

OFFICIALS
Joe Stear, Mayor
Greg McPherson, Council President
Richard Cardoza, Council Member
Warren Christensen, Council Member
John Laraway, Council Member



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

City Council Meeting
MINUTES
Tuesday, October 6, 2020

6:00 P.M. REGULAR CITY COUNCIL

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

*Due to social distancing protocol,
the **Council Chambers Audience Occupancy Capacity is 15.***

***The first 15 persons** who appear, in addition to Mayor, City Council, and staff, will be allowed
in Council Chambers. All other persons may access the meeting via Live Streaming.*

Live Streaming Instructions:

Members of the public may watch the October 6, 2020 Council Meeting via Facebook Live.

Live feed will start at **6:00 P.M.** on the City of Kuna Idaho Facebook page linked below:

<https://www.facebook.com/CityofKunaIdaho/>

For questions please call the Kuna City Clerk's Office at (208) 387-7726.

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

APPLICANT/PUBLIC ORAL PUBLIC HEARING TESTIMONY PROCESS:

Written – Up to noon the day of the Public Hearing

1. Submit any below stated option **prior to noon the day of the Public Hearing meeting.**
Late submissions will not be included.
2. Submit testimony via our website on the [Public Testimony Form](#).
Kunacity.id.gov > Doing Business > Forms and Applications > Frequently Requested
Applications and Forms > ONLINE Public Testimony Form
3. Submit testimony via email to PublicHearingTestimony@KunaID.gov
4. Submit via mail to:
City of Kuna
Attention: City Clerk's Office
PO Box 13
Kuna, ID 83634

Oral – Via electronic call during the Public Hearing

1. Submit request **no later than noon the day of the Public Hearing meeting.**

NOTICE: Copies of all agenda materials are available for public review in the Office of the City Clerk. Persons who have questions concerning any agenda item may call the City Clerk's Office at (208) 922-5546. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 922-5546 at least forty-eight (48) hours prior to the meeting to allow the City to make reasonable arrangements to ensure accessibility to this meeting.

2. Email PublicHearingTestimony@KunaID.gov
 - ✓ Your name
 - ✓ Address
 - ✓ Phone Number you will be calling from to give testimony
 - ✓ Email Address
 - ✓ Date of Public Hearing
 - ✓ Case number or Identification of Public Hearing
3. Watch your email for a reply email with the information to join the meeting electronically.
(Check your spam/junk folder as a precaution)
4. Follow the dial in information.
5. Call into the virtual lobby a minimum of 5 minutes prior to the meeting.

Oral – In Person Testimony during the Public Hearing.

All persons wishing to testify must, state their name and residential address. No person shall speak until recognized by the Mayor. A three (3) minute time limit will be placed on all testimonies.

PLEASE NOTE: Due to social distancing protocol, the Council Chambers Audience Occupancy Capacity is 15. The first 15 persons who appear, in addition to Mayor, City Council, and staff, will be allowed in Council Chambers.

*If you have questions regarding public testimony,
please call the Kuna City Clerk’s Office at (208) 387-7726.*

1. Call to Order and Roll Call

COUNCIL MEMBERS PRESENT:

- Mayor Joe Stear – In Person
- Council President Greg McPherson – In Person
- Council Member Richard Cardoza – In Person
- Council Member Warren Christensen – In Person
- Council Member John Laraway – In Person

CITY STAFF PRESENT:

- Chris Engels, City Clerk – In Person
- Jared Empey, City Treasurer – In Person
- Marc Bybee, City Attorney – In Person
- Wendy Howell, Planning & Zoning Director – In Person
- Nancy Stauffer, Human Resources Director – In Person
- Paul Stevens, City Engineer – In Person
- Bobby Withrow, Parks Director – In Person
- Jon McDaniel, Kuna Police Chief – In Person
- Troy Behunin, Planner III – In Person
- Doug Hanson, Planner I – In Person

2. Invocation: None

3. Pledge of Allegiance: Mayor Stear

4. Consent Agenda: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS
(Timestamp 00:01:01)

All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the City Council. There will be no separate discussion on these items unless the Mayor, Council Member, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Business or as instructed by the City Council.

- A. Regular City Council Meeting Minutes Dated September 15, 2020
- B. Accounts Payable Dated October 1, 2020 in the amount of \$1,880,441.84
- C. Resolutions:

1. Resolution No. R50-2020

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE COST OF LIVING INCREASE OF ONE AND TWENTY SIX ONE HUNDRETH PERCENT (1.26%) FOR ALL FULL-TIME CITY EMPLOYEES; ADOPTING THE FISCAL YEAR 2021 STEP AND GRADE CHART FOR ALL FULL-TIME NON-DIRECTOR EMPLOYEES AS ATTACHED HERETO AS EXHIBIT A; AND DECLARING THE EFFECTIVE DATE.

2. Resolution No. R53-2020

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE “ANIMAL WELFARE AND ENFORCEMENT AGREEMENT” WITH THE IDAHO HUMANE SOCIETY TO PROVIDE ANIMAL CONTROL SERVICES WITHIN THE CITY OF KUNA, IDAHO FOR THE 2021 FISCAL YEAR, OCTOBER 1, 2020 TO SEPTEMBER 30, 2021, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

3. Resolution No. R54-2020

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE “CLIENT MASTER AGREEMENT FOR PROFESSIONAL SERVICES” WITH MERRICK AND COMPANY FOR SURF WAVE FEASIBILITY & CONCEPT DEVELOPMENT; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

Motion To: Approve the Consent Agenda

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Approved by the Following Roll Call Vote:

Voting Aye: Council Members Cardoza, Christensen, Laraway, and McPherson

Voting No: None

Absent: None

Motion Passed: 4-0

5. External Reports or Requests: None

6. Public Hearings:

Due to current health precautions associated with the Coronavirus, the City of Kuna is providing alternative ways for the community to submit comments at public hearings. To learn more about the process for written and oral testimony please follow the directions above or call the City of Kuna Clerk's Office at (208) 387-7726.

