near future at the iterations that accelerate some of those projects. We're paying impact fees, building the frontage, and ACHD will continue as we submit the preliminary plats to condition more improvements. We will continue to look at the offsite improvements. There was a question about right-of-way and the additional side. That shouldn't happen. There is enough right-of-way out there currently, and we certainly don't have condemnation of those improvements. We'll build half of the road with a five-lane section. That will be the extent of it. The speed limits are determined by ACHD. The last big overarching concern is just with the rural character in the area. The houses and the lots will be much smaller. They'll be a higher density development. It's developed at 2.25 units per acre. That is a low -density development. While there are clusters of higher density, overall there's a huge amount of open space. A typical suburban development might be three or four units per acre. Much of it is relative. We certainly want to be respectful and mindful of our neighbors and those folks around us. I'm proud of neighbors not saying that this development is shoddy. All of the developments we do are high quality and we're very proud of them. They will bring a lot of value to the area. There are also concerns about traffic and water. Having a really high-quality development next door. This will enhance property values and make properties more desirable. I think we do bring a lot of benefit to the area. We'll bring food service, new club facilities, and a walking pass. This project will still be built incrementally. This will be a 20-year project. The improvements will come as the rooftops come. Please include the requests I added in the presentation. **C/Young:** The family zone on the east end of the property, what are the lot sizes that you envision for something like that? **Mark Tate:** A third of an acre lot is typical for those. **C/Young:** There's a conflict between the DA and the landscape plan. The fencing called out as wood, but we'll modify that as we go. **C/Damron:** The gated community at 55 and over, is that planned for without children? **Mark Tate:** Correct. **C/Gealy:** You're not developing the commercial now. There will be access from here to the commercial property. That would not require driving back to Cloverdale and back in. **Mark Tate:** We didn't include any streets to go in naturally, but if you look at the landscape plan, there are connections on the north and east side. They would function as emergency accesses as well. **C/Young:** We'll close the public hearing section at 9:16. **Bob Bachman:** The City of Kuna is currently in the middle of a rate study, and we got detailed into water use, sewers, capacities, basically across the board. Currently, the average family in Kuna uses 206 gallons of water a day. This equals about 60 per person. We have roughly just under 7,000 houses and we use about 1.2 to 1.3 million gallons of water per day for 7,000 houses. Over the last several years, we've reduced our potable water usage on an annual basis by roughly 3 million gallons. One reason we've been able to do that is our pressurized irrigation system and not allowing residents to use potable water for pressurized irrigation. They must use the wells that are already in place. That will help eliminate some of the concerns or problems that could come with allowing them to use potable water. One thing that we saw in the rate study is that there are roughly 300 homes. The City of Kuna right now uses potable water for irrigation. Those users take 80,000 gallons of water and the average user on pressurized irrigation is roughly 7,700 gallons of water. It's a significant savings to create a pressurized irrigation system separate from the water. That's one reason why we're requiring that. Department of Environmental Quality (DEQ) has ultimate authority over usage of the wells. If the water isn't available, they won't let us drill the wells. As a City, we're held to a much higher standard than a domestic well. We'll also drill two wells and put both wells in one hole and pulling out two aquifers instead of one at the same location. Ultimately, this lessens the impact of the water table loss. We're taking every precaution that we can to make sure we get it right, we'll also be drilling test wells. At this point we can't do that, because this property is not in the City of Kuna. We have also hired one of the best hydrologists in the state to help us with this. We're confident in the information and plan he shared with us. **C/Hennis:** We hear the concerns of the public with the wells and the efforts you're making to

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mitigate it. What have you found out so far with the hydrologist? Is there enough water out there? **Bob Bachman:** All of the information that we've been given through our due diligence process of picking well sites shows that we have adequate water. Until we drill test wells, we will have to find the right water level and get to it. Like Mark said, we are required to do a monitoring plan and monitor those wells. **C/Hennis:** The concern I have is approving this and then getting to the point where there's not enough water. We're past the point of no return in that case. **Bob Bachman:** The first thing that we're doing is the wells. If we don't get DEQ approval, then we're not drilling wells anyway. As of right now, we're in the process of doing that. Hopefully this spring, we'll start doing test wells. In theory, our wells should be ahead of our development. **C/Hennis:** As a city, drilling wells out there, utilizing that water, does it take away from the present usage of those aquifers? If there is a way to show that it has the capacity, then it will alleviate that. I'm sure that it's the cart before the horse and the horse before the cart. **Bob Bachman:** That is what I've heard more than anything else. The only way that it can be figured out is the test well process. The city has decided to drill a test well to see that we get a good aquifer. We need to make sure there's plenty of flow until we drill the test well. It's not until spring. **C/Damron:** I have a problem with that Bob, some of the people here have been here for generations. When they drilled wells in those days, somebody would add a well at 60 to 70 feet. To draw an aquifer down with that much usage of water, another gentleman said that he had static pressure at 60 feet. We will draw that down, because they're at the top of the aquifer. Knowing what the hydrologist knows today that we didn't know back then, I have a concern that they're going to draw their wells down and they'll be out of water. You'll be in the aquifer and they've got enough flow, because they know it's there. We'll do a well depth study on what these neighbors all drilled their wells at and where they are footage-wise. We could be drawing water to where they won't have anything and we're saying that you have to go deeper. \$25-30 per foot is a lot of money. **Bob Bachman:** A municipal well will be deeper than a domestic well anyway. **C/Damron:** We have aquifers at 150 to 250 feet deep. We're dropping it down to 160 feet. We're in the middle of the aquifer as a city, where these guys are at the top of the aquifer. They went down at say 65 feet. Say they go down to 75 feet or 80. They got a static pressure of 50 feet in the pipe. We're pumping water down at a rate to where their static pressure will drop below 65 feet. Their pump is down 10 feet below, we could get it down below that. They're still in the aquifer, but now they have to drop their pipes down another 60-70 feet. **Wendy Howell:** We're recording this hearing, we cannot have applause as it overrides what's being recorded and discussed up here. **Mark Tate:** What Mr. Bachman is saying is that until they go and drill, we're just guessing. The test well will tell us what is happening in the aquifers. Water is typically slower than others and has the ability to impact more or less. The best way to do all that stuff is to do a drill a test well and do a pump test on that. You go and monitor all the other wells around it. While you're doing that pump test, which is what they'll do. We have irrigation wells and additional wells in the area. You could measure the influence or not measure the influence. We want to ask how transmissive, how much water will be an impact and how much those impacts will be. There is a process for all of that. The well processes go through the state, much regulation for impacts on wells. People are concerned about it, I get it. The city's got to do their work. Plan B is to build a water line and there's provisions in the development agreement and there's some reimbursement policies for that, in which we would have to build the water line for it potentially. I'd extend it from Kuna instead of doing wells there. We're not going to know any of that until we get into it. We won't know most of that until the development moves forward. **C/Hennis:** Some of us in the industry like yourself and citizens don't understand what was being said there. What you're saying in the development agreement is that if we get to the point where this goes through and there's not enough water, then you guys will put a water line in to supply the subdivisions versus pulling from the well that will take from the people that already exist out there. Is that correct? **Mark Tate:** If we can't get the well approved, or the city can't, or the water quality is not good, then bad things could happen. The second option is that you're pulling the line from those wells. **C/Laraway:** While this process is happening, to keep these folks informed on what is going on, how do they keep in the loop during this process to keep them informed? **Mark Tate:** I think that they certainly could reach out to the city. **Bob Bachman:** We have an open-door policy, any information that we have is public record. The permits are only approved if DEQ thinks that it's adequate water. **C/Damron:** I think we need to do a well-depth study with the depth of the aquifer. I've watched our static water go to 58 feet. I've gone to 65 feet. We had to

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drill a new well, because he didn't do a well depth study. We know that the water is there, but will that affect the residents around there? For the irrigation wells and the potable water. I don't feel we're putting the cart before the horse. We need to pass it to know what's in it. What I feel that I will have to do tonight is to pass this, and then we'll find out about the water. If we have the water for this to do it, if not then we need to work on the city water system to get it out there. **C/Young:** Obviously, there's large traffic concerns too, not just the water. **Bill Gigray:** With your permission, members of the Commission, I just wanted to point out that in the development agreement, I think this is what Mr. Tate was discussing. It's section 5.2.1.2 on page 17. In the event that the city does not secure the water rights and well permits, to prepare and submit an offsite potable water plan that would connect the subject real property to the city's potable water system. The offsite water line would be the responsibility of the developer. That's how development agreement works. **C/Young:** Does the city have the capacity to suck from our wells by the four miles to supplement that, if that turns out to be the case? **Bob Bachman:** We do. As full buildout occurs, we have to expand our system to keep up. You guys approve these all the time. As we do a development, we just hook in and keep going. The reason we do that is so we don't have to tear it up and redo it. Every well we have in the city limits right now is a loop system. If we have 10 miles, those 10 miles all feed one another. If one well goes down, one well picks up the demand. It's very efficient to do it that way. Ultimately, if we drill wells out there, it will be looped. **C/Damron:** Say we go to full buildout and go to Kuna Road through Cloverdale, the well passed and says we have enough water. Say 30 years we get down that road, then they say we don't have enough water in the aquifer. Since the city took care of that, the city will have to pay for that development. This will incur huge costs to the city. Say we're five miles down the road with developments. Now we've got to build a road to where we're at now all the way out to where the aquifer will no longer support it. **Bob Bachman:** A developer is responsible for water or sewer to and through their property. Say we put in an eight-inch by 12-inch, they are responsible for that size difference. If we don't ultimately bring our line out there, he would most likely be eligible for some reimbursement now. We would make him oversize it. It wouldn't make any sense to just bring a line out there that only services his community. It would be more cost in the long run to do that, if your scenario were to play out. **C/Damron:** Would it be more cost effective to use the city to use that as say, a booster well, have them run the lines out there, use it as a booster well as it builds up? Then we're not sacrificing the water that's there. We can utilize it down the road. **Bob Bachman:** I wouldn't say more cost-effective. It's always more cost-effective to have your sources as close to the demand as possible. From a cost-effective standpoint, the most cost-effective thing to do would be to drill wells on the site. **C/Young:** To partly answer your question, I think that looking to do that before any test wells were done would be an undue burden on the developer if it turned out there was enough. This would be better than pulling out five miles of line. **C/Damron:** I'm thinking when we're gone 30 years down the road and that's built out, at what point does that aquifer drop off or the static level drop far enough that these people don't have water? We need water further down the line, and now say we're ten miles back from the city sewage out there. You've got to pay for that whole 10 to 15 miles of pipe and line. This is to where the other developer now hooks in to it. **C/Gealy:** But at what point do the people out there hook up to it the city water system? **C/Damron:** Do we put an undue burden on them that they have to? **C/Young:** They can't, because they're in the county. **C/Damron:** If we as a city take their water, they have to either incorporate into the city or something. **Bob Bachman:** The city has allocated water rights that we have to use up, or you lose them. Say Mr. Tate builds five different preliminary plats in the next five years. Before every one of those plats, we have to issue a will-serve ladder on behalf of DEQ. What that means is we are capable of serving the next project. If DEQ says we're not capable, there is no next project. DEQ regulates that from a sewer perspective and water sewage perspective. You're getting ready to do phase 11 and there's no water and sewer capacity, we can't issue them that will-serve letter. We stop until the problem resolves. **C/Young:** At that point, the developer would have to maybe bring the line out at that point. **C/Gealy:** I would go back to what I heard several times, which is that this uses less water than agriculture. Right now, they're watering sod out there out of wells. **C/Gealy:** Without a study we don't know. **C/Hennis:** A study would give us hard numbers and assure our citizens that if we're going to have water or not. **C/Gealy:** It sounds like the city is more than willing to do a study once the land is annexed into the city. The city feels it's imprudent to do a study on the land that isn't in the city. **Bob**

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**Bachman:** We're currently in the middle of a rate study. The rate study clearly shows the people that are using potable water for irrigation use 10 times more water. The study clearly shows that. It will probably go to the City Council next month for review, and the study shows that the 300 homes we having using potable water use quite a bit more extensive amount than are on pressurized irrigation systems. **C/Young:** My other concern is traffic. To me, reading the traffic impact study, it looks like what was done was the buildout in 2040. It tried to address everything looking at where we'll be at in 22 years. A fair portion of those that were being addressed in the five-year plan for ACHD (obviously not all of them), ACHD modifies those. North of the development, I think that it worked out as the impact for how the process works. My biggest concern is right here by the development. The only thing that was listed in the traffic impact study was for 2022 based on the current buildout. In 2022, they recommended putting in the left turn lane. Personally, I'd be in support of a specific traffic study for this plat. It's good to know when we're at 22 years from now. I want to know what they want us to do to mitigate the traffic right here at the proposed entrance. I want to know specifically what ACHD wants us to do. I think that's something that needs to be done on the plat approval. I don't know if there are some things that we need to approve. For me, a pre-plat approval may need to be tabled for these 400 homes. **C/Hennis:** This is the influential corner for all the neighborhood down Kuna Road, this will impact the most people. **C/Young:** The product they're proposing is good quality, I think that they wouldn't be proposing to build them if the market was bad. There are many people retiring early. For me, there are pieces of this that I could recommend approval for. **C/Hennis:** Providing the annexation and allowing the city to move forward with their pre-work would probably be good. How does the PUD figure into this? **C/Young:** The PUD would be the concept of the overall development and the functions of those pieces, adult, family, the way it's spread out. **C/Gealy:** Can we treat the items separately? **Wendy Howell:** Yes. Another thing that you could do is condition with the recommended condition that the TIS be completed for that before it goes to the City Council as well. **C/Gealy:** Would the traffic impact study before City Council address those concerns? **C/Laraway:** They would have to do speed studies of 15 days or so to complete it before it gets to council. **C/Young:** If it takes 3-4 months for a study then it takes 3-4 months for a study. **Wendy Howell:** I was notified by the developer that the TIS was completed. **Mark Tate:** It was completed 3-4 months ago. ACHD acted on the entire project, and that's what you have before you in the package. ACHD also did the phase one impacts. They were going through an ordinance change over the last couple of months. Their conditions were changing while it was all submitted. It includes everything that you wanted to submit in there. This was part of the approval to City Council. **C/Young:** Actually, if it's completed, I'd like to review it myself. If that's available, I would be happy to table the preliminary plat to have time to review that. **Mark Tate:** I wonder if there is a way that you can move us forward and add a condition to come back to you to meet what you want to see in there. **C/Young:** As a commission, we need to review it before we go forward to City Council. **Mark Tate:** That wasn't our doing, that was ACHDs. We've been tabled here for a month. Everything we're doing is time sensitive. If we can't move forward, we'll lose an entire year. I would implore you to move us forward conditioning what ACHD did. The staff report requires that we build all of our frontage to city standards. There isn't going to be anything different in that ACHD report. **Troy Behunin:** Staff would like to mention about the frontage requirements that City Code has marked points out. As stated in the staff report. Staff recommends that the build it to ACHD standards. If we're requiring full width, that will be far more stringent than what ACHD requires. We talk about all lanes, the whole gamut. ACHD doesn't care what happens outside the right-of-way. **C/Hennis:** We need to have the ACHD report to make sure that it meets your standard and everything around it. **Troy Behunin:** ACHD has a signature on the plat. Both agencies have to agree that it meets the requirements. We take their recommendations quite seriously over a number of projects. **Bill Gigray:** If you determine that you want to see that report, then I think you must continue at a later date when certain. You would say the purpose of continuing this study is to receive any comment on the part of the developer's staff or any property owners. With regards to that study, which would the limit the continuance of the issue. I think you should announce what they are and set a date and time for the continuance if that's what you choose to do. **C/Hennis:** What would be our use to see this traffic study rather than do a condition. If he wants to move forward to continue to do this, then that needs to be addressed. **C/Hennis:** It seems like our water concerns have a Plan B. It looks like there will be many preliminary plats. We've got backup water for the

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people that live there. **C/Young:** I'm fine with conditioning that in the report. **C/Hennis:** Steven, some of the stuff in the report, the well studies, is that something that they typically do in the monitoring? **C/Damron:** If they look at the area geographically and then geologically, because aquifers don't run straight all over. The proper way to do it is a well-depth study, which determines how much and where they will be in the well. It should tell them through the status of the aquifer how that static level's going to drop due to water usage. That will give them over time an idea of how much water they have, how much they're drawn down. **C/Young:** If we can follow ACHDs plan for mitigating some of the homes here, and obviously there's plans for water. I think that this is viable. What the applicant's done in the past speaks for itself. They do try to play well with others. As far as the annexation, comp plan, PUD piece, I have no issues. As far as the preliminary plat, I think that the development is consistent with the comprehensive plan. The trails go above and beyond what we see with many developments. **C/Gealy:** It's well over 1,000 acres and it looks like a residential density of about 2.25. That's far lower than anything we've seen come before us in a long, long time. This is not the traffic you'll have for an R-6 or R-7, same for traffic. That low of a residential density is low for the project. The amenities are good. I would like to see more transition for the lots on the edge of the neighbors. With this preliminary plat is this gated community. There will be landscaping swales and sidewalks and landscaping. That corner will be commercial will be beneficial to all. **C/Gealy:** I remember a deceleration lane already at the entrance of Falcon Crest Golf Course. **C/Laraway:** I think the developments in these phases, it's not like it's going to drop 900 homes in the next year and a half. It's probably a 20-year project. I have to trust the process we have in place. **C/Hennis:** I like the Plan B in there. **C/Laraway:** As far as the traffic study, I think this will help that it's people 55 and older. I don't think the growth in the next five years will impact the traffic study too much. **C/Gealy:** Where does the development agreement go? **Bill Gigray:** Because the city has an application for annexation and zoning which is proper (the state statutes the zoning), it goes with the application and the zoning. If we are authorized to do development agreements, when we do zoning. It's those two that kind of fit together, then we'll take these at a pace where it would make most sense to take the application and zoning in the development agreement first. I believe those would all go together. You can deal with the more specific requests that would follow. **C/Gealy:** I would ask for a clarification from staff about several conversations and conditions that we would like to have included or added. I feel that from a cursory inspection that the conditions would not really apply to the annexation, rezone or development agreement. **C/Hennis:** I disagree, one of the notes that I have is for the development agreement. The potable water rights and the default agreement are all the ones that I see applying to those. **Troy Behunin:** For the development agreement, that's all that staff recommended the affordability to continue to work out any of the nuances with the developer between now and City Council. Then we come up with complete product at that time. Instead of adding to the City Engineer's Memo. We add that pressurized irrigation be conditioned to dedicate those water rights for the pressurized irrigation system. This would be part of the preliminary plat.

*Commissioner Gealy motions to recommend approval of Case Nos. 18-03-AN and 18-04-ZC with the development agreement and the conditions as outlined in the staff report, with an additional condition that the applicant would work with staff to refine and finalize the development agreement and include potable water, the default clause, and to submit a clean development agreement to the City Council. Commissioner Hennis seconds; Motion carried 3-1. Commissioner Gealy motions to recommend approval Case No. 18-01-CPM to the City Council with the conditions as outlined in the staff report. Commissioner Hennis seconds, all aye and motion carried 4-0. Commissioner Gealy motions to approve Case No. 18-02-PUD with the conditions as outlined in the staff report. Commissioner Hennis seconds, all aye and motion carried 4-0. Commissioner Gealy motions to approve 18-04-S with the conditions as outlined in the staff report. With an additional condition that the applicant work with staff to include recommendations from ACHD's report to mitigate the traffic of the first preliminary plat ; With an additional condition that the applicant includes the irrigation text from the City Engineer's letter, as appropriate; with an addition condition that the applicant include curb, gutter and sidewalks on Cloverdale and Kuna Road if they're not included in the ACHD five-year plan; With an addition condition that staff work with ACHD on the alignment of Five Mile Road. Commissioner Hennis seconds, all aye and motion carried 4-0. Commissioner Gealy motions to approve*

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*18-20-DR with the conditions as outlined in the staff report and the additional conditions included in the preliminary plat, which would include modifications to include text from the Engineer's letter, curb, gutter and sidewalks on Cloverdale and Kuna Road, to include that the applicant work with staff and ACHD to draw the Five Mile alignment, and that the applicant work with staff to provide sod for the driving range. Commissioner Hennis seconds, all aye and motion carried 4-0.*

**3. COMMISSION REPORTS**

**4. ADJOURNMENT**

*Commissioner Hennis motions to adjourn; Commissioner Damron Seconds, all aye and motion carried 4-0.*

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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



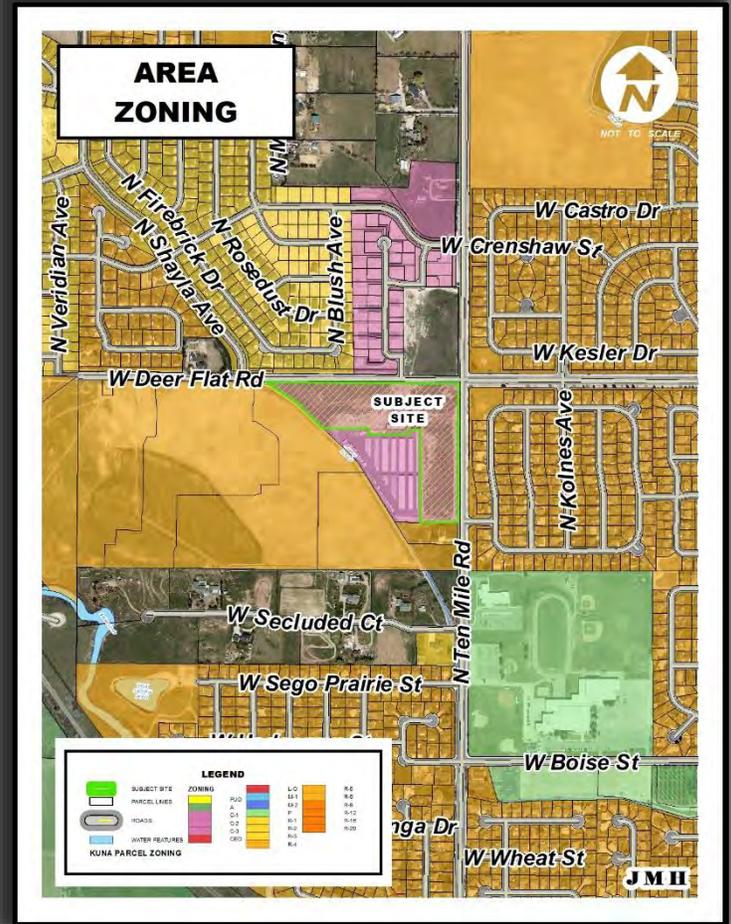
- iv. Kuna Melba Newspaper
- v. Site Posted

November 7, 2018  
November 8, 2018

**B. Applicant's Request:**

The applicant, Inaki Lete, requests to subdivide approximately 12.19-acres into 19 total lots, consisting of 10 commercial buildable lots, and 9 Common lots and has reserved the name Lete Commercial Subdivision. A Design Review application for site landscaping, and an addition to an existing on-site mini storage facility, which features eight (8) additional storage buildings on approximately 4.93-acres, accompanies this application. The subject site is located at 1795 West Deer Flat Road, Kuna, ID 83634, within Section 22, Township 2 North, Range 1 West; (APN# S1322111056).

**C. Exhibit Maps:**



**D. Site History:**

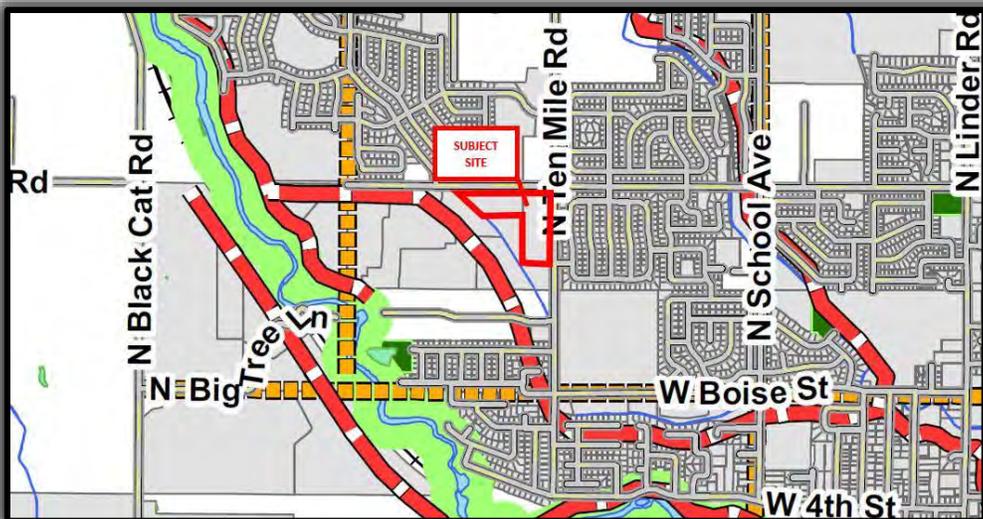
This parcel is currently zoned C-1 within Kuna City Limits. A special use permit for the self-storage addition was approved by the Planning and Zoning Commission on February 13, 2018 and the Findings of Fact and Conclusions of Law were signed on February 27, 2018.

**E. General Projects Facts:**

1. **Comprehensive Plan Map:** The Future Land Use Map (Comp Plan Map) 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 Future Land Use Map identifies the 12.19-acre site as Commercial.



2. **Recreation and Pathways Map:** The Recreation and Pathways Master Plan Map does not indicate a future trail through the proposed project site.



3. **Surrounding Land Uses:**

<b>North</b>	C-1	Neighborhood Commercial – Kuna City
	R-4	Medium Density Residential – Kuna City
	RUT	Rural Urban Transition – Ada County
<b>South</b>	R-4	Medium Density Residential – Kuna City
<b>East</b>	R-6	Medium Density Residential – Kuna City
<b>West</b>	R-6	Medium Density Residential – Kuna City
	R-4	Medium Density Residential – Kuna City

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

Property Owner	Parcel Size	Current Zone:	Parcel Number
Lete Family Revocable Trust	12.19 acres	C-1	S1322111056

5. **Services:**

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

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

The proposed project site has a single-family residence on the corner of Ten Mile Road and Deer Flat Road, which will remain in place until the remainder of the property is developed in the future. Otherwise, the parcel is generally vacant of any structures and vegetation on-site include natural grasses and shrubbery associated with an ungraded, unimproved building lot. The site is relatively flat with an estimated average slope of 0% to 2%. Bedrock depth is estimated to be greater than sixty inches according to the USDA Soil Survey for Ada County.

7. **Transportation / Connectivity:**

Current access is available to the site via an existing full access driveway on West Deer Flat Road approximately 410-feet west of Ten Mile Road and an existing full access driveway on Ten Mile Road approximately 916-feet south of Deer Flat Road. Additionally, the existing single-family home is accessed via two driveways located 55-feet south of Deer Flat Road and 80-feet west of Ten Mile Road. Curb, gutter and sidewalk do not abut the site.

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:

- Boise Project Board of Control ..... Exhibit C-2
- Idaho Transportation Department ..... Exhibit C-3
- Department of Environmental Quality ..... Exhibit C-4
- Nampa & Meridian Irrigation District ..... Exhibit C-5
- Central District Health Department ..... Exhibit C-6
- Ada County Highway District ..... Exhibit C-7

F. **Staff Analysis:**

The applicant proposes to subdivide an approximately 12.19-acre site into 19 total lots, consisting of 10 commercial buildable lots, and 9 Common lots. When a portion of this project was granted a special use permit in February of 2018, a condition of approval was added which required the applicant to begin the preliminary plat process for the overall site within one year of the Commission’s Order of Decision. Staff confirms that the applicant has satisfied that condition of approval.

This project is adjacent to Deer Flat Road and Ten Mile. All major public utilities located approximately within 300 feet of the subject site. Applicant is aware that development of these parcels will require connection to all city services and associated connection fees at time of building permit submittal.

The applicant has proposed shared accesses onto Ten Mile Road between proposed lots 18 and 16, 14 and 13, while the remaining lots are to be accessed via an existing access on Deer Flat Road. Following Correspondence with Ada County Highway District (ACHD) access to the proposed buildable lots will only be granted via approved existing access points on Ten Mile and Deer Flat Roads. However, ACHD will permit an additional right-in/right-out entry point along Ten Mile no further than 550-Ft from the Deer Flat Road and Ten Mile Road Intersection. Staff would recommend the applicant be conditioned to work with ACHD and City in order to provide access to the site that meets Kuna City Code and ACHD Policy. Additionally, Staff will require the applicant to allow cross access across all newly created parcels.

Per comments received by ACHD, the existing driveways that service the above-mentioned household should be approved as temporary full access that may be restricted to a right-out/right-in only in the future as long as the house retains its current function as single-family residence. According to the applicant, the existing house will remain in place until the proposed phase that contains the residence is developed. Staff would note, at such time that the property is redeveloped Ada County Highway District and the City of Kuna will require the applicant to close the existing driveways.

The installation of streetlights are a required public improvement listed under Kuna City Code 6-4-2. The applicant has not identified streetlight locations on the preliminary plat. Applicant will be required to work with staff in order to comply with Kuna City code and install street lights a maximum spacing of two hundred fifty (250) feet along the site's frontage. An updated preliminary plat and site plan will be required to be provided to staff showing the improvements. Staff would note that these street lights must be designed and installed according to "Dark skies" standards.

Applicant proposes to install an eight (8) foot sidewalk. Following Staff's review of the preliminary plat, it appears that the proposed location is within the designated landscape buffer for the site. The road sections of Ten Mile Road and Deer Flat Road that abut the site are designated as minor arterials. Kuna City Code 5-17 requires the construction of detached eight (8) foot sidewalks along the accompany property frontage. This sidewalk needs to be located within the public right-of-way and separated from public vertical curb by a four to eight-foot-wide irrigated and landscaped planter strip, which is in addition to the required 20-foot landscape buffer. Staff recommends applicant conform to Kuna City Code and install the proposed sidewalk within the right-of-way separated from the public vertical curb by a four to eight-foot-wide irrigated and landscaped planter strip.

A design review application for common area landscaping was included as a part of the overall application. Applicant proposes several dedicated landscaping and buffer areas throughout the project. Much of what the applicant proposed will mirror what was installed when Kuna Caves Storage was built. Staff finds the proposed landscaping complies with the landscaping requirements set by City code. Staff would note the applicant does not identify the type of groundcover that will be used for all landscape buffers. Staff would prefer sod, and Kuna City Code requires organic material for groundcover. Staff would recommend the applicant be conditioned to provide a landscape plan to staff with a Kuna City Code approved groundcover identified.

Additionally, the applicant has proposed to create a second phase of Kuna Caves Storage on some of the lots to be platted. Special Use Permit approval was granted in February of 2018, with the condition that the applicant get design review approval prior to beginning construction. The applicant proposes eight additional storage related buildings on 4.93-acres (as granted by the recently approved special use permit). Extensive landscaping has been proposed along the site's frontage on Deer Flat Road. Colors, fencing and building materials are proposed to be similar those used in the existing Kuna Caves Storage facility.

All monument signage shall go to the Commission for review and approval. No application for signage was submitted with this application, and shall be approved through the design review process prior to installation.

Applicant is hereby notified that this project is subject to design review inspection fees. Required inspections (post construction), are to verify design review compliance for buildings, prior to issuance of the Certificate of Occupancy for the building, and landscaping prior to signature on the final plat.

Staff has determined the preliminary plat and design review complies 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; and forwards a recommendation of approval for Case Nos. 18-05-S (Preliminary Plat) and 18-26-DR (Design Review), subject to any conditions of approval outlined by Kuna's Planning and Zoning Commission and City Council.

**G. 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.

**H. Factual Summary:**

The proposed project site is located at 1795 West Deer Flat Road. The applicant proposes to subdivide approximately 12.19- acres into nineteen (19) total lots, consisting of ten (10) commercial buildable lots and nine (9) common lots. The applicant proposes to complete this project in four phases.

**I. Comprehensive Plan Analysis:**

The Kuna Planning and Zoning Commission may accept or reject the Comprehensive Plan components, and has determined the proposed combination preliminary and final plat request for the site *is* consistent with the following Comprehensive Plan components as described below:

**2.0 – Property Rights**

**Goal 1: Ensure that the City of Kuna land use policies, restrictions, conditions and fees do not violate private property rights. Establish an orderly, consistent review process for the City of Kuna to evaluate whether proposed actions may result in a private property “takings”.**

*Policy: As part of a land use action review, the staff shall evaluate with guidance from the City's attorney; The Idaho Attorney General's six criteria established to determine the potential for property taking.*

**5.0 – Economic Development**

**Goal 1: Promote and support a diverse and sustainable economy that will allow more Kuna residents to work in their community.**

Objective 1.2: Strengthen existing business enterprises and promote their expansion.

**Goal 2: Expand Kuna's shopping and entertainment opportunities.**

Objective 2.2: Promote the development of neighborhood retail centers throughout the City.

**6.0 – Land Use**

**Goal 2: Encourage a balance of land uses to ensure that Kuna remains desirable, stable and a self-sufficient community.**

Objective 2.2: Plan for areas designed to accommodate a diverse range of business and commercial activity within both the community-scale and neighborhood-scale centers to strengthen the local economy and to provide more opportunities for social interaction.

