



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, December 1, 2020

6:00 P.M. REGULAR CITY COUNCIL

*Due to the rise in COVID-19 cases and the Governor's Order dated November 14, 2020:
Council Chamber is closed to the public.
Public Attendance Option is Live Streaming*

Live Streaming Instructions:

Members of the public may watch the December 1, 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.*

PUBLIC HEARING APPLICANT/PUBLIC 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.**
2. Email PublicHearingTestimony@KunaID.gov
 - ✓ Your name
 - ✓ Address
 - ✓ Phone Number you will be calling from to give testimony
 - ✓ Email Address

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.

- ✓ 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.

*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:

Bill Gigray, City Attorney – Via Zoom
 Chris Engels, City Clerk – In Person
 Jared Empey, City Treasurer – Via Zoom
 Lisa Holland, Economic Development Director – Via Zoom
 Nancy Stauffer, Human Resources Director – Via Zoom
 Jace Hellman, Interim Planning & Zoning Director – Via Zoom
 Paul Stevens, Public Works Director – Via Zoom
 Bobby Withrow, Parks Director – Via Zoom
 Mike Fratusco, Kuna Police Chief – Via Zoom

2. Invocation: None

3. Pledge of Allegiance: Mayor Stear

4. Consent Agenda: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS
 (Timestamp 00:00:44)

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 November 17, 2020

B. Accounts Payable Dated November 24, 2020 in the amount of \$294,878.06

C. Case No. 20-21-FP (Final Plat) for Madrone Heights No. 1

D. Resolution No. R70-2020

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO REPEALING AND REPLACING RESOLUTION NO. R55-2020 AND APPOINTING A NEW MEMBER OF THE KUNA ARTS COMMISSION.

Motion To: Approve the Consent Agenda as published

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 tabled from November 17, 2020 and consideration to approve Case Nos. 20-01-ZC (Rezone) and 20-02-S (Preliminary Plat) for Sera Sole Subdivision – Doug Hanson, Planner I and Riley Planning, LLC, Applicant ACTION ITEM (Timestamp 00:01:24)*

Riley Planning, LLC requests to rezone two parcels consisting of approximately 19.22-ac in Kuna City, from Agriculture (Ag.) **TO** the R-6 MDR (Medium Density Residential) zone and to subdivide the same lands into 89 total lots (78 buildable lots and 11 common lots). The subject site is located near the NWC of Swan Falls Road and Sunbeam Street within Section 26, Township 2 North, Range 1 West; (APNs: S1326141870 & S1326142025.).

Please follow the link below to view the Staff Report and Packet for Case Nos. 20-01-ZC (Rezone) and 20-02-S (Preliminary Plat):

<https://www.kunacity.id.gov/DocumentCenter/View/7245/6A-Sera-Sole-Subdivision-CC-Packet-1212020-PDF>

Planner I Doug Hanson presented the staff report. He noted the site on the future land use map showed these parcels were designated as mixed use, however, they had very limited

frontage. The proposed subdivision had one non-residential lot, Lot 55 Block 1 adjacent to Swan Falls Road, that could be used in the future as commercial. At that time the lot would be required to go through the public hearing process for a rezone. Staff strongly recommended the applicant be conditioned to provide a note on the final plat that Lot 55 Block 1 as shown on the preliminary plat be reserved for a non-residential use. Economic Development submitted comments of concern with the transition of land uses to the north. Staff added the additional condition from the Planning & Zoning Commission requiring the applicant to work with staff to enhance the landscaping plan to include a heavy buffer between the subdivision and light industrial uses to the north. Staff asked the applicant to speak to the transition before the Council. He stood for questions.

Penelope Constantikes with Riley Planning, P.O. Box 405, Boise, Idaho 83701, stated the applicant and project team agreed with the conditions of approval. She reviewed the applicant's request and the project history. She noted, in regards to the north boundary landscape buffer, their thought was to put in a row of arborvitae similar to what was outside City Hall along the east boundary line next to the commercial neighbor. It provided an excellent solid visual and sound buffer wall because they could be planted so close together as to be almost impenetrable. They were happy to work with staff to find an appropriate solution for the landscaping along the north boundary. She stood for questions.

Mayor Stear opened the public hearing. He asked if there was anyone online who had requested to testify.

There were none.

Support: None

Against: None

Neutral: None

Mayor Stear shared his two major concerns. This was at the top of the hill where Stagecoach came into Swan Falls. That was always a scary intersection and he worried about adding more traffic to that area. His other concern, which Ms. Constantikes addressed, was the northern boundary where there was commercial zoning. Economic Development Director Lisa Holland addressed it in her letter. It was similar to a Best Bath situation. Housing would go in and then when commercial development occurred it was highly disputed. Those were the two concerns he had right off the bat. There was no testimony so Council could discuss and go back to Mr. Hanson or Ms. Constantikes for questions.