- A. Public Hearing continued from August 18, 2020, September 1, 2020, and September 15, 2020 to receive more information regarding sewer capacity and consideration to approve Case No. 19-09-S (Preliminary Plat) for Corbin's Cove Subdivision – Troy Behunin, Planner III and Gary McAllister, Applicant ACTION ITEM
(Timestamp 00:01:41)

Applicant, Gary McAllister, requests to subdivide approximately 6.00 acres in Kuna City Limits with Medium Density Residential Zoning into 22 total lots and has reserved the name Corbin's Cove Subdivision. The site is near the Southwest Corner of Avalon St. and School Ave., Kuna, Idaho; in Section 26, T 2N, R 1W, APN #'s: R5080251061, R5070251161 and R5070251166.

Planner III Troy Behunin shared a late exhibit with Council; an email from the City Engineer Paul Stevens committing to serving the 19 lots with sewer. Mr. Stevens was there that night and could testify if he wanted to add anything additional. He also pointed out that, even though the e-mail said they could commit to the 21 EDUs for Corbin's Cove, due to the recommendations of the Planning & Zoning Commission to move and enlarge the open space, they were only requesting 19 buildable lots rather than the 21. He stood for questions.

Council Member Cardoza noted quite a few letters received from an individual. He asked if those had been addressed and if there was any concern with this development regarding code enforcement and the prior subdivision that was denied.

Mr. Behunin stated there were some hints and allegations of an approval from another individual for a denial for another individual. Staff had not determined what subdivision, or even a year, although repeated questions were asked of the individual. No information was given. Staff looked for a denial and the alleged development agreement. He reminded Council, Development Agreements were reserved for rezones, annexations, and other specific projects the Council deemed necessary. Staff was unable to find any

development agreement that involved any of the properties alleged to have one. He spoke with Ada County Records and found there was no rezone for the Corbin's Cove property. It joined the City as an R-6 more than 30 years ago. There would have been no reason for a rezone. The email trail was included in the packet to illustrate how many times they asked for information and got nothing.

Mr. Behunin explained, for the code enforcement complaints, staff believed the majority, if not all, of the complaints would be remedied by its development. These three parcels were accessed by a private lane staff could not go down for any kind of code enforcement. They could not enter private property. The variety of code enforcement complaints they received; people in trailers, excessive garbage, excessive trailers parked, would all be remedied when other people lived there because there wouldn't be space for that. Weeds would be gone because it would be developed. Trailers and stuff couldn't be there because there would be CC&Rs and other eyes on it. It would also provide a public road all the way to back so, if there were future code enforcement issues, they could access any part of site they needed to, or at least deep into the site, to take pictures and remedy those.

Mayor Stear asked if City Engineer Paul Stevens had anything he wanted to add.

Council Member Christensen said, in regards to Ten Mile Lift Station, according to what's on record it was already 120% plus on capacity and the last line of Mr. Stevens' email stated, while there were a lot of variables and assumptions, it looked like they could commit. He asked if that was just based on the size of the project being small enough they could still push the overcapacity limit further or did they notice Ten Mile could support more than they had thought.

Mr. Stevens replied they had an on-going study with JUB Engineers (*unintelligible – not on mic*).

Council Member Christensen was concerned because they set capacity limits for a reason and even if they weren't as far over as they thought, they were still over. The more they pushed this, the more problems there would be later. He wished he had a better understanding of what true capacity was instead of saying they were 120% over capacity but could still support it.

Mr. Stevens agreed 100% (*unintelligible – not on mic*).

Council Member Cardoza shared he had a nephew selling the property and wasn't sure if he should abstain.

Mayor Stear thought generally the way to look at that was whether or not he could make a decision without prejudice.

Council Member Cardoza explained there had been no communications on it so he did not think he would be prejudiced either way; unless the Council felt he should abstain.

City Attorney Marc Bybee advised the Council it was entirely up to them whether it was a good reason to abstain. If so, they should make a motion for him to abstain and then vote on that motion. Council Member Cardoza would not vote on that motion. Council Member Cardoza thought it would best for him to abstain given the circumstances of the relationship.

Mayor Stear confirmed that would be two abstaining.

Council Member Laraway confirmed he would be recusing himself.

Mayor Stear clarified Council Member Laraway was recusing because he already heard it from the Planning & Zoning side.

Mayor Stear re-opened the public hearing. He did not have anyone signed up to testify in this matter. He asked if there was anyone who wished to testify.

There were none.

Support: None

Against: None

Neutral: None

Rebuttal: None

Motion To: Close evidence presentation and proceed to deliberation

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 2-0-2. Council Members Cardoza and Laraway abstained.

Motion To: Approve Case No. 19-09-S (Preliminary Plat) and the Findings of Fact, Conclusions of Law and Order of Decision as presented in the packet and note Council Members Cardoza and Laraway abstained from voting and Close the Public Hearing.

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 2-0-2. Council Members Cardoza and Laraway abstained.

B. Public Hearing and consideration to approve Case No. 20-01-CPF (Combo PP & FP) Ensign Sub. No. 1 – Troy Behunin, Planner III and Brett Jensen, Applicant ACTION ITEM

(Timestamp 00:16:52)

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

Planner III Troy Behunin presented the staff report and stood for questions.

Mayor Stear clarified he had stated they wanted to divide this into two additional lots but, it was actually one lot being divided into two.

Mr. Behunin said that was correct. They were splitting Lot 1, Block 1 from a single lot into two which required a re-subdivision.

Mayor Stear opened the public hearing. He did not have anyone signed up to testify in this matter. He asked if there was anyone who wished to testify that did not get a chance to sign in.

There were none.

Support: None

Against: None

Neutral: None

Rebuttal: None

Mayor Stear noted this was part of the original commercial development and, to him, it did not appear to be a problem to split the one to the two.