Policy: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

**J. 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 12.19-acre (approximate) site does appear to be suitable for the proposed development.*

3. The preliminary plat request 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. 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 preliminary plat request considers the location of the property and adjacent uses. The adjacent uses are residential and commercial.*

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.*

**K. Findings of Fact and Conclusion of Law:**

Based upon the record contained in Case Nos. 18-05-S and 18-26-DR 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 of* the Findings of Fact and Conclusions of Law, and conditions of approval for Case No's 18-05-S and 18-26-DR, a request for preliminary plat and design review approval by Inaki Lete:

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 Kuna Planning and Zoning Commission held a public hearing on the subject applications on November 27, 2018, 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 Nos. 18-05-S and 18-26-DR, this proposal does 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 Nos. 18-05-S and 18-26-DR, this proposal does generally comply with the 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 approve or deny Case No. 18-26-DR and to recommend approval or denial of case no. 18-05-S.*

**Comment:** *On November 27, 2018, the Commission voted to approve Case No. 18-26-DR and recommend approval of case no. 18-05-S.*

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 November 7, 2018 and a legal notice was run in the Kuna Melba Newspaper on November 7, 2018. The applicant placed a sign on the property on November 8, 2018.*

**L. 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 or denial of the preliminary plat application. 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* of Case No. 18-05-S (Preliminary Plat), a subdivision request from Inaki Lete to subdivide approximately 12.19 acres into 19 total lots (10 buildable commercial lots and 9 common lots), and *approves* Case No. 18-26-DR (Design Review), subject to the following conditions of approval listed in section M of this staff report.

**M. Recommended Conditions of Approval:**

- Applicant shall work with City Staff to provide a Landscape plan illustrating an approved ground cover.
  - Applicant shall work with ACHD and City Staff regarding access points to and from the site
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 District 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. Curb, gutter and detached sidewalk shall be installed in accordance with Kuna City Code Title 5 Chapter 17 along the proposed project sites frontages on Deer Flat Road and Ten Mile Road.
  6. Applicant shall work with staff in order to provide locations of street lights as required by Kuna City Code.
  7. Street lights and parking lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Skies practices.
  8. Parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
  9. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted).
  10. All signage within/for the project shall comply with Kuna City Code and shall be approved through the design review process.
  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. At such time that the existing single-family home, ceases to operate as such, the landowner/applicant/developer shall close the existing driveways that serve as access point to the home.
  13. A cross access agreement shall be created across all proposed lots and shall be identified on the preliminary plat.
  14. If any revisions are made, the applicant shall provide the Planning and Zoning Staff with a revised copy of the preliminary plat.
  15. 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.
  16. Developer/owner/applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
  17. Developer/owner/applicant shall comply with all local, state and federal laws.

**DATED** this 11<sup>th</sup> day of December, 2018.

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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Jace Hellman, Planner II  
Kuna Planning and Zoning Department



# City of Kuna

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## P&Z Findings of Fact & Conclusions of Law

**To:** Kuna Planning and Zoning Commission.

**File Numbers:** 18-12-SUP (Special Use Permit) & 18-03-ZC (Rezone) & 18-31-DR (Design Review; Kuna High School.

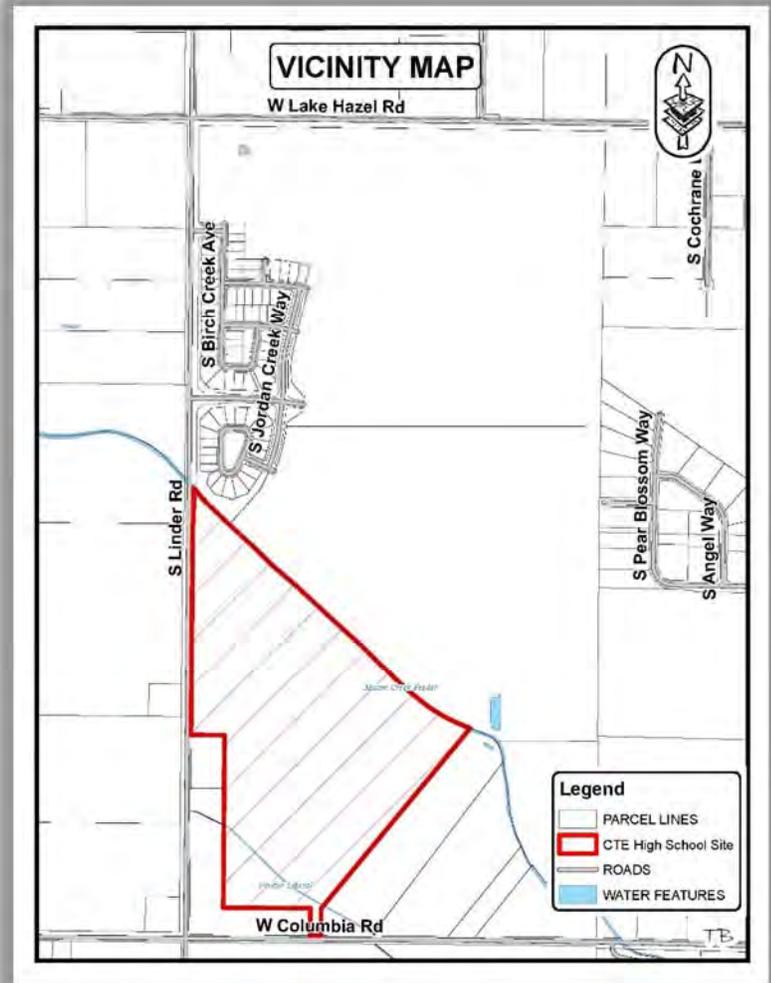
**Location:** Near NEC of Linder & Columbia Roads, Kuna, Idaho 83634

**Planner:** Troy Behunin, Planner III

**Hearing date:** November 13, 2018  
**Findings of Fact:** December 11, 2018

**Owner/Applicant:** Kuna School District No. 3  
Jim Obert  
711 E. Porter St.  
Kuna, ID 83634  
208.922.5646  
[Jim@kunaschools.org](mailto:Jim@kunaschools.org)

**Representative:** LKV Architects  
Wayne Thowless  
2400 E. Riverwalk Dr.  
Boise, Idaho 83706  
208.336.3443  
[Wayne@Lkvarchitects.com](mailto:Wayne@Lkvarchitects.com)



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### A. Course of Proceedings:

1. Kuna City Code (KCC); Title 5, Chapter 6, states that Rezones are designated as public hearings, with the Commission as the recommending body and the 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.

2. KCC 1-14-3, states that all Special Use Permits (SUP) are designated as public hearings, with the Commission as the decision body; and KCC Title 5, Chapter 4, Section 2, states all new commercial (schools are considered commercial) shall also go through design review for the building composition, materials, landscaping, parking lot and street lights, with the Commission as the decision making body for the design review application(s).

**a. Notifications**

- |                                     |  |
|-------------------------------------|--|
| i. Neighborhood Meeting             | August 15, 2018 (two persons attended) |
| ii. Agencies                        | September 26, 2018                     |
| iii. 300' Notice to Property Owners | October 31, 2018                       |
| iv. Kuna, Melba Newspaper           | October 24, 2018                       |
| v. Site Posted                      | October 26, 2018                       |

**B. Applicants Request:**

On behalf of Kuna School District No. 3, Wayne Thowless with LKV Architects (applicant), requests rezone approval for an approximately 60 acre parcel, from AG (Agriculture) to P (Public) and a Special Use Permit (SUP) for the same property, in order to place a new (approx.) 260,000 square foot (SF) Career Technical Education (CTE) High School for Kuna School District No. 3 (KSD). Applicant proposes to phase the project and begin with 500-600 students and a 72,000 SF building on the north portion of the property, and ultimately, expand the building, other site improvements and student count (up to 1,600) as the need arises. Applicant also seeks Design Review approval for the new CTE high School, landscaping, parking lot, and street lights. This site is located at the northeast corner (NEC) of Linder and Columbia Roads. (See Map below).

**C. Aerial Map:**



D. **History:** The property is within City limits and is currently zoned Agriculture. This parcel has been used as an Agricultural field for many years.

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

The site has been used as an agricultural field for raising crops for many years. There are no structures on site.

F. **General Projects Facts:**

1. **Surrounding Land Uses:**

<b>North</b>	R-6	Medium Density Residential – Kuna City
<b>South</b>	A	Agricultural – Kuna City
<b>East</b>	R-6, A	Medium Density Residential & Agricultural – Kuna City
<b>West</b>	R-6, A, RR	Medium Density Residential and Agricultural– Kuna City Rural Residential and Agricultural – Ada County

2. **Parcel Size(s), Current Zoning, Parcel Numbers:**

- Zoning: Ag. (Agriculture)
- Parcel No. and Size:
  - S1301336315
  - Approximately 60 Acres

3. **Services:**

Sanitary Sewer– City of Kuna	Potable Water – City of Kuna
Sanitation Services – J & M Sanitation	Pressurized Irrigation – City of Kuna (KMID) <i>if desired.</i>
Fire Protection – Kuna Rural Fire District	Police Protection – Kuna Police (Ada County Sheriff)

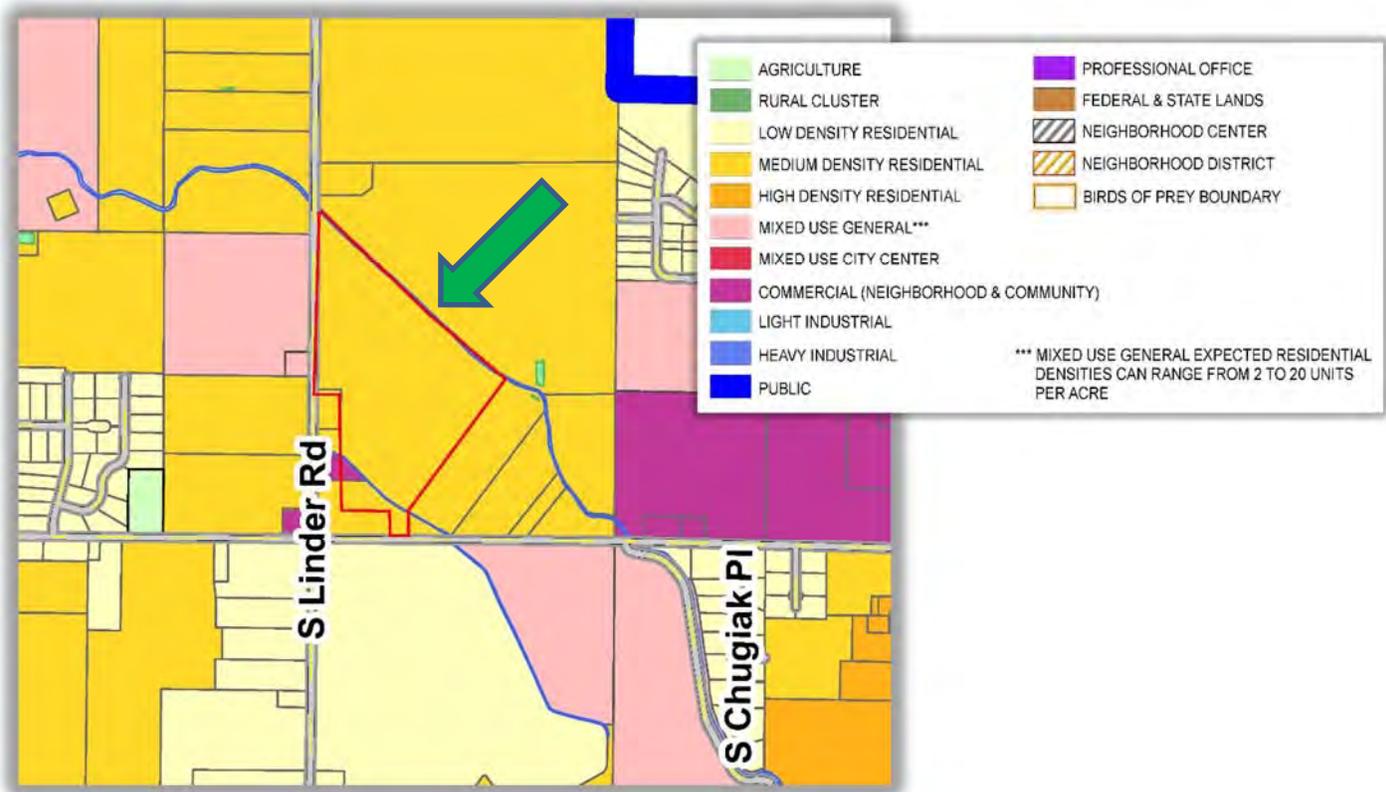
4. **Transportation / Connectivity:**

The site has significant frontage along Linder Road, and limited frontage on Columbia Road. Site ingress/egress is proposed at two locations on Linder Road, and eventually one on Columbia Road with the future expansion. The two ingress/egresses on Linder Road will align with recently approved streets to the west in Whisper Meadows Subdivision.

5. **Environmental Issues:**

Apart from being in the nitrate priority area, staff is not aware of any environmental issues, health or safety conflicts at this time. This site’s topography is generally flat.

6. **Comprehensive Future Land Use Map:** The Future Land Use Map (FLU) identifies this site as Medium Density Residential. Since schools require obtaining an SUP in any zone, and Public is an acceptable zone for a school (a public facility), staff views these applications to be consistent with the designations shown on the Comprehensive Plan Future Land Use Map. (See Map Below on next page).



**7. Agency Responses:**

The following agencies returned comments which are included as exhibits with this case file:

- City Engineer.....Exhibit B1
- Ada County Highway District .....Exhibit B2
- Boise Project Board of Control .....Exhibit B3
- Central Dist. Health Department .....Exhibit B4
- COMPASS .....Exhibit B5
- Department of Environmental Quality .....Exhibit B6
- Idaho Transportation Department .....Exhibit B7
- Idaho Transportation Department- Part 2 .....Exhibit B8

**G. Staff Analysis:**

New schools are allowed in all residential and some Commercial zones; however, they are required to obtain a Special Use Permit (SUP). Schools are not permitted in an Agricultural zone even with an SUP. Accordingly, the applicant is requesting a rezone from AG. to Public (P). Additionally, all new commercial buildings must submit for design review of the buildings' composition, color(s), material choices, parking lot, street lights, site landscaping and signage (Excluding directional or regulatory signage).

The subject property is currently identified on the Comprehensive Land Use Map (CPM), as Medium Density Residential (MDR). Although it is designated as MDR, staff believes that this rezone request is in substantial compliance with the CPM by the fact that new schools must obtain an SUP in every residential zone (Not allowed at all in Ag.). And since the applicant proposes to turn this land into a publicly owned facility, the Public zone is a better fit than any residential zone, since it will never be used for residential purposes.

The applicant, if the SUP request is granted will construct an approximately 72,000 SF new CTE High School for all related school, athletic and competition purposes. It is anticipated that this will be a phased project to reach

ultimate build-out conditions. The KSD intends to open the school with an enrollment size of (up to), 600 students. As the population increases and the need arises, it is anticipated that the school will expand the building up to 260,000 SF, with an ultimate goal of 1,600 students. The school anticipates all athletic sports, competitions and activities that are typically associated with a High School, will be enjoyed by, or before ultimate site development in the future; including but not limited to parking needs, outdoor night games with large pole lights and the noises that are typically associated with those events.

This application also includes a Design Review component for the buildings composition, color and materials choices. Included with this packet are fact sheets and materials exhibits for the Commissions' review, comments and suggestions. Staff has reviewed the plans for landscaping, the parking lot and street lights, and finds that all plans are generally in concert with the Design Review requirements, with few exceptions. Staff notes the applicant has proposed gravel between the sidewalk and the edge of road, and is not proposing road widening, or vertical curb and gutter. Staff notes that this approach does not follow City Code, and as Linder Road is an arterial, and kids will be present at least twice a day, staff recommends that the applicant be conditioned to widen Linder Road, and add curb and gutter as well as the proposed eight foot sidewalk, for safety reasons; unless this section of Linder Road is listed as an improvement in the ACHD CIP 5-year work plan. Kuna City requires all projects to place street lights along their frontage on roadways. And while the on-site requirements appear to meet the standards of City code, staff was unable to locate street lights along Linder Road and/or Columbia Roads entrance. The standard for Kuna is a maximum spacing of 250' between street lights for all frontages. All lights are required to be LED, and along road ways, they should illuminate the sidewalk surfaces.

Staff notes that a chain link perimeter fence is proposed. Chain link fences are allowed for schools, however they must be powder-coated. Staff notes that 7' CMU walled trash enclosures are listed on the plans, however, staff was unable to locate the details for a trash enclosure. Staff recommends the applicant be conditioned to work with J & M Sanitation to ensure the proper enclosures are built.

Staff supports the use of artistic on-site fences as proposed and the use of school signage on Linder Road and at the entry round-a-bout. This application did not propose the type of signage and will require Design Review approval when the design is decided.

Staff highlights that this landscape plan (if approved), will be considered a binding plan, and shall be followed as presented to the DRC and *not* changed or substitutions made without *prior* approval; and if the changes are determined to be significant, applicant shall come back to the DRC and make their request.

Staff has determined that this application appears to comply with Title 5, Chapters 4 and 6 of Kuna City Code; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for the CTE High School Case No's 18-03-ZC, 18-12-SUP and 18-31-DR to the Planning and Zoning Commission, subject to the staff recommended conditions of approval listed in this report.

#### **H. Applicable Standards:**

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

#### **I. Comprehensive Plan Analysis:**

The Kuna Planning and Zoning Commission may accept or reject the Comprehensive Plan components as described below:

1. The proposed Rezone and Special Use Permit applications for the site *are* consistent with the following comprehensive plan components:

## 2.0 – Property Rights

**Goal 1: Ensure that the City of Kuna land use policies, restrictions, conditions and fees do not violate private property rights. Establish an orderly, consistent review process for the City of Kuna to evaluate whether proposed actions may result in private property “takings”.**

Policy: As part of a land use action review, the staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criteria established to determine the potential for property taking.

## 4.0 – School Facilities

**Goal 1: Provide high-quality education.**

Objective 1.1.a:

Provide adequate school capacity for present and future enrollment.

**Goal 3: Ensure that the location of school facilities is incorporated into the long range comprehensive planning process so that schools may serve as the neighborhood focal point.**

Objective 3.1: Support the efforts of the School District and Charter School(s) to ensure that adequate school sites are provided.

## 6.0 – Land Use

**Goal 2: Encourage a balance of land uses to ensure that Kuna remains a desirable, stable and self-sufficient community**

Objective 2.2:

Plan for areas designed to accommodate a diverse range of businesses and commercial activity – within both the community-scale and neighborhood-scale centers – to strengthen the local economy and to provide more opportunities for social interaction.

## J. Findings of Fact:

1. Based on the record contained in Case No’s 18-03-ZC, 18-12-SUP and 18-31-DR, including the exhibits, staff’s report and any public testimony at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby *approves* the Findings of Fact and Conclusions of Law, and the conditions of approval for Case No’s 18-03-ZC, 18-12-SUP and 18-31-DR.
2. 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 Kuna Commission held a public hearing on the subject applications on November 13, 2018, to hear from the 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*

3. Based on the evidence contained in Case No’s 18-03-ZC, 18-12-SUP and 18-31-DR, this proposal appears to generally comply with the Comprehensive Plan and Future Land Use Map.

**Comment:** *The Comp Plan Future Land Use Map designates the approximately 60 acres (project site) as Medium Density Residential. The proposed rezone, along with a Special Use Permit for a new school appear to compliment the MDR designation as stated above.*

4. The Kuna Planning and Zoning Commission has the authority to recommend approval to Council for the Rezone, and to approve or deny the SUP & DR applications.

**Comment:** *At a regularly scheduled meeting on November 13, 2018, Kuna's Commission voted to recommend approval for Case No. 18-03-ZC, and voted to approve Case No's 18-12-SUP and 18-31-DR.*

5. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances

**Comment:** *As noted in the process and noticing section, notice requirements were met to hold a public hearing on November 13, 2018.*

#### **K. Kuna City Code Analysis:**

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

**Comment:** *The proposed application adheres to the applicable requirements of Title 5, of the KCC.*

2. The site *is* physically suitable for the proposed new CTE High School and the typically related activities for High Schools as listed above.

**Comment:** *The approximately 60 acre project site is suitable for a school facility.*

3. The Rezone and Special Use Permit *are not* likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat

**Comment:** *The land to be developed for a new school is not used as wildlife habitat. Roads, structures and open space already exist and will therefore not cause environmental damage or loss of habitat.*

4. The Rezone, Special Use Permit and Design Review application *are not* likely to cause adverse public health problems.

**Comment:** *The proposed new school and activities will be required to connect to Kuna public sewer and water 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, Special Use Permit and Design Review requests consider the location of the property and adjacent uses. The adjacent uses are residential, commercial and agricultural – as referenced in the Kuna Comprehensive Plan Future Land Use Map.*

6. The existing and the proposed utility services in proximity to the site *are* suitable and adequate for this use.

**Comment:** *Through discussions with the City Engineer and public works director it was determined that utility services are available and adequate; the school shall be connected to City central sewer and potable water systems.*

#### **L. Conclusions of Law:**

1. Based on the evidence contained in Case No's 18-03-ZC, 18-12-SUP and 18-31-DR, Commission finds Case No's 18-03-ZC, 18-12-SUP and 18-31-DR, generally *do* comply with Kuna City Code.

2. Based on the evidence contained in Case No's 18-03-ZC, 18-12-SUP and 18-31-DR, Commission finds Case No's 18-03-ZC, 18-12-SUP and 18-31-DR generally are consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**M. Conditions of Approval:**

**18-03-ZC**, Based on the facts and exhibits outlined in staff's report, the Comp Plan, City Code, the record before the Commission, the applicant's presentation and discussion at the November 13, 2018, public hearing, the Kuna Planning and Zoning Commission, hereby votes to recommend *approval to Council for Case No. 18-03-ZC*, a Rezone request by Wayne Thowless, all on behalf of Kuna School District No. 3 *with* the following conditions of approval:

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

**18-12-SUP, and 18-31-DR**, Based on the facts and exhibits outlined in staff's report, the Comp Plan, City Code, the record before the Commission, the applicant's presentation and discussion at the November 13, 2018, public hearing, the Kuna Planning and Zoning Commission, hereby votes to recommend *approval to Council for Case No. 18-03-ZC*, a Rezone request, and the Commission votes to *approve Case No's 18-12-SUP and 18-31-DR*, a Special Use Permit and Design Review request by Wayne Thowless, all on behalf of Kuna School District No. 3 *with* the following conditions of approval:

- Follow all conditions listed in the staff report and appropriate agency comments.
  - *Applicant shall work with staff to amend Condition No. 1 in order to come to an agreement on the wording for the document with regards to the future use.*
1. In the event the uses or the building on this parcel are enlarged, expanded upon or altered in anyway (even for temporary purposes), the landowner/applicant/developer, and any future assigns having interest in the subject property, shall seek an amendment to the approvals of this SUP through the public hearing process.
  2. All easements and public right-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. Any work within the Ada County Highway District right-of-way requires a permit.
  3. *Applicant shall pay all ACHD impact fees prior to issuance of a building permit from the City of Kuna.*
  4. Applicant shall make/improve connections to city services and utilities, and pay any differences that may arise with the expansion of the building, for sewer, potable water and/or pressure Irrigation connection fees.
  5. Installation of service facilities shall comply with the requirements of the public utility and irrigation district providing the services. All utilities shall be installed underground.
  6. 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.
  7. Applicant shall provide FULL roadway improvements along Linder and Columbia Roads; to include road widening, vertical curb, gutter and eight foot sidewalks parallel to both arterials. Each portion shall be constructed at time of the appropriate phase.
  8. All required street lighting for the site shall be LED lighting and must comply with Kuna City Code.
  9. Parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
  10. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted).
  11. All signage within/for the project shall comply with Kuna City Code.
  12. This SUP is valid if the conditions of approval are adhered to continuously. In the event the conditions are not continuously followed; the special use permit approval may be revoked by the Planning and Zoning Commission.
  13. All required landscaping shall be permanently maintained in a healthy growing condition *at all times*. 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.

14. This development is subject to Design Review inspections for the landscaping, lighting, signage, parking and buildings (as applicable), prior to the issuance of any Certificate of Occupancy.
15. The applicant's proposed landscape plan (dated 08.24.2018) shall be considered binding site plans, or as modified and approved through the public process.
16. This SUP is not transferable to another property.
17. 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.
18. Applicant shall meet all trash enclosure design requirements of J & M Sanitation.
19. The applicant shall follow all staff and agency recommendations.
20. The applicant shall comply with all local, state and federal laws.

**DATED: this 11th day of December, 2018.**

\_\_\_\_\_  
Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

\_\_\_\_\_  
Troy Behunin, Planner III  
Kuna Planning and Zoning Department



# City of Kuna

## P&Z Findings of Fact & Conclusions of Law

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

To: **P & Z Commission**

Case No's: **18-03-AN** (Annexation)  
**18-01-CPM** (Comp Map Change)  
**18-04-ZC** (rezone)  
**18-02-PUD** (Planned Unit Develop)  
**18-04-S** (Preliminary Plat) and  
**18-20-DR** (Sub Design Review)  
**And** (Development Agreement)

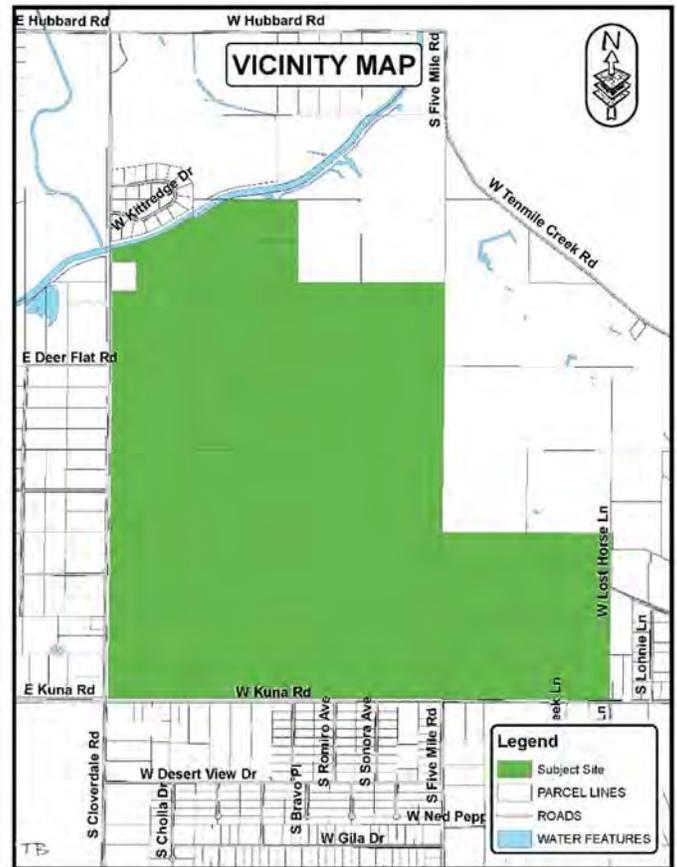
Location: Northeast Corner of Cloverdale and Kuna Roads, Kuna, ID

Planner: Troy Behunin, Planner III

Hearing date: October 9, 2018  
Tabled Until: November 27, 2018  
*Findings of Fact: December 11, 2018*

Owner: **M3 Companies - Mark Tate**  
1087 W. River Street, Ste. 310  
Boise, ID 83702  
208.939.6263  
[MTate@m3companiesllc.com](mailto:MTate@m3companiesllc.com)

Engineer: **JUB Engineers – Kristi Watkins**  
250 S. Beechwood Ave. S. 201  
Boise, ID 83709  
208.323.9336  
[kwatkins@jub.com](mailto:kwatkins@jub.com)



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### A. Process and Noticing:

1. Kuna City Code 1-14-3 (KCC), Title 1, Chapter 14, Section 3, states that Annexation, Comprehensive Plan Map Changes, P.U.D.'s, Rezones and Preliminary Plats are designated as public hearings, with the Commission as the recommending body, and City Council as the decision making body, and the Commission as the decision making body for the Design Review. These land use applications were given

proper public notice and followed the requirements set forth in Idaho Code, Chapter 65 Local Planning Act.

**a. Notifications**

- |                            |  |
|----------------------------|--|
| i. Neighborhood Meeting    | May 9, 2018 (fifty four (54) persons attended) |
| ii. Agency Comment Request | July 13, 2018                                  |
| iii. 450' Property Owners  | October 1, 2018 and October 19, 2018           |
| iv. Kuna, Melba Newspaper  | September 12, 2018 and September 19, 2018      |
| v. Site Posted             | September 29, 2018                             |

**B. Applicants Request:**

**1. Request:**

Applicant, Kristi Watkins with JUB Engineers, on behalf of M3 Companies- Mark Tate (Owner), requests approval to Annex approximately 990 acres into Kuna City limits, Change the Comprehensive Plan Map (CPM) from Agriculture to Mixed-Use for approximately 163 acres, for a Planned Unit Development (PUD) for approx. 1,028 acres, to rezone approx. 20 acres and subdivide approx. 132 acres into 409 residential lots, 51 common lots, four common driveway lots, two well lots and private roads. This site is located at the NEC of Cloverdale and Kuna Roads, Kuna, Idaho. Please see the application for a list of parcel numbers affected by this application.

**C. Aerial Map:**



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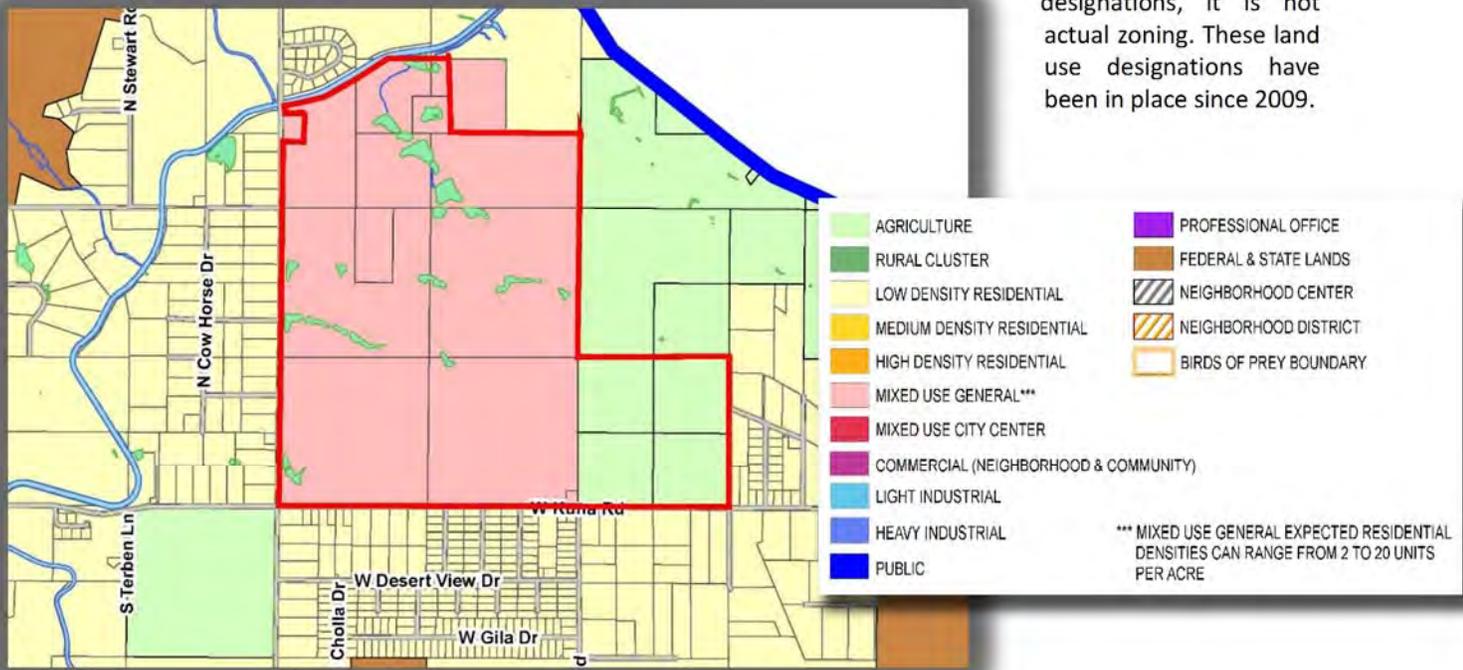
**D. Site History:**

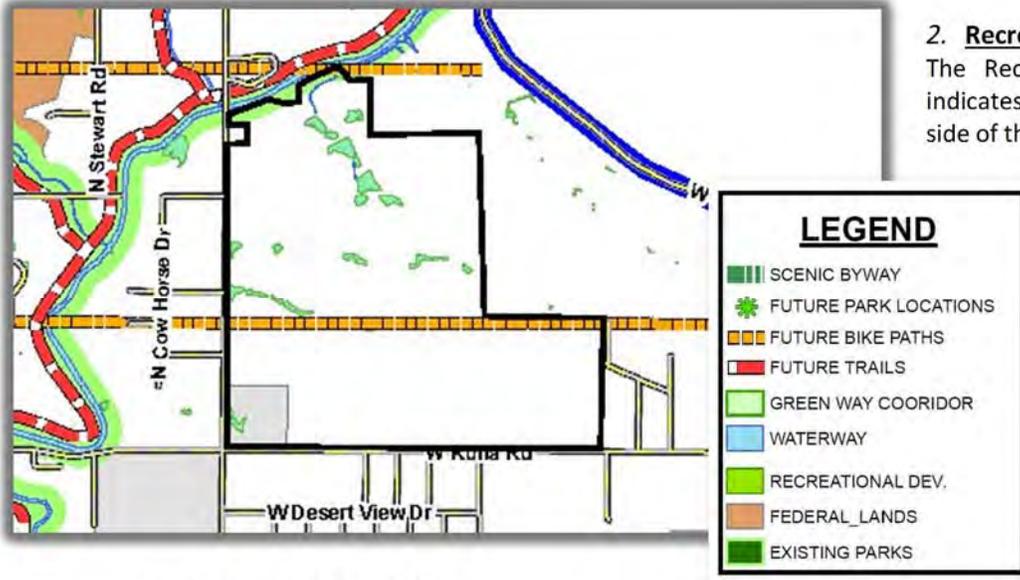
These lands historically have been used for golf course and agricultural purposes for many years. Approximately 40 acres on the northeast corner of Cloverdale and Kuna Roads were annexed into Kuna, on November 4, 2015, (Case No. 15-01-AN), providing the pathway for annexation of the rest of the golf course as previously planned for future development.