Council Member Christensen shared Mayor Stear's concerns. The public testimony forms submitted spoke to the same traffic concerns at that hill. It caused a lot of safety issues. There were also still strong back up delays with the trains and afternoon traffic congestion. With the fire station a mile away, that added to the already strong concern for that road and crossing. The more residents added to that area on that side of town, the

more they added to strong delays of potential emergency services. Those were his initial concerns.

City Attorney Bill Gigray stated, given some of the concerns voiced, an option they had was to continue the hearing with the request for ACHD, or whoever had jurisdiction over that highway, to appear and provide further evidence to consider. If they were going to deny this application, Council would need to identify specific facts as the reason for denial as well as establishing items the applicant would need to follow in order to get the requested permit, or they could approve with specific conditions. It was important Council have specific facts upon which it could rely in establishing any additional conditions addressing particular issues. Those were the options Council had and it was up to them.

ACHD Representative Edinson Bautista reviewed the traffic findings in their staff report included in the Council Packet. Based on that report there were some standard requirements the applicant would need to meet for ACHD approval.

Mayor Stear clarified they were mostly looking at the level of service or how much traffic Swan Falls Road could hold. He didn't see anything specific in the report regarding entering the road where the hill dropped off; unless he missed it.

Mr. Bautista did not think they had anything specific to that. He could take the Council's question to their Work Development Services Department and they could provide a specific answer.

Mayor Stear replied they would see what Council's pleasure would be for that but it would certainly be interesting to him.

Mr. Gigray suggested asking ACHD to look at the visibility at that intersection and the anticipated additional traffic there. ACHD could respond with what concerns, if any, they might have as well any additional conditions they might request in order to improve the safety of that intersection.

Council Member Cardoza asked if the Council could condition an acceptance. He was concerned about the fire/police protection due to the railroad. He asked if a motion could be made for accepting a subdivision with a condition that anyone looking to buy a home in a certain subdivision be notified of the lack of police or fire in some cases or being located near an industrial area or if that would infringe on the right of development.

Mr. Gigray recommended, if they were interested in making that condition, it go back to staff and the applicant for consideration to find out if that kind of condition would be acceptable. Something to consider might be putting a note on the plat which would be available to anyone that purchased any lots in the subdivision. That would be one way of providing notice to them in regards to those items. He suggested remanding that back to staff for review with the applicant and to consider any other conditions they might want to propose.

Council Member Cardoza asked if they had the legality to employ a condition like that.

Mr. Gigray replied they would need to have facts in the record that supported the condition as reasonable and that the condition be imposed on one of the approvals before them in an appropriate manner.

Council Member Cardoza asked if Mayor Stear knew how close the City was to putting a bridge across there at Swan Falls.

Mayor Stear stated the City did not have the funding at that time. He couldn't give a timeline for that. A reason ACHD did that study was to preserve area for whatever roadway improvements would need to be made but it had been seven or eight years since that happened.

Council Member Cardoza said if there was an overpass there it would meet the top of the hill which would make visibility to the south much better but they didn't know when, where, or the financing for putting a bridge in. He thought at one time there were four or five locations and, last he heard, Swan Falls had been settled on for the location. He didn't know how far out that was but that could meet the safety issue when it went in. He just didn't know when that would be. At that time, he didn't see safety at the top of the hill on Swan Falls unless they put a stop sign in and he wasn't sure they would want to do that in snow country.

Mayor Stear stated Swan Falls was identified as the preferred location. The natural drop would make the overpass end beyond Shortline which would make Shortline no longer T into Swan Falls. That meant an alternative route would have to be put in where the road could turn and head back towards Avalon. He didn't have the map in front of him to pin point exactly where that road needed to be but he thought it would be right about in this vicinity. He just couldn't say for sure.

Council Member Cardoza thought the schematic he saw showed Shortline would go under the overpass and come out by the Pioneer Cemetery. However, that didn't solve their current problem.

Council President McPherson said, looking at the dates on the previous meetings, the engineer's comments, and this and that, in one thing it said they wanted to rezone and preliminary plat then it immediately said, "The Sera Sol Subdivision site is approximately 19.22 acres and currently zoned A agriculture. Requested zoning is R-6 medium density residential. This application does not specifically request a zone change". Council President McPherson thought they were changing the zoning.

Council Member Christensen clarified that was in the engineer's memo dated April 8, 2020.

Council President McPherson said that kind of confused him. The next issue was with that side of the tracks and sewer capacity. He didn't see where that was addressed. He asked if anyone saw anything about that.

Mayor Stear thought the sewer capacity issues were further west.

Mr. Hanson explained the Sera Sole Subdivision was part of the LID and still had EDUs reserved to serve the site.

Public Works Director Paul Stevens confirmed Mr. Hanson's statement and added sewer capacity was not an issue.

Council President McPherson wanted to have ACHD engineers site map the area to see if it was the best idea for access or if the entryway could be moved; if the rest of Council was okay with that.

Council Member Christensen agreed. He also wanted to hear how emergency services viewed that portion of the tracks and any potential safety concerns they might have; if any.