Council Member Cardoza did not have any problem going from the one into two. They would be pretty good-sized buildings to begin with.

Council Member Laraway stated he had been part of the Planning & Zoning Commission that made the vote on this and would need to recuse himself from this one as well.

Mayor Stear stated Mr. Behunin had given the report and they didn't know that the applicant needed to add anything because there was a letter.

City Clerk Chris Engels noted the applicant wasn't on Zoom either.

Motion To: Close evidence presentation and proceed to deliberation

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 3-0-1. Council Member Laraway abstained.

Motion To: Approve Case No. 20-01-CPF (Combo PP & FP) and the Findings of Fact, Conclusions of Law and Order of Decision as presented in the packet and note Council Member Laraway abstained and Close the Public Hearing.

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 3-0-1. Council Member Laraway abstained.

C. Public Hearing and consideration to approve Case No. 20-01-S (Preliminary Plat) Fossil Creek Subdivision – Troy Behunin, Planner III and Jane Suggs, Applicant ACTION ITEM

(Timestamp 00:23:42)

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

Troy Behunin, Planner III, notified Council the site was not properly posted. He had an email from the applicant. Staff became aware of the noticing infraction late Thursday afternoon and indeed it was not posted correctly. It was missed by twelve hours. Staff recommended Council select a date certain in the future to hear this public hearing. He had the email from the applicant to pass out to Council that said they missed the posting date. The code required ten days but it was only up for about nine days and twelve hours.

Mayor Stear said there was one person, Mr. Marsala, signed up to testify. He asked him if he would be able to come back to a meeting in the future to testify after the applicant and staff had a chance to present or if he would rather give testimony that night.

Response unintelligible. *(not on mic)*

Mayor Stear stated they indicated they could come back at a future date and they also had a letter in the record.

Mr. Behunin confirmed the letter was in the packet and added the applicant requested to continue this to October 20, 2020.

Mayor Stear said that would be up to Council to table for a date certain.

City Attorney Marc Bybee advised Council to table for a date certain and not to open public comment at this meeting.

Motion To: Table the Public Hearing for Case No. 20-01-S (Preliminary Plat) to October 20, 2020

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0.

- D.** Public Hearing and consideration to approve Case Nos. 19-11-AN (Annexation) & 19-08-S (Preliminary Plat) for Ashton Estates East Subdivision – Doug Hanson, Planner I
ACTION ITEM
(Timestamp 00:28:12)

KM Engineering, on behalf of Kuna East LLC, requests to annex one 38.47-acre parcel into Kuna City Limits with an R-8 (Medium Density Residential) zoning district classification and to subdivide the 38.47 acres into 200 total lots (175 buildable lots, 25 common lots). The subject site is located at 2320 East Meadow View Road, Kuna, ID 83634, within Section 19, Township 2 North, Range 1 East; (APN: S1419241000).

Planner I Doug Hanson presented the staff report and stood for questions.

Council Member Christensen asked in which sections were the conditions for the sewage side the developer would have to attest to that Mr. Hanson had referred to.

Mr. Hanson replied section J of the staff report numbers six, eighteen, and nineteen.

Stephanie Leonard, KM Engineering, 9233 West State Street, Boise, Idaho 83714, passed out a presentation for Council that she had been unable to submit in time for inclusion in the packet. She reviewed the applications and stood for questions.

Mayor Stear opened the public hearing. He did not have anyone signed up to testify in this matter. He asked if there was anyone who wished to testify that did not get a chance to sign in.

Support: None

Against: None

Neutral:

Bud Gibson, 2800 Meadow View Road, Kuna, Idaho 83634, owned the property to the east. He wanted them to clarify what was going on with Strobel Road, the county, and if they wanted to come in and annex part of their place. He wanted to know how that would go through. He also wanted a fence along there. If this was going to become a

subdivision, he was sure there would be a trash issue with all the contractors. That was his biggest concern. He wasn't really happy with this kind of stuff.

Mayor Stear understood it was tough for longtime residents to see this.

Mr. Gibson had lived here for years. He wanted to know about Strobel Road, if they were going to annex, how they were going to take it through, and if there were any future plans that way. That was his biggest concern. There was a lot of impact.

Mayor Stear said they would see about an answer for him. He asked if there was anyone else that wanted to testify.

Shallece Jacobs, 2689 Meadow View Road, Kuna, Idaho 83634, asked about the impact on Meadow View Road. She wanted to know more about what that looked like as far as improving Meadow View Road. There were no lines on the road and it was very rural. Maybe eight cars went down that a road a day. She wanted to know what the traffic report was on that road and the development plans for all of Meadow View. As traffic came in and out of that subdivision, they would turn right onto Meridian Road and left to go down in front of her house. There were a couple hills on Meadow View. She lived where there was a hill that dipped. She had kids. She wanted to know the plans for the hills for the safety of her kids and others kids on the street. She asked what it would look like as far as Meadow View coming up to Meridian Road; would there be turn lanes and how would that be with another road. That was her biggest concern with this subdivision going in. People that worked south of town would be going down Meadow View to Locust Grove right by her house. More than eight cars a day would be going down her road 5:00 A.M. to 8:00 P.M. at night to get to and from work. She wanted to know how they were going to keep their roads safe in a rural area.

Mayor Stear asked if she looked at the packet and any of the information in it; including the traffic impact study. The traffic impact study was really big and it was why he was having computer issues.

Ms. Jacobs responded off mic.

Mayor Stear asked if there was anyone else who wanted to testify.

There were none.

Mayor Stear invited the applicant to come up to answer the questions that were asked.

Rebuttal:

Ms. Leonard stated, in relation to Strobel Road, it was a collector road by ACHD classification. Half would be on each person's property. The developer would be required to improve the half of Strobel that was on their property to ACHD standards. The other

half would remain undeveloped until the other owner decided to develop or sell the property.