**E. General Projects Facts:**

1. **Comprehensive Plan Map:** The Comp Plan Map designation for this site is Mixed-Use for most of the site approximately 865 acres. The remaining 163 acres on the east side are designated as agriculture. The Future Land Use Map (Comprehensive Plan Map) is intended to serve as a guide for the decision making body. This

map indicates land use designations, it is not actual zoning. These land use designations have been in place since 2009.





**2. Recreation and Pathways Map:**

The Rec. & Path Master Plan Map indicates a future trail along the north side of the New York Canal, which is off-site. With this application, staff recommends that the applicant incorporate green and open spaces throughout the project.

**3. Surrounding Land Uses:**

<b>North</b>	R-1, RR	1 acre Residential & Rural Residential - Ada County
<b>South</b>	Ag, RR	Agriculture – Kuna City and Rural Residential – Ada County
<b>East</b>	RR	Rural Residential – Ada County
<b>West</b>	RR	Rural Residential – Ada County

**4. Lot Sizes, Current Zoning, Parcel No's, and L & B No's:**

Lot Size (Approximately)	Current Zone:	Parcel Number(s)
5 acres	RR - Rural Residential	S1415424915
10 acres	RR - Rural Residential	S1415315300
32.97 acres	RR - Rural Residential	S1415314810
56.46 acres	RR - Rural Residential	S1415336000
40 acres	RR - Rural Residential	S1415341100
80 acres	RR - Rural Residential	S1415430000
160 acres	RR - Rural Residential	S1422110050
138.16 acres	RR - Rural Residential	S1422212400
20 acres	RR - Rural Residential	S1422212000
40 acres	RR - Rural Residential	S1423314800
40 acres	RR - Rural Residential	S1423325400
40 acres	RR - Rural Residential	S1423346600
40 acres	RR - Rural Residential	S1423336000
1.31 acres	RR - Rural Residential	S1422449820
158.65 acres	RR - Rural Residential	S1422417300
119.90 acres	RR - Rural Residential	S1422314810
1.13 acres	RR - Rural Residential	R3297260265
39.01 acres	Agriculture - Kuna City	S1422336000

**5. Services (at time of development):**

- Sanitary Sewer – City of Kuna
- Potable Water – City of Kuna

Pressurized Irrigation – Developer Built and Owned/Maintained  
Fire Protection – Kuna Rural Fire District  
Police Protection – Ada County Sheriff’s office; Kuna Police  
Sanitation Services – J & M Sanitation

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

The site has multiple structures that typically are associated with a golf course and maintenance facilities and vegetation that is generally associated with a golf course and other Agricultural uses.

**7. Transportation / Connectivity:**

The site has significant Cloverdale and Kuna Road frontages. The applicant proposes one point of ingress/egress on Cloverdale Road for phase one, approximately 2,000 feet north of Kuna Road to line up with Reining Horse Drive. It is anticipated that the commercial projects proposed for the NEC of Cloverdale and Kuna Road will also seek entrances with future applications. All points of access must follow City & ACHD standards.

**8. Environmental Issues:**

Staff is not aware of any environmental issues, health or safety conflicts. Most of the sites’ topography is generally flat with less than 3 percent slope. However, in the north part of the site, there are rolling hills and some grades greater than 3 percent, which provide for bluffs, and overlooks, these are areas within the existing golf course. This site is not within the Nitrate Priority Area (NPA), however, the project will be required to connect to Kuna City sanitary sewer, potable water and provide for a pressure irrigation water system to the project as a whole.

**9. Agency Responses:**

The following agencies returned comments and are included with this case file:

- City Engineer *Exhibit B 1*
- Ada County Highway District (ACHD) *Exhibit B 2*
- Boise Project Board of Control *Exhibit B 3*
- COMPASS *Exhibit B 4*
- Dept. of Environmental Quality (DEQ) *Exhibit B 5*
- ID Transportation Dept. (ITD) *Exhibit B 6*

**F. Staff Analysis:**

The subject site is at the northeast corner (NEC) of Cloverdale and Kuna Roads. The applicant requests a Comprehensive Plan Map (CPM) change from agriculture to Mixed-Use for approximately 163 acres on the east side of the subject site. This request will match the current designation of the golf course parcels and will provide continuity for the entire project as a multi-phased, Planned Unit Development (PUD), consisting of approximately 1,028 acres.

The applicant requests annexation into Kuna City limits applying the Category “A” process. The lands in this application touch City limits in the southwest corner of the site and are therefore eligible for annexation, due to a previous annexation approval (15-01-AN). Applicant has submitted an application for annexation of the remaining 990 acres (approximately) and is seeking for two different zones for these proposed annexing parcels. The applicant is seeking the following jurisdiction and zone changes if the annexation is approved:

- Approximately 807 acres are proposed to be annexed and zoned from Rural Residential (RR) TO R-6 Medium Density Residential (MDR),
- Approximately 189 acres from RR, TO R-12, High Density Residential (HDR).

The applicant seeks to rezone approximately 20.89 acres of the 39 acres already annexed into Kuna and zoned Agriculture TOC-2 (Area Commercial District), and the remaining 19.60 acres to be zoned R-6 Medium Density Residential (MDR). While the Commercial lot is included in the Preliminary plat, development of the commercial corner will take place separately and in the future; a time line for the commercial development is unknown at this time.

Applying the PUD process, the applicant proposes a mix of various uses throughout the project to include; commercial, recreational activities, medium and high density residential uses, to include single family lots, active adult communities, age targeted living, a community center, updated club house (with full food and beverage service and dinner and event space), several private parks, a City park, a considerable open space and pathway network (*13.41 acres in the first preliminary plat alone, or 10.2% of that area*), and the golf courses. The applicant proposes a master-planned active resort-style community for all ages. The applicant is proposing private streets in certain areas that will be built to Kuna and ACHD standards (curb, gutters & sidewalks) and meet Kuna Fire Department requirements. All private roads will be built and maintained by the Home Owners Association (HOA), and anticipates providing a golf cart community (in part), which when combined with a large network of biking and walking pathways, will help reduce vehicle trips for basic needs, recreation and even food services. Using the PUD process and exceeding the required 10% usable open space, the applicant is eligible to request relief from certain development standards to accommodate mixed-uses and design criteria to create a unique and different development not seen in Kuna before. The applicant has provided a list of standards and requirements they seek relief from and those requested changes are listed in the exhibits of the Development Agreement included for Commissions' review. The requested changes are presented side-by-side to show current code, compared with the *requested* changes.

Staff notes that proposed phase one requests four shared driveways, provides for two potable well sites (PP note #3) and two cul-de-sacs. This plat is planned to be an age restricted community and as long as the CC&R's provide for permanent maintenance, care and responsibility of the shared driveways, staff supports their use for this preliminary plat. Staff also notes that just one entrance off Cloverdale is shown for phase one. The Kuna Rural Fire District (KFD) has requirements for providing a secondary emergency access (either temporary or permanent) as does the City. Staff will support a secondary access that is first approved by the KFD. Staff also notes that the applicant is proposing swales with no curb/gutter along Cloverdale, or Kuna Roads. This is contrary to KCC. Along arterial roads, KCC calls for full roadway improvements, including curb/gutter, road widening, and sidewalks at eight feet (either separated or attached). Staff recommends that the applicant be conditioned to demonstrate shared driveway responsibility as explained, secondary emergency access as explained and to follow City standards for full arterial roadway improvements as explained. Otherwise, the proposed preliminary plat appears to be in substantial compliance with KCC.

This application includes a request for subdivision landscape design review. Staff finds the proposed landscaping for common areas appears to be in substantial conformance with KCC Title 5 chapter 17, Kuna's Landscaping Ordinance (KCC 5-17). Staff recommends that the applicant be conditioned to provide sod in areas labeled as 'Lawn'. Staff notes that if approved, this landscape plan will be considered a binding plan, and shall be followed as presented and not changed or substitutions made without *prior* approval, except to bring it into conformance (in the event that a part of the plan is deficient). Design Review for a subdivision monument(s) was not applied for, with this project, however, if monument signs are desired, Design Review with the Committee is required.

Staff has determined this application generally complies, or as conditioned, will follow Idaho Statutes §50-222 (Annex) and §65-67 (LLUPA-Subs); Title 5 and title 6 of the Kuna City Code; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case No's stated above, subject to the recommended conditions of approval listed within this report and in Section 'N' of this report.

## **G. Applicable Standards:**

1. City of Kuna Zoning Ordinance Title 5,

2. City of Kuna Subdivision Ordinance Title 6,
3. City of Kuna Comprehensive Plan and Map, adopted September 1, 2009,
4. Idaho Code, Title 67, Chapter 65- the Local Land Use Planning Act.

**H. Procedural Background:**

On November 27, 2018, the Commission considered the Falcon Crest project; Case No's: 18-03-AN, 18-01-CPM, 18-04-S, 18-02-PUD, 18-02-ZC, a Development Agreement, and 18-20-DR, including the applications, agency comments, staff's report, application exhibits and public testimony presented or given.

**I. Factual Summary:**

This project approximately 1,028 acre site, is adjacent to Kuna City limits and is located at the northeast corner (NEC) of Cloverdale and Kuna Roads and part is zoned Agriculture (Ag.) in the City and the remaining part as RR in the County. 40 acres of the approximate 1,028 acres is in Kuna City and zoned Ag.. The site has varying historical uses, including a golf course, club house, cart barn, agriculture uses and other ancillary subordinate uses. Applicant proposes a Comprehensive Plan Map Change from Ag. to Mixed-Use for part of the site, annexation for approx. 988 acres, a rezone for approx. 40 acres from Ag. to R-6 and C-2 zones, a PUD, a Preliminary Plat for approx. 132 acres, to subdivide said property into 468 buildable lots and 51 common lots and four shared driveways (over common lots), and a subdivision design review for the landscaping of the common lots. This project is adjacent to Cloverdale Road and Kuna Road, both are principle arterial roads.

**J. Comprehensive Plan Analysis:**

The Kuna Commission accepts the Comprehensive Plan components as described below:

The designations of Mixed-Use shown on the Planning Map (See Map above) for these lots were approved by Council. The proposed change from Agriculture to Mixed-Use is supported by way of the application and supporting materials and plans provided and staff views this request to be consistent with the following Comprehensive Plan components:

Community Vision Statement:

Residents hoped for the creation of business and light commercial use centers within neighborhoods. These centers would include restaurants, gas stations, churches, *multi-family* use facilities, and other mixed-use developments. (Page 21).

Housing:

Residents envisioned higher densities in the City's core to include opportunities for mixed residential and light commercial activity. *They expressed interest in a mix of residential type dwellings applications; including single-family, multi-family, apartments and condominiums. They were receptive to a greater mix of lot sizes and house prices to appeal to a variety of people.* A goal expressed by many was the preservation of large lots and rural cluster development in appropriate balance with a complement of other types of residential development (Page 21).

**Comment:** *The proposed Preliminary Plat and rezone follows the community vision and provides a way to achieve the housing goals as stated and adopted, by supplementing other existing large lot subdivisions nearby.*

Private Property Rights Goals and Objectives - Section 2 - Summary:

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 staff shall evaluate with guidance from the City's attorney; the Idaho Attorney General's six criterion established to determine the potential for property taking.

**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.

Economic Development Goals and Objectives - Section 5 - Summary:

Ensure an adequate supply of housing for all income levels and facilitate pedestrian connections, both visually and physically, to enhance pedestrian movement (Pg. 42 – 1.5 and Pg. 43 – 3.1).

**Comment:** The proposed application complies with these elements of the comprehensive plan by providing an opportunity to supply varied housing types and provide pedestrian connections, thereby meeting this goal.

Land Use Goals and Objectives - Section 6 - 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 (Pg. 64 – 3.1 & Goal 3 and Pg. 65 – 4.3).

Medium Density Residential:

This designation describes areas where residential development densities generally range from four to eight units per acre. These areas will be made up of single-family homes, but may include townhomes, row houses duplexes and other types of multi-family land uses. Areas featuring these densities are generally located within the City Center and around Neighborhood Centers (Page 88).

**Comment:** The proposed annexation requests an R-6 and R-12 zone, for residential uses, conforming to the Comprehensive Plan and Planning Map approved by Council in August of 2015.

Mixed-Uses:

The Mixed-Use General land use designation pertains to a land parcel or combination of parcels that are planned and developed together. This comprehensive land use category may contain residential, commercial, office and technical uses, a variety of building types and densities, common open space variations, clustered development and recreational facilities (Page 105).

**Comment:** The proposed application requests a PUD to include Mixed-Uses including C-2, R-6 and R-12 zones, for commercial and residential uses, conform to the Comprehensive Plan and Planning Map approved by Council in August of 2015.

Housing Goals and Objectives - Section 12 - 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 (Pg. 155 – 1.2, Pg. 163 12.4 and Pg. 165 – 2.1).

Encourage Mixed-Use development that includes town centers, single-family, multi-family, accessory units, and other types of residential development. – Policy 1.1.2, Section 12, Housing (Page 155).

**Comment:** Applicant proposes a resort style community to include commercial uses, varied housing densities/types including medium and high density residential elements that will contribute to availability of varied types and home sizes in a logical and orderly manner (Master Planned Community) with an opportunity to provide a quality development.

Community Design Goals and Objectives - Section 13 - 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 creates a sense of place.

**Comment:** Applicant proposes a master planned resort-style community (PUD) that will include a considerable network of green spaces, trails, golf course, and other amenities that will include some public and some private facilities, this is a community designed to be an all-ages development.

Neighborhoods:

Kuna's updated Plan is an advocate for the development of self-sufficient neighborhoods. These neighborhoods are intended to be connected by transit and other non-motorized methods of transportation. Each neighborhood will have a center, a core and an edge. (Page 179).

**Comment:** With this development, the applicant will provide an extension of the sidewalk and roadway system which must comply with the Master Street Plan adopted by Kuna. Applicant has proposed extensive pathways and sidewalks for pedestrian and non-motorized transportation, and adding connecting stub streets. Applicant appears prepared to propose a variety of housing densities thereby complying with approved land use designation outlined within the Comp Plan and Planning Map.

**K. Kuna City Code Analysis:**

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

**Comment:** The proposed project meets the land use and area standards in Chapter 3, Title 5 of the Kuna City Code (KCC). Staff also finds that the proposed project meets all applicable requirements of Title 5 and Title 6 of the KCC.

2. The site is physically suitable for the proposed new subdivision and site development.

**Comment:** The 1,028 acre (approximate) project includes a request for subdividing a portion of the lands into 468 buildable lots and 51 common lots. The site appears to be compatible with the proposal.

3. The applications are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.

**Comment:** The land to be annexed, rezoned and subdivided is not used as wildlife habitat. Future roads, dwelling units and open spaces must be designed and planned for construction according the City and ACHD requirements and best practices and will therefore not cause environmental damage or loss of habitat.

4. The development proposal is not likely to cause adverse public health problems.

**Comment:** The proposed subdivision of the property appears to follows Kuna City Codes. All development requires connection 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 Commission did consider the location of the property and adjacent uses. The subject property (if approved for annexation) will be in Kuna City and will be required to connect to the Kuna City central sewer

*and potable water systems, and create their own Pressure Irrigation System. The current adjacent uses are large lots in the County, and agricultural in nature and the site it adjacent to two Principle arterial roads.*

6. Based on the evidence contained in Case No's 18-03-AN, 18-01-CPM, 18-02-ZC, 18-04-S, 18-02-PUD, a Development Agreement (DA), and 18-20-DR, *do* adequately comply with Kuna City Code.
7. Based on the evidence contained in Case No's 18-03-AN, 18-01-CPM, 18-02-ZC, 18-04-S, 18-02-PUD, a Development Agreement (D.A.), and 18-20-DR, generally *do* comply with Kuna's Zoning Code.

**L. Recommendation of the Commission to City Council:**

**18-03-AN (Annexation), 18-01-CPM (Comp Plan Map), 18-02-ZC (Rezone), 18-04-S (Preliminary Plat), 18-02-PUD (PUD), and a D.A.**, 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 to City Council for Case No. 18-03-AN, 18-01-CPM, 18-02-ZC, 18-04-S, 18-02-PUD, an Annexation, CPM, PUD, Rezone, Preliminary Plat and D.A., a request by JUB Engineers on behalf of M3 Companies, with the following site specific conditions of approval:

- *Applicant shall follow conditions as outlined in the staff report,*
- *Applicant shall work with staff to refine and finalize the development agreement and include potable water, the default clause, and to submit a clean development agreement to the City Council,*
- *Applicant work with staff to include recommendations from ACHD's report to mitigate the traffic of the first preliminary plat,*
- *Applicant shall include the irrigation text from the City Engineer's letter, as appropriate,*
- *Applicant shall include curb, gutter and sidewalks on Cloverdale and Kuna Road if they're not included in the ACHD five-year plan,*
- *Applicant shall work with staff and ACHD on the alignment of Five Mile Road.*

**18-20-DR (Design Review)**, 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 *approves* Case No. 18-20-DR, Design Review, a request by JUB Engineers on behalf of M3 Companies, with the following conditions of approval:

- *Applicant shall follow the conditions as outlined in the staff report and the additional conditions for the preliminary plat, including modifications to include text from the Engineer's letter,*
- *curb, gutter and sidewalks on Cloverdale and Kuna Road, to include that the applicant work with staff and ACHD to draw the Five Mile alignment, and that the applicant work with staff to provide sod for the driving range.*

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 the drainage and grading plans. 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". 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 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.

- d. The *Boise-Kuna* Irrigation District shall approval any modifications to the existing irrigation system.
  - 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. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District and Idaho Transportation Department. No public street construction may commence without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
    - 2.1– At time of development and as necessary, dedicate right-of-way in sufficient amounts to follow City and ACHD standards and widths, *except as otherwise approved through the PUD process.*
  3. 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**.
  4. 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.
  5. 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 requesting to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation system of the City (KMID).
  6. All street lighting within and for the site shall be LED lighting and must comply with Kuna City Code, *except as otherwise approved through the PUD process.*
  7. Parking within the site shall comply with Kuna City Code, *except as otherwise approved through the PUD process.*
  8. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted). Perimeter fencing (and permit) is required prior to requesting final plat signatures from Kuna City Clerk and Engineer.
  9. All signage within/for the project shall comply with Kuna City Code and go through Design Review for those approvals.
  10. 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.
  11. 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.
  12. Applicant is conditioned to follow the these planting notes for all trees on site:
    - 12.1 – *Landscape contractor shall remove all twine/ropes and burlap from root balls.*
    - 12.2 – *Landscape contractor shall remove the wire basket from the top 1/2 of the root ball.*
  13. The applicant’s proposed landscape plan (dated 10.30.2018) shall be considered binding site plans, or as modified and approved through the proper process.
  14. The applicant’s proposed preliminary plat (dated 5.18.2018) shall be considered binding site plans, or as modified and approved through the public hearing process
  15. Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
  16. Developer/owner/applicant shall comply with all local, state and federal laws.



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

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

Based upon the record contained in Case No's 18-03-AN, 18-01-CPM, 18-02-ZC, 18-04-S, 18-02-PUD, a D.A., and 18-20-DR, 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 of the Findings of Fact and Conclusions of Law*, and conditions of approval for Case No's 18-03-AN, 18-01-CPM, 18-02-ZC, 18-04-S, 18-02-PUD, a DA, a request for annexation, Comp plan map change, rezone, preliminary plat, PUD, DA, and hereby approves 18-20-DR, a request for Design Review by JUB Engineers, on behalf of M3 Companies, 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 Kuna Planning and Zoning Commission held a public hearing on the subject applications on November 27, 2018, 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 18-03-AN, 18-01-CPM, 18-02-ZC, 18-04-S, 18-02-PUD, a DA, and 18-20-DR, this proposal generally complies 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 18-03-AN, 18-01-CPM, 18-02-ZC, 18-04-S, 18-02-PUD, a DA, and 18-20-DR, this proposal generally complies 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 approve Case No. 18-20-DR and to recommend approval to Council for Case No's 18-03-AN, 18-01-CPM, 18-02-ZC, 18-04-S, 18-02-PUD, and a DA.*

**Comment:** *On November 27, 2018, the Commission voted to recommend approval for Case No's 18-03-AN, 18-01-CPM, 18-02-ZC, 18-04-S, 18-02-PUD, and a DA, and voted to approve Case No. 18-20-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 450-FT of the proposed project site on October 1<sup>st</sup> and 19<sup>th</sup>, 2018 and a legal notice was run in the Kuna Melba Newspaper on September 12<sup>th</sup> and 19<sup>th</sup>, 2018. The applicant placed a sign on the property on September 29, 2018.*

**DATED: this 11th day of December, 2018.**

\_\_\_\_\_  
Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

\_\_\_\_\_  
Troy Behunin, Planner III  
Kuna Planning and Zoning Department



# City of Kuna

## Design Review Staff Report

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 Numbers: 18-38-DR (Design Review);  
**Snerk's Drive-Thru and Retail Building**

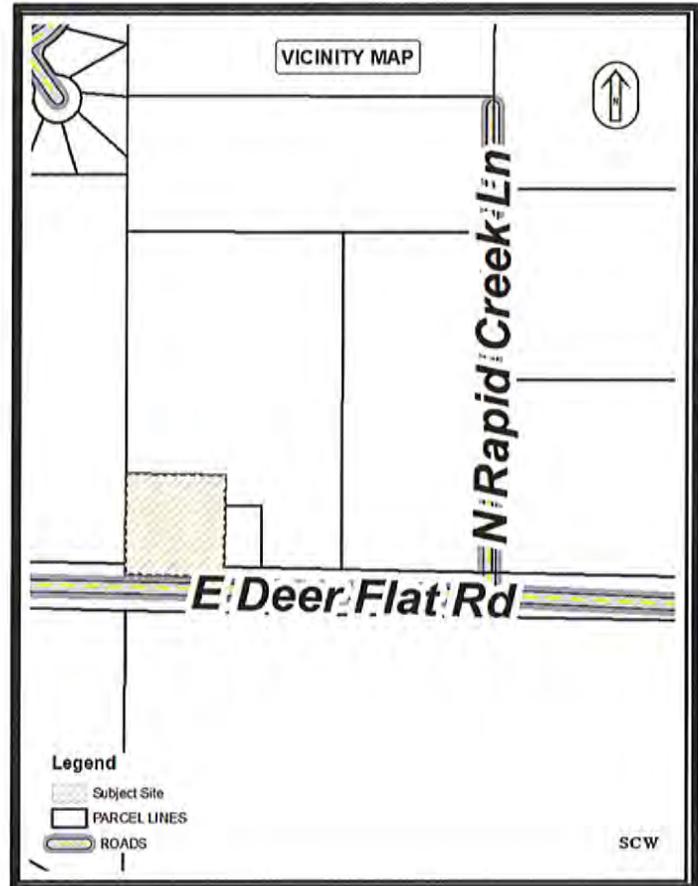
Location: 450 East Deer Flat Road

Planner: Sam Weiger, Planner I

Meeting Date: December 11, 2018

Owners of Record: **Cory Tanner**  
2619 West Lake Hazel  
Meridian, ID 83642

Applicant/Engineer: **Jeff Likes**  
1119 East State #120  
Eagle, ID 83709  
208.514.2713  
[jeff@alcarchitecture.com](mailto:jeff@alcarchitecture.com)



### Table of Contents:

- A. Course Proceedings
- B. Applicant Request
- C. Aerial Map
- D. History
- E. General Project Facts
- F. Staff Analysis
- G. Applicable Standards
- H. Proposed Decision by the Commission

### A. Course of Proceedings:

1. According to Kuna City Code (KCC) Title 5, Chapter 4, Section 2 (Design Review) and Title 5, Chapter 10 (Signs) Section 4-G-10; all new commercial buildings, landscaping, and parking lots are required to submit an application for review by the Design Review Committee (DRC). As a public meeting item, this action requires no formal public noticing actions.

#### a. Notifications

- |                          |                   |
|--------------------------|-------------------|
| i. Completeness Letter   | November 1, 2018  |
| ii. Agency Notifications | November 5, 2018  |
| iii. Agenda              | December 11, 2018 |

### B. Applicants Request:

ALC Architecture seeks Design Review approval from the Planning and Zoning Commission (acting as Design Review Committee) for a new 650 square-foot drive-thru soda shop and a new 6,100 square-foot retail building, accompanying landscaping, lighting and a parking lot. The site is located at 450 East Deer Flat Road, Kuna, Idaho 83634.

C. Aerial Map:



D. History:

The property was recently annexed into city limits with a C-1 (Neighborhood Commercial) zoning designation in 2014. The site was previously zoned Rural-Urban Transition within Ada County.

E. General Projects Facts:

1. Comprehensive Plan Designation: The Comprehensive Plan Future Land Use Map identifies this project location as Medium Density Residential.

2. Surrounding Land Uses:

<b>North</b>	R-2	Low Density Residential – Kuna City
<b>South</b>	P	Public District – Kuna City
<b>East</b>	R-2	Rural-Urban Transition – Ada County
<b>West</b>	R-6	Medium Density Residential – Kuna City

3. Parcel Sizes, Current Zoning, Parcel Numbers:

- 1.02 (approximate) acres
- C-1 (Neighborhood Commercial District)
- Parcel No. S1313347025

**4. Services:**

Sanitary Sewer – City of Kuna  
Potable Water – City of Kuna  
Irrigation District – Kuna Municipal Irrigation District  
Pressurized Irrigation – City of Kuna (KMID)  
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:**

The property has several existing buildings and vegetation associated with a residential lot.

**6. Transportation / Connectivity:**

The applicant proposes one driveway access from East Deer Flat Road.

**7. Environmental Issues:**

The subject site lies within the designated Nitrate Priority Area (NPA). Beyond the NPA, staff is not aware of any additional environmental issues, health or safety conflicts.

**F. Staff Analysis:**

The applicant proposes one drive-thru soda shop and one retail building at 450 East Deer Flat Road, accompanying landscaping, lighting and a parking lot. Staff finds that the proposed drive-thru and retail buildings, landscaping, lighting and a parking lot conform to the Kuna Architecture guidelines.

The applicant proposes gravel as a ground cover for the borrow ditch. According to Kuna City Code 5-9-2, gravel surfaces are not permitted as a ground cover. Staff recommends that the applicant sod the borrow ditch until ACHD improvements are made.

The applicant has not proposed street lights. Street lights are not required, but staff would welcome installation of one street light evenly spaced between the existing street lights on the north side and south side of Deer Flat Road. Any street lights shall comply with Kuna City Code 6-4-2, which requires street lights along frontages every 250 feet at maximum. Additionally, the proposed parking lot lighting features at least one light for every 14 parking spaces, and the lights are LED lights. The parking lot lighting complies with Kuna City Code 5-9-5.

Comments from J&M Sanitation indicate that the trash enclosure location and structure do not meet their standards. The applicant has been in contact with J&M Sanitation regarding the enclosure. The applicant shall continue to work with J&M Sanitation in order to build the enclosure to their standards.

ACHD has notified the applicant that sidewalk is required along the street frontage. Comments from the City Engineer indicate that the seepage beds need to include an Idaho PE design and comply with ACHD standards even if remaining private.

The applicant has not proposed a sign which will require a separate design review application and shall be submitted in conformance with Kuna City Code, if such signs are desired. A sign permit will be required.

With the recommended and required changes, staff has determined that the application generally complies with Title 5 of Kuna City Code; Idaho Code; and the Kuna Comprehensive Plan; Staff forwards a recommendation of approval for Case No. 18-38-DR to the Planning and Zoning Commission, subject to the recommended conditions of approval.

### **G. Applicable Standards:**

1. Kuna City Code, Titles 5 and Title 6
2. City of Kuna Comprehensive Plan
3. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act

### **H. Proposed Decision by the Planning and Zoning Commission:**

*Note: This proposed motion is for approval, conditional approval or denial of this request. However, if the Planning and Zoning Commission wishes to change specific parts of the request as detailed in the report, those changes must be specified.*

Based on the facts outlined in staff's report, the case file and discussion at the public meeting, the Planning and Zoning Commission of Kuna, Idaho, hereby (approves/denies) Case No. 18-38-DR, a Design Review request by ALC Architecture to construct a new drive-thru soda shop and a retail building, accompanying landscaping and a parking lot with the following conditions of approval:

1. The applicant shall follow all requirements for sanitary sewer, potable water, irrigation system connections, and all other requirements of the Kuna Public Works Department.
2. The applicant shall obtain written approval of the construction plans from the agencies noted below. The approval may be either on agency letterhead referring to the approved use or may be written or stamped upon a copy of the approved plans. All site improvements are prohibited prior to approval of these agencies and the issuance of a building permit:
  - a. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the civil plan from the Kuna City Engineer.
  - b. 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.
  - c. The K MID Irrigation District shall approve any modifications to the existing irrigation system.
  - d. Approval from Ada County Highway District / Impact Fees, if any shall be paid prior to building permit approval.
3. All signage for the site shall comply with current Kuna City Code, go through the Design Review process, and *obtain a sign permit prior to construction.*
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 approval from the public and/or private entities owning the property.
5. The applicant shall include an Idaho PE design for the seepage beds. The seepage beds shall comply with ACHD standards even if remaining private.
6. The applicant shall continue to work with J&M Sanitation in order to build the enclosure to their standards.
7. All street lighting within and for the site shall be LED lighting and establish dark skies practices. If street lights are added to this development, street light design review inspections are required prior to receiving a certificate of occupancy. Inspection fees shall be paid prior to requesting staff inspection.
8. The applicant shall provide sidewalk along the frontage to comply with ACHD requirements.
9. Staff recommends that the applicant sod the borrow ditch until ACHD improvements are made.
10. This development is subject to building and landscaping design review inspections prior to receiving a certificate of occupancy. Inspection fees shall be paid prior to requesting staff inspection.
11. 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 Planning and Zoning Commission, or seek amending them through the Design Review process.
12. Applicant shall follow staff, City engineer and other agency recommended requirements, as applicable.
13. Applicant shall comply with all local, state and federal laws.

DATED: This 11<sup>th</sup> day of December, 2018.



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)	18-38-DR
Project name	Snerks Drive thru and retail bldg
Date Received	10/24/18
Date Accepted/Complete	11/1/18
Cross Reference Files	
Commission Hearing Date	11/27/18
City Council Hearing Date	

### Contact/Applicant Information

Owners of Record: Cory Tanner	Phone Number: _____
Address: 2619 W Lake Hazel	E-Mail: _____
City, State, Zip: Meridian, Idaho 83642	Fax #: _____
Applicant (Developer): _____	Phone Number: _____
Address: _____	E-Mail: _____
City, State, Zip: _____	Fax #: _____
Engineer/Representative: Jeff Likes	Phone Number: 208.514.2713
Address: 1119 E State #120	E-Mail: jeff@alcarchitecture.com
City, State, Zip: Eagle, Idaho 83616	Fax #: _____

### Subject Property Information

Site Address: 450 E Deer Flat	
Site Location (Cross Streets): Deer Flat and Kay Ave	
Parcel Number (s): S1313347025	
Section, Township, Range: 13, 2N, 1W	
Property size : 1.02 ac	
Current land use: vacant	Proposed land use: drive thru, retail
Current zoning district: C-1	Proposed zoning district: C-1

**Project Description**

Project / subdivision name: Snerk's

General description of proposed project / request: Drive Thru and retail building

---

Type of use proposed (check all that apply):

Residential \_\_\_\_\_

Commercial \_\_\_\_\_

Office \_\_\_\_\_

Industrial \_\_\_\_\_

Other \_\_\_\_\_

---

Amenities provided with this development (if applicable): \_\_\_\_\_

**Residential Project Summary (if applicable) N/A**

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: 6,750 Existing (if applicable): \_\_\_\_\_

Hours of operation (days & hours): 6am-9pm Building height: 24'-0" +-

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): N/A

---

Proposed Parking:

a. Handicapped spaces: 2 Dimensions: 9'x18'

b. Total Parking spaces: 43 Dimensions: 9'x18'

c. Width of driveway aisle: 24'-0"

Proposed Lighting: shield pole and building lights

Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.): parking areas common areas to the north and west

Applicant's Signature: *Jeff* Date: 10.22.2018



# City of Kuna Design Review Application

received  
10.24.18

P.O. Box 13  
Kuna, Idaho 83634  
(208) 922.5274  
Fax: (208) 922.5989  
Website: www.kunacity.id.gov

FILE NO.: 18-38-DR (Design Review)

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 of these documents can be found online ([www.cityofkuna.com](http://www.cityofkuna.com)) or are picked up in the City's Planning and zoning department is located at 763 W Avalon, Kuna ID. Staff is glad to assist you with your application form.