Mayor Stear asked if Ms. Constantikes would like to rebut Council.

Rebuttal:

Ms. Constantikes explained they covered some of this in the Planning & Zoning Commission hearing. In regards to traffic and the location of fire and police, she had been doing planning in the valley for more than 20 years and the improvement of services including the addition of satellite fire and police facilities were like roads, reactive not proactive. The way to get additional services located south of Swan Falls Road was to allow development to occur which would facilitate that implementation. Some of the neighbors that came to the P&Z meeting brought this item up. Most were new residents that hadn't been in Kuna more than a few months or maybe a few years. None of them indicated they had problems getting emergency services.

Ms. Constantikes stated, regarding the transportation element, there was nowhere else they could put the access point besides where it was proposed, unless they put it where the commercial site was located but then the commercial site went away. The site abutting Swan Falls Road where they were proposing their access was not sufficient in size to do anything with. It could not be used for a commercial site and they couldn't flip the accesses. They had them separated by an island to improve visibility and safety.

Ms. Constantikes said, with regards to traffic and Swan Falls, at some point in time something would happen with the intersection of Swan Falls and Avalon but she did not think that should be an impediment to approval of the project. That condition had existed for a very long time. In her estimation, the trip generation for the PM peak hour was somewhere around 78 vehicle trips. At the most there would be some percentage of 78 vehicles so if 50% of them hit the peak hour there would be 37 or 38 vehicle trips added to Swan Falls Road during the PM peak hour. She said that wasn't very many trips and didn't think it would have any substantial impact on the functioning of Swan Falls Road.

Ms. Constantikes explained they did go through this process with ACHD and this was the second time this site had been reviewed. The ACHD staff report was reflective of what was issued in the past. The level of service was acceptable and the design of the entryway was acceptable to the district. There just wasn't anything they could do regarding the railroad tracks. That condition had existed for some time including when other subdivisions in that part of Kuna had been approved and constructed. It might seem a little unfair to deny Sera Sole when other subdivisions had been approved when the conditions at the railroad tracks existed already.

Ms. Constantikes didn't know what ACHD could offer as further information. She was a former development services planner for ACHD and felt they were usually pretty comprehensive with their staff reports. If there had been an alternative, she was confident the district would have brought it up. She reiterated the way to get more facilities and services was to provide people to use them.

Mayor Stear reviewed ACHD had offered to take a look at Council's concerns and bring back whatever they found if that was what Council wanted. They all realized the railroad tracks were there and had been forever. That hadn't stopped anyone yet but, there were enough residents over there now to make it a concern and it would continue to be a concern. That was probably why it came up more than it used to but, it didn't help the situation either. They all understood the more residents, the more tax base there would be to provide those types of services but, it was still at a point to be a little scary. They were all going through these growing pains. A major concern for him was the intersection. They really needed to take a look at that and determine if it was safe. If there was nothing that could be done to make it safe, that answered for itself. It was his opinion they should have ACHD look at it to see if they could come up with any more suggestions. He was also concerned with the north boundary being against an industrial site. They all knew they needed commercial development and, although there was nothing in the hopper at that moment, they didn't want a lot of resistance on things that provided jobs and a better tax base for the city.

Council President McPherson agreed. He asked if ACHD could get that done in two weeks.

Mayor Stear suggested tabling to that date certain and, if that information wasn't back yet, they could continue it again. He asked if ACHD had any recommendations for a timeline. The next meeting was December 15, 2020.

Mr. Bautista said he would pose the question the next day. He wasn't sure what response he would get but they would respond probably by the next meeting but he couldn't guarantee it.

Mayor Stear said they would appreciate Mr. Bautista doing that and asked them to direct staff to make contact with the Planning & Zoning staff. If Council had nothing further, they could make a motion to that affect.

Council Member Christensen asked if they could have staff reach out to fire and police regarding emergency services.

Mr. Gigray noted he also heard there were concerns regarding the proximity of the proposed development to an industrial area. He recommended they have staff re-review that issue. If this was an issue of which they would consider a denial of these applications, that would be based on conformance to the comprehensive plan. If they wanted to keep that issue before the Council for consideration and discussion, they should have staff review that issue as well.

Mayor Stear thought they were in compliance with the comp plan. It was just a matter of the buffer zone. However, they could add that in for staff to take a further look at it. So far, he had looking at traffic visibility and safety concerns at Stagecoach, contact police and fire for comments, and looking at the industrial zone impact.

Motion To: Continue the Public Hearing to the December 15, 2020 Council meeting, directing staff to reach out to fire and police for comments and a further look into traffic and accessibility concerns, work with ACHD on traffic visibility, and look at the industrial zone impact to the north of the project.

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 3-0-1

Recused: Council Member Laraway

- B.** Public Hearing and consideration to approve Case No. 20-04-ZC (Rezone) for Durrant - Doug Hanson, Planner I ACTION ITEM
(Timestamp 00:47:22)

Kent Brown Planning Services is requesting to rezone approximately 12.16 acres from A (Agriculture) to R-6 (Medium Density Residential). The subject site is located near the NEC of S Linder Road and W Columbia Road, Kuna, ID 83634 (APN: S1301336350).