Mr. Gibson asked if there would be a fence or something there.

Ms. Leonard did not believe they were planning a fence along the unfinished section on the other side of the roadway.

Mr. Gibson asked if *(unintelligible – not on mic)*.

Ms. Leonard did not believe ACHD would allow them to do that. They would require the roadway to be developed on their entire property.

Mr. Gibson said there was going to be a fence on his property.

Ms. Leonard said they would not be able to touch that fence because it was on his property.

Mr. Gibson thought, on that line, there should be some type of barrier fence of the developers; chain link or something not plastic because they burn the ditch.

Mayor Stear asked if there was currently a fence between the properties.

Mr. Gibson replied there was an old fence.

Mayor Stear asked if that fence would stay.

Ms. Leonard said yes, it would stay. They wouldn't be getting rid of it. She wasn't sure what ACHD would require or allow as far as a fence but they could discuss it with them.

Mr. Gibson would like that. He was concerned about garbage.

Ms. Leonard knew City ordinance required they maintain the site and take care of the construction trash.

Mayor Stear thought the trash issue was improving. The City had gotten better compliance and was stepping up on it more than they used to.

Mr. Gibson stated he had to pick up quite a bit out of the fields that year and they were a quarter of a mile away.

Mayor Stear clarified he was saying they weren't there yet.

Mr. Gibson said it was a concern.

Ms. Leonard would speak with their client about it and see what they could do.

Mayor Stear was still having issues getting to the traffic impact study. He asked if Ms. Leonard could speak to the Meadow View improvements.

Ms. Leonard believed they were going to be required to do a left turn lane along Meadow View. They would also be required to do two east bound left turn lanes and to modify the signal at Deer Flat and Meridian to allow the south bound right turn movement to operate effectively. Long story short, they had a traffic impact study done by a traffic consultant. The consultant looked at the situation and the amount of traffic the development would be adding to the area. Then they send the report to ACHD, who then reviews it and requires the developer make certain mitigations based on the number of trips they would be generating. Those were the main requirements that were summarized. She apologized for not having some cliff notes to give them a better idea. As far as Meadow View, it said that they should be required to construct a center turn lane at the Meadow View and Swan Falls intersection to ACHD's standards. She was happy to share that study with them.

Ms. Jacobs clarified they were doing stuff to the subdivision but they were not looking past the subdivision to the east and where all of those cars would be turning left from that subdivision and driving by her house.

Council Member Cardoza stated on page 3 of 249, under Staff Analysis, there was a description of the road conditions.

Ms. Leonard added the requirements did include the construct of the entirety of their boundary along Meadow View as half of a 6-foot street plus 12 feet. That gave a little extra space on the south side. They would be widening it and including sidewalks on their side as well. She knew that didn't answer Ms. Jacobs questions as far as the extra traffic that would be generated. She also noted the center turn lane at Meadow View she had mentioned. There was an analysis to predict how much traffic would be going north, south, east, and west from the site. She could find that information to talk to them about how much would be going west and north rather than by her house.

Mayor Stear thanked her for answering those questions. He asked if there was anything else she wanted to go over since he directed her time.

Ms. Leonard summarized this would add a variety of housing types that would be beneficial to many folks who wanted to live in this part of town. It was close to existing commercial and a major transportation corridor which most traffic would likely be using. It also had services they were working through to serve the site. She stood for questions.

Council President McPherson addressed the testimony given. Unfortunately, ACHD typically only required developers to do improvements within or close to their build. Ms. Jacobs was farther down the road and, by then, for lack of saying they don't care, they don't care. Council couldn't make them change their policy on that. He expected there would be some improvements on one of the eight cars that drove down her road. It was a narrower road with no painted lines. It needed to be addressed and it probably needed a

lower speed limit because of the hills. He totally got that. Also, for Mr. Gibson, down Deer Flat at Strobel, what was done at a property there was what he guessed would be done next to Mr. Gibson in time. He couldn't promise that but, they had a rickety old fence line that had been there a million years too and now it was a nice three or four strand barbed wire fence as part of the development. The other thing was, they might move that fence because property pins weren't where they were supposed to be or the fence could've been in the wrong place for 92 years and nobody knew it. That has happened to a few developments so he wanted him to be aware that could be coming.

Mr. Gibson thought, with the Strobel Road extension, if it just went through, it would be a mess trying to get across the canals and stuff south of Meadow View. He was curious if there was any foresight down the road for that.

Council President McPherson said that was an ACHD thing. Until it came before them, Council didn't have a clue.

Council Member Christensen was, with schools being at or near capacity, looking for Exhibit B11. It was supposed to be a Kuna School District exhibit and he couldn't find it. It was imperative to get the School District's comment on impact and capacity levels with a neighborhood this size.

Council Member Cardoza said he got confused with the School District. They didn't seem to be consistent with how many students they expected to be in a household. It didn't make their jobs any easier. He suggested Mayor Stear talk with the Superintendent to get some figures from the school board.

Mayor Stear agreed those had been varying. It used to be 3.1 people per household which was 1.1 kids per household. He thought what they were seeing was quite a few retirees moving out here that didn't have children in house. Anytime they made estimates with the School District they came out low. He thought it would be wise to look at it again because they did not seem to be consistent.

Council Member Christensen said he could have missed that figure in the packet but he did not see a school response and that was what was concerning to him.

Council Member Cardoza said he didn't see any exhibits in item 6D.

Planner I Doug had the exhibits. He did not know how those got missed. He apologized. He offered to read into record the information Council wanted. As far as capacity went, the School District said once the new Kuna high school, Swan Falls High, opened up, it would create additional capacity for the high school on Deer Flat Road. This neighborhood would likely generate 38 school aged children based on their current calculation of .65 students per household which was the current Ada County standard calculation.