### 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>9.15.2018</u> <i>Note: Pre-Applications are valid for a period of three (3) months.</i>	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Copy of Deed; and, if the applicant is not the owner, an <b>original</b> notarized statement (affidavit of legal interest) from the owner (and all interested parties) stating the applicant is authorized to submit this application.	<input checked="" 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:

- (1) 24" X 36" TO SCALE COPIES
- (1) 11" X 17" REDUCTIONS
- (1) 8 1/2" x 11" REDUCTIONS

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		Staff Use
<input checked="" type="checkbox"/>	North Arrow	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	To scale drawings	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Property lines	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Name of "Plan Preparer" with contact information	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Name of project and date	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Existing structures, identify those which are to be relocated or removed	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	On-site and adjoining streets, alleys, private drives and rights-of-way	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Drainage location and method of on-site retention / detention	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Location of public restrooms	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Existing / proposed utility service and any above-ground utility structures and their location	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Location and width of easements, canals and drainage ditches	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Location and dimension of off-street parking	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Locations and sizes of any loading area, docks, ramps and vehicle storage or service areas	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Trash storage areas and exterior mechanical equipment, with proposed method of screening	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Sign locations (a separate sign application must be submitted with this application)	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	On-site transportation circulation plan for motor vehicles, pedestrians and bicycles	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Locations and uses of ALL open spaces	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Locations, types and sizes of sound and visual buffers (Note: all buffers must be located outside the public right-of-way)	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Locations of subdivision lines (if applicable)	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Location of walls and fences and indication of their height and material of construction	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Roofline and foundation plan of building, location on the site	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Location and designations of all sidewalks	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Location and designation of all rights-of-way and property lines	<input checked="" type="checkbox"/>

## 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.

Applicant  
Use

North Arrow

To scale drawings

Boundaries, property lines and dimensions

Name of "Plan Preparer" with contact information

Name of project and date

Type and location of all plant materials and other ground covers.

*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. If there are any questions, please contact the City Forester, Natalie Reeder, at 208.880.0953*

Existing vegetation identified by specific size. Identify those which are proposed to be relocated or removed.

Method of irrigation.

*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.*

Location, description, materials, and cross-sections of special features, including berming, retaining walls, hedges, fences, fountains street/pathway furniture (benches, etc.), etc.

Sign locations

*Note: A separate sign application must be submitted with this application*

Locations and uses for open spaces

Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle

Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles

Location and designations of all sidewalks

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.

Staff  
Use

## Building Elevations

Applicant  
Use

Detailed elevation plans of each side of any proposed building(s) or additions(s)  
*Note: Four (4) elevations to include all sides of development and must be in color*

Identify the elevations as to north, south, east, and west orientation

Colored copies of all proposed building materials and indication where each material and color application is to be located  
*Note: Submit as 11"x17" reductions*

Screening/treatment of mechanical equipment

Provide a cross-section of the building showing any roof top mechanical units and their roof placement

Detailed elevation plans showing the materials to be used in construction of trash enclosures

Staff  
Use

## Lighting Plan

Applicant  
Use

Exterior lighting including detained cut sheets and photometric plan (pedestrian, vehicle, security, decoration)

Types and wattage of all light fixtures  
*Note: The City encourages use of "dark sky" lighting fixtures*

Placement of all light fixtures shown on elevations and landscaping plans

Staff  
Use

## Roof Plans

Applicant  
Use

Size and location of all roof top mechanical units

Staff  
Use

# Design Review Application

Applicant: Jeff Likes Phone: 208.514.2713

Owner  Representative Fax/Email: \_\_\_\_\_

Applicant's Address: 1119 E State #120 Eagle, Idaho 83616

Zip: \_\_\_\_\_

Owner: Cory Tanner Phone: \_\_\_\_\_

Owner's Address: 2619 W LAKE HAZEL RD Email: cory@beechtreemanagement.com

MERIDIAN, IDAHO Zip: 83642

Represented By: *(if different from above)* \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

Zip: \_\_\_\_\_

Address of Property: 450 E DEER FLAT RD

Zip: \_\_\_\_\_

Distance from Major Cross Street: 1 1/2 MILE Street Name(s): Meridian/ Deer Flat

*Please check the box that reflects the intent of the application*

- BUILDING DESIGN REVIEW**  
 **SUBDIVISION / COMMON AREA LANDSCAPE**

- DESIGN REVIEW MODIFICATION**  
 **STAFF LEVEL APPLICATION**

This Design Review application is a request to construct, add or change the following: *(Briefly explain the nature of the request.)*

new 650 s.f. drive thru soda shop and 6,100 s.f. retail shell building

1. Dimension of Property: \_\_\_\_\_

2. Current Land Use(s): vacant

3. What are the land uses of the adjoining properties?

North: residential- use of church

South: kuna school district

East: residential- use of church

West: kuna school district

4. Is the project intended to be phased, if so what is the phasing time period? no

Please explain: \_\_\_\_\_

5. The number and use(s) of all structures: (1) drive thru, (1) retail building

6. Building heights: 24'-0" Number of stories: 1

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? 13.8%

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](http://www.cityofkuna.com) under the City Code.*

**MATERIAL**

**COLOR**

Roof: tpo / white

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.

metal panel:

stucco:

% of Wood application: \_\_\_\_\_ / \_\_\_\_\_

% EIFS: \_\_\_\_\_ / \_\_\_\_\_  
*(Exterior Insulation Finish System)*

% Masonry: \_\_\_\_\_ / \_\_\_\_\_

% Face Block: 5 / brown

% Stucco: 50 / white

& other material(s): 45- metal panel / silver

List all other materials: \_\_\_\_\_

Windows/Doors: alumn storefront / natural alumn.  
*(Type of window frames & styles / doors & styles, material)*

Soffits and fascia material: \_\_\_\_\_ / \_\_\_\_\_

Trim, etc.: \_\_\_\_\_ / \_\_\_\_\_

Other: \_\_\_\_\_ / \_\_\_\_\_

9. Please identify Mechanical Units: pre packaged  
Type/Height: roof top- 5'  
Proposed Screening Method: parapet

10. Please identify trash enclosure: (size, location, screening & construction materials) \_\_\_\_\_  
cmu walls, metal gates

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?

12. Fencing: (Please provide information about new fencing material as well as any existing fencing material)  
n/a  
Type: \_\_\_\_\_  
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:  
seepage beds

14. Percentage of Site Devoted to Building Coverage: \_\_\_\_\_  
% of Site Devoted to Landscaping: 29% Square Footage: 14,046  
(Including landscaped rights-of-way)  
% of Site that is Hard Surface: 71% Square Footage: 34,650  
(Paving, driveways, walkways, etc.)  
% 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 tree with greater than a four inch (4") caliper whenever possible):  
n/a

17. Dock Loading Facilities: n/a  
Number of docking facilities and their location: \_\_\_\_\_  
Method of screening: \_\_\_\_\_

18. Pedestrian Amenities: (bike racks, receptacles, drinking fountains, benches, etc.) bike rack, open space, patio

19. Setbacks of the proposed building from property lines:

dimensions to buildings

Front 79 -feet    Rear 70 -feet    Side 39 -feet    Side 25 -feet

20. Parking requirements: \_\_\_\_\_

Total Number of Parking Spaces: 45    Width and Length of Spaces: 9'x18'

Total Number of Compact Spaces 8'x17': \_\_\_\_\_

21. Is any portion of the property subject to flooding conditions?    Yes \_\_\_\_\_    No X

**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 RECHEDULED 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 *Jeff*    Date 10.22.2018

City staff comments:  
\_\_\_\_\_  
\_\_\_\_\_

Signature of receipt by City Staff \_\_\_\_\_    Date \_\_\_\_\_

**FOR ADDITIONAL INFORMATION:**  
(Please list page number and item in reference)

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_



**October 22, 2018**

**City of Kuna Planning and Zoning Department  
Re: Snerk's – Design Review Application**

To Whom It May Concern:

Pursuant to our Design Review application for a new drive thru and retail building located at 450 E Deer Flat Road we respectfully request approval to construct approximately 650 s.f. drive thru soda shop and a 6,100 s.f. retail building.

The proposed project is located on a single parcel in the (C-1) zoning district. The buildings will be part of a mixed commercial use development with the purpose of addressing the needs of nearby neighborhood residents.

The proposed buildings are designed to address the requirements for commercial buildings in arterial roadway district. The architectural character of the building will have varying roof heights and profiles, the tallest portion of the building is a parapet of approximately 24'-0" above finished grade, this will conceal any proposed roof top mechanical equipment. Additionally this height is comparable with most retail storefronts allowing for a good transition between this building and future building. All uses for this facility will be located on the street level given the building is only a single story, allowing for 100% of the street level façade to front on to a public sidewalk with plaza area directly adjacent to the buildings main entrance.

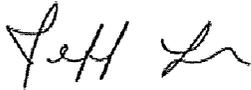
Our building entrance is facing South towards Deer Flat Road, the vehicle parking area and the public sidewalk. The entries are covered with a metal eyebrow awning supported by steel brackets, the roof is clad with standing seam metal roofing, and tpo. The entrance doors are part of a recessed fully glazed curtain wall providing full visual transparency into the facility. The sloping roof protecting the building entrance and continuing north is sloped at 1/12 less than the required 3/12. Our exterior material treatments include a mixture of metal panel with different profiles and colors and painted cement plaster. Approximately 40% of the façade is treated with a framed projection around storefront glazed openings.

All trash disposal containers will be contained within an accessible trash enclosure with adequate access for trash service vehicles located to the north of the proposed building.

We appreciate your approval of our design review application. And we look forward to helping Kuna develop the Deer Flat Road corridor.

Should you have any questions or concerns regarding this project please don't hesitate to contact us. We thank you for your time and consideration.

Thank you,

A handwritten signature in black ink, appearing to read "Jeff Likes". The signature is fluid and cursive, with the first name "Jeff" being more prominent than the last name "Likes".

Jeff Likes, President  
ALC Architecture  
1119 E. State St. Suite 120  
Eagle, ID 83616

**WARRANTY DEED**

NXID-0287934  
ITA-0287978

**FOR VALUE RECEIVED**

Sharon L Fisher, an unmarried woman

GRANTOR(s) does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto:

Bolton Landing LLC

GRANTEE(s), whose current address is: 1001 N. Meridian Rd., Meridian, ID 83642 the following described real property in Ada County, State of Idaho more particularly described as follows, to wit:

A parcel of land being a portion of the Southeast quarter of the Southwest quarter of Section 13, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found brass cap marking the centerline intersection of Linder Road and Deer Flat Road and also marking the Southwest corner of said Section 13, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho; thence

South 88 degrees 48'47" East 1315.34 feet along the centerline of said Deer Flat Road which is also the South boundary of the said Southwest quarter of Section 13 to a found 5/8" iron pin marking the West 1/16 corner common to said Section 13 and Section 24, said pin bears

North 88 degrees 48'47" West 1315.34 feet from a found 5/8" iron pin marking the South quarter corner of said Section 13; thence

North 0 degrees 04'07" East (formerly North 0 degrees 03'47" East) 25.00 feet along the West boundary of the said Southeast quarter of the Southwest quarter of Section 13 to a set 5/8" iron pin marking a point on the Northerly right-of-way of said Deer Flat Road, said pin also marking the REAL POINT OF BEGINNING; thence continuing along said West boundary of the Southeast quarter of the Southwest quarter of Section 13

North 0 degrees 04'07" East (formerly North 0 degrees 03'47" East) 213.04 feet to a set 5/8" iron pin; thence

South 88 degrees 48'47" East 210.78 feet to a set 5/8" iron pin; thence

South 1 degrees 11'13" West 213.00 feet to a set 5/8" iron pin marking a point on the said Northerly right of way of Deer Flat Road; thence

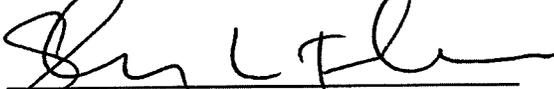
North 88 degrees 48'47" West 206.62 feet along said Northerly right of way of Deer Flat Road to the POINT OF BEGINNING.

Exhibit

B4+5

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee(s), and Grantee(s) heirs and assigns forever. And Grantor(s) does(do) hereby covenant to and with said Grantee(s) that Grantor(s) is/are the owner(s) in fee simple of said premises, that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, if any, of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year which are not yet due and payable and the Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

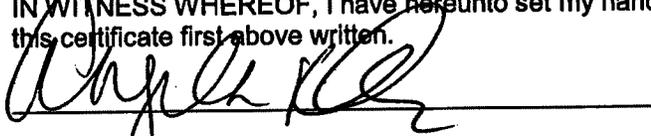
Dated: 9th day of April, 2018

  
Sharon L Fisher

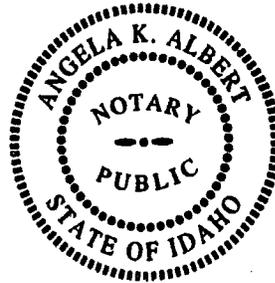
STATE OF: Idaho)  
COUNTY OF Ada)

On this 9th day of April, in the year of 2018, before me the undersigned Notary Public in and for said State, personally appeared Sharon L. Fisher known or identified to me (or proved to me on the oath of ....), to be the person whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they 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: Boise, Idaho  
My commission expires: 4/15/2019





City of Kuna  
P.O. Box 13  
Kuna, Idaho 83634

Phone: (208) 922-5274  
Fax: (208) 922-5989  
Web: www.kunacity.id.gov

# City of Kuna AFFIDAVIT OF LEGAL INTEREST

State of Idaho )  
) ss  
County of Ada )

I, Cory Tanner , 2619 West Lake Hazel Road  
Name Address  
Meridian , ID, 83642  
City State Zip Code

being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

A. That I am the record owner of the property described on the attached, and I grant my

Permission to Jeff Likes 1119 State Street, Ste. 120, Eagle ID 83616 Name Address  
to submit the accompanying application pertaining to that property.

B. I agree to indemnify, defend and hold City of Kuna and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

C. I hereby grant permission to the City of Kuna staff to enter the subject property for the purpose of site inspections related to processing said application(s).

Dated this 15th day of October, 2018

[Signature]  
Signature

Subscribed and sworn to before me the day and year first above written.

Joelyn B Wade  
Notary Public for Idaho

Residing at: 1710 S. Wells Ave., Meridian, ID 83642

My commission expires: May 29, 2024 2018-0988

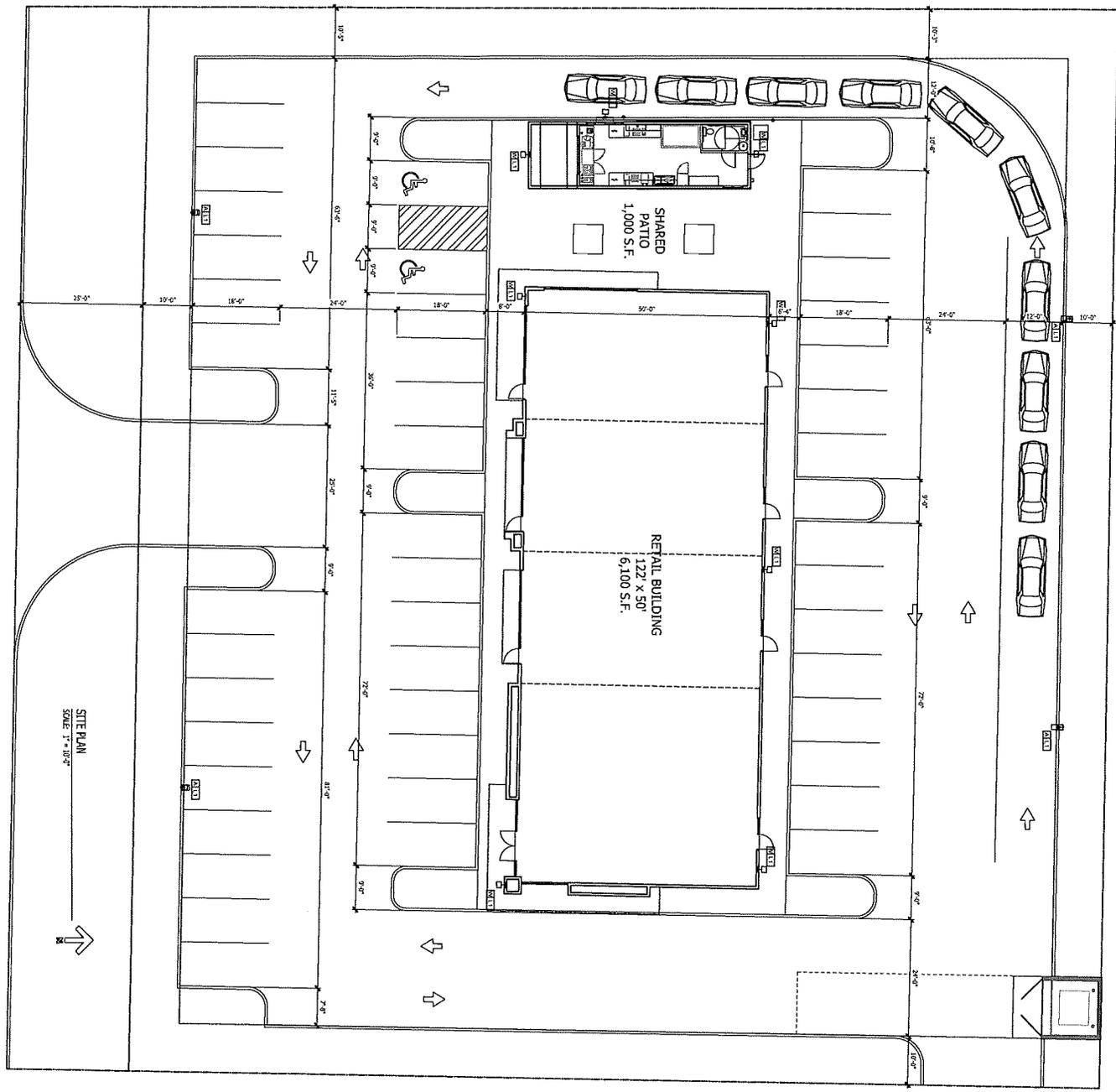


Exhibit  
B6

# Ada County Assessor

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION OR LEGAL PURPOSES.

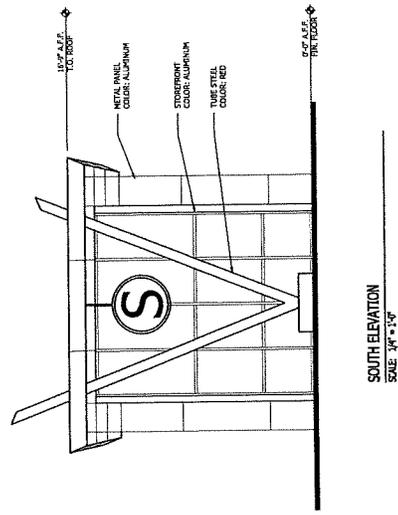




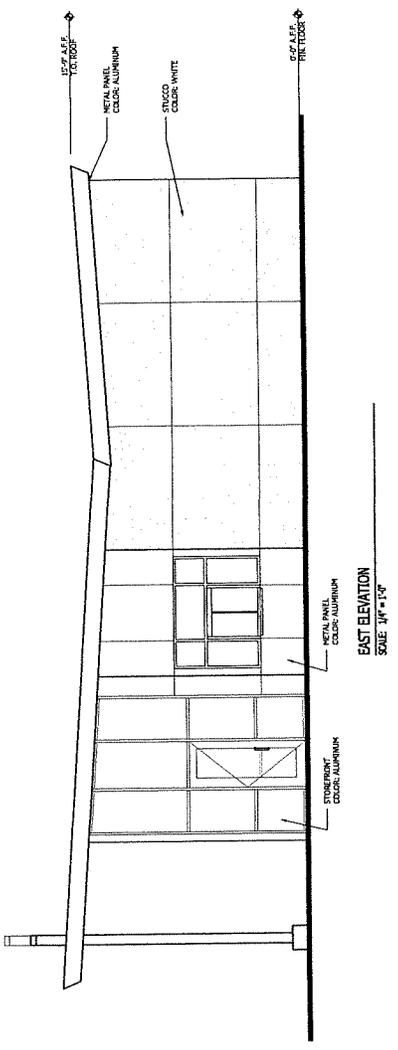
**SITE ANALYSIS**

ADDRESS: 750 E DEER RAY KUMA, IDAHO  
 APN: S13347025  
 JURISDICTION: CITY OF KUMA  
 ZONE: C-1  
 LOT AREA: 1.021 ACRES (44,475 S.F.)  
 PARKING PROVIDED: STRIPED SPACES: 49  
 UNSTRIPED SPACES: 2  
 TOTAL SPACES: 45

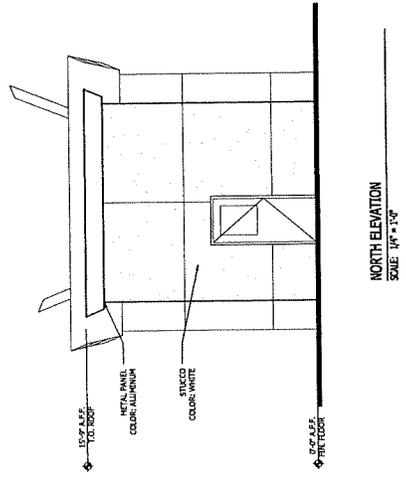
1. DRAWING CONTAINS INFORMATION WHICH IS THE PROPERTY OF ALC AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ALC.



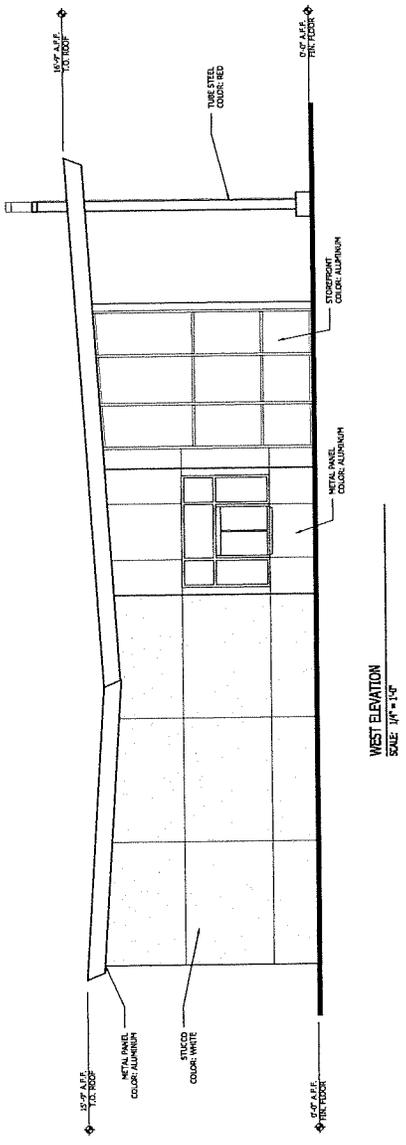
**SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



**NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/4" = 1'-0"







CI



Exhibit  
B9













C3

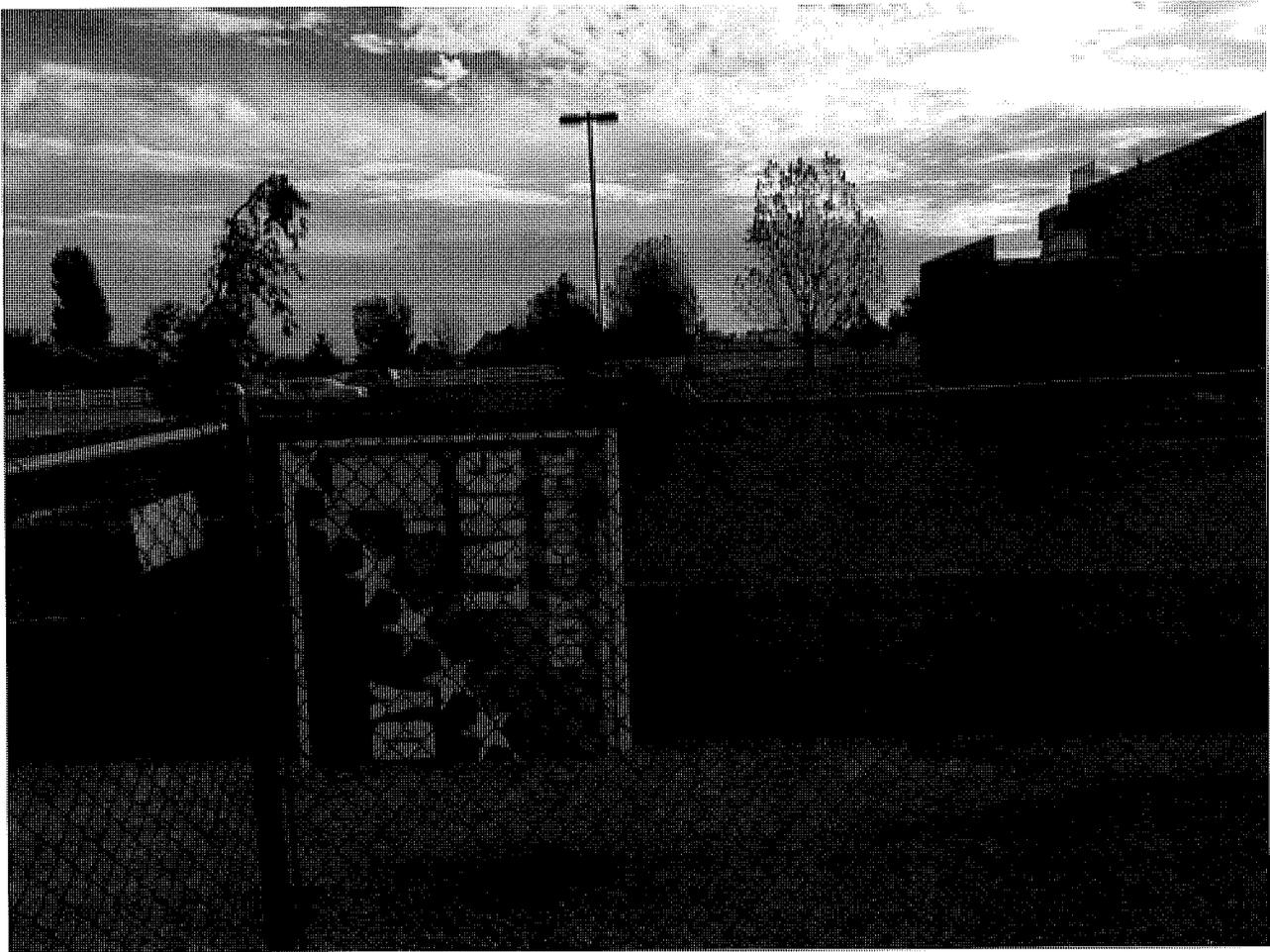








C4









## Sam Weiger

---

**From:** Chad Gordon <chad.gordon@jmsanitation.com>  
**Sent:** Wednesday, November 7, 2018 3:02 PM  
**To:** Sam Weiger  
**Subject:** Re: Agency Notifications (Requesting Comment if applicable) for Snerk's  
**Attachments:** Snerks Trash Enclosure Changes.pdf

Sam,

See attached for changes that need to be made. The gate posts need to be placed at the ends of the CMU walls so that the gates will open past 90 degrees. Also the enclosure placement does not allow for our collection vehicle to turn around and there is no other exit for us to drive around the building due to the drive through. The landscaping trees next to the enclosure may present an overhead clearance issue when they are mature. Let me know if you have any questions. There may be some room for the enclosure to be in the front of the parking lot nearest Deerflat. We want to minimize our collection vehicle having to back up very far in order to exit the parking lot.

Thanks,

On Mon, Nov 5, 2018 at 8:33 AM, Sam Weiger <[sweiger@kunaid.gov](mailto:sweiger@kunaid.gov)> wrote:

Hello,

I have attached the information that has been submitted to me for the proposed Snerk's drive thru and retail building. We're welcoming any comments at this time.

Thanks,

### **SAM WEIGER**

Planner I

City of Kuna

751 W 4<sup>th</sup> Street

Kuna, ID 83634

[Sweiger@kunaID.gov](mailto:Sweiger@kunaID.gov)

## Sam Weiger

---

**From:** Paul Stevens  
**Sent:** Thursday, November 29, 2018 8:02 AM  
**To:** Sam Weiger  
**Subject:** RE: Agency Notifications (Requesting Comment if applicable) for Snerk's

- Vicinity maps need an arrow, square box or something to depict the area in discussion. When this information becomes known, we can tell you where the water and sewer etc. are located.
- Seepage beds require an Idaho PE design and must comply with ACHD standards even if remaining private

*Paul A. Stevens, PE*  
**CITY OF KUNA - ENGINEER**  
**PHONE 208-287-1727**



**751 W 4TH ST**  
**PO BOX 13**  
**KUNA, ID 83634**

**From:** Sam Weiger <sweiger@kunaid.gov>  
**Sent:** Monday, November 5, 2018 8:33 AM  
**To:** Chad Gordon <chad.gordon@jmsanitation.com>; Paul Stevens <PStevens@kunaid.gov>; Bob Bachman <bbachman@kunaid.gov>; Terry Gammel <tgammel@kunafire.com>; jmcDaniel@adaweb.net; Lisa Holland <lholland@kunaid.gov>  
**Subject:** Agency Notifications (Requesting Comment if applicable) for Snerk's

Hello,

I have attached the information that has been submitted to me for the proposed Snerk's drive thru and retail building. We're welcoming any comments at this time.

Thanks,

**SAM WEIGER**

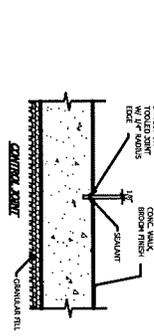
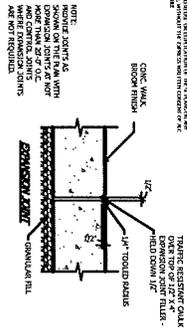
Planner I  
City of Kuna  
751 W 4<sup>th</sup> Street  
Kuna, ID 83634  
[Sweiger@kunaID.gov](mailto:Sweiger@kunaID.gov)



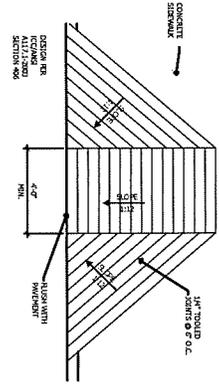




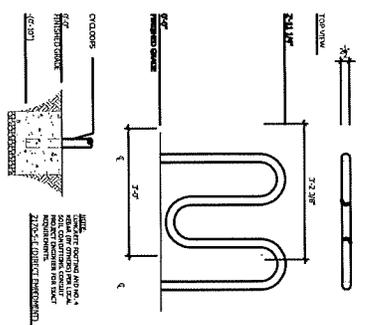
THIS DRAWING IS THE PROPERTY OF SNERK'S ARCHITECTURE AND DESIGN. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF SNERK'S ARCHITECTURE AND DESIGN IS STRICTLY PROHIBITED.