Please follow the link below to view the Staff Report and Packet for Case No. 20-04-ZC (Rezone):

<https://www.kunacity.id.gov/DocumentCenter/View/7246/6B-20-04-ZC-CC--Durrant-Staff-Packet-PDF>

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

Kent Brown represented the applicant. He stated they were in agreement with the staff report and were not planning on doing anything at that time. His client had been approached by the City. He had done a record of survey and the parcel that was consolidated was multiple zones. It was required to be one zone. This matched the other portion of the property but there was no intent to do any development. It was just a good

planning move to have this type of residential near the high school. He stood for questions.

Mayor Stear opened the public hearing. He asked if anyone had requested to testify.

City Clerk Chris Engels said there were none.

Mayor Stear stated there was no audience so there was no one there wishing to testify. The public hearing was open. He invited Council to have discussion.

Support: None

Against: None

Neutral: None

Rebuttal: None

Council Member Cardoza wondered if they should lower the zoning from an R-6 to an R-4 given the City's issues with lift stations; although they could be solved by then. They could give an R-6 and still have an R-4 in the number of homes. He saw no problem with it.

City Attorney Bill Gigray said, if they wanted to change the zoning designation at this hearing, he recommended they rehear it so adjacent property owners and people entitled to notice would have an opportunity to address a more intense zone than was advertised thus far.

Council Member Laraway stated this was a future thing. They were just trying to rezone it. There was nothing planned. He didn't have a problem with it.

Council Member Christensen was good with it.

Council Member Laraway added it would have to come back before them again.

Mayor Stear said it was in the vicinity of the high school and they were just trying to clean things up. He didn't have a problem with it.

Motion To: Close the evidence presentation and proceed to deliberation

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0

Motion To: Approve Case No. 20-04-ZC (Rezone) and Close the Public Hearing

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0

- C. Public Hearing and consideration to approve Case Nos. 20-02-AN (Annexation) and 20-04-S (Preliminary Plat) for Rising Sun Commons – Jace Hellman, Interim Planning & Zoning Director and Mark Tate, M3 Companies ACTION ITEM
(Timestamp 00:54:37)

The applicant, JUB Engineers, requests annexation approval to bring approx. 11.74 ac into the City of Kuna with an R-6 Medium Density Residential zone and preliminary plat approval to subdivide the approx. 11.74 ac into 53 total lots. The proposed gross density is 3.66 DUA (Dwelling Units/Ac), and the net density is approx. 5.39 DUA with 10.7% usable open space for a total 1.26 ac of open space. This will be an extension of Rising Sun Estates Sub. (Approved Nov. 2017). The site is near the Southwest Corner (SWC) of Kuna and Stroebel Roads. Kuna, ID 83634; within Section 30 T2N, R1E, B.M., APN No's: R0615250650 and R0615250700.

Please follow the link below to view the Staff Report and Packet for Case Nos. 20-02-AN (Annexation) and 20-04-S (Preliminary Plat):

<https://www.kunacity.id.gov/DocumentCenter/View/7247/6C-Rising-Sun-Commons-CC-Packet---reduced-PDF>

Interim Planning & Zoning Director Jace Hellman presented the staff report and stood for questions.

Mark Tate, M3 Companies, 1087 W. River Street, Suite 310, Boise, ID 83702, presented the application. He referenced slides included in the Council Packet as he reviewed the project. He pointed out a change to the original submittal in the northwest corner of the preliminary plat on the west side of the entry road called Easter Avenue. The reason for the change was the City requested a pressure irrigation station, including a pond, to serve this property and some adjacent properties. They were able to accommodate that in that location. Where there was a street stub there was now a common drive, the common lot expanded, and they added one additional drive lot from the original submittal. He had one request on the staff report. He asked that condition 17 be removed. They didn't pick Rising Sun as the subdivision name and they respectfully requested that condition be removed so they could market the subdivision potentially with a different name than what was on the subdivision plat. It was a pretty common occurrence with subdivision plat names being fairly goofy and restrictions on naming processes. Most of their subdivisions were marketed under different names than what was on their plat. He stood for questions.

Council Member Laraway asked if the beach area on the east park rendering would be open to the public.

Mr. Tate replied yes, both of the parks on the southwest and southeast corners as well as the walkway would be public. Mr. Hellman had mentioned in the staff report they had been working with staff and counsel on a park agreement. It was almost done and he was confident it would be before Council for approval shortly. That would make these parks public and managed by the Parks Department.

Council Member Laraway asked if there were plans for life saving stations with floatation devices that could be thrown to someone in distress since the beach would be inviting to young people.

Mr. Tate explained they hadn't gone quite to that level of detail in the design but they would certainly be open to those kinds of suggestions. He was not aware of those type of things along the Boise River but was definitely interested in looking into it.