Council Member Christensen said that was another question to ask. They were basing it solely off the broad Ada County calculation. Kuna was not Boise or Meridian. It was important the Kuna School District fine point what Kuna was. It was also a 2016 calculation and this was the year 2020. Things were very different. With the project being where it was, he believed it would impact Hubbard Elementary and Freemont Middle School. He asked if Mr. Hanson had the capacity levels for those schools.

Mr. Hanson responded currently Freemont Middle School was at an enrollment of 563 with a capacity of 730. Silver Trail Elementary was at an enrollment of 499 with a capacity of 710. Kuna High School's enrollment was 1,760 with a capacity of 1,500 some of which would be alleviated by the opening of Swan Falls High School anticipated for 2020-2021. Those were current numbers. He had the numbers for 2020-2021 as well. Silver Trail Elementary enrollment would be 514 with a capacity of 710. Freemont Middle School would have an enrollment 575 with a capacity of 730. Kuna High School would have an enrollment of 1,300 with a capacity of 1,500 and Swan Falls High School would have an enrollment of 500 with a capacity of 500.

Council Member Christensen clarified the project would impact Silver Trail Elementary; not Hubbard Elementary.

Council Member Cardoza asked if the figures were the same for Fossil Creek.

Mr. Hanson was not sure. What he had was directly in response for Ashton Estates East Subdivision.

Council Member Cardoza asked if anyone on the Council had any of the exhibits.

Mayor Stear did not have any.

Council Member Christensen saw B3 and B4 exhibits on page 220 of 239. Those were the only exhibits he saw.

Mr. Hanson said they should be in there. They just may not have had stickers on them when they were scanned in.

Council Member Cardoza had been through it twice and he did not see any exhibits in his. He asked if Council Member Laraway found any of exhibits, 1 through 8 or 9, in his.

Mayor Stear's iPad started over again.

Council Member Cardoza said his would crash if he started flipping through it. There were about 730 pages in the packet.

City Clerk Chris Engels offered to pull the packet up on the Chambers flat screen.

Council Member Christensen asked if anyone had seen ITD's and ACHD's statements summarizing their findings. Usually those were in the packets as well.

Council Member Cardoza had not seen those.

Council President McPherson was still trying to get through the Traffic Impact Study.

Ms. Engels asked what exhibits they were looking for.

Council Member Cardoza asked for exhibit B7; the letter from the City Engineer.

Council President McPherson and Mayor Stear went through all the items Council President McPherson could find in the packet.

Mr. Hanson said exhibit B1 started on page 212 of 239.

Ms. Engels pulled the exhibit up on the screen.

Council Member Cardoza requested exhibit B7.
They could not find B7.

Mr. Hanson said he had everything in the file. He wasn't sure if something happened when he condensed everything to send it over. Initially it was a 50MB packet when he had to drag it over.

Council Member Christensen was missing half the exhibits.

Mr. Hanson said it looked like somehow some of the exhibits were lost within the packet. He had all the agency comments on file and in his folder. He thought he had them all in the packet when he checked it but something must have happened when he condensed the file.

Council Member Cardoza asked City Engineer Paul Stevens about the Danskin sewer drainage basin. He didn't understand the figures. He had connection at 3,517 at the lift station. Will Serve committed was at 4,293 which was basically 700 over. Building lots per day was 1,014. He didn't understand why remaining capacity was 415. If capacity was 3,517 and they committed 4,293, he didn't understand how they had outstanding capacity in that lift station. He believed this was at Patagonia.

Mr. Stevens said to ignore the buildable lots part and it should come out okay.

Council Member Cardoza asked if he knew what the capacity was there.

Mr. Stevens said they knew but he didn't believe those were their numbers.

Council Member Cardoza said, if they already had 3,517 connected and had committed themselves to another 4,293, that put them at over 7,000 EDUs.

Mr. Stevens said it was not in addition to the 3,517.

Council Member Christensen clarified it was 700 over, not adding up to 7,000. They were connected at 3,500 and will serve was at 4,200 so, there was only 700 more that was at a committed capacity.

Council Member Cardoza didn't understand. He thought Planning & Zoning said they were at capacity for that lift station.

Mr. Stevens had never seen the picture Council Member Cardoza had been referring to before. They were at or nearly at capacity so, what they were doing was running preliminary numbers to see if they had room for a third pump in that station. It looked like the lines going in and out were large enough to accept additional capacity. They were going to have a disinterested third party do a capacity evaluation with a third pump in because they were right at capacity.

Council Member Cardoza asked if developers should be helping to pay for the pump.

Mr. Stevens stated the developer for this project agreed to do that but he had since then sold it. They had not spoken with the new developer yet.

Council Member Cardoza thought that should be understood before they even voted on this.

Eric Scheck, Hayden Homes, 1406 N Main Street, Meridian, Idaho, stated they acquired the property about a month before this. They worked with the prior property owner and they understood the capacity issues with the lift station. He did briefly speak with Mr. Stevens about it and they were awaiting the results of that study. It was their understanding they would be contributing to the potential upsizing of that lift station to accommodate their project.

Council Member Cardoza asked if he understood why he would like to have a letter as an exhibit before proceeding on voting on the annexation.

Mr. Scheck thought Mr. Stevens did an excellent job with the condition itself. It did talk about the developer needing to contribute and upsize the existing facilities to serve and they were in agreement with that condition.

Mr. Hanson read in to the record conditions 18 and 19 to clarify a lot of the issue that was just discussed. They were as follows:

"18. Applicant shall not request final plat approval until the City's Public Works Director issues the Will-Serve Letter to the applicant that states the City's Danskin Lift

Station or some other City appurtenance has capacity to accept the wastewater discharged from the proposed subdivision.”

“19. In the event a Will-Serve Letter is not issued within the time the Applicant is required to record a final plat, the Applicant shall have good cause and be eligible to receive, pursuant to KCC § 6-2-3 (J), a time extension to file a final plat up to and until a Will-Serve Letter has been issued.”