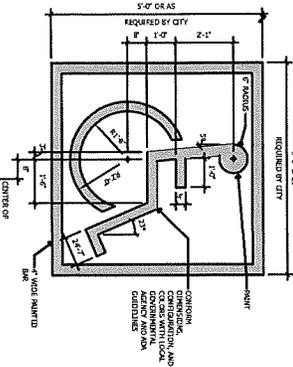
**1** SIDEWALK DETAIL  
SCALE: 3/8"=1'-0"



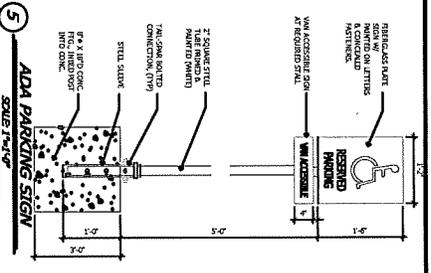
**2** RAMP DETAIL  
SCALE: 3/8"=1'-0"



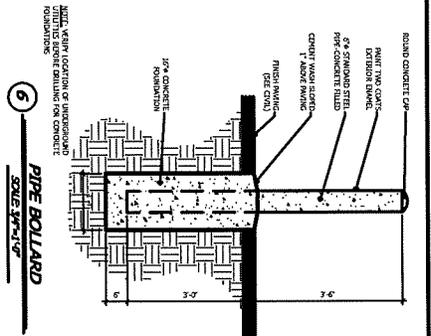
**3** BIKE RACK DETAIL  
SCALE: 3/8"=1'-0"



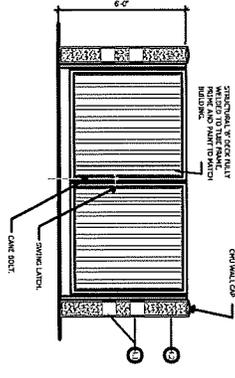
**4** ADA PARKING DETAIL  
SCALE: 3/8"=1'-0"



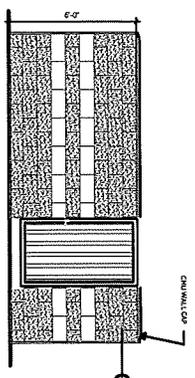
**5** ADA PARKING SIGN  
SCALE: 1/4"=1'-0"



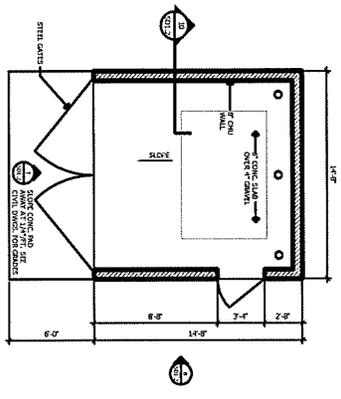
**6** PIPE BOLLARD  
SCALE: 3/8"=1'-0"



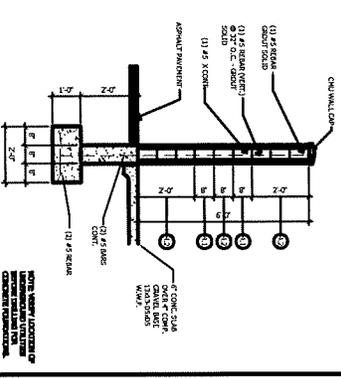
**7** TRASH ENCLOSURE FRONT ELEVATION  
SCALE: 3/8"=1'-0"



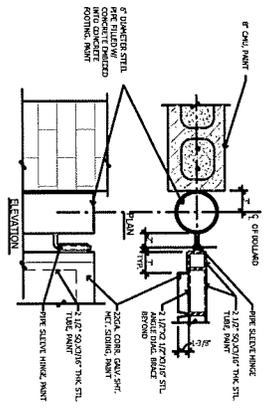
**8** TRASH ENCLOSURE ELEVATION  
SCALE: 3/8"=1'-0"



**9** TRASH ENCLOSURE PLAN  
SCALE: 1/4"=1'-0"



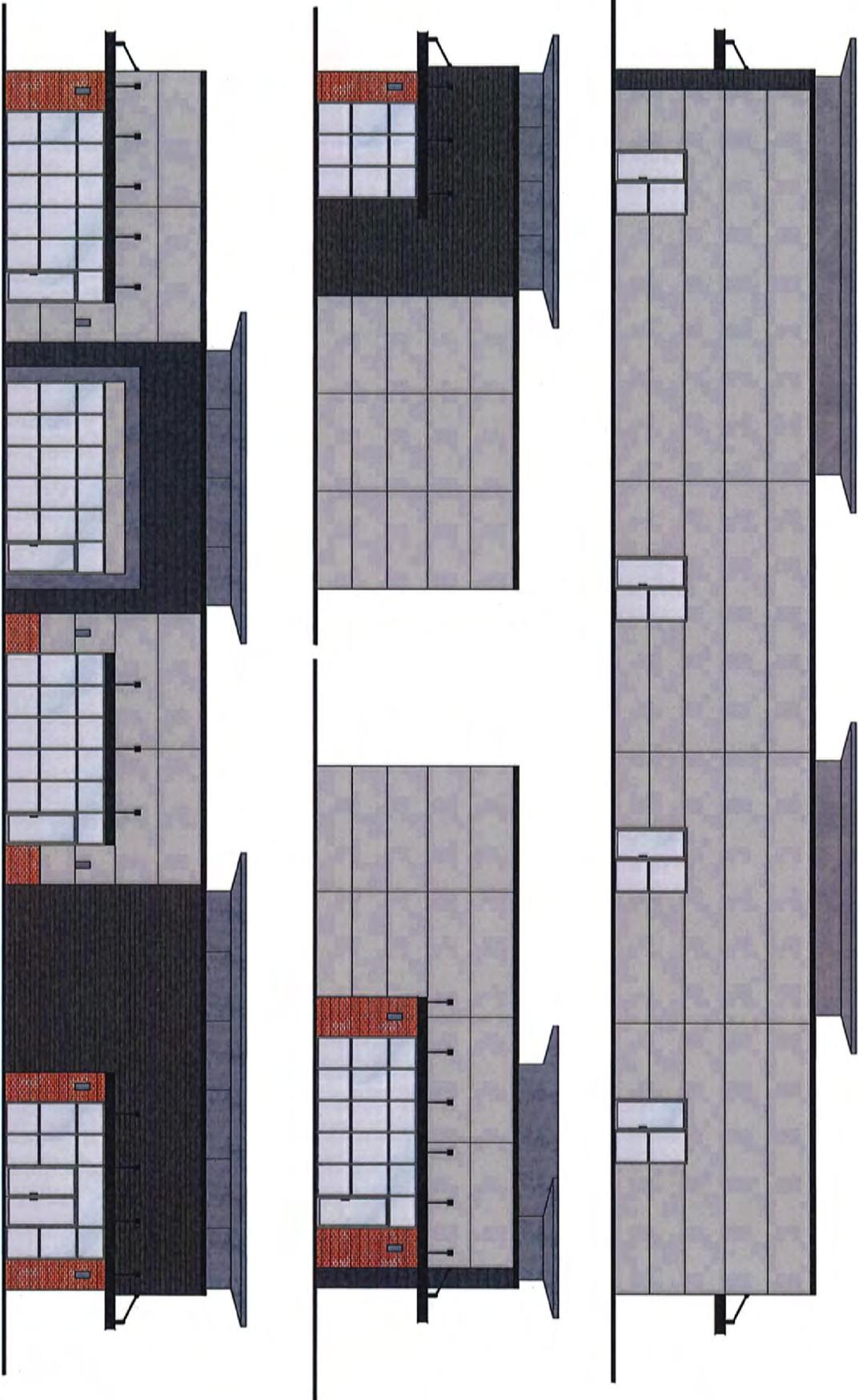
**10** TRASH ENCLOSURE SECTION  
SCALE: 1/4"=1'-0"

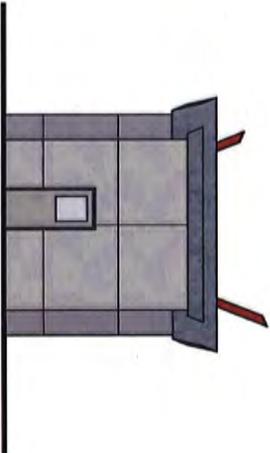
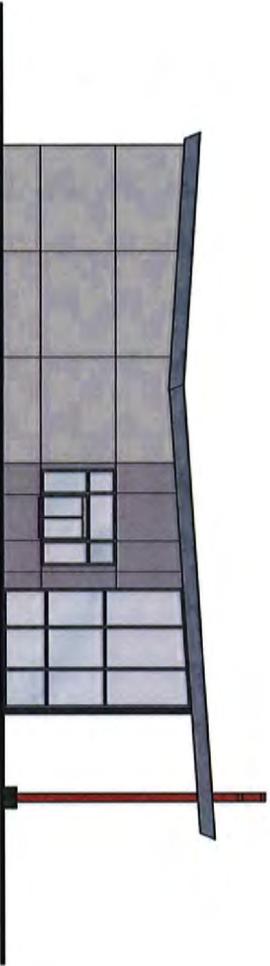
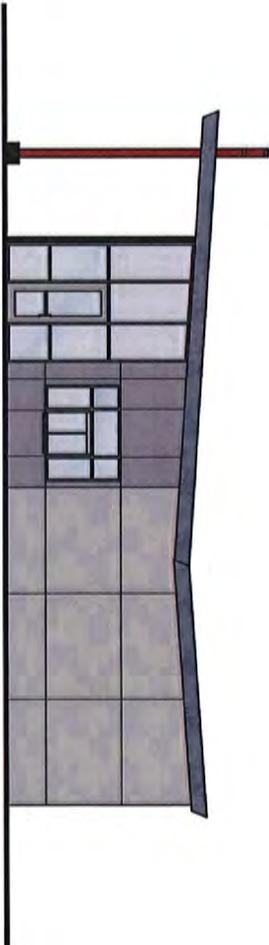
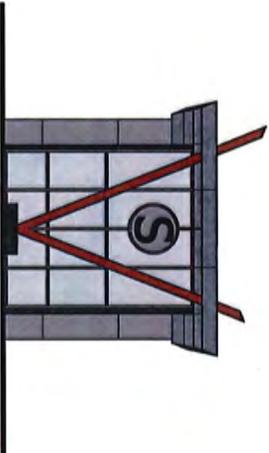


**11** GATE SUPPORTS  
SCALE: 3/8"=1'-0"

EXISTING: FOR REFERENCE ONLY









# City of Kuna

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

## Planning & Zoning Commission Staff Report

**To:** Planning and Zoning Commission

**Case Numbers:** 18-05-AN (Annex), 18-06-S (Subdivision) & 18-34-DR (Design Review): Redcloud Subdivision

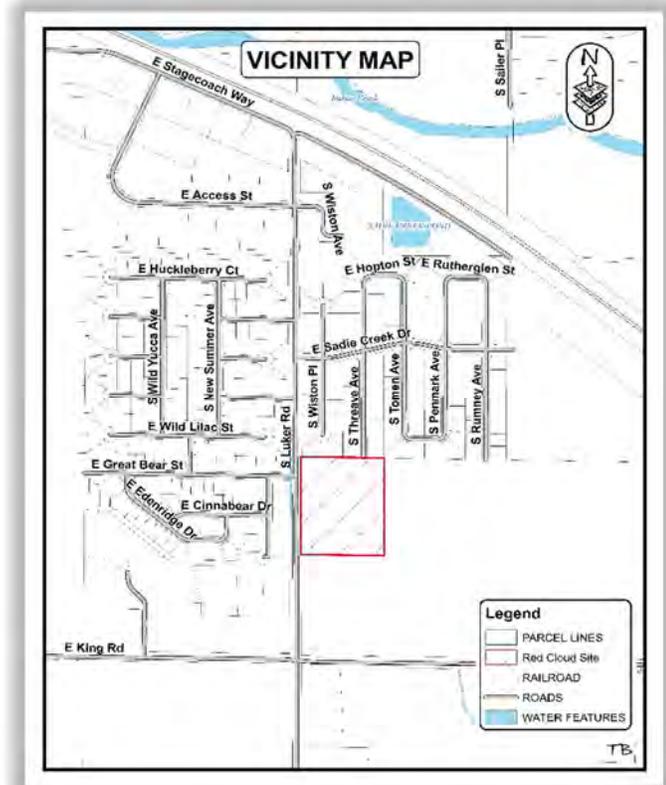
**Location:** Southeast Corner (SEC) of Luker and Great Bear Roads, Kuna, Idaho 83634

**Planner:** Troy Behunin, Planner III

**Hearing Date:** December 11, 2018

**Representative:** **Alex MacDonald**  
885 W. Rush Road  
Eagle, Idaho 83616  
208.939.1000

**Owner:** **SSM2, Company**  
Thomas Maile  
885 W. Rush Road  
Eagle, Idaho 83616  
208.939.1000  
[newhorizonconstruction@gmail.com](mailto:newhorizonconstruction@gmail.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 Board) as the decision-making body; and that annexations and subdivision 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 | July 26, 2018 (Ten persons attended) |
| ii. Agencies            | November 2, 2018                     |

- iii. 350' Property Owners
- iv. Kuna, Melba Newspaper
- v. Site Posted

- November 30, 2018
- November 21, 2018
- November 29, 2018

**B. Applicant Request:**

1. The applicant, SSM2, Company, requests to annex approximately 8.00 acres into Kuna City with an R-6, residential zone, and to subdivide the property into 41 single family residential lots and three (3) common lots and have reserved the name *Redcloud Subdivision*. A Design Review application for four common areas and buffer landscaping accompanies this application. The site is located at the southeast corner of Luker and Great Bear Roads, The site address is 1250 S. Luker Rd., Kuna, Idaho; In Section 25, T 2N, R 1W, APN #: S1325438500.

**C. Exhibit Maps:**



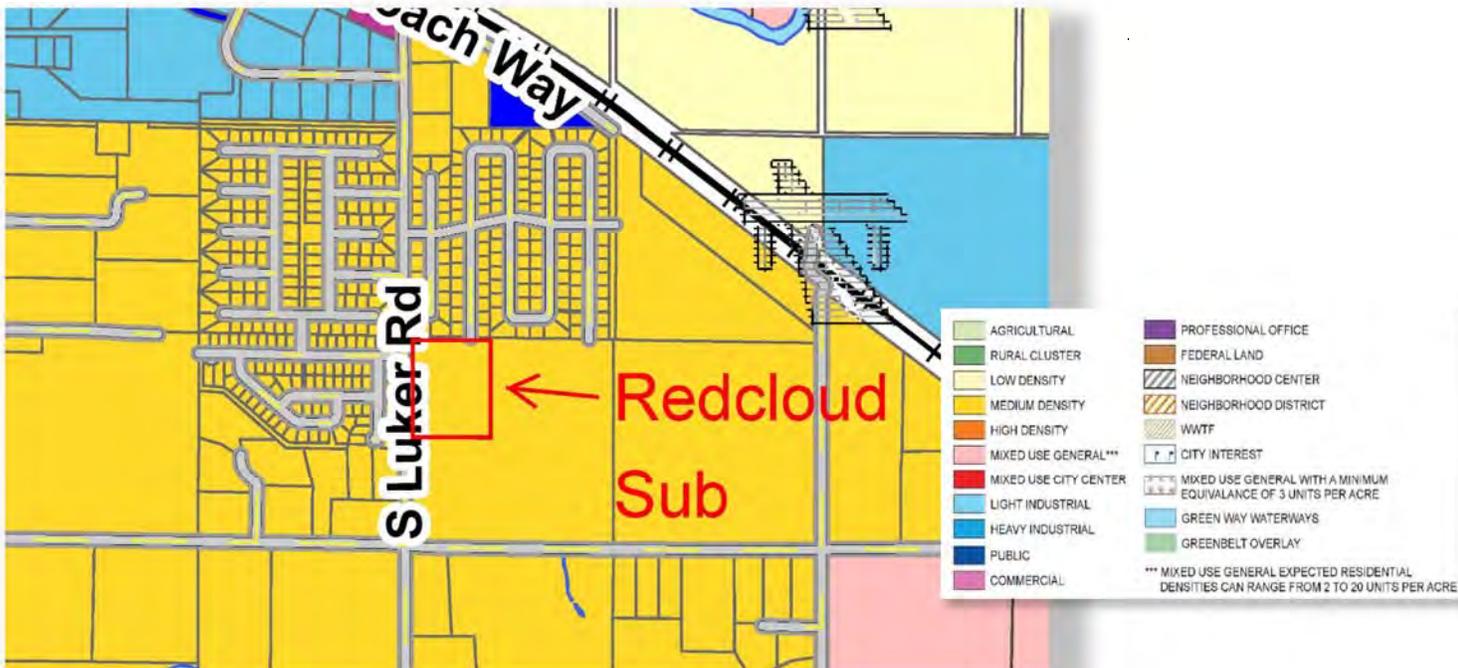


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**D. History:** The approximate 8.0-acre subject site is currently in Ada County, however, it is contiguous to Kuna City limits on the north and west sides of the parcel, and has historically been used for a single family residence and the remainder for open field and Agricultural purposes.

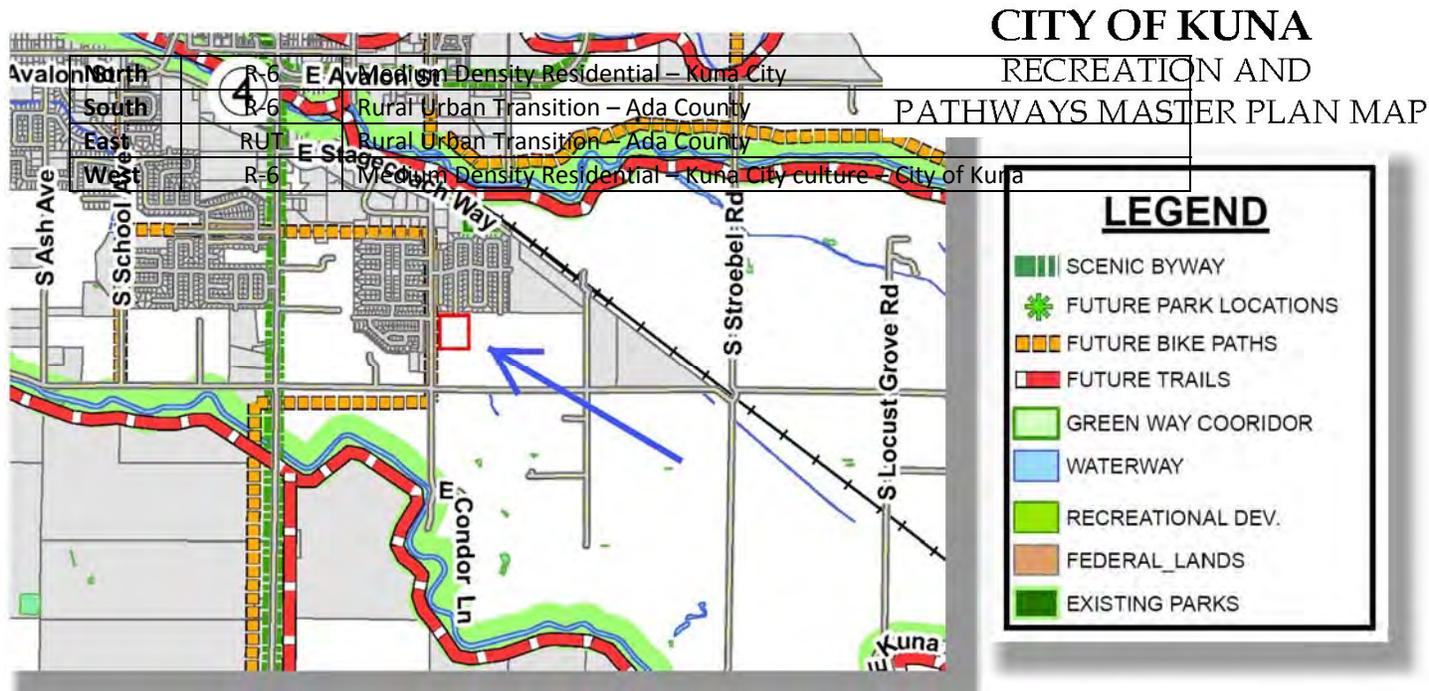
**E. General Projects Facts:**

1. **Comprehensive Plan Designation:** The Future Land Use Map (Comp Plan Map) 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 Future Land Use Map identifies the approx. 8.00-acre site as Medium Density Residential (4-8 DUA).



2. **Kuna Recreation and Pathways Master Plan Map:**

The Kuna Recreation and Master Pathways Plan map identifies a future bike trail on Luker Road. Applicant has provided a bike lane on their Preliminary Plat road section detail.



3. **Surrounding Existing Land Uses and Zoning Designations:**

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

Property Owner	Parcel Size	Current Zone	Parcel Number
SSM 2 Company	Approx. 8.00 ac.	RUT	S1325438500

5. **Services:**

- Sanitary Sewer– City of Kuna
- Potable Water – City of Kuna
- Irrigation District – Boise-Kuna Irrigation District
- Pressurized Irrigation – City of Kuna (KMID)
- Fire Protection – Kuna Rural Fire District
- Police Protection – Kuna City Police (A.C.S.O.)
- Sanitation Services – J & M Sanitation

6. **Existing Structures, Vegetation and Natural Features:** Currently there is a residence on site, with approximately five out-buildings. This site is generally flat and on-site vegetation is consistent with typical residence and agricultural fields.

**Transportation / Connectivity:** The site has significant frontage along Luker and shall provide adequate Rights-of-Way (ROW) to serve the needs of the site and in sufficient amounts to satisfy Kuna and ACHD’s requirements. For roadway improvements, including road widening and curb, gutter and sidewalks.

There is an existing stub street connection with the subdivision to the north and staff recommends the developer be conditioned to connect to it, and provide for others to connect by providing stubs for future subdivisions, as shown on their proposed preliminary plat.

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
- Department of Environmental Quality (DEQ) – Exhibit B 5
- Idaho Transportation Department (ITD) – Exhibit B 6

**F. Staff Analysis:**

Applicant requests approval to annex approximately 8.00 total acres with a current county zone as Rural Urban Transition (RUT) into Kuna City limits with an R-6 (Medium Density Residential) zone; and subdivide the subject property creating a 41 lot, single family subdivision, known as *Redcloud* Subdivision. Applicant also proposes to develop three (3) additional lots, into common lots for the residents. A Homeowners Association (HOA) will be established for the care and maintenance for the common lots and landscape buffers.

The applicant proposes annexation applying the category “A” method, and as it touches current City limits on two sides of the project, the site is eligible for annexation. Applicant is proposing two (2) phases of development which will largely be driven by the consumer market.

Public services will be extended to the property at the developers cost, by extending existing City facilities. Applicant proposes 41 buildable lots over Approx. 8.00 acres in an R-6 zone (Med. Density) and as such, staff views this proposal compliant with the Comp Plan Map. Staff was unable to locate proposed street lights on Luker Road. Staff recommends the applicant be conditioned to provide street lights throughout the Sub that comply with KCC, including street lights at all intersections and hydrants.

A design review application accompanies the applicant’s request for the common area landscaping and buffers. Staff finds the proposed landscape plan complies with KCC 5-17, except as otherwise noted in this report. Staff notes that a monument sign for the subdivision was not included with the design review application, all monument signs are required to go through design review. This process can be accomplished at a later date without any delay to the project. Staff recommends the applicant be conditioned to place sod wherever the landscape plan identifies “grasses”. Staff also notes that the planting details should be changed to reflect KCC; which are requested in the proposed conditions of approval (Condition #12). Staff recommends that the applicant resubmit an 11 X 17” plan bearing these changes.

Applicant is hereby notified that this project is subject to design review inspection fees. Required inspections (post construction), are to verify landscaping compliance prior to signature on the final plat.

Staff has determined these applications comply with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards Case No’s 18-05-AN, 18-06-S and 18-34-DR, to the Kuna Commission with recommended conditions of approval listed in section ‘M’ of this report.

**G. 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.

**H. Factual Summary:**

This site is located near the southeast corner (SEC) of Luker and Great Bear Roads. Applicant proposes to annex approximately 8.00 acres into the City of Kuna with an R-6 (medium density residential) zone. Applicant has submitted a preliminary plat to subdivide the parcel into 41 buildable lots and three (3) common lots, and proposes full improvements for Luker Road, and all internal Roads to City and ACHD standards.

**I. Proposed Comprehensive Plan Analysis:**

The Kuna Planning and Zoning Commission may accept or reject the Comprehensive Plan components, and has determined the proposed combination preliminary and final 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.***

**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 mix of lot sizes, and sidewalks 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; landscape buffers, sidewalks,, varied larger housing densities and types and promotes desirable, cohesive community character and a quality neighborhood.***

**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 annex the requested lands into the City. This application will expand the City's sanitary sewer system, potable water and adds to the pressure irrigation mainline in an orderly fashion.

**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 extending public rights-of-way on South Luker Road and internal roads to create additional 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 41 single family lots which will possibly contribute to high-quality lots of varied sizes to be developed in a logical and orderly manner. The development adds, connections to existing and future subdivisions, creating a pleasant neighborhood environment.

**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 application incorporates sound community design and landscape features to buffer incompatible uses to create a sense of place for the community to foster neighborhood interactions and activities.

**J. Proposed Kuna City Code Analysis:**

1. This request **appears/doesn't appear** to be consistent **and/or** 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 / is not** physically suitable for a subdivision.  
**Comment:** The approx. 8.00 acre subdivision has sufficient size to include a mix of lot sizes, community landscape buffer(s).
3. The annexation and subdivision uses **are / are not** likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.  
**Comment:** The land to be annexed is not used as wildlife habitat. Roads, homes and open spaces are planned for construction according 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 annexation and subdivision application **is / is not** likely to cause adverse public health problems.

**Comment:** *The annexation of the property requires a 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 **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 annexation, and design of the subdivision did consider the location of the property, classified roadway (Luker) 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 (Kuna) 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/are not** suitable and adequate for residential purposes.

**K. Proposed Commission Findings of Fact:**

Based upon the record contained in Case No's 18-05-AN, 18-06-S and 18-34-DR 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** of the Findings of Fact and Conclusions of Law, and conditions of approval for Case No's 18-05-AN, 18-06-S and 18-34-DR, a request for preliminary plat and design review approval by SSM2:

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

**Comment:** *The Kuna Planning and Zoning Commission held a public hearing on the subject applications on December 11, 2018, 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 18-05-AN, 18-06-S and 18-34-DR, this proposal **does/does not** generally comply with the Comprehensive Plan and City Code.*

**Comment:** *Kuna's Comprehensive Plan (Comp Plan), encourages a variety of housing types for all income levels numerous times throughout the document. The City attempts to balance all housing types within the City. Additionally, the Comprehensive Plan encourages the Integration of sidewalks, bike lane systems into community life and development patterns. The applicant has proposed a significant addition of sidewalks through the Sub, and connection to an existing Sub and provided for additional stub/street connections.*

3. *Based on the evidence contained in Case No's 18-05-AN, 18-06-S and 18-34-DR, this proposal does/does not generally comply with the 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 approve, conditionally approve or deny Case No. 18-34-DR and to recommend approval or denial of Case No's 18-05-AN and 18-06-S to Council.*

**Comment:** *On December 11, 2018, the Commission voted to **approve/conditionally approve/deny** Case No. 18-35-DR and recommend **approval/conditional approval/denial** for Case No's 18-05-AN and 18-06-S.*

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 350-FT of the proposed project site on November 30, 2018 and a legal notice was published in the Kuna Melba Newspaper on November 21, 2018. The applicant placed a sign on the property on November 29, 2018.*

Based upon the record in 18-05-AN, 18-06-S and 18-34-DR, including the Comprehensive Plan, Kuna City Code, Staff's report, including the exhibits, and the testimony elicited during the public hearing, the Commission hereby recommends *approval/conditional approval/conditional approval/denial* for Case No's 18-05-AN and 18-06-S, a request for annexation and subdivision preliminary plat to Council, and **approves/conditionally approves/denies** Case No. 18-34-DR Subdivision Design Review request by the applicant as follows:

*The Commission concludes that the Application does/does not comply with the City of Kuna's Zoning regulations (Title 5) of KCC and/or the Subdivision regulations outlined in title 6 of KCC and/or the Landscape Code in title 5.*

**L. Proposed Order of Decision by the Commission:**

*Note: These motions are for the approval, conditional approval or denial of the design review application and the recommendation of approval or denial of the annexation and preliminary plat applications. 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 during the public hearing the Planning and Zoning Commission of Kuna, Idaho, hereby recommends (**approval / conditional approval / denial**) for Case No's 18-05-AN (Annexation ), and 18-06-S; (Preliminary Plat) a subdivision request from SSM2 Company to annex and subdivide approximately 8.00 acres into 44 total lots (41 buildable lots and 3 common lots), and hereby (**approves / conditionally approves / denies**) 18-34-DR; Design Review subject to the following conditions of approval listed in section "M" of this staff report.

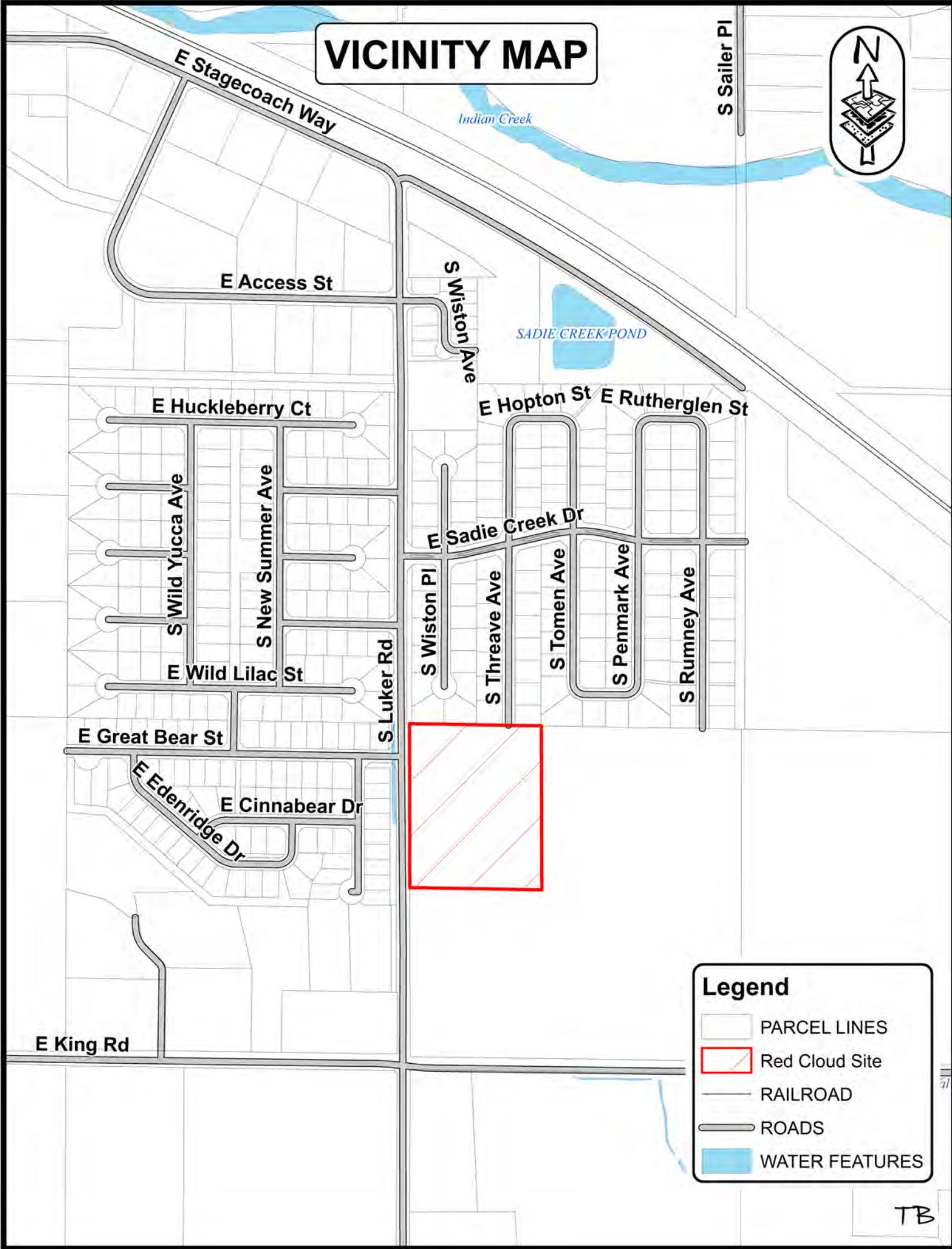
**M. Recommended Conditions of Approval:**

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 drainage and grading plans.
  - 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. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - 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 and Board of Control* shall approval any modifications to the existing irrigation system.
  - g. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.
  - h. Idaho Transportation Department. No public street construction may be commenced without the approval and permit from Ada County Highway District and Idaho Transportation Department.

- i. All public rights-of-way shall be dedicated and constructed to standards of the City, 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 approval in concert with the prepared construction drawings for the project.
5. Parking within the site shall comply with KCC 5-9-3. A separate Design Review application is required for the community clubhouse and parking lot.
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 any subdivision entrance sign construction and shall comply with KCC 5-10-4. Monument signs will require a separate design review.
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 as required to meet KCC 5-17-7 standards. Maintenance and planting within public rights-of-way shall be approved from 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 (KMID) prior to requesting final plat signature from the City Engineer.
10. 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/or Council, or seek amending them through public hearing processes.
11. The applicant’s proposed preliminary plat (dated 0/24/18) and landscape plan (dated 08/01/2018) shall be considered binding site plans, or as modified and approved through the public hearing process.
12. Applicant shall add the following notes to the landscape plans and resubmit a PDF for Planning and Zoning approved plans, bearing the changes.
  - 12.1 – Landscape contractor shall remove all twine/ropes and burlap from root balls.
  - 12.2 – Landscape contractor shall remove the wire basket from the top 1/2 of the root ball.
13. Applicant shall bring landscape buffers into compliance as described in Kuna City Code 5-17, and submit a PDF bearing these changes for approval.
14. Applicant shall follow staff, city engineer and other agency recommended requirements as applicable.
15. Applicant shall demonstrate permanent access, maintenance and care for all lots affected by shared driveways as proposed on the preliminary plat bearing the same date as above.
16. Compliance with all local, state and federal laws is required.