Mayor Stear asked Mr. Hellman if there was any objection to removing condition 17 and the applicant marketing the subdivision under a different name.

Mr. Hellman responded they did not have any objections but, asked that if a name was chosen, staff receive updated preliminary plats for their files because that was something they ran into problems with. If the applicant was willing to work with staff on keeping the name on file up to date, staff was open to removing that condition if Council wished to do so.

Mayor Stear opened the public hearing. He asked if anyone had requested to testify.

City Clerk Chris Engels said there were none.

Mayor Stear stated the public hearing was open. He invited Council to have discussion.

Mayor Stear thought this looked like a good thing to help with the mess Kuna had out on Stroebel Road for floaters. It had been a problem area and they appreciated the applicant working with staff and trying to make a nice area for the public.

Council President McPherson agreed. He counted the parking spaces in the pictures and came up with 45. He didn't know that he had ever seen 45 cars parked on the side of Stroebel but it had probably been close. That would definitely help with accessibility down Stroebel Road and that area. The conceptual pictures looked great and he was excited to see what the Parks Department got done with those. He wished them luck putting it in with all the rock there.

Council Member Laraway wanted to emphasize the lifesaving stations even if the City had to do it. He also wanted to see a floatation line from one point to another to help with the small kids since there would be a current. They were creating a nice atmosphere and he would like to see the City raise the bar a little by adding safety features.

Mayor Stear asked if Parks Director Bobby Withrow wanted to address anything.

Mr. Withrow said they could look at safety stations or a line across the creek; anything they could do to try to make things as safe as they could. The goal had always been to get the cars off of Stroebel because it got congested over there. The west part would be a great amenity and they would do everything they could to keep people safe.

Council Member Christensen agreed with everything that was said. It was certainly an elegant and beautiful looking area that was desperately needed.

Council Member Cardoza liked the layout. He asked about the name change condition. On page 12 of 106 the condition was listed as 17 but on page 23 it was listed as condition 18. If this was going to be part of the motion, they needed to be sure to use the correct condition number.

Mr. Hellman said to use the condition number listed in the staff report on page 23 of 106 which was Condition No. 18.

Council Member Cardoza liked the layout. It was great that the city would have availability to Indian Creek like that and it might solve the parking problem. He didn't know what had happened with the Anderson property being used for parking but it looked like this would solve that problem.

Mayor Stear explained one reason that never happened was it became something the City would have to invest a bunch of money into a property they didn't own and it would all be torn out eventually. Then they would have to figure out something later.

Support: None

Against: None

Neutral: None

Rebuttal: None

Motion To: Close the evidence presentation and proceed to deliberation

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0

Motion To: Approve Case Nos. 20-02-AN (Annexation) and 20-04-S (Preliminary Plat) with the conditions listed in section J of the staff report with the exception of Condition No. 18 which would be removed as long as the applicant continued to communicate with the Kuna Planning & Zoning staff on name changes in the future.

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0

- D. Public Hearing and consideration to approve Resolution No. R66-2020 – Jared Empey, City Treasurer **ACTION ITEM**
(Timestamp 01:22:37)

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO SETTING FORTH FINDINGS; AND SUPERSEEDING, AMENDING, AND REFORMING CITY COUNCIL RESOLUTION R02-2020; AND ESTABLISHING FEES FOR CONNECTING TO SANITARY SEWER SYSTEM; AND ESTABLISHING MONTHLY SEWER USE FEES; AND ESTABLISHING MINIMUM SEWER LINE SIZES; AND ESTABLISHING OTHER CHARGES; AND ESTABLISHING AN EFFECTIVE DATE.

Please follow the link below to view the Packet for Resolution No. R66-2020:

<https://www.kunacity.id.gov/DocumentCenter/View/7248/6D-R66-2020-FINAL-Sewer-System-Fees-and-Policies-PDF>

City Treasurer Jared Empey reviewed sewer capacity concerns that had come up in various meetings regarding four different subdivisions including Corbin's Cove, Ashton Estates, Fossil Creek, and Ledgestone South. Although capacity concerns were not entirely the City's responsibility and developers normally helped with these concerns; often the City did share in a portion of that responsibility for one reason or another. Also, lack of capacity entailed they might have additional maintenance costs due to additional pressure on lines, pumps, temporary lift stations, and even eventual overtime costs due to breakage, maintenance concerns, or emergency calls. Often the City had responsibilities not addressed by developers.

Mr. Empey reviewed examples in the sewer department for which the City had significant responsibility in the project. The cost of infrastructure and maintenance of this fund was significant. He did not expect, due to inflation concerns, that these problems would cease to exist in the future. In order to address this, they did a rate study with Keller Associates and they noticed, when looking at the cost structure, over the past six or seven years the sewer fund was under funded by a substantial amount. On account of this, they increased sewer rates beginning April that calendar year. They were already seeing significant financial benefits from that to the tune of about \$1 million per year in additional user rate revenue. In addition, the rate study broke out that they could also increase their connection fee up to \$6,300 for sewer. If that was also completed, that would be an extra \$645 per connection fee that could be added to the Sewer Fund Revenue. At a minimum they would see about an extra \$400,000 and at the high end they would see an extra \$600,000. He saw this as an important step to maintaining the continuity of the Sewer Fund in the long run and also maintaining the ability to service customers and operations. He stood for questions.