Mr. Hanson requested to table this item to a date certain so he could figure out the technical issues with the packet and everything could be on the record.

Mayor Stear said it would be prudent to get the rest of the information in. It would be good to table this until then.

Mr. Scheck requested they make a decision that evening. They were working with Planning & Zoning back in July with the anticipation of being approved that night so they could move forward with construction of the project. Staff had mentioned they had copies of the reports and studies. He knew staff had reviewed them exhaustively. He was at their mercy and was requesting, if a continuance was the only way to go to provide that as required by law he understood, but, if there was any way possible, for a decision to be made that evening.

Council President McPherson preferred to table it for two weeks to get the right info in the packet. He asked if that was the consensus.

Council Member Christensen agreed. He thought there were a lot of great questions being answered in verbal testimony but having it on record to fall back on, research, read, and look at was imperative. He did appreciate the conditions of before a final plat approval but he struggled with approving something that they still couldn't serve with the hopes that they would have an at will contract in place at some point before final plat and annexing this with the preliminary plat before seeing something on paper that said there was a full understanding in regards to the sewage capacity. He struggled proceeding with things on verbal testimony only.

Council Member Laraway asked, if they kept holding everything back, would the application date still give precedence over the next subdivision that came in later on. He didn't understand how the pecking order worked. He understood that, if they had a developer's agreement that said if this came to a point where the City could serve them, it was a done deal and they didn't need to come back through the process or, if they didn't approve it then they had to come back through the process. He didn't know which was the best way to do that.

City Attorney Marc Bybee shared City Attorney Bill Gigray played a part in drafting the conditions that were there. The purpose of the conditions and offering the preliminary plat approval subject to these conditions was it would hold the developers place in line if other developments were to come in during that time frame. Essentially, their spot would

be reserved if the capacity increase happened. The purpose of this was to say they could not submit a final plat until the capacity issue was addressed so they weren't dealing with that part of the process when capacity hadn't been addressed. Capacity must be addressed before the final plat request was made. The last condition was to accommodate for potential continuances on their application, reserving the benefit of the law at the time their application was made and other things by giving them the opportunity to continue if necessary. If capacity wasn't increased in two years, they would have to submit their final plat but, they could continue and extend the time frame and still have their place in line.

Mayor Stear's preference was to see the rest of the packet.

Council President McPherson agreed. Then they could move on after they saw those.

Ms. Engels asked that they specify in the motion if it was open for additional testimony or if it would be limited to just the exhibits.

Council Member Christensen thought more questions would come up with the more detailed information so it would be wise to leave it open.

Council President McPherson agreed.

Motion To: Leave the Public Hearing open and table Case Nos. 19-11-AN & 19-08-S to the October 20, 2020 meeting for exhibits and additional testimony.

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0.

7. *Business Items: None*

8. *Ordinances:*

Consideration to approve Ordinance No. 2020-29 ACTION ITEM
(Timestamp 01:26:46)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS; AND
- ENLARGING THE BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM BY THE INCLUSION OF ADA COUNTY ASSESSOR'S N STAR FARM LLC.; AND
- DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; AND
- DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE AS PROVIDED BY LAW; AND

- DIRECTING THE CITY ENGINEER TO PROVIDE NOTICE OF THIS ORDINANCE TO THE BOISE~KUNA IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; AND
- PROVIDING AN EFFECTIVE DATE.

Motion To: Waive three readings of Ordinance No. 2020-29

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0.

Motion To: Approve Ordinance No. 2020-29

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Approved by the Following Roll Call Vote:

Voting Aye: Council Members Cardoza, Christensen, Laraway, and McPherson

Voting No: None

Absent: None

Motion Passed: 4-0.

Motion To: Approve Summary Publication of Ordinance No. 2020-29

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0.

9. *Executive Session:*

(Timestamp 01:28:52)

Convene Executive Session pursuant to:

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

- (c) To receive information regarding the acquisition of an interest in real property which is not owned by the City of Kuna.

Motion To: Convene Executive Session pursuant to Idaho Code Section 74-206 (1)(c) to receive information regarding the acquisition of an interest in real property which is not owned by the City of Kuna.

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Voting No: None

Absent: None

Motion Passed: 4-0.

Mayor Stear indicated he, Council, Attorney Marc Bybee, and City Clerk Chris Engels would stay for the Executive Session.

Executive Session City Council Regular Meeting of October 6, 2020 – The City Council, upon a unanimous vote, convened into the Executive Session, pursuant to Idaho Code Section 74-206 (1)(c) to receive information regarding the acquisition of an interest in real property not owned by the City. The executive session was convened at 7:29 p.m. In attendance was Mayor Joe Stear, Council President Greg McPherson, Council Member Richard Cardoza, Council Member Warren Christensen, and Council Member John Laraway. Also, in attendance, by request of the Mayor and Council, was City Attorney Marc Bybee and City Clerk Chris Engels. Ms. Engels was appointed as special clerk to take the minutes of this executive session. Information was then provided to the Mayor and the members of the City Council regarding the subject of the executive session. At 7:42 p.m. Council President Greg McPherson moved and Council Member Christensen seconded to come out of executive session and to reconvene into open session which motion passed unanimously.



Chris Engels, Clerk of Executive Sessions

Open session resumed and Mayor Stear reported information was received during the executive session relative to the announced purpose and no action was taken.

10. Mayor/Council Announcements:

11. Adjournment:



Joe L. Stear, Mayor

ATTEST:


Chris Engels, City Clerk



Minutes prepared by Ariana Welker, Deputy City Clerk
Date Approved: CCM 10.20.2020



CITY OF KUNA

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SIGN-UP SHEET

October 6, 2020 – City Council, Public Hearing

Case Name: **Corbin's Cove Subdivision.**

Case Type: New Subdivision.

Case No.: **19-10-S** (preliminary plat).