**DATED:** This \_\_\_\_ day of \_\_\_\_\_, 2017.

# VICINITY MAP

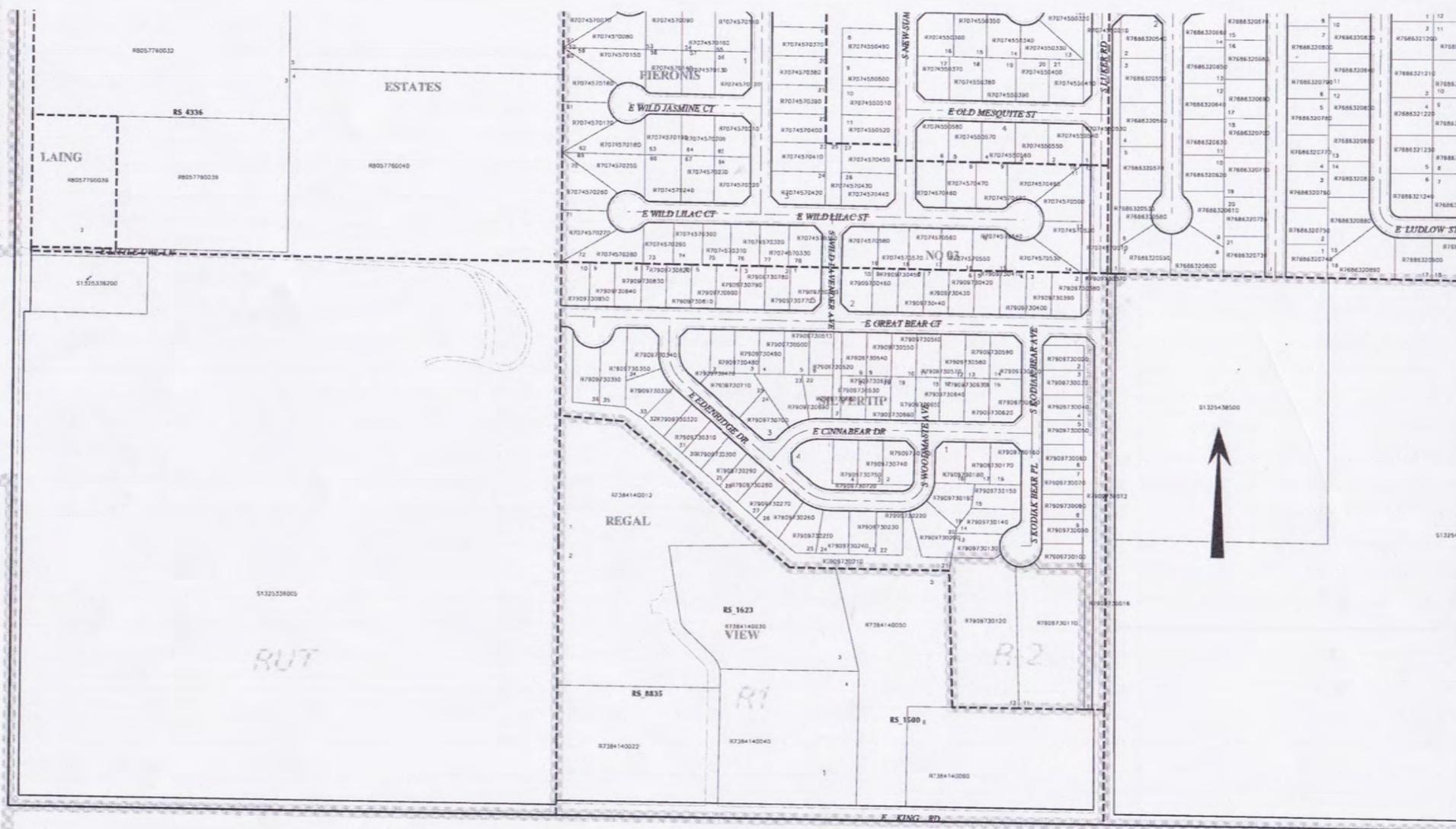


**Legend**

- PARCEL LINES
- Red Cloud Site
- RAILROAD
- ROADS
- WATER FEATURES



This plat is included solely for the purpose of assisting and locating said premises and Stewart Title assumes no liability for variations, if any, in dimensions and locating ascertained by actual survey.



A

## Red Cloud Subdivision Project Letter of Intent

We are proposing an annexation into the City of Kuna, and a re-zone to R-6 to create a subdivision that is similar to the surrounding subdivisions. We believe that the community will be best served by creating more opportunity for families of all ages to live in the great community of Kuna.

We estimate approximately 41 new homes, and are proposing the name Misty Meadows. We have been working with B&A Engineering, as well as the City of Kuna engineering/development teams to confirm that all required public services are available to the property, and specifically we anticipate that the property meets gravity flow requirements for sewer services.

**Misty Meadows was a typo from the applicant. Through conversations with the applicant, the name of the Sub is proposed as Redcloud Sub.**



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)	
Project name	
Date Received	
Date Accepted/ Complete	
Cross Reference Files	
Commission Hearing Date	
City Council Hearing Date	

### Contact/Applicant Information

Owners of Record: <u>SSM2 Company</u>	Phone Number: <u>208-939-1000</u>
Address: <u>885 W. Rush Rd</u>	E-Mail: <u>newhorizonconstruction@gmail.com</u>
City, State, Zip: <u>Eagle, ID 83616</u>	Fax #: _____
Applicant (Developer): <u>SSM2 Company</u>	Phone Number: <u>208-939-1000</u>
Address: <u>885 W. Rush Rd</u>	E-Mail: <u>newhorizonconstruction@gmail.com</u>
City, State, Zip: <u>Eagle, ID 83616</u>	Fax #: _____
Engineer/Representative: <u>Tom Maile / Alex Macdonald</u>	Phone Number: <u>208-939-1000</u>
Address: <u>same</u>	E-Mail: <u>newhorizonconstruction@gmail.com</u>
City, State, Zip: _____	Fax #: _____

### Subject Property Information

Site Address: <u>1250 S. Laker Ln</u>	
Site Location (Cross Streets): <u>Laker / Great Bear</u>	
Parcel Number (s): <u>51325438500</u>	
Section, Township, Range: <u>2N1W25</u>	
Property size: <u>8 acres</u>	
Current land use: <u>Residential</u>	Proposed land use: <u>Residential</u>
Current zoning district: <u>RUT</u>	Proposed zoning district: <u>R-6</u>

**Project Description**

Project / subdivision name: Red Cloud Subdivision  
General description of proposed project / request: 41 lot residential subdivision

Type of use proposed (check all that apply):

Residential

Commercial

Office

Industrial

Other

Amenities provided with this development (if applicable):

**Residential Project Summary (if applicable)**

Are there existing buildings?  Yes  No

Please describe the existing buildings: 2 (two) single family homes and out buildings

Any existing buildings to remain?  Yes  No

Number of residential units: 41 Number of building lots: 41

Number of common and/or other lots: 3

Type of dwellings proposed:

Single-Family

Townhouses

Duplexes

Multi-Family

Other

Minimum Square footage of structure (s): 1,000

Gross density (DU/acre-total property): 5.37 Net density (DU/acre-excluding roads): 5.88

Percentage of open space provided: 2.75% Acreage of open space: 0.22

Type of open space provided (i.e. landscaping, public, common, etc.): common landscaped areas

**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: [Signature] Date: 8/3/18

FINAL PLAT SHOWING  
**SADIE CREEK SUBDIVISION NO. 1**  
 A RESUBDIVISION OF A PORTION OF BLOCK 11, AMENDED PLAT OF PART OF THE  
 AVALON ORCHARD TRACTS AND A PORTION OF THE NORTH 1/2 OF THE SE 1/4,  
 LOCATED IN SECTION 25, T.2N., R.1W., B.M.,  
 CITY OF KUNA, ADA COUNTY, IDAHO

2008

• STANLEY CONSULTANTS •  
 MERIDIAN, IDAHO

**LEGEND**

- PROPERTY BOUNDARY
- EASEMENT LINE (SEE NOTE 1, 2 & 3)
- ACHD STORM DRAIN EASEMENT
- CENTERLINE
- LOT LINE
- RIGHT-OF-WAY LINE
- SECTION LINE
- 1 LOT NUMBER
- ⊙ FOUND BRASS OR ALUMINUM CAP MONUMENT, AS SHOWN
- SET 5/8" X 30" REBAR WITH PLASTIC CAP, PLS 4998
- SET 1/2" X 24" REBAR WITH PLASTIC CAP, PLS 4998
- FOUND 5/8" REBAR WITH PLASTIC CAP
- FOUND 1/2" REBAR WITH PLASTIC CAP
- ▲ CALCULATED POINT (NOT SET)

**NOTES:**

1. UNLESS OTHERWISE DESIGNATED OR DIMENSIONED, THERE SHALL BE A PERMANENT TEN (10) FOOT PROPERTY DRAINAGE, PUBLIC UTILITY, KUNA CITY STREET LIGHT, SEWER AND IRRIGATION EASEMENT ADJACENT TO ANY PUBLIC STREET. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD-SURFACED DRIVEWAYS AND WALKWAYS TO EACH LOT.
2. UNLESS OTHERWISE DESIGNATED OR DIMENSIONED, THERE SHALL BE A FIVE (5) FOOT PROPERTY DRAINAGE, PUBLIC UTILITY AND IRRIGATION EASEMENT ADJACENT TO ALL SIDE LOT LINES INSIDE THIS SUBDIVISION WHICH DO NOT FRONT A PUBLIC STREET.
3. UNLESS OTHERWISE DESIGNATED OR DIMENSIONED, THERE SHALL BE A TEN (10) FOOT PROPERTY DRAINAGE, PUBLIC UTILITY AND IRRIGATION EASEMENT ADJACENT TO ALL REAR LOT LINES INSIDE THIS SUBDIVISION.
4. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
5. IRRIGATION WATER HAS BEEN PROVIDED FROM THE BOISE-KUNA IRRIGATION DISTRICT, IN COMPLIANCE WITH IDAHO CODE 31-3805(b). LOTS WITHIN THE SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS, AND WILL BE OBLIGATED FOR ASSESSMENTS FROM THE BOISE-KUNA IRRIGATION DISTRICT.
6. 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, OR AS SHOWN ON THIS PLAT.
7. THE SADIE CREEK HOME OWNER'S ASSOCIATION, OWNERSHIP AND/OR MAINTENANCE COMMITMENT MAY NOT BE ELIMINATED OR ASSIGNED TO OTHERS WITHOUT THE EXPRESS CONSENT OF THE CITY OF KUNA.
8. SEE RECORD OF SURVEY NOS. 6733 AND 7243, ADA COUNTY RECORDER'S OFFICE, FOR ADDITIONAL DATA OF RECORD.
9. ALL LOTS SHOWN ON THIS PLAT ARE RESIDENTIAL LOTS EXCEPT LOT 1, BLOCK 1, WHICH SHALL BE OWNED AND MAINTAINED BY THE CITY OF KUNA FOR A PARK AND IRRIGATION POND; LOTS 2, 3 AND 4, BLOCK 1, WHICH ARE INDUSTRIAL LOTS, LOTS 5, 27, 41 AND 52, BLOCK 1; LOT 1, BLOCK 2; LOT 21, BLOCK 3; LOTS 3 AND 10, BLOCK 7; AND LOTS 1 OF BLOCKS 8, 9, 10, 11, 12 AND 13 WHICH ARE COMMON LOTS TO BE OWNED AND MAINTAINED BY THE SADIE CREEK HOME OWNER'S ASSOCIATION AND ARE COVERED BY A PUBLIC UTILITY EASEMENT.
10. EXCEPT LOTS 3 AND 4, BLOCK 1; DIRECT LOT ACCESS TO S. LUKER ROAD IS HEREBY PROHIBITED AND DIRECT LOT ACCESS TO E. SADIE CREEK DRIVE IS HEREBY PROHIBITED.
11. LOT 20, BLOCK 2 AND LOT 34, BLOCK 3, ARE SUBJECT TO A TEMPORARY TURNAROUND EASEMENT IN FAVOR OF THE ADA COUNTY HIGHWAY DISTRICT AND CANNOT BE DEVELOPED UNTIL THE STREETS ARE EXTENDED.
12. THIS DEVELOPMENT RECOGNIZES IDAHO CODE § 22-4503, RIGHT TO FARM ACT, WHICH STATES "NO AGRICULTURAL OPERATION OR AN APPURTENANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NON AGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME THE OPERATION BEGAN; PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION OR APPURTENANCE TO IT."
13. A PORTION OF LOTS 1, 2, 3, 4, 5, 6, 7, 29, 30 AND 31 OF BLOCK 1; LOTS 1, 2, 3, AND 4, OF BLOCK 2; LOTS 1, 2, 7, 8, 24, 25, 26, 27, 28, 29, 33, 34 AND 35 OF BLOCK 3; LOTS 1, 2 AND 10 OF BLOCK 4; LOTS 3, 4, 5, AND 6 OF BLOCK 5; LOTS 4, 5, 6, 7, AND 8, OF BLOCK 6; LOT 1 BLOCK 8; ARE SERVED TO AND CONTAIN THE ACHD STORM WATER DRAINAGE SYSTEM. THESE LOTS ARE ENCOMBERED BY THAT CERTAIN MASTER PERPETUAL STORM WATER DRAINAGE EASEMENT RECORDED ON JUNE 1, 2004 AS INSTRUMENT NO. 104068411, OFFICIAL RECORDS OF ADA COUNTY, AND INCORPORATED HEREIN BY THIS REFERENCE AS IF SET FORTH IN FULL (THE "MASTER EASEMENT"). THE MASTER EASEMENT AND THE STORM WATER DRAINAGE SYSTEM ARE DEDICATED TO ACHD PURSUANT TO SECTION 40-2302 IDAHO CODE. THE MASTER EASEMENT IS FOR THE OPERATION AND MAINTENANCE OF THE STORM WATER DRAINAGE SYSTEM.
14. THE SADIE CREEK HOMEOWNER'S ASSOCIATION SHALL BE RESPONSIBLE TO MAINTAIN THE 20' LANDSCAPING EASEMENT IN LOTS 2 AND 3, BLOCK 1 ALONG S. LUKER ROAD.
15. SEE AMENDED PLAT OF PART OF THE AVALON ORCHARD TRACTS AS RECORDED IN BOOK 8 OF PLATS AT PAGE 254, ADA COUNTY RECORDER'S OFFICE FOR ADDITIONAL DATA OF RECORD.

**HEALTH CERTIFICATE**

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE NOT BEEN SATISFIED AND ARE IN FORCE FOR ALL RESIDENTIAL AND COMMERCIAL LOTS IN THIS SUBDIVISION.

LOTS 1 THROUGH 4, 6 THROUGH 26, 28 THROUGH 40, 42 THROUGH 51, BLOCK 1; LOTS 2 THROUGH 21, BLOCK 2; LOTS 1 THROUGH 20, 22 THROUGH 35, BLOCK 3; LOTS 1 THROUGH 10, BLOCK 4; LOTS 1 THROUGH 12, BLOCK 5; LOTS 1 THROUGH 10, BLOCK 6; AND LOTS 1 AND 2 AND 4 THROUGH 9, BLOCK 7.

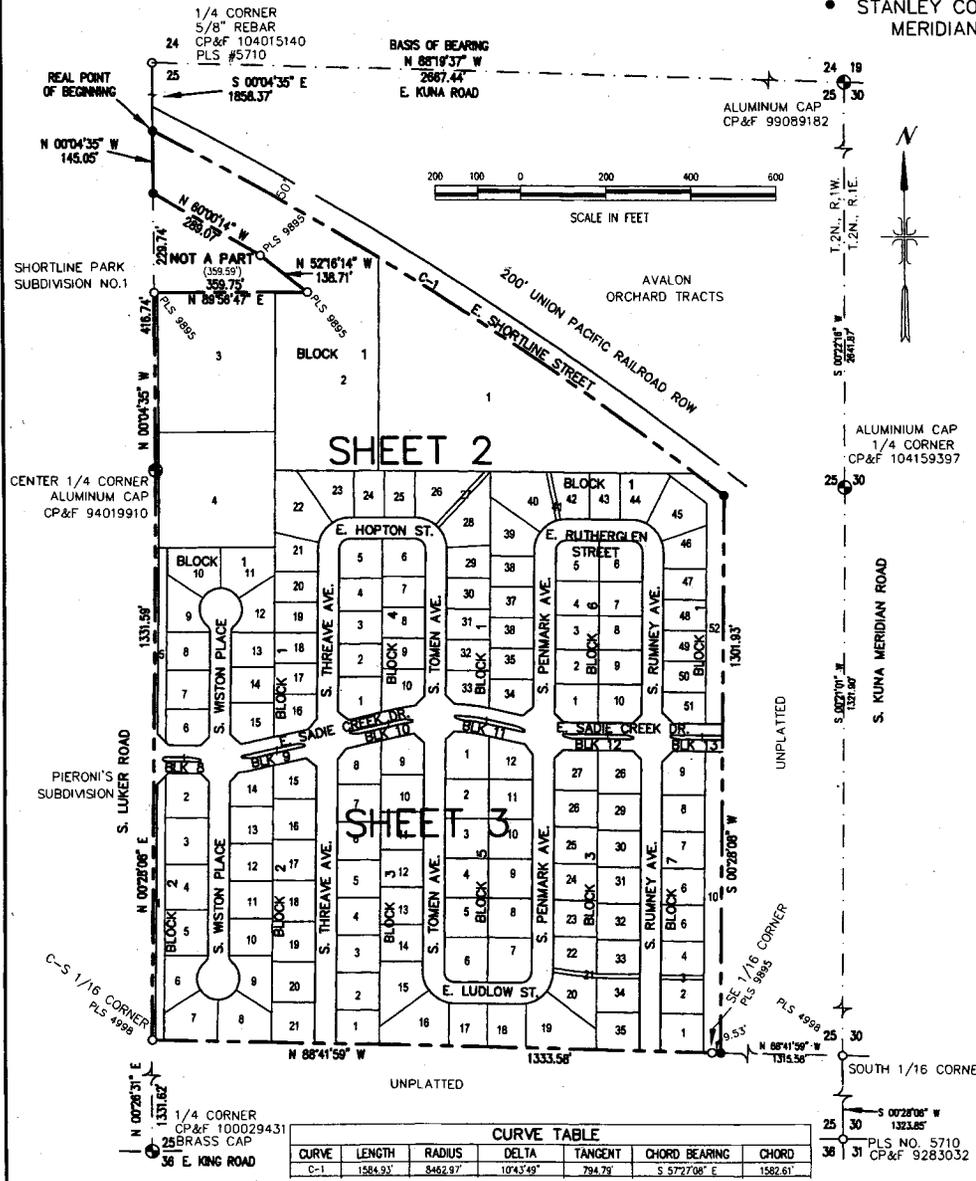
NO OWNER SHALL CONSTRUCT ANY BUILDING, DWELLING OR SHELTER WHICH NECESSITATES THE SUPPLYING OF WATER OR SEWAGE FACILITIES FOR PERSONS USING SUCH PREMISES UNTIL SANITARY RESTRICTION REQUIREMENTS ARE SATISFIED AND LIFTED.

*Michael E. Warrs*  
 CENTRAL DISTRICT HEALTH DEPARTMENT  
 ADA COUNTY



DEVELOPER:  
 RED CLIFF DEVELOPMENT  
 MERIDIAN, IDAHO

SHEET 1 OF 5  
 18724 12/07/07



**CURVE TABLE**

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD
C-1	1584.93'	8462.97'	10°43'49"	794.28'	S 57°27'08" E	1582.61'

FINAL PLAT SHOWING  
**SILVERTIP SUBDIVISION**  
 LOCATED IN THE SE 1/4 OF THE SW 1/4 OF  
 SECTION 25, T.2N., R.1W., B.M.,  
 KUNA, ADA COUNTY, IDAHO  
 2007  
 • STANLEY CONSULTANTS •  
 MERIDIAN, IDAHO

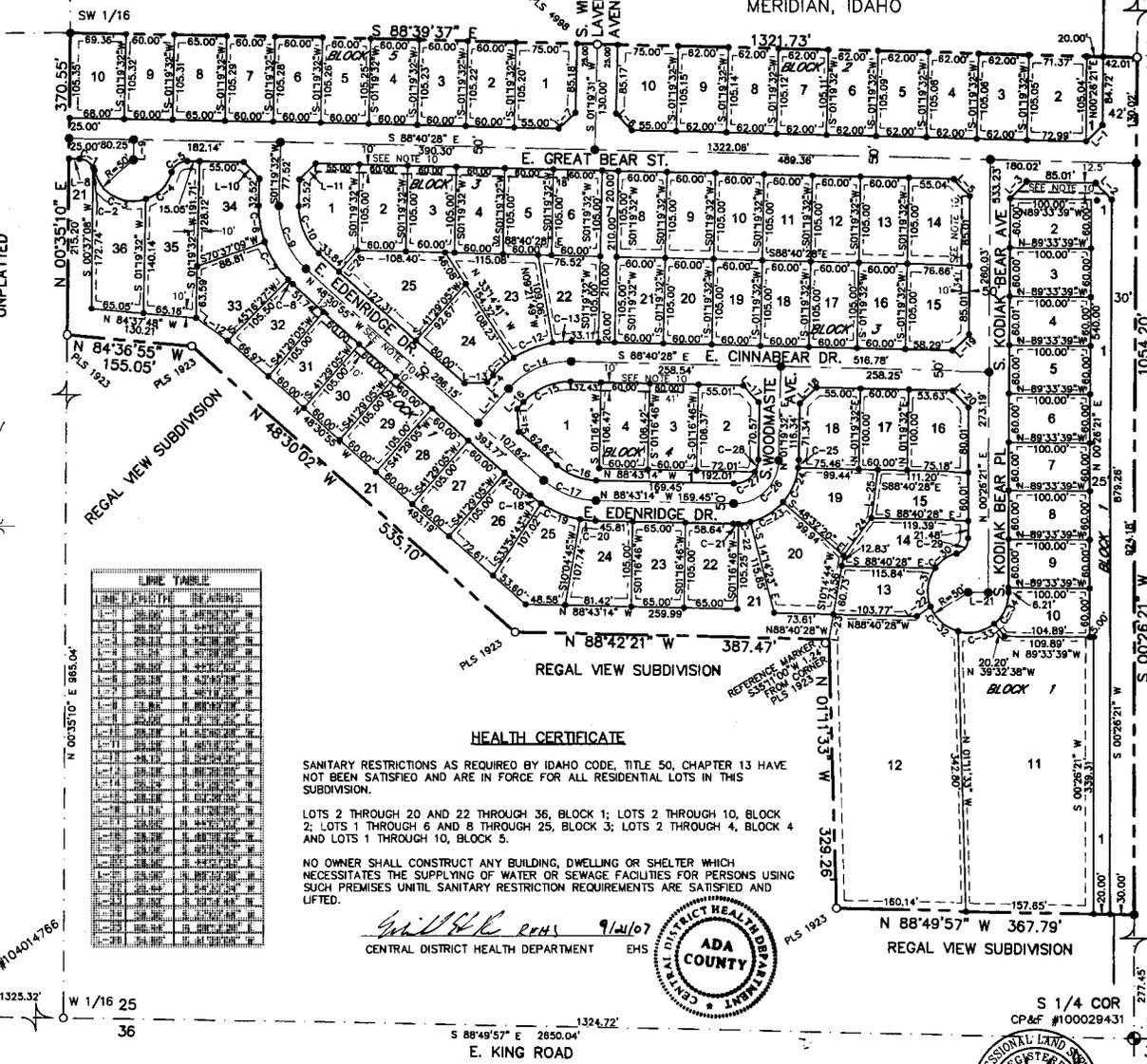
**LEGEND**

- FOUND ALUMINUM CAP
- FOUND BRASS CAP
- FOUND 5/8" IRON PIN
- FOUND 1/2" IRON PIN
- SET 5/8" IRON PIN WITH PLASTIC CAP PLS 4998
- SET 1/2" IRON PIN WITH PLASTIC CAP PLS 4998
- SECTION LINE
- BOUNDARY LINE
- RIGHT-OF-WAY
- CENTER LINE
- EASEMENT LINE
- ACHD STORM DRAINAGE EASEMENT LINE

1 LOT NUMBER

SCALE IN FEET

100 50 0 100 200 300



REAL POINT OF BEGINNING  
 NE CORNER OF THE SE 1/4 OF THE SW 1/4 (C-S 1/16)

**CURVE TABLE**

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD
C-1	20.70'	20.00'	58°18'40"	11.39'	N 59°10'09" W	19.79'
C-2	4.92'	20.00'	14°05'14"	2.47'	N 22°19'11" W	4.91'
C-3	81.54'	50.00'	93°28'26"	53.10'	S 81°59'47" E	72.80'
C-4	46.56'	50.00'	53°21'43"	28.91'	N 44°28'19" E	44.92'
C-5	25.82'	20.00'	73°32'53"	14.91'	S 54°37'35" W	23.90'
C-6	45.17'	125.00'	20°42'23"	22.84'	S 09°01'40" E	44.93'
C-7	55.29'	125.00'	25°20'42"	28.11'	S 32°03'12" E	54.84'
C-8	8.47'	125.00'	3°47'21"	4.13'	S 46°37'14" E	8.27'
C-9	88.89'	100.00'	49°50'26"	46.46'	S 23°35'41" E	84.27'
C-10	65.24'	75.00'	49°50'26"	34.85'	S 23°35'41" E	63.20'
C-11	33.31'	125.00'	15°16'11"	16.78'	S 49°07'42" W	33.02'
C-12	34.10'	125.00'	23°32'53"	28.43'	S 88°41'45" W	51.72'
C-13	23.30'	125.00'	10°41'21"	11.69'	S 85°58'19" W	23.29'
C-14	88.89'	100.00'	49°50'26"	46.46'	S 66°24'19" W	84.27'
C-15	65.24'	75.00'	49°50'26"	34.85'	S 66°24'19" W	63.20'
C-16	52.83'	75.00'	40°12'19"	27.45'	S 68°37'04" E	51.56'
C-17	70.17'	100.00'	40°12'19"	36.60'	S 68°37'04" E	68.74'
C-18	16.84'	125.00'	7°34'53"	8.47'	S 52°03'06" E	16.81'
C-19	51.89'	125.00'	23°48'58"	26.36'	S 88°00'18" E	51.82'
C-20	18.20'	125.00'	8°47'59"	9.62'	S 84°19'14" E	18.18'
C-21	6.37'	80.00'	4°33'34"	3.18'	N 86°58'59" E	6.36'
C-22	15.31'	80.00'	10°57'59"	7.68'	N 81°14'13" E	15.28'
C-23	47.89'	80.00'	34°17'49"	24.89'	N 58°36'19" E	47.18'
C-24	47.35'	80.00'	33°54'52"	24.39'	N 24°29'58" E	46.67'
C-25	8.89'	80.00'	61°13'00"	4.44'	N 04°28'02" E	8.85'
C-26	86.35'	50.00'	89°37'15"	54.41'	N 48°18'09" E	77.75'
C-27	31.42'	30.00'	80°00'00"	17.32'	N 61°18'46" E	30.00'
C-28	15.85'	30.00'	28°37'15"	8.03'	N 16°18'09" E	15.51'
C-29	25.82'	20.00'	73°32'54"	14.91'	N 37°08'19" E	23.80'
C-30	32.89'	50.00'	37°41'41"	17.07'	S 54°59'25" W	32.30'
C-31	50.11'	50.00'	57°25'08"	27.38'	S 07°28'00" W	48.04'
C-32	47.42'	50.00'	53°35'28"	24.44'	S 49°14'21" E	45.34'
C-33	47.42'	50.00'	54°02'29"	25.80'	N 77°37'37" E	45.68'
C-34	43.65'	50.00'	50°01'01"	23.32'	N 25°26'52" E	42.28'

- NOTES:**
- UNLESS OTHERWISE DESIGNATED OR DIMENSIONED, THESE LOTS ARE HEREBY DEDICATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES, LOT DRAINAGE, SEWER, IRRIGATION AND STREET LIGHTS OVER THE TEN (10) FEET ADJACENT TO ANY PUBLIC STREET. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD-SURFACED DRIVEWAYS AND WALKWAYS TO EACH LOT.
  - UNLESS OTHERWISE DESIGNATED OR DIMENSIONED, THERE SHALL BE A FIVE (5) FOOT PROPERTY DRAINAGE, PUBLIC UTILITY AND IRRIGATION EASEMENT ADJACENT TO ALL LOT LINES INSIDE THIS SUBDIVISION WHICH DO NOT FRONT A PUBLIC STREET.
  - ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
  - IRRIGATION WATER HAS BEEN PROVIDED FROM THE CITY OF KUNA, IN COMPLIANCE WITH IDAHO CODE SECTION 31-3005(6). LOTS WITHIN THE SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS, AND WILL BE OBLIGATED FOR ASSESSMENTS FROM THE CITY OF KUNA.
  - 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, OR AS SHOWN ON THIS PLAT.
  - THE SILVERTIP SUBDIVISION HOME OWNERS' ASSOCIATION, OWNERSHIP AND/OR MAINTENANCE COMMITMENT MAY NOT BE ELIMINATED OR ALTERED BY OTHERS WITHOUT THE EXPRESS CONSENT OF THE CITY OF KUNA.
  - ALL LOTS SHOWN ON THIS PLAT ARE RESIDENTIAL LOTS EXCEPT LOTS 1 AND 21, BLOCK 1; LOT 1, BLOCK 2; LOT 7, BLOCK 3; LOT 1, BLOCK 4 AND WHICH ARE COMMON LOTS TO BE OWNED AND MAINTAINED BY THE SILVERTIP HOME OWNERS' ASSOCIATION AND ARE COVERED BY A PUBLIC UTILITY EASEMENT.
  - THIS DEVELOPMENT RECOGNIZES IDAHO CODE 22-4503, RIGHT TO FARM ACT, WHICH STATES "NO AGRICULTURAL OPERATION OR AN APPURTENANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NON AGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME THE OPERATION BEGAN; PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION OR APPURTENANCE TO IT."
  - DIRECT LOT OR PARCEL ACCESS TO LUKER ROAD IS PROHIBITED.
  - A PORTION OF LOTS 1, 29, 30, 31 AND 32, BLOCK 1; LOTS 1, 2, 3, 4, 5, 6, 14, AND 15, BLOCK 3; LOTS 1, 3, AND 4, BLOCK 4; ARE SERVING TO AND CONTAIN THE ACHD STORM WATER DRAINAGE SYSTEM. THESE LOTS ARE ENCUMBERED BY THAT CERTAIN MASTER PERPETUAL STORM WATER DRAINAGE EASEMENT RECORDED ON JUNE 1, 2004 AS INSTRUMENT NO. 104088011. OFFICIAL RECORDS OF ADA COUNTY, AND INCORPORATED HEREBY BY THIS REFERENCE AS IF SET FORTH IN FULL (THE "MASTER EASEMENT"). THE MASTER EASEMENT AND THE STORM WATER DRAINAGE SYSTEM ARE DEDICATED TO ACHD PURSUANT TO SECTION 40-2302 IDAHO CODE. THE MASTER EASEMENT IS FOR THE OPERATION AND MAINTENANCE OF THE STORM WATER DRAINAGE SYSTEM.

**LINE TABLE**

LINE NO.	START POINT	END POINT	LENGTH	BEARING
1	...	...	...	...
2	...	...	...	...
3	...	...	...	...
4	...	...	...	...
5	...	...	...	...
6	...	...	...	...
7	...	...	...	...
8	...	...	...	...
9	...	...	...	...
10	...	...	...	...
11	...	...	...	...
12	...	...	...	...
13	...	...	...	...
14	...	...	...	...
15	...	...	...	...
16	...	...	...	...
17	...	...	...	...
18	...	...	...	...
19	...	...	...	...
20	...	...	...	...
21	...	...	...	...
22	...	...	...	...
23	...	...	...	...
24	...	...	...	...
25	...	...	...	...
26	...	...	...	...
27	...	...	...	...
28	...	...	...	...
29	...	...	...	...
30	...	...	...	...
31	...	...	...	...
32	...	...	...	...
33	...	...	...	...
34	...	...	...	...
35	...	...	...	...
36	...	...	...	...

**HEALTH CERTIFICATE**

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE NOT BEEN SATISFIED AND ARE IN FORCE FOR ALL RESIDENTIAL LOTS IN THIS SUBDIVISION.