Council Member Christensen clarified this was not increasing the sewage rates they already increased earlier that year.

Mr. Empey explained this was not seeing any additional increase in user rates. It was strictly the connection fee.

Mayor Stear thanked Mr. Empey for the work he put into this. They knew they had been losing money in those accounts over the past few years and it was one of the most important responsibilities they had; to keep the water and sewer systems up and running. The cost seemed to increase at rapid rates and he was glad they had done this study and come up with a reasonable way of doing this without increasing user fees again. The Public Works Department did a fantastic job. All the pumps and valves were the same so getting parts wasn't difficult and nothing was obsolete. They made some great strides over the last few years and this reinforced that. He gave kudos to Mr. Empey for taking a hard look at this and making sure they were ahead of the game.

Council Member Cardoza asked, on page 11 of 116, what the difference was between the ¾ inch commercial and the two-inch commercial and where they would see one as opposed to the other. They were going from a base rate of \$35 to a base rate of \$248.

Mr. Empey replied this would be a good question for Public Works Director Paul Stevens as to exactly which accounts could potentially see that. They could also run that analysis and get back to him. He didn't have an exact detail of which accounts would actually see a difference on that.

Council Member Cardoza was asking because if they doubled ¾ they would be at 1.5 inches and approximately \$70 for the base rate. He was curious why a two-inch commercial would be at the base rate of \$248.

Mayor Stear explained a 1.5 inch had a lot more internal diameter than ¾ inch pipes. It was more like four times instead of doubled.

Council Member Cardoza asked where a two-inch commercial would be run.

Mayor Stear said it would be for someone who needed to run a lot of water like a bottling company. He didn't think there were any two-inch commercial in Kuna at that time.

Mayor Stear opened the public hearing. He asked if anyone had requested to testify.

City Clerk Chris Engels said there were none.

Mayor Stear stated the public hearing was open. He invited Council to have discussion.

Support: None

Against: None

Neutral: None

Rebuttal: None

Motion To: Close the evidence presentation and proceed to deliberation

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None
Motion Passed: 4-0

Motion To: Approve Resolution No. R66-2020
Motion By: Council President McPherson
Motion Seconded: Council Member Christensen
Further Discussion: None
Motion Passed: 4-0

7. **Business Items:** None

8. **Ordinances:**

A. Consideration to approve Ordinance No. 2020-33 ACTION ITEM
(Timestamp 01:34:57)

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 ENDURANCE HOLDINGS 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. 2020-33
Motion By: Council President McPherson
Motion Seconded: Council Member Christensen
Further Discussion: None
Motion Passed: 4-0

Motion To: Approve Ordinance No. 2020-33
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
Motion Passed: 4-0

B. Consideration to approve Ordinance No. 2020-34 ACTION ITEM
(Timestamp 01:36:38)

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

- MAKING CERTAIN FINDINGS; AND
- REZONING CERTAIN REAL PROPERTY, TO WIT: ADA COUNTY PARCEL NOS. R5445760020, R5445760040, R5445760060, R5445760080, R5445760100, R5445760120, R5445760140, R5445760160, R5445760180, R5445760200, R5445760220, R5445760240, R5445760260, R5445760280, R5445760300, R5445760320, R5445760340, R5445760360, R5445760380, R5445760400, R5445760420, R5445760440, R5445760460, R5445760480, R5445760500, R5445760520, R5445760540, R5445760560, R5445760580, R5445760600, R5445760620, R5445760640, R5445760680, R5445760700, R5445760720, R5445760740, R5445760760, R5445760780, R5445760800, R5445760820, R5445760840, R5445760860, R5445760880, R5445760900, R5445760920, R5445760940, R5445760960, R5445760980, R5445761000, R5445761020, R5445761040, R5445761060, R5445761080, R5445461100, R5445761120, R5445761140, R5445761160, R5445761180, R5445761200, R5445761220, R5445761240, R5445761260, R5445761280, R5445761280, R5445761300, R5445761320 AND R5445761340 OWNED BY CHALLENGER DEVELOPMENT LLC, SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF KUNA, ADA COUNTY, IDAHO; AND
- AMENDING THE ZONING MAP; AND
- DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Mayor Stear stated there were changes to this item. The name as advertised was not correct. There was a hard copy on the desk for Council. He recommended this be republished on the next agenda with the corrected version as a matter of transparency unless Council wished to do something different.

Council President McPherson was fine with that.

Council Member Cardoza asked for clarification on what was incorrect.

City Clerk Chris Engels reviewed the incorrect names. All the red edits were provided by the City Attorney. He didn't see it until it was already on the agenda.

Council President McPherson asked if they needed to table this.