Please print your name below if you would like to present oral testimony or written exhibits about this item to the Council/**Commission**.

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Troy Behunin

From: Paul Stevens
Sent: Tuesday, October 6, 2020 2:27 PM
To: Wendy Howell; Troy Behunin
Cc: Mike Borzick; Jared Empey; Brad Watson
Subject: Corbin's Cove Subdivision/Gary McAlister

Wendy and Troy:

Mike and I re, re reviewed the preliminary Ten Mile Lift Station Report. The evaluating Engineer is making a final review.

While there are a lot of variables and assumptions it looks like we can commit to serving 21 EDUs in Corbin's Cove.

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



751 W 4TH ST
PO Box 13
KUNA, ID 83634



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SIGN-UP SHEET

October 6, 2020 – City Council, Public Hearing

Case Name: ***Ensign Subdivision No. 1 Re-Subdivision;***

Case Type: Combination Preliminary & Final Plats

Case No.: **20-01-CPF (Combo Preliminary & Final Plat)**

Please print your name below if you would like to present oral testimony or written exhibits about this item to the **Council/Commission**.

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SIGN-UP SHEET

October 6, 2020 – City Council, Public Hearing

Case Name: **Fossil Creek Subdivision**;

Case Type: Preliminary Plat for Fossil Creek Subdivision

Case No.: 20-01-S (prelim plat).

Please print your name below if you would like to present oral testimony or written exhibits about this item to the Council/Commission.

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| Print Name | | Print Name | | John Marsala | |
| Print Address | | Print Address | | 2150 Secluded Ct. | |
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IN FAVOR

NEUTRAL

IN OPPOSITION

Testify **Not Testify**

Troy Behunin

From: Jane Suggs <jane@gemstateplanning.com>
Sent: Tuesday, October 6, 2020 10:51 AM
To: Troy Behunin
Cc: Wendy Howell; Shawn Brownlee
Subject: Fossil Creek hearing at City Council - request for deferral to October 20

Categories: KMN Publishing, Important

Hi Troy,

Thank you for the call today concerning the deferral of the City Council hearing for the Fossil Creek Subdivision.

I apologize for the missing the hearing sign posting for the revised hearing date. My mistake on top of the missed notification in the newspaper is unfortunate, but I do understand the need to follow the Kuna Code. Please ask the City Council to defer our hearing to a date certain. I request the date of **October 20th**, as the Ledgestone South hearing in on that date as well.

If that date is not available, I hope to be rescheduled to the next/earliest available City Council hearing date. Again, I apologize for the mistake and appreciate the understanding of the City staff and the City Council.

Thank you,

Jane

Jane Suggs

Gem State Planning, LLC

9840 W. Overland Road, Suite 120

Boise, ID 83709

208-602-6941



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SIGN-UP SHEET

October 6, 2020 – City Council Public Hearing

Case Name: Ashton Estates East
Case No: 19-11-AN (Annexation) & 19-08-S (Preliminary Plat)

Case Type: Kuna East, LLC and KM Engineering requests to annex one 38.47-acre parcel into Kuna City Limits with an R-8 (Medium Density Residential) zoning district classification and to subdivide the 38.47 acres into 200 total lots (175 buildable lots, 25 common lots). The subject site is located at 2320 East Meadow View Road, Kuna, ID 83634, within Section 19, Township 2 North, Range 1 East; (APN: S1419241000).

Please print your name below if you would like to present oral testimony or written exhibits about this item to the Commission or City Council.

Table with 3 columns: IN FAVOR, NEUTRAL, IN OPPOSITION. Each column has rows for 'Testify' and 'Not Testify' with fields for Print Name, Print Address, City, State, and Zip. Includes handwritten entries for Bud Carlson and Sherrilee Jacobs.