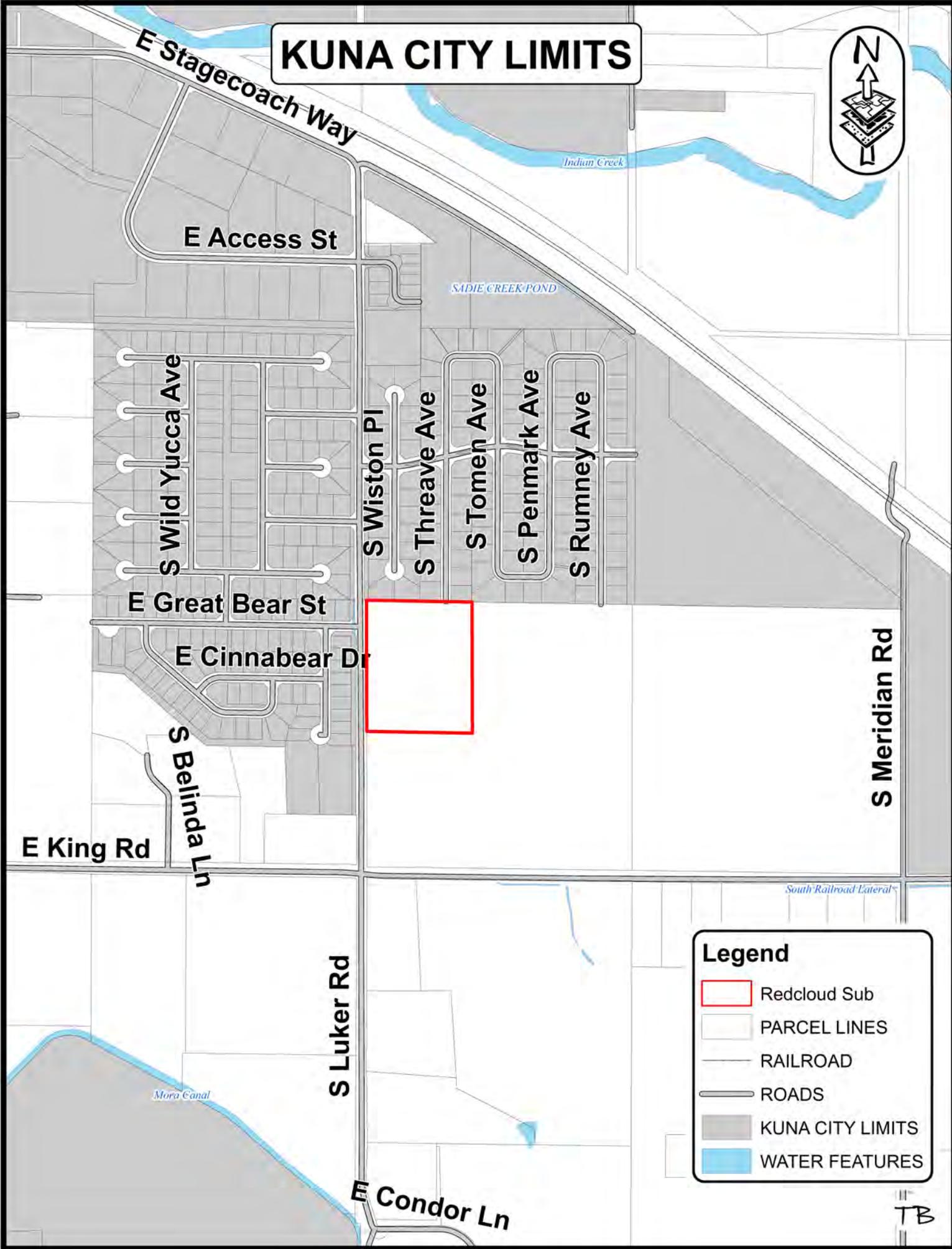
LOTS 2 THROUGH 20 AND 22 THROUGH 36, BLOCK 1; LOTS 2 THROUGH 10, BLOCK 2; LOTS 1 THROUGH 6 AND 8 THROUGH 25, BLOCK 3; LOTS 2 THROUGH 4, BLOCK 4 AND LOTS 1 THROUGH 10, BLOCK 5.

NO OWNER SHALL CONSTRUCT ANY BUILDING, DWELLING OR SHELTER WHICH NECESSITATES THE SUPPLYING OF WATER OR SEWAGE FACILITIES FOR PERSONS USING SUCH PREMISES UNTIL SANITARY RESTRICTION REQUIREMENTS ARE SATISFIED AND LIFTED.

*Guill H. C. P.H.S.* 9/21/07  
 CENTRAL DISTRICT HEALTH DEPARTMENT EHS



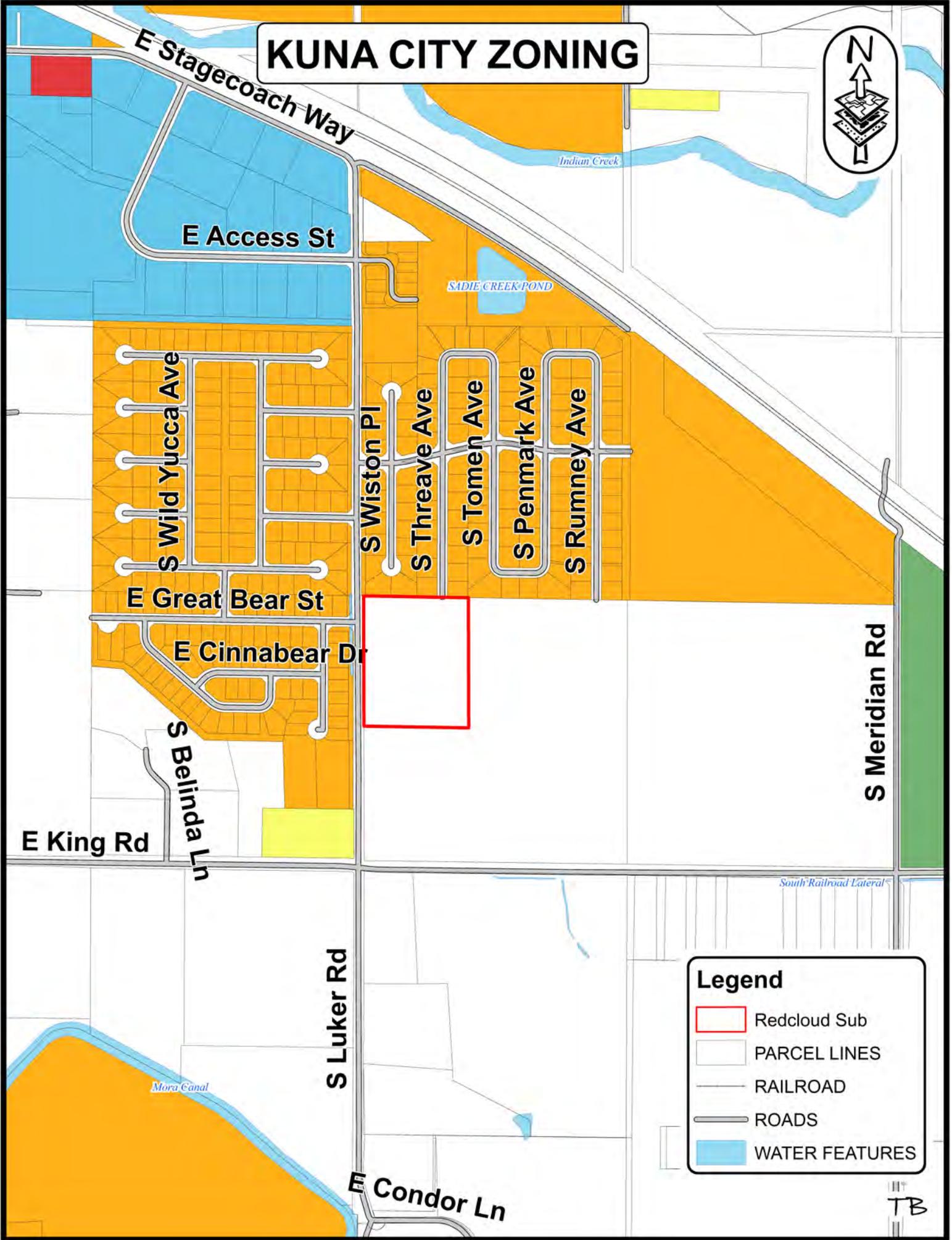
# KUNA CITY LIMITS



**Legend**

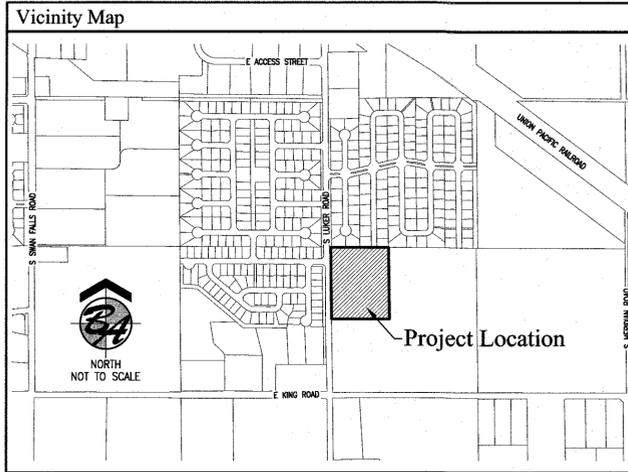
- Redcloud Sub
- PARCEL LINES
- RAILROAD
- ROADS
- KUNA CITY LIMITS
- WATER FEATURES

# KUNA CITY ZONING



## Legend

- Redcloud Sub
- PARCEL LINES
- RAILROAD
- ROADS
- WATER FEATURES



**Setback/Zoning Table**

PROPOSED ZONE	R6
MINIMUM LOT SIZE	4,500 SF
FRONT YARD SETBACK	20 FEET
REAR YARD SETBACK	15 FEET
STREET SIDE YARD SETBACK	20 FEET
INTERIOR SIDE YARD SETBACK	5 FEET
MAXIMUM BUILDING HEIGHT	35 FEET
MINIMUM STREET FRONTAGE	45 FEET
MAXIMUM LOT COVERAGE	40%
EXISTING ZONE	RUT

**Land Use Calculations**

DESCRIPTION	AREA (ACRES)	PERCENTAGE
PROJECT	8.0	100%
RESIDENTIAL LOTS	5.46	68.25%
OPEN SPACE AREA LOTS	0.26	3.25%
RIGHT-OF-WAY	2.28	28.50%

RESIDENTIAL LOTS	41
OPEN SPACE AREA LOTS	2
RESIDENTIAL DENSITY	5.13/Acre

**Reference Documents**

SUBDIVISION PLATS  
 • SILVERTIP SUBDIVISION, BOOK 99, PAGES 12689-12690  
 • SADIE CREEK SUBDIVISION NO. 1, BOOK 100, PAGES 12931-12935

RECORDS OF SURVEY  
 • ROS NO. 1500  
 • ROS NO. 1623  
 • ROS NO. 7205

DEEDS  
 WARRANTY DEED 102111368

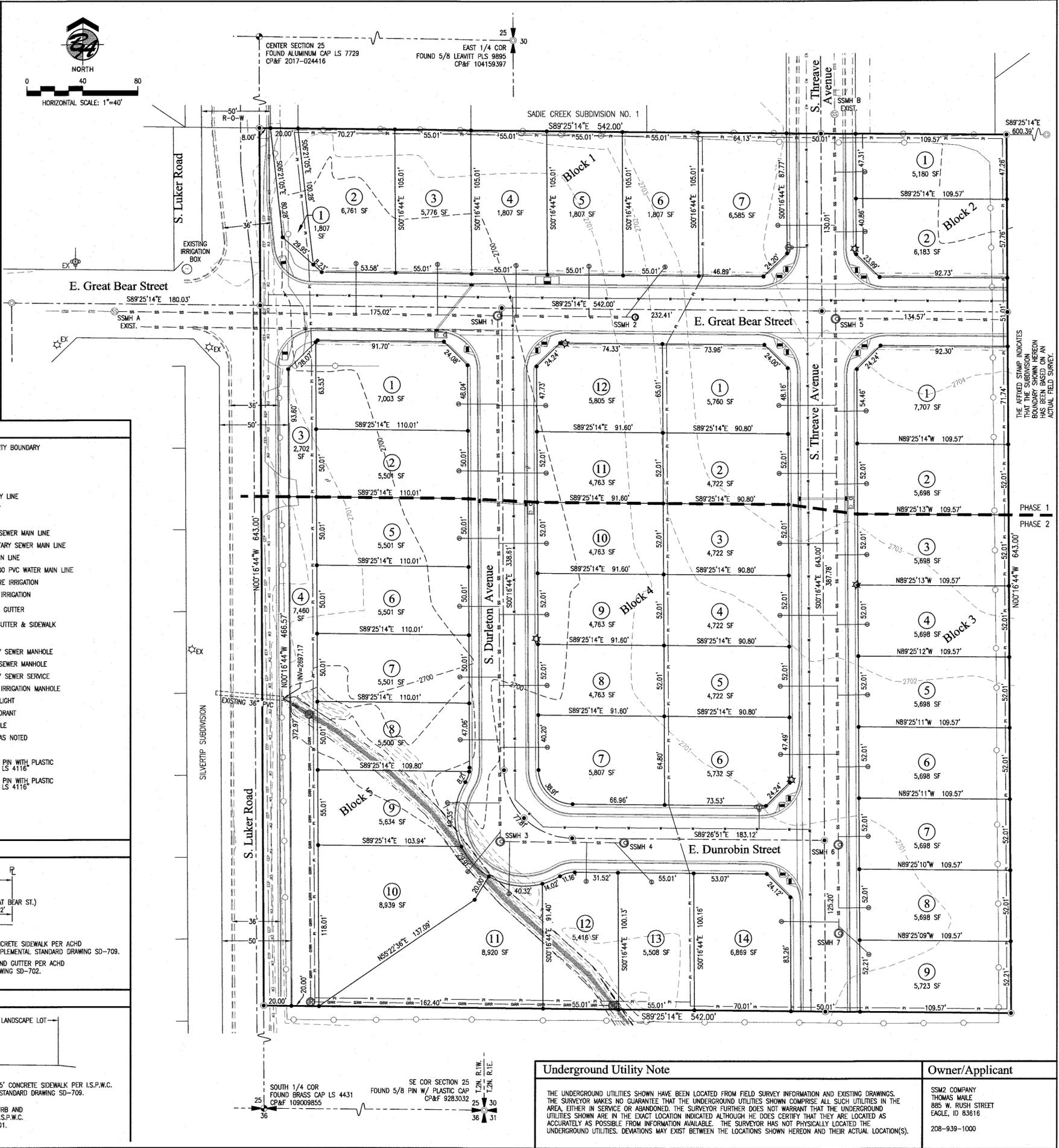
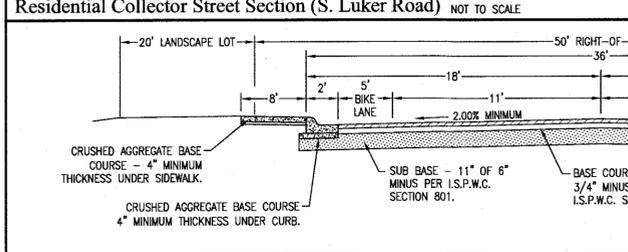
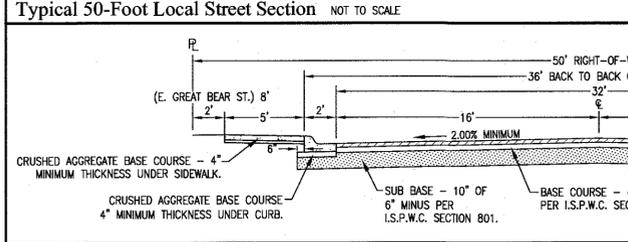
**Legend**

- PROJECT / PROPERTY BOUNDARY
- LOT LINE
- SECTION LINE
- STREET CENTERLINE
- ADJOINING PROPERTY LINE
- SIDEWALK EASEMENT
- EXISTING FENCE
- EXISTING SANITARY SEWER MAIN LINE
- PROPOSED 8" SANITARY SEWER MAIN LINE
- EXISTING WATER MAIN LINE
- PROPOSED 8" C-900 PVC WATER MAIN LINE
- PROPOSED PRESSURE IRRIGATION
- PROPOSED GRAVITY IRRIGATION
- EXISTING CURB AND GUTTER
- PROPOSED CURB, GUTTER & SIDEWALK
- EXISTING DITCH
- PROPOSED SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER SERVICE
- PROPOSED GRAVITY IRRIGATION MANHOLE
- PROPOSED STREET LIGHT
- PROPOSED FIRE HYDRANT
- EXISTING UTILITY POLE
- FOUND MONUMENT AS NOTED
- FOUND 5/8" PIN
- SET 1/2"x24" IRON PIN WITH PLASTIC CAP LABELED "B&A LS 4116"
- SET 5/8"x30" IRON PIN WITH PLASTIC CAP LABELED "B&A LS 4116"
- LOT NUMBER

**Sewer Manhole Invert Table**

SSMH NUMBER	INVERT IN			INVERT OUT			RIM/ELEV	DEPTH (FEET)
	SIZE (IN)	ELEV	DIR	SIZE (IN)	ELEV	DIR		
EX-A	8	2697.73	W	8	2697.73	W	2701.83	4.10
1	8	2698.94	S	8	2698.84	W	2703.02	4.18
	8	2698.94	E					
2	8	2699.00	N	8	2699.54	E	2703.51	3.97
	8	2699.70	E	8	2700.48	N	2704.64	4.16
3	8	2699.00	N	8	2699.00	N	2704.06	5.06
	8	2699.70	E	8	2699.60	N	2704.51	4.91
4	8	2699.70	S	8	2701.12	E	2704.98	3.86
	8	2701.34	S	8	2701.24	N	2705.53	4.29
5	8	2699.70	E	8	2701.73	N	2705.71	3.98
	8	2701.34	S					

- Notes**
- THERE ARE NO POTENTIALLY HAZARDOUS AREAS KNOWN OR IDENTIFIED.
  - THERE ARE NO STREAMS, PONDS, LAKES, OR WETLANDS ON THIS PROPERTY.
  - THERE ARE NO PERMANENT AND/OR SEASONAL HIGH GROUNDWATER AREAS ON THIS PROPERTY.
  - THERE ARE NO IDENTIFIED UNSTABLE ROCK FORMATIONS, OR LANDSLIDE AREAS ON THIS PROPERTY.
  - THIS PROPERTY IS NOT IN AN AQUIFER RECHARGE AREA.
  - NO UNSTABLE SOILS SUSCEPTIBLE TO EROSION EXISTING ON THIS PROPERTY. ALL AREAS ARE SUITABLE FOR DEVELOPMENT.
  - SANITARY SEWER SERVICE IS TO BE PROVIDED BY THE CITY OF KUNA.
  - POTABLE WATER IS TO BE PROVIDED BY THE CITY OF KUNA.
  - PROPERTY LIES WITHIN THE BOISE KUNA IRRIGATION DISTRICT.
  - PROPERTY LIES WITHIN THE KUNA RURAL FIRE DISTRICT.
  - EXISTING IRRIGATION FACILITIES TO BE CONTINUED TO THEIR HISTORIC DISCHARGE POINTS.
  - THIS PROPERTY IS CURRENTLY ZONED RUT, PROPOSED ZONE R-6.
  - EXISTING USE: AGRICULTURAL.
  - CONTOUR INTERVAL: 1 FOOT DATUM: NAVD 88
  - COMMON AREAS SHOWN HEREON SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.
  - THIS DEVELOPMENT ANTICIPATES USING SUBSURFACE STORM WATER DISPOSAL OF STORM WATER GENERATED FROM THE LOCAL ROAD SYSTEM.
  - PUBLIC UTILITIES ARE TO BE PROVIDED FROM THE PUBLIC UTILITY PROVIDERS FROM JOINT TRENCH ADJACENT TO THE PUBLIC ROADS. SPECIFIC DESIGN CRITERIA WILL BE MET DURING THE CONSTRUCTION APPROVAL PHASE OF THIS DEVELOPMENT.
  - THIS PARCEL LIES WITHIN THE "ZONE X" FLOODWAY PER FEMA MAP PANEL #16001C0400, AREAS OF 0.2% ANNUAL CHANCE OF FLOOD.
  - THE FOLLOWING TAX PARCEL NUMBER IS INCLUDED WITHIN THIS SUBDIVISION: S1325438500.
  - POTABLE WATER, SANITARY SEWER AND PRESSURE IRRIGATION ARE AVAILABLE TO THIS SITE WITH THE EXTENSION OF SERVICES FROM MAINLINES AS REQUIRED AND SHOWN HEREON.



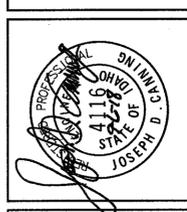
**Underground Utility Note**

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. DEVIATIONS MAY EXIST BETWEEN THE LOCATIONS SHOWN HEREON AND THEIR ACTUAL LOCATION(S).

**Owner/Applicant**

SSM2 COMPANY  
 THOMAS MAILE  
 885 W. RUSH STREET  
 EAGLE, ID 83616  
 208-939-1000

**B&A Engineers, Inc.**  
 Consulting Engineers, Surveyors & Planners  
 5505 W. Franklin Rd. Boise, Id. 83705  
 (208) 343-3381



**Preliminary Plat**

**Red Cloud Subdivision**  
 SITUATE IN SECTION 25, T2 N., R. 1 W., BOISE MERIDIAN,  
 CITY OF KUNA, ADA COUNTY, IDAHO

**Revisions**

REV.	DESC.	DATE/BY

SCALE: 1" = 40'  
 DATE: JULY 24, 2018  
 DRAWN BY: KYLE REITELLE  
 CHECKED BY: J. D. SHULTZ  
 PROJECT NO.: M728  
 DRAWING FILE NAME: M728 LUKER ROAD.dwg

SHEET NO.: **1**



# EXHIBIT B 1

CITY OF KUNA

Paul A. Stevens, P.E.

P.O. BOX 13

Kuna City Engineer

KUNA. ID 83634



## PRELIMINARY PLAT REVIEW MEMORANDUM

**Date:** 6 December 2018  
**From:** Paul A. Stevens, P.E.  
**To:** Wendy Howell, Planning and Zoning Director  
**RE:** Red Cloud Subdivision

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The Preliminary Plat request by SSM Company, dated October 31, 2018 has been reviewed. The proposed preliminary plat provided shows 41 single family buildable lots and 3 common lots. The following narrative resulted.

### 1. Sanitary Sewer Needs

- a) The City has sufficient sewer treatment capacity to serve Red Cloud Subdivision as proposed at the South Wastewater Treatment facility.
- b) The south wastewater treatment facility is fed from Ten Mile Lift Station. This lift station is currently operating approximately 189 EDUs above capacity. Additional capacity will not be available until the new Orchard Lift Station is put into service (early 2019). 248 EDUs will be diverted from the current Ten Mile Lift Station resulting with 59 available EDUs in Ten Mile Lift Station once the new lift station is on line.
- c) This property was not included in Local Improvement District 2006-1. No sewer connection fees were pre-paid. Consequently, no connection fee credits and no reserved sewer treatment capacity have been set aside for Red Cloud Subdivision. Sufficient treatment connections are available at standard rates to serve this site. When connecting to the sewer system, the applicant shall abide by any relevant sewer reimbursement policies and agreements and any relevant connection fees as established by the Kuna City Council at the time of connection.
- d) City Code (6-4-20) requires connection to the City sewer system for all sanitary sewer needs.
- e) For any connected load, it is recommended that this application be conditioned to conform to the sewer master plan. Developer's engineer shall provide verification of gravity flow from this project.
- f) At all reasonable locations where sewer service could be extended to adjoining properties, sewer mains should be stubbed to the property line or extended in right-of-way in or adjacent to the project at useable depths.

- g) For assistance in locating existing facilities and understanding issues associated with connection, please contact the GIS Manager at 287-1726.

## **2. Potable Water Needs**

- a) The City has sufficient potable water supply to serve Red Cloud Subdivision. Red Cloud Subdivision shall be subject to connection fees for the demand of the ultimate connected load as provided in the City's Fee Resolution and Standard Table.
- b) The nearest available water main (12 inch) is located in the S. Luker Road immediately adjacent to this site. The water main line shall also connect to the water main in S Threave Avenue such that appropriate main line looping occurs.
- c) City Code (6-4-2X) requires connection to the City water system for all potable water needs.
- d) For any connected load, it is recommended this application be conditioned to conform to the water master plan.
- e) A minimum of 8-inch water mains should be installed by developer in internal subdivision streets.
- f) At least 8-inch water mains are to be extended and connected by developer to water trunk lines and mains through all stub and entry-way streets.
- g) Improvements necessary to provide adequate fire protection as required by Kuna Fire District will be required of the development.
- h) For assistance in locating existing facilities, please contact the GIS Manager at 287-1726.

## **3. Pressure Irrigation**

- a) The applicant's property is not connected to the City pressure irrigation system. The nearest pressure main (12-inch) is located in S. Luker Road approximately 50 feet from the proposed main entrance to Red Cloud Subdivision.
- b) The property's irrigation needs are presently served by the Boise-Kuna Irrigation District.
- c) Relying on drinking water for irrigation purposes is contrary to City Code (6-4-21) and the public interest and is not accounted for in the approved Water Master Plan. It is recommended that this project be conditioned to require connection and annexation to the City Pressure Irrigation system at the time of development.
- d) The development is subject to connection fees based on number of dwellings and lot size for the residential area and based on ultimate landscaped area for the common lots, as provided in City Resolutions.
- e) For any connected load, it is recommended that this application be conditioned to conform to the Pressure Irrigation Master Plan. The Master Plan designates the providing of a 12-inch trunk line in the S. Luker Road .
- f) It is further recommended that annexation into the municipal irrigation district and pooling of water rights is a requirement at the time of final platting.
- g) It is recommended that conformity with approved City PI standards is required, including the providing of adequately sized internal and boundary loop lines. Preliminarily, pressurized irrigation lines 6-inch diameter shall be provided along the south and east borders of the site. All pressurized irrigation shall be looped wherever possible and connected to adjacent properties.

## **4. Grading and Storm Drainage**

The following is required because alteration of surface features is proposed (such as grading or paving) in connection with this application:

# EXHIBIT B 1

- a) Runoff from public right-of-way is regulated by ACHD or ITD, depending on the agency responsible for the right-of-way. Plans are required to conform to the appropriate agency standards.
- b) Exclusive of public right-of-way, any increase in quantity or rate of runoff or decrease in quality of runoff compared to historical conditions must be detained, treated and released at rates no greater than historical amounts. In the alternative, offsite disposal of storm water in excess of historical rates or conditions of disposal at locations different than provided historically, approval of the operating entity is required. The City of Kuna relies on the ACHD Storm water Policy Manual to establish the requirements for design of any private disposal system.
- c) All new development shall provide a documentation map that illustrates existing surface and sub-surface water irrigation supply system and drainage ways in/on the applicant's property and in the right-of-way adjacent to the proposed development with the construction plan set. The maps must include 2-foot contours, a layout and essential features of existing irrigation ditches, drainage ditches and pipelines within and adjacent to the proposed development. Open and piped facilities should be noted. The map should include any proposed changes to the systems.
- d) All upstream drainage rights and downstream water delivery rights are to be preserved as a condition of development. Constructed facilities to preserve these rights must be designed by an Idaho licensed professional engineer. Provide drainage/irrigation drawings with the project plan set for review by the City Engineer. Construction and materials shall be acceptable to the City Engineer. Facilities provided must be accessible (easements or right-of-way) for continued maintenance, and if necessary, replacement.

## 5. General

- a) With the addition of this property into the corporate limits of Kuna and its potential connection to sewer, water and irrigation services, this property will be placing demand not only on constructed facilities but on water rights provided by others. It is the reasonable expectation, in return, that this property transfer to the City, at time of connection, any conveyable water rights by deed and "Change of Ownership" form from IDWR. The domestic water right associated solely with a residence and ½ acre or less is not conveyable. The water right held in trust by an irrigation district is also not conveyable.
- b) A plan approval letter will be required if this project affects any local irrigation districts or its facilities. Indian Creek is one of those facilities.
- c) The City reserves the right of prior approval to all agreements involving the applicant (or its successors) and the irrigation or drainage district related to the property of this application and any attempt to abandon surface water rights.
- d) Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties.
- e) State the vertical datum used for elevations on all drawings.
- f) Provide engineering certification on all final engineering drawings.
- g) The submittals attached to the application include some alignments for City infrastructure. This information is helpful but has not been reviewed in detail and has not received final approval. The applicant is advised that detailed review and plan approval occurs at the time of approval of the official improvement plans.

## 6. Inspection Fees

An inspection fee will be required for City inspection of the construction of any public or community water, sewer and irrigation facility associated with this development. The developer will still require a qualified responsible engineer to do sufficient inspection to justly certify to DEQ the project was completed in accordance with approved

plans and specifications and to provide accurate as-built drawings to the City. The developer's engineer and the City's inspector are permitted to coordinate inspections as much as possible. The current City inspection fee is \$1.00 per lineal foot of sewer, water and irrigation related pipe and payment is due and payable prior to City's scheduling of a pre-construction conference.

## **7. Right-of-Way**

The subject property fronts on S. Luker Road. This road is considered a quarter line road by the various master plans.

- a) Sufficient half right-of-way on the quarter line and section line for the classified streets should be provided pursuant to City and ACHD standards.
- b) Residential Easements – City Code (6-3-8) requires the providing of 10-foot front and back lot line easements and side-lot easements, as necessary. The Engineering Team recommends the following:
  - a. 10-foot minimum subdivision boundary easement – which can be reduced to 5' on the phase lines if there are no irrigation or public utilities within those easements;
  - b. 10-foot minimum street frontage easement for public utilities and irrigation;
  - c. 10-foot back lot line easement as required in code for irrigation;
  - d. 5-foot side lot line easement as required in code for irrigation;
  - e. Additional easements as needed for facilities not in right-of-way of width and alignment acceptable to the City.
- c) It is recommended that approaches onto classified streets comply with ACHD approach policies.
- d) It is recommended that sidewalk, curb and gutter, street widening and any related storm drainage facilities, consistent with city code and policies, are provided at the time of land-use change, development or re-development.

## **8. As-Built Drawings**

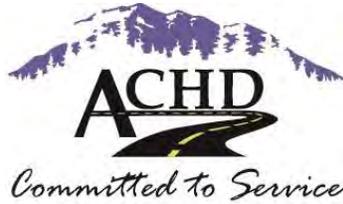
As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the developer's engineer. The city may help track changes, but will not be responsible for the finished product. As-built drawings will be required before occupancy or final plat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

## **9. Phasing of Development**

- a) Any phasing plan, to be acceptable, must extend city services, extend transportation facilities and extend other utilities in a manner to maintain reliable service to the buildable lots in the subdivision and not disrupt service to neighboring properties.
- b) A phasing plan, to be acceptable, must not delay expenditures for infrastructure to burden with expenses in a disproportionate manner the later phases of a project.
- c) Irrespective of compliance with the above conditions, the City in general does not approve or reject phasing plans without the advice and consent of the Planning and Zoning Director.

## **10. Property Description**

- a) The applicant is required to provide a metes and bounds property description of the subject parcel.



**Project/File:** Red Cloud Subdivision / KPP18-0013 / 18-05-AN, 18-06-S  
 The applicant is requesting annexation and preliminary plat approval of Red Cloud Subdivision. The proposed residential subdivision consists of 41 buildable lots and 3 common lots on 8-acres located at the southeast corner of Luker Road and Great Bear Street in Kuna, Idaho.

**Lead Agency:** City of Kuna

**Site address:** 1250 S. Luker Road

**Staff Approval:** December 7, 2018

**Applicant:** Alex McDonald & Thomas Maile  
 SSM2, Company  
 885 W. Rush Rd.  
 Eagle, ID 83616

**Staff Contact:** Austin Miller  
 Phone: 387-6335  
 E-mail: [amiller@achdidaho.org](mailto:amiller@achdidaho.org)



**A. Findings of Fact**

1. **Description of Application:** The applicant is requesting annexation and preliminary plat approval of Red Cloud Subdivision. The proposed residential subdivision consists of 41 buildable lots and 3 common lots on 8-acres located at the southeast corner of Luker Road and Great Bear Street in Kuna, Idaho. The proposed use is consistent with the City of Kuna’s comprehensive plan which calls for medium density residential.
2. **Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Sadie Creek Subdivision	R-6
South	Rural to Urban Transition Zone	RUT
East	Rural to Urban Transition Zone	RUT
West	Silver Tip Subdivision	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:
  - Owl Subdivision, a proposed 4-lot residential preliminary plat, located at the northeast corner of the intersection of Swan Falls Road and King Road is currently under review by ACHD and Ada County Development Services.
5. **Transit:** Transit services are not available to serve this site.

6. **New Center Lane Miles:** The proposed development includes 0.34 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):**  
There are no roadways, bridges or intersections in the general vicinity of the project that are in the Integrated Five Year Work Plan (IFYWP) or the District's Capital Improvement Plan (CIP).

## **B. Traffic Findings for Consideration**

1. **Trip Generation:** This development is estimated to generate 387 additional vehicle trips per day; 41 additional vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 10<sup>th</sup> edition.
2. **Condition of Area Roadways**  
Traffic Count is based on Vehicles per hour (VPH)

<b>Roadway</b>	<b>Frontage</b>	<b>Functional Classification</b>	<b>PM Peak Hour Traffic Count</b>	<b>PM Peak Hour Level of Service</b>
King Road	None	Minor Arterial	82	Better than "E"
Luker Road	643-feet	Collector	N/A	N/A
Threave Avenue	50-feet	Local	N/A	N/A

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

\* Acceptable level of service for a two-lane collector is "D" (425 VPH).