Mayor Stear did not think so. They would just bring it back at the next meeting.

City Attorney Bill Gigray noted the advertised name was actually correct but there were considerable additional findings in the ordinance in regards to the history of this project.

9. Executive Session: None

10. Mayor/Council Announcements: None

11. Adjournment: 7:43 P.M.



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



Minutes prepared by Ariana Welker, Deputy City Clerk
Date Approved: CCM 12.15.2020



CITY OF KUNA

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PUBLIC RE-HEARING SIGN-UP SHEET

Kuna City Council Meeting 6:00 p.m.
December 1, 2020

Resolution No. R66-2020 – Sewer System Fees & Policies

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

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SIGN-UP SHEET

December 1, 2020 – City Council Public Hearing

Case Name: 20-02-AN (Annexation) & 20-04-S (Preliminary Plat) – Rising Sun Commons Subdivisions

Case Type: The applicant, JUB Engineers request annexation approval to bring approx. 11.74 ac into the City of Kuna with an R-6 Medium Density Residential zone and preliminary plat approval to subdivide the approx. 11.74 ac into 53 total lots. The proposed gross density is 3.66 DUA (Dwelling Units/Ac), and the net density is approx. 5.39 DUA with 10.7% usable open space for a total 1.26 ac of open space. This will be an extension of Rising Sun Estates Sub. (Approved Nov. 2017). The site is near the Southwest Corner (SWC) of Kuna and Stroebel Roads. Kuna, ID 83634; within Section 30 T2N, R1E, B.M., APN No's: R0615250650 and R0615250700.

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.

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SIGN-UP SHEET

December 1, 2020 – Kuna City Council Public Hearing

Case Name: Durrant Rezone
Case No: 20-04-ZC (Rezone)

Case Type: Kent Brown Planning Services is requesting to rezone approximately 12.16 acres from A (Agriculture) to R-6 (Medium Density Residential). The subject site is located near the NEC of S Linder Road and W Columbia Road, Kuna, ID 83634 (APN: S1301336350).

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.

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KUNA CITY ORDINANCE NO. 2020-XX
CHALLENGER DEVELOPMENT INC. CHALLENGER DEVELOPMENT INC
ENDURANCE HOLDINGS, LLC
MUNICIPAL REZONE

A MUNICIPAL REZONE ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA;

- MAKING CERTAIN FINDINGS; AND
- REZONING CERTAIN REAL PROPERTY, TO WIT: ADA COUNTY PARCEL NOS. R5445760020, R5445760040, R5445760060, R5445760080, R5445760100, R5445760120, R5445760140, R5445760160, R5445760180, R5445760200, R5445760220, R5445760240, R5445760260, R5445760280, R5445760300, R5445760320, R5445760340, R5445760360, R5445760380, R5445760400, R5445760420, R5445760440, R5445760460, R5445760480, R5445760500, R5445760520, R5445760540, R5445760560, R5445760580, R5445760600, R5445760620, R5445760640, R5445760680, R5445760700, R5445760720, R5445760740, R5445760760, R5445760780, R5445760800, R5445760820, R5445760840, R5445760860, R5445760880, R5445760900, R5445760920, R5445760940, R5445760960, R5445760980, R5445761000, R5445761020, R5445761040, R5445761060, R5445761080, R5445761100, R5445761120, R5445761140, R5445761160, R5445761180, R5445761200, R5445761220, R5445761240, R5445761260, R5445761280, R5445761300, R5445761320 AND R5445761340 OWNED BY **CHALLENGER DEVELOPMENT LLC Challenger Development Inc. Endurance Holdings, LLC**, SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF KUNA, ADA COUNTY, IDAHO; AND
- AMENDING THE ZONING MAP; AND
- DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Next Agenda
2/1/21

Section 1: The City Council Finds:

- 1.1 **WHEREAS**, City of Kuna, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized under the provisions of 67-6511, Idaho Code, to establish within its jurisdiction one or more zones or zoning districts where appropriate which zoning districts are established in Kuna City Code § 5-2-2; and
- 1.2 **WHEREAS**, **CHALLENGER DEVELOPMENT INC. CHALLENGER DEVELOPMENT INC** (the "Owner") is the current owner of the certain real property

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which has been designated by the Ada County Assessor's office as Parcel Nos. R5445760020, R5445760040, R5445760060, R5445760080, R5445760100, R5445760120, R5445760140, R5445760160, R5445760180, R5445760200, R5445760220, R5445760240, R5445760260, R5445760280, R5445760300, R5445760320, R5445760340, R5445760360, R5445760380, R5445760400, R5445760420, R5445760440, R5445760460, R5445760480, R5445760500, R5445760520, R5445760540, R5445760560, R5445760580, R5445760600, R5445760620, R5445760640, R5445760680, R5445760700, R5445760720, R5445760740, R5445760760, R5445760780, R5445760800, R5445760820, R5445760840, R5445760860, R5445760880, R5445760900, R5445760920, R5445760940, R5445760960, R5445760980, R5445761000, R5445761020, R5445761040, R5445761060, R5445761080, R5445461100, R5445761120, R5445761140, R5445761160, R5445761180, R5445761200, R5445761220, R5445761240, R5445761260, R5445761280, R5445761280, R5445761300, R5445761320 AND R5445761340 and which is more particularly described in "Exhibit A" – Legal Description and "Exhibit B" – Location Map, attached to this Ordinance and incorporated herein by reference (the "Subject Real Property") and has requested that the Subject Real Property be rezoned from the City's A – AGRICULTURE ZONING DISTRICT TO R-4 – MEDIUM DENSITY RESIDENTIAL (the "Rezone"); and