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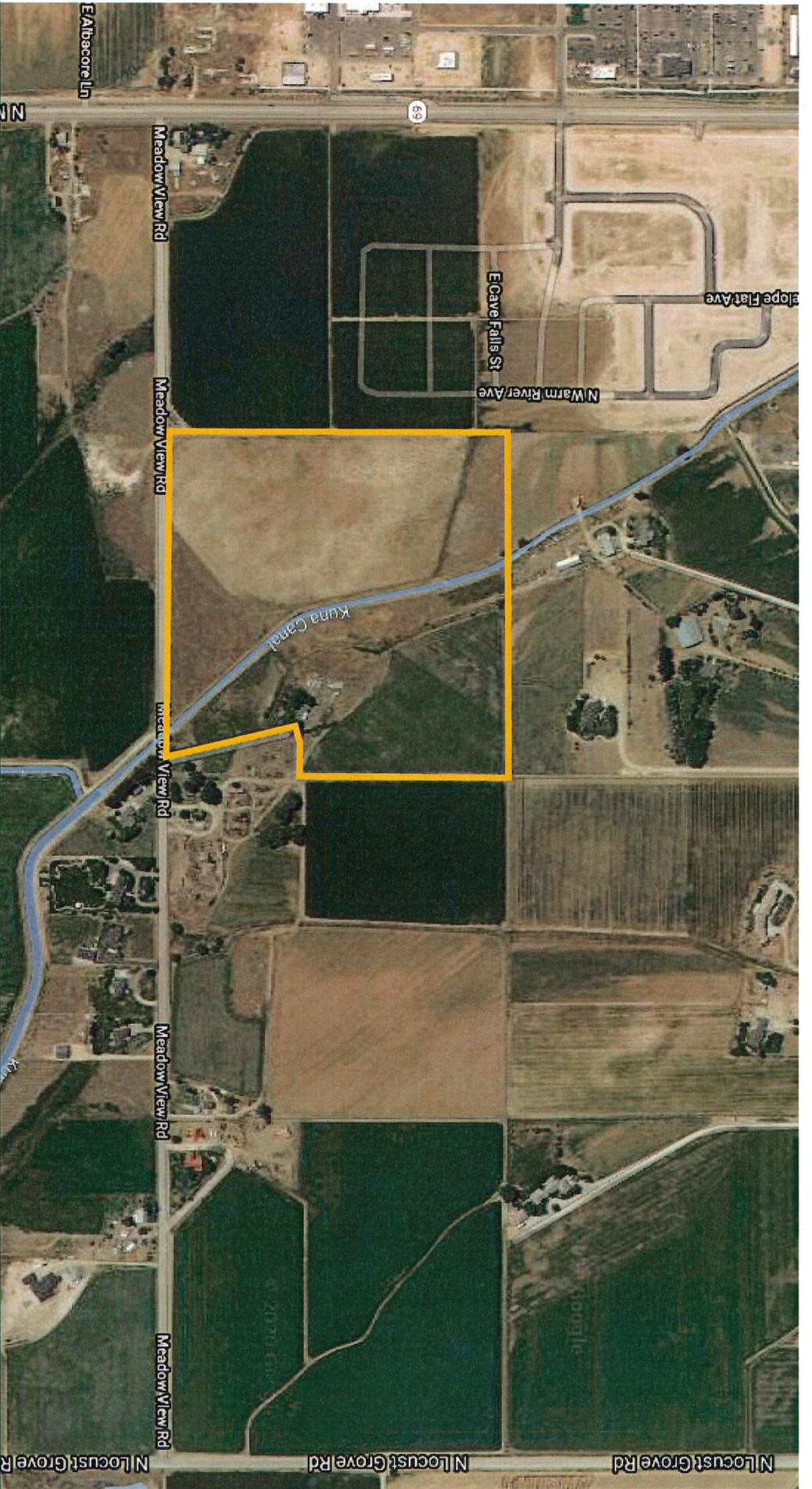
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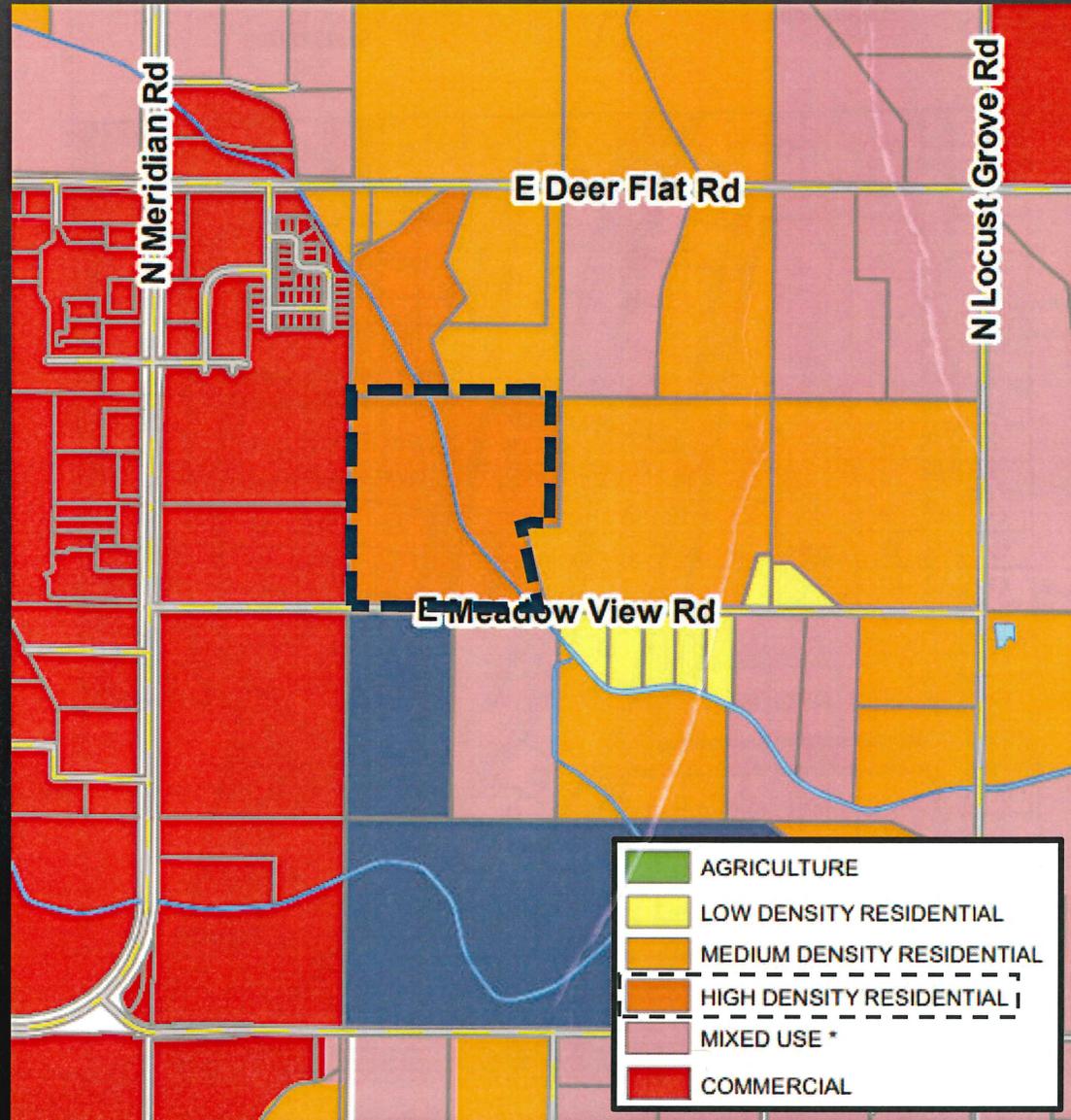
**Ashton Estates East
Annexation, Preliminary Plat**

City of Kuna

City Council

October 6, 2020

Future Land Use Map



Thank you