3. **Average Daily Traffic Count (VDT)**

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

- The average daily traffic count for King Road east of Swan Falls Road was April 16, 2014.
- Current traffic counts are not available for this segment of Luker Road.
- Current traffic counts are not available for this segment of Threave Avenue.

## **C. Findings for Consideration**

1. **Luker Road**

- a. **Existing Conditions:** Luker Road is improved with 2-travel lanes, and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for Luker Road (30-feet from centerline).

- b. **Policy:**

**Collector Street Policy:** District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.

**Master Street Map and Typologies Policy:** District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

**Street Section and Right-of-Way Policy:** District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location

## EXHIBIT B 2

and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

**Residential Collector Policy:** District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

**Sidewalk Policy:** District policy 7206.5.6 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all collector 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.

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. This segment of Luker Road is designated in the MSM as a Residential Collector with 2-lanes and on-street bike lanes, a 36-foot street section within 54-feet of right-of-way.

- c. **Applicant Proposal:** The applicant is proposing to improve Luker Road abutting the site as a 36-foot street section with vertical curb, gutter and attached sidewalk.
- d. **Staff Comments/Recommendations:** The applicant should be required to improve Luker Road abutting the site as a 36-foot collector street section, with vertical curb, gutter and 7-foot wide attached concrete sidewalk (or 5-foot wide detached) abutting the site.

## 2. Internal Local Streets

- a. **Existing Conditions:** No local streets exist internal to the site.

Threave Avenue stubs to the site's northern property line located 420-feet east of Luker Road (measured centerline to centerline).

- 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.

**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: Unless otherwise approved by Kuna, 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.

**Stub Street Policy:** District policy 7207.2.4 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 7207.2.5.4, 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.

**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.

**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

## EXHIBIT B 2

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 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.

- c. **Applicant's Proposal:** The applicant is proposing to construct all internal local streets as 36-foot street sections with curb, gutter and 5-foot wide attached sidewalk.

The applicant is proposing to construct a knuckle at the intersection of Durliton Avenue and Dunrobin Street.

The applicant is proposing to extend Threave Avenue into the site.

The applicant is proposing to construct 2 stub streets as follows:

- Great Bear Street is proposed to stub to the eastern property line 130-feet south of the northern property line.
- Threave Avenue is proposed to stub to the southern property line 420-feet east of Luker Road (measured centerline to centerline).

Both proposed stub streets are less than 150-feet in length.

- d. **Staff Comments/Recommendations:** The applicant should be required to construct all internal local streets as 36-foot street sections with curb, gutter and 5-foot wide attached concrete sidewalk.

The applicant's proposal to extend Threave Avenue into the site meets District policy, however the stub to the southern property line does not meet District design standards as Threave Avenue would be in excess of 1,350-feet. The applicant should terminate Threave Avenue at Dunrobin Street. The applicant should be required to stub Durliton Avenue to the south (as depicted to the right). A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE." As the stub street is less than 150-feet long a temporary turnaround is not required.

The applicant should be required to construct bulb-outs at the intersection of Threave Avenue and Great Bear Street to serve as traffic calming, providing 24-feet of pavement between each bulb-out.



### 3. Roadway Offsets

- a. **Existing Conditions:** No streets exist internal to the site.

b. **Policy:**

**Local Offset Policy:** District policy 7206.4.5, requires local roadways to align or offset a minimum of 330-feet from a collector roadway (measured centerline to centerline).

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 is proposing to construct Great Bear Street aligned with Great Bear Street to the west of Luker Road. The applicant is proposing all internal street offsets to exceed 125-feet (measured centerline to centerline).
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy and should be approved as proposed.

#### 4. **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.

#### 5. **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.

#### 6. **Other Access**

Luker Road is classified as a collector roadway. Direct lot access is prohibited to this roadway and should be noted on the final plat.

### **D. Site Specific Conditions of Approval**

1. Improve Luker Road abutting the site as a 36-foot collector street section, with vertical curb, gutter and 7-foot wide attached concrete sidewalk (of 5-foot wide detached) abutting the site.
2. Construct all internal local streets as 36-foot street sections with curb, gutter and 5-foot wide attached concrete sidewalk.
3. Extend the stub of Threave Avenue into the site, terminating at Dunrobin Street.
4. Stub Durleton Avenue to the south. Install a sign at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
5. Stub Great Bear Street to the east. Install a sign at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
6. Construct bulb-outs at the intersection of Threave Avenue and Great Bear Street, providing 24-feet of pavement between each bulb-out.
7. Align Great Bear Street with the street on the west side of Luker Road. Construct all internal street offsets to exceed 125-feet (measured centerline to centerline).
8. 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.
9. Payment of impact fees is due prior to issuance of a building permit.
10. 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.
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. Utility Coordinating Council
4. Development Process Checklist
5. Request for Reconsideration Guidelines



# SITE PLAN



# EXHIBIT B 2

## 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](http://iducc.com) for e-mail notification information.

# 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.

# EXHIBIT B 3

**RICHARD DURRANT**  
CHAIRMAN OF THE BOARD

**CLINTON PLINE**  
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)

2465 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

06 November 2018

City of Kuna  
P.O. Box 13  
Kuna, Idaho 83634

RE: Red Cloud Sub  
1250 S Luker, Kuna 83634  
Boise-Kuna Irrigation District  
South Railroad Lateral 115+50  
Sec. 25, T2N, R1W, BM.

**18-05-S**

**BK-393**

**RECEIVED**

**NOV 08 2018**

**CITY OF KUNA**

Troy Behunin, Planner:

There are no Boise Project facilities located on the above-mentioned property, however it does in fact possess a valid water right.

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 a 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.

Boise Project Board of Control must receive a written response from the Boise-Kuna Irrigation District as to who will own and operate the pressure irrigation system prior to review and approval of an irrigation plan by Boise Project Board of Control.

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

## EXHIBIT B 3

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

Sincerely,



Thomas Ritthaler  
Management / GIS

tbr/tr

cc: Clint McCormick  
Lauren Boehlke  
File

Watermaster, Div; 2 BPBC  
Secretary – Treasurer, BKID

EXHIBIT B 4



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

- ACZ
Boise
Eagle
Garden City
Kuna
Meridian
Star

Rezone #

Conditional Use #

Preliminary / Final / Short Plat 18-06-S

Red Cloud

RECEIVED
NOV 21 2018
CITY OF KUNA

- 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:
high seasonal ground water
bedrock from original grade
waste flow characteristics
other
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 approval from appropriate entities are submitted, we can approve this proposal for:
central sewage
interim sewage
individual sewage
community sewage system
central water
individual water
community water well
9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
central sewage
sewage dry lines
community sewage system
central water
community water
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:
food establishment
beverage establishment
swimming pools or spas
grocery store
child care center
13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

14. \_\_\_\_\_

Reviewed By:

Rowland

Date: 11/16/18

# EXHIBIT B 5



STATE OF IDAHO  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
BOISE REGIONAL OFFICE  
1445 North Orchard Street • Boise, ID 83706-2239 • (208) 373-0550

## *DEQ Response to Request for Environmental Comment*

Date: November 15, 2018  
Agency Requesting Comments: City of Kuna  
Date Request Received: November 2, 2018  
Applicant/Description: Red Cloud Subdivision 18-05-AN and 18-06-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 <http://www.deq.idaho.gov/ieg/>.*

*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).*

*The property owner, developer, 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.*

*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 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 Todd Crutcher, Engineering Manager, at 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 <http://www.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 Todd Crutcher, Engineering Manager at 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. If this project disturbs more than one acre, a stormwater permit from EPA may be required.*

- *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 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 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 373-0550, or visit the DEQ website (<http://www.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  
[aaron.scheff@deq.idaho.gov](mailto:aaron.scheff@deq.idaho.gov)  
Regional Administrator  
Boise Regional Office  
Idaho Department of Environmental Quality

ec: TRIM 2018AEK177

# EXHIBIT B 6



**Your Safety • Your Mobility  
Your Economic Opportunity**

**IDAHO TRANSPORTATION DEPARTMENT**  
P.O. Box 8028 • Boise, ID 83707-2028  
(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

November 14, 2018

Troy Behunin  
City of Kuna, Planning and Zoning Department  
P.O. Box 13  
Kuna, ID 83634

**VIA EMAIL**

<b>Development Application</b>	<b>18-05-AN, 18-06-S</b>
<b>Project Name</b>	<b>RED CLOUD SUBDIVISION</b>
<b>Project Location</b>	1250 South Luker Road, 1.75 miles south of SH-69 milepost 1.75
<b>Project Description</b>	Annex into Kuna City limits, and also seeks approval for a Preliminary Plat for the approx. eight acres. Applicant's proposes to divide this parcel into 41 buildable and 3 common lots.
<b>Applicant</b>	SSM2 Company

The Idaho Transportation Department (ITD) reviewed the referenced annexation and preliminary plat applications and has the following comments:

1. This project does not abut the State highway system.
2. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
3. All signing shall meet the requirements of IDAPA 39.03.60 rules which govern advertising along the State highway system. The applicant may contact Justin Pond, Program Manager for ITD's Headquarters Right-of-Way Section at 334-8832 for more information.
4. ITD does not object to the annexation and preliminary plat as presented in the application.

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  
[Sarah.Arjona@itd.idaho.gov](mailto:Sarah.Arjona@itd.idaho.gov)





# City of Kuna Design Review Application

P.O. Box 13  
Kuna, Idaho 83634  
(208) 922.5274  
Fax: (208) 922.5989  
Website: [www.cityofkuna.com](http://www.cityofkuna.com)

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 of these documents can be found online ([www.cityofkuna.com](http://www.cityofkuna.com)) or are picked up in the City's Planning and zoning department is located at 763 W Avalon, Kuna ID. Staff is glad to assist you with your application form.

**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



Date of pre- application meeting : 6/2/18

Note: Pre-Applications are valid for a period of three (3) months.



A complete Design Review Application form

Note: It is the applicant's responsibility to use a current application.



Detailed letter of explanation or justification for the application, describing the project and design elements, and how the project complies with Design Review standards.



One (1) Vicinity Map (8 ½" x 11") at 1" = 300' scale (or similar), label the location of the property and adjacent streets.



One 8 ½" x 11" colored aerial photo depicting proposed site, street names, and surrounding area within five-hundred feet (500').



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.



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:

- (1) 24" X 36" TO SCALE COPIES
- (1) 11" X 17" REDUCTIONS
- (1) 8 1/2" x 11" REDUCTIONS

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		Staff Use
<input checked="" type="checkbox"/>	North Arrow	<input type="checkbox"/>
<input checked="" type="checkbox"/>	To scale drawings	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Property lines	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Name of "Plan Preparer" with contact information	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Name of project and date	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Existing structures, identify those which are to be relocated or removed	<input type="checkbox"/>
<input checked="" type="checkbox"/>	On-site and adjoining streets, alleys, private drives and rights-of-way	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Drainage location and method of on-site retention / detention	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location of public restrooms	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Existing / proposed utility service and any above-ground utility structures and their location	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location and width of easements, canals and drainage ditches	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location and dimension of off-street parking	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Locations and sizes of any loading area, docks, ramps and vehicle storage or service areas	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Trash storage areas and exterior mechanical equipment, with proposed method of screening	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Sign locations (a separate sign application must be submitted with this application)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	On-site transportation circulation plan for motor vehicles, pedestrians and bicycles	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Locations and uses of ALL open spaces	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Locations, types and sizes of sound and visual buffers (Note: all buffers must be located outside the public right-of-way)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Locations of subdivision lines (if applicable)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location of walls and fences and indication of their height and material of construction	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Roofline and foundation plan of building, location on the site	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location and designations of all sidewalks	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location and designation of all rights-of-way and property lines	<input type="checkbox"/>

## 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.

Applicant  
Use

Staff  
Use

- |                                     |  |                          |
|-------------------------------------|--|--------------------------|
| <input checked="" type="checkbox"/> | North Arrow  | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | To scale drawings  | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Boundaries, property lines and dimensions  | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Name of "Plan Preparer" with contact information   | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Name of project and date   | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Type and location of all plant materials and other ground covers.<br><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. If there are any questions, please contact the City Forester, Natalie Reeder, at 208.880.0953</i> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Existing vegetation identified by specific size. Identify those which are proposed to be relocated or removed.   | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Method of irrigation.<br><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 checked="" type="checkbox"/> | Location, description, materials, and cross-sections of special features, including berming, retaining walls, hedges, fencings, fountains street/pathway furniture (benches, etc.), etc.<br>Sign locations<br><i>Note: A separate sign application must be submitted with this application</i>   | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Locations and uses for open spaces   | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle  | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles  | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Location and designations of all sidewalks   | <input type="checkbox"/> |
| <input checked="" 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

Detailed elevation plans of each side of any proposed building(s) or additions(s)

*Note: Four (4) elevations to include all sides of development and must be in color*

Identify the elevations as to north, south, east, and west orientation

Colored copies of all proposed building materials and indication where each material and color application is to be located

*Note: Submit as 11"x17" reductions*

Screening/treatment of mechanical equipment

Provide a cross-section of the building showing any roof top mechanical units and their roof placement

Detailed elevation plans showing the materials to be used in construction of trash enclosures

Staff  
Use

### Lighting Plan

Applicant  
Use

Exterior lighting including detailed cut sheets and photometric plan (pedestrian, vehicle, security, decoration)

Types and wattage of all light fixtures

*Note: The City encourages use of "dark sky" lighting fixtures*

Placement of all light fixtures shown on elevations and landscaping plans

Staff  
Use

### Roof Plans

Applicant  
Use

Size and location of all roof top mechanical units

Staff  
Use

# Design Review Application

Applicant: SSMS Company Phone: 208-939-1000  
 Owner  Representative Fax/Email: newhorizonconstruction@gmail.com

Applicant's Address: 885 W. Rush Rd Zip: 83616  
Eagle, ID 83616

Owner: Tom Maile / Alex Macdonald Phone: 208-939-1000  
Owner's Address: 885 W. Rush Rd Email: same  
Eagle, ID Zip: 83616

Represented By: (if different from above) \_\_\_\_\_ Phone: 01  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
Zip: \_\_\_\_\_

Address of Property: 1250 S. Luther Rd Zip: 83634  
Kuna, ID

Distance from Major Cross Street: ~ 800' Street Name(s): King / Luther

Please check the box that reflects the intent of the application

- BUILDING DESIGN REVIEW  
 SUBDIVISION / COMMON AREA LANDSCAPE

- DESIGN REVIEW MODIFICATION  
 STAFF LEVEL APPLICATION

This Design Review application is a request to construct, add or change the following: (Briefly explain the nature of the request.)

41 lot residential subdivision

1. Dimension of Property: 542 ft by 643 ft  
 2. Current Land Use(s): residential  
 3. What are the land uses of the adjoining properties?

North: residential  
 South: agriculture  
 East: agriculture  
 West: residential

4. Is the project intended to be phased, if so what is the phasing time period? yes, 2 years  
 Please explain: Two separate phases, approximately one year apart

5. The number and use(s) of all structures: 41 residential homes

6. Building heights: 30+ (residential) Number of stories: 1-2

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? \_\_\_\_\_  
 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](http://www.cityofkuna.com)) under the City Code.

**MATERIAL** **COLOR**

Roof: asphalt / shingles / black

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:	<u>varies</u>	/	_____
% EIFS: <small>(Exterior Insulation Finish System)</small>	<u>varies</u>	/	_____
% Masonry:	<u>varies</u>	/	_____
% Face Block:	<u>varies</u>	/	_____
% Stucco:	<u>varies</u>	/	_____
& other material(s):	<u>varies</u>	/	_____
List all other materials:	_____	/	_____
Windows/Doors: <small>(Type of window frames &amp; styles / doors &amp; styles, material)</small>	<u>vinyl</u>	/	_____
Soffits and fascia material:	<u>wood</u>	/	_____
Trim, etc.:	<u>wood</u>	/	_____

Other: \_\_\_\_\_ / \_\_\_\_\_

9. Please identify Mechanical Units: n/a

Type/Height: \_\_\_\_\_

Proposed Screening Method: inside

10. Please identify trash enclosure: (size, location, screening & construction materials) n/a

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

12. Fencing: (Please provide information about new fencing material as well as any exiting fencing material)

Type: vinyl

Size: 6'

Location: perimeter

(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:

historical discharge

14. Percentage of Site Devoted to Building Coverage: ~~~28%~~ ~28%

% of Site Devoted to Landscaping: ~3% Square Footage: ~9,500  
(Including landscaped rights-of-way)

% of Site that is Hard Surface: ~28% Square Footage: ~99,000  
(Paving, driveways, walkways, etc.)

% of Site Devoted to other uses: n/a

Describe: \_\_\_\_\_

% of landscaping within the parking lot (landscaped islands, etc.): n/a

15. For details, please provide dimensions of landscaped areas within public rights-of-way:

n/a

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 tree with greater than a four inch (4") caliper whenever possible):

17. Dock Loading Facilities:

Number of docking facilities and their location: n/a

Method of screening: \_\_\_\_\_

18. Pedestrian Amenities: (bike racks, receptacles, drinking fountains, benches, etc.) n/a

19. Setbacks of the proposed building from property lines:

Front 15/20 -feet      Rear 15 -feet      Side 5 -feet      Side 5 -feet

20. Parking requirements: n/a  
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 X

**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 RECHEDULED 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.

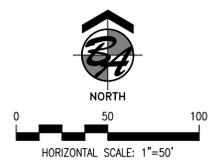
Signature of Applicant [Signature]      Date 10/27/18

City staff comments:  
\_\_\_\_\_  
\_\_\_\_\_

Signature of receipt by City Staff \_\_\_\_\_ Date \_\_\_\_\_

**FOR ADDITIONAL INFORMATION:**  
(Please list page number and item in reference)

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**Plant Palette Table**

COMMON NAME	BOTANICAL NAME	SIZE
<b>EVERGREEN TREES</b>		
1 TOTAL FROM TABLE AUSTRIAN PINE COLORADO BLUE SPRUCE	PINUS NIGRA PICEA PUNGENS 'GLAUCA'	6-8' HT B&B 6-8' HT B&B
<b>SHADE TREES</b>		
1 TOTAL FROM TABLE AUTUMN PURPLE ASH DEBORAH MAPLE LONDON PLANETREE SHADEMASTER HONEYLOCUST WORPLESDON SWEETGUM GREENSPIRE LINDEN	FRAXINUS AMERICANA 'AUTUMN PURPLE' ACER PLATANOIDES 'DEBORAH' PLATANUS X ACERIFOLIA 'BLOODGOOD' GLEDITSIA TRIACANTHOS 'SHADEMASTER' LIQUIDAMBAR STYRACIFLUA TILIA CORDATA 'GREENSPIRE'	2" 2" 2" 2" 2" 2"
<b>ORNAMENTAL TREES</b>		
1 TOTAL FROM TABLE ARISTOCRAT PEAR FLAME AMUR MAPLE PRAIRIFIRE CRAB REDBUD SPRING SNOW CRAB WASHINGTON HAWTHORN	PYRUS CALLERYANA 'ARISTOCRAT' ACER GINNALA 'FLAME' MALUS 'PRAIRIFIRE' CERCIS CANADENSIS MALUS 'SPRING SNOW' CRATAEGUS PHAENOPYRUM	2" 2" 2" 2" 2" 2"

COMMON NAME	BOTANICAL NAME	SIZE
<b>SHRUBS/ORNAMENTAL GRASSES</b>		
3 TOTAL SHRUBS 3 TOTAL GRASSES FROM TABLE ANTHONY WATERER SPIRAEA BLUE CHIP JUNIPER BLUE OAT GRASS CHAMPLAIN ROSE CREEPING MAHONIA CRIMSON PYGMY BARBERRY DIABOLO NINEBARK DWARF ARCTIC WILLOW FLAME GRASS GOLDMOUND SPIREA GRO-LOW SUMAC IVORY HALO DOGWOOD NEARLY WILD ROSE	SPIRAEA x BUMALDA 'ANTHONY WATERER' JUNIPERUS HORIZONTALIS 'BLUE CHIP' HELICTOTRICHON SEMPERVIRENS ROSA 'CHAMPLAIN' MAHONIA REPENS BERBERIS THUNBERGII 'CRIMSON PYGMY' PHYSOCARPUS OPULIFOLIUS 'MONLO' SALIX PURPUREA 'NANA' MISCANTHUS SINENSIS 'PURPURASCENS' SPIRAEA x BUMALDA 'GOLDMOUND' RHUS AROMATICA 'GRO-LOW' CORNUS ALBA 'BAILHALO' ROSA 'NEARLY WILD'	5 GAL 5 GAL 2 GAL 3 GAL 3 GAL 5 GAL 5 GAL 2 GAL 3 GAL 3 GAL 3 GAL 5 GAL 3 GAL

**Notes**

- ALL PLANTS SHALL MEET OR EXCEED MINIMUM KUNA CITY ORDINANCE REQUIREMENTS.
- ALL PLANTING AREAS TO BE WATERED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
- ALL COMMON SPACE LANDSCAPING SHALL BE OWNED AND MAINTAINED BY A HOMEOWNER'S ASSOCIATION.
- NO TREES SHALL IMPEDE THE 40-FOOT VISION TRIANGLES AT ROAD INTERSECTIONS. NO TREES OR SHRUBS OVER 3- FEET HIGH AT MATURITY SHALL BE PLANTED WITHIN STREET VISION TRIANGLES.
- NO TREES SHALL BE PLANTED WITHIN 10- FEET OF ANY ADA COUNTY HIGHWAY DISTRICT STORM DRAINAGE FACILITIES. NO TREES SHALL BE PLANTED WITHIN 50- FEET OF STOP SIGNS.
- INSTALLATION OF REQUIRED PLANTING ON THE RESIDENTIAL LOTS SHALL BE COMPLETED AS REQUIRED AT THE TIME OF HOME CONSTRUCTION.
- ALL COMMON LOTS SHALL BE PLANTED WITH HYDROSEED OR SOD AFTER TREE PLANTING.

**Calculations**

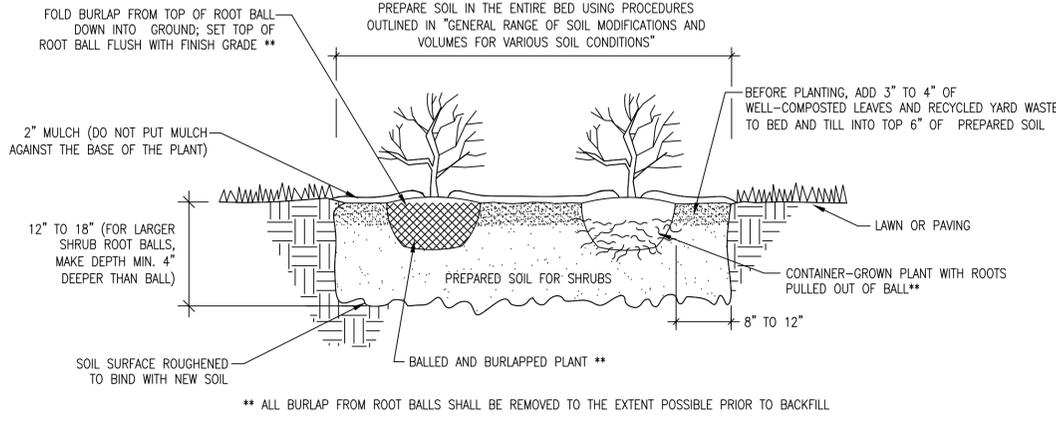
REQUIRED	INSTALLED
12 SHADE/ORNAMENTAL TREES	16
17 EVERGREENS	20
68 SHRUBS/ORNAMENTAL GRASSES	72

LANDSCAPE BUFFER S. LUKER ROAD  
TOTAL LENGTH 565 L.F.

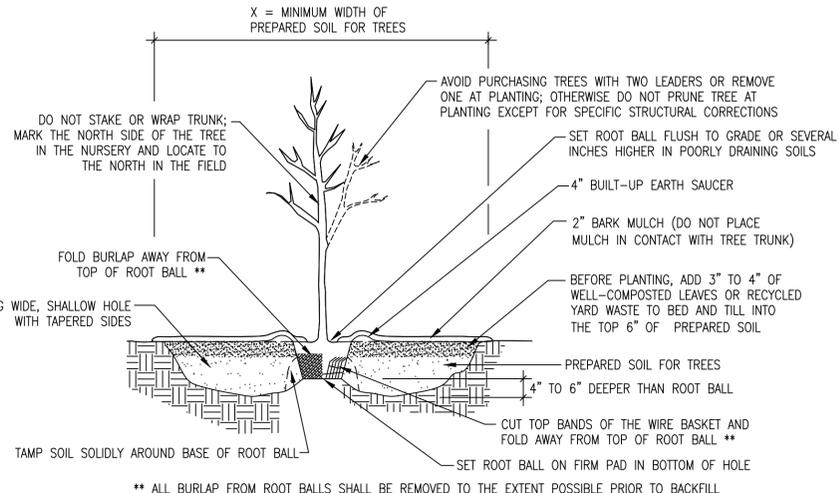
**Fencing**

6-FOOT VINYL PRIVACY FENCING SHALL BE INSTALLED ALONG THE SOUTH AND EAST BOUNDARIES OF THE DEVELOPMENT AND ALONG THE REAR OF THE LOTS ABUTTING THE 20' LANDSCAPE BUFFER ALONG LUKER ROAD, PURSUANT TO MANUFACTURES SPECIFICATIONS. (EXISTING VINYL FENCE ALONG NORTH BOUNDARY)

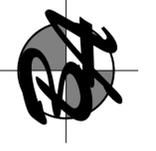
TOTAL LINEAL FOOTAGE = 1,650 L.F.



**Typical Shrub Planting Detail**  
NOT TO SCALE



**Typical Tree Planting Detail**  
NOT TO SCALE



REV.	DESC.	DATE/BY

SCALE: 1" = 50'	DATE: AUGUST 1, 2018
DRAWN BY: J. W. BETTELLE	CHECKED BY: J.D. CANNING
PROJECT NO: M728	DRAWING FILE NAME:

## Maintenance Agreement For Common Lots

(section numbers to be revised as part of full CCR's)

5.5.2.1 Operation and Maintenance of Red Cloud Common Area  
Operate, maintain, and otherwise manage or provide for the operation, maintenance, and management of the Red Cloud Common Area, including but not limited to, the repair and replacement of property damaged or destroyed by casualty loss and the maintenance and repair of the private streets and streetlights.

Specifically, the Association shall, at Grantors sole discretion, operate and maintain all properties owned by Grantor which are designated by Grantor for temporary or permanent use by Members of the Association. Such properties may include those lands intended for open space uses.

Additionally, the Association shall maintain the security and privacy gate or gates installed on the Red Cloud Common Area of the Property.

5.5.2.2 Reserve Account, Establish and fund a reserve account with a reputable banking institution or savings and loan association or title insurance company authorized to do business in the State of Idaho, which reserve account shall be dedicated to the costs of repair, replacement, maintenance, and improvement of the Red Cloud Common Area.

5.5.2.3 Maintenance of Berms and Fences. Maintain any and all berms, fences, and/or landscaping within the Red Cloud Common Area.

5.5.2.4 Taxes and Assessments. Pay all real and personal property taxes and Assessments separately levied against the Red Cloud Common Area or against Red Cloud Subdivision, the Association and/or any other property owned by the Association. Such taxes and Assessments may be contested or compromised by the Association, provided, however, that such taxes and Assessments are paid or a bond insuring payment is posted prior to the sale or disposition of any property to satisfy the payment of such taxes and Assessments. In addition, the Association

shall pay all other federal, state or local taxes, including income or corporate taxes, if any, levied against the Association.

5.5.2.5 Water and Other Utilities. Acquire, provide, and/or pay for water, sewer, garbage disposal, refuse and rubbish collection, electrical, telephone and gas and other necessary services for the Red Cloud Common Area.

5.5.2.6 Insurance. Obtain insurance from reputable insurance companies authorized to do business in the State of Idaho, and maintain in effect any insurance policy the Board deems necessary or advisable which may include:

5.5.2.6.1 Fire insurance including those risks embraced by coverage of the type known as the broad form "All Risk" or special extended coverage endorsement on a blanket agreed amount basis for the full insurable replacement value of all Improvements, equipment and fixtures located within the Red Cloud Common Area

5.5.2.6.2 Comprehensive public liability insurance insuring the Board, the Association, Grantor and the individual grantees and agents and employees of each of the foregoing against any liability incident to the ownership and/or use of the Red Cloud Common Area. Limits of liability of such coverage shall be as follows: Not less than One Million Dollars (\$1,000,000) per person and One Million Dollars (\$1,000,000) per occurrence with respect to personal injury or death, and One Million Dollars (\$1,000,000) per occurrence with respect to property damage.

5.5.2.6.3 Such other insurance, including motor vehicle insurance and Workers Compensation insurance, to the extent necessary to comply with all applicable laws and indemnity, faithful performance, fidelity and other bonds as the Board 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 the Association funds or other property,

5.5.2.6.4 The Association shall be deemed trustee of the interests of all Owners in connection with any insurance proceeds paid to the Association under such policies, and shall have full power to receive such Owner's interests in such proceeds and to deal therewith.

5.5.2.6.5 Insurance. premiums for the above insurance coverage shall be deemed a common expense to be included in the Regular Assessments levied by the Association.

**From:** Sub Name Mail <subnamemail@adaweb.net>  
**Sent:** Wednesday, August 8, 2018 3:37 PM  
**To:** Alex Macdonald; New Horizon Construction;  
**Cc:** 'Joe Canning'; Dave Crawford  
**Subject:** Redcloud Subdivision Name Reservation

Joe Canning, B & A Engineers  
Dave Crawford, B & A Engineers  
Tom Maile New Horizon Construction

RE: Subdivision Name Reservation: **REDCLOUD SUBDIVISION**

At your request, I will reserve the name **Redcloud Subdivision** for your project. I can honor this reservation only as long as your project is in the approval process. Final approval can only take place when the final plat is recorded.

This reservation is available for the project as long as it is in the approval process unless the project is terminated by the client, the jurisdiction or the conditions of approval have not been met, in which case the name can be re-used by someone else.



Jerry L. Hastings, PLS 5359  
**County Surveyor**  
**Deputy Clerk Recorder**  
**Ada County Development Services**  
200 W. Front St., Boise, ID 83702  
(208) 287-7912 *office*  
(208) 287-7909 *fax*



# 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  
 Date and time of neighborhood meeting: 7/26/18 7:00pm  
 Location of neighborhood meeting: 1250 S. LUKER Rd. Kuna, Id.

## SITE INFORMATION:

Location: Quarter: SEE ATTACHED legal description Section: 25 Township: 2 Range: 1W Total Acres: 8  
 Subdivision Name: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_  
 Site Address: 1250 S. LUKER Rd. Kuna Tax Parcel Number(s): S1325438500

Please make sure to include **all** parcels & addresses included in your proposed use.

## CURRENT PROPERTY OWNER:

Name: SSM 2 Company  
 Address: 805 W. RUSH City: Eagle State: Id Zip: 83616

## CONTACT PERSON (Mail recipient and person to call with questions):

Name: Tom MAITE Business (if applicable): \_\_\_\_\_  
 Address: 805 W. RUSH Rd City: Eagle State: Id Zip: 83616

**PROPOSED USE:**

I request a neighborhood meeting list for the following proposed use of my property (check all that apply):

<b>Application Type</b>	<b>Brief Description</b>
<input checked="" type="checkbox"/> Annexation	ADA Co. to City of Kuna
<input checked="" type="checkbox"/> Re-zone	
<input checked="" type="checkbox"/> Subdivision (Sketch Plat and/or Prelim. Plat)	Attached
Special Use	
Variance	
Expansion of Extension of a Nonconforming Use	
Zoning Ordinance Map Amendment	

**APPLICANT:**

Name: SJM 2 Company  
Address: 885 W. RUSH  
City: Eagle State: Id Zip: 83616  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

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) [Signature] Date 7/27/18

# SIGN IN SHEET

**PROJECT NAME:** 1250 S. Luter Road, Kuna

**Date:** 7/26/8

	<u>Name</u>	<u>Address</u>	<u>Zip</u>	<u>Phone</u>
1	<u>Jon &amp; Abby Widick</u>	<u>1163 S Threave Ave</u>	<u>83634</u>	<u>208-965-6586</u>
2	<u>Jason &amp; Bruce Wasserman</u>	<u>1021 E. Ludlow St.</u>	<u>83634</u>	<u>510.331.5563 / 510.331.5568</u>
3	<u>Mike &amp; Lillian Losh</u>	<u>1002 S. Threave Ave</u>	<u>83634</u>	<u>208-870-0007</u>
4	<u>Joyce Rae Perry</u>	<u>610 W. Backpack St.</u>	<u>83634</u>	<u>208-<del>870</del>-870-6105</u>
5	<u>Mike &amp; Sharan Kindred</u>	<u>1043 E Ludlow St</u>	<u>83634</u>	<u>208-908-3379</u>
6	<u>Hilga Wasserman</u>	<u>1164 S. Threave</u>	<u>83634</u>	<u>208-957-8938</u>
7	<u>Rich Watson</u>	<u>1551 S Luter Rd</u>	<u>83634</u>	<u>208-999-1167</u>
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