1.3 WHEREAS, the original owner of the Subject Real Property, which was one parcel of 34.48 acres more or less, Idaho Livestock Company, LLC together with Ted Mason of Signature Homes filed an application for the rezone of the Subject Real Property from an Agricultural Zone to a R-4 Residential Zone which was processed as Case No. 07-09-ZC (Rezone), a Preliminary Plat which was processed as Case No. 07-13-S and a Development Agreement which was processed as Case No. 07-11-DA; (the " Subject Permit Applications") and

1.4 WHEREAS, Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing regarding the Subject Permit Applications on August 14, 2007 as required by Section 67-6525, Idaho Code, made findings of fact, conclusions of law and recommendations to the City Council (approved by the Commission on August 28, 2007) where it was recommended to the Mayor and Council that the rezoning for the lands described in Exhibit A from Agriculture (A) to Medium Density Residential (R-4) be approved together with the approval of the preliminary plat, subject to conditions, and a development agreement; and

1.45 WHEREAS, the Kuna City Council, pursuant to public notice as required by law, held a public hearing regarding the Subject Permit Applications on September 18, 2007 ~~on the Rezone~~, as required by Section 67-6525, Idaho Code, and in accordance with the provisions of Kuna City Code Section 5-1A-7 made ~~F~~findings of ~~F~~fact, ~~C~~onclusions of ~~L~~law and ~~D~~ecision approving the Subject Permit Applications (October 2, 2007) (the "Council Decision") and determined that the requested rezone should be granted with a zoning classification R-4 (Medium Density Residential); and

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1.6 WHEREAS, the approved Development Agreement was recorded in the Ada County Recorder's office on November 5, 2007 as instrument no. 107150317; and

1.7 WHEREAS, due to the economic circumstances that followed the Council Decision, there was delay in completing the conditions of the approved Preliminary Plat and the Development Agreement; and

1.8 WHEREAS, On September 23, 2019 the City of Kuna Planning and Zoning Director, pursuant to the Director's authority under Kuna City Code § 6-2-3 J.9, upon the application of the Conger Management Group, Inc. as agent for the Owner, issued an Order of Decision Reinstatement of Preliminary Plat Case No. 07-13-S; and

1.9 WHEREAS, the Owner complied with the conditions of the approved Preliminary Plat as reinstated and resultantly the City Council approved the Final Plat of the Subject Real Property as Malaspina Ranch Subdivision No. 1, which is recorded in Book 119 of Plats at Page 18420-18423, records of Ada County, Idaho; and

1.10 WHEREAS, the Council Decision still stands and has not been modified or repealed; and

1.11 WHEREAS, the provisions of Kuna City Code § 5-2-2, which is currently designated as Medium Density Residential District (R-4), are still residential with the same density as it was at the time the City Council issued the Council Decision; and

1.12 WHEREAS, the Owner is complying with the Development Agreement and has requested that the City Council approve this Ordinance rezoning the Subject Real Property as was authorized by the Council Decision; and

1.13 4.5—WHEREAS, based upon the above stated findings there is good cause and it is necessary that the City Council adopt this Ordinance, as required by Section 67-6511 (2) Idaho Code and Kuna City Code § 5-1A-7 G, to complete the process of implementing the decision of the Kuna City Council to Rezone the Subject Real Property.

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Section 2: Action:

- 2.1 The Subject Real Property is rezoned from **A – AGRICULTURE TO R-4 – MEDIUM DENSITY RESIDENTIAL (the "Rezone")**;
- 2.2 The Zoning Map of the City of Kuna is hereby amended to comply with this Rezone.

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Section 3: Directing the City Engineer and City Clerk:

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~~ORDINANCE NO. 2020-xx –Challenger Development Inc. –CHALLENGER DEVELOPMENT INC
MUNICIPAL Endurance Holdings, LLC REZONE~~

- 3.1 The City Engineer is directed to change the zoning district depictions of the Subject Real Property on the Zoning Map of the City in accordance with this Rezone ~~e~~Ordinance; and
- 3.2 The City Clerk is directed to file, this Ordinance in the official records of the City and to provide a conformed copy to the City Engineer, Planning and Zoning Director and Owner.

Section 4: Effective Date

- 4.1 This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and at the discretion of the City Clerk and In lieu of publication of the entire ~~e~~Ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

DATED this XX day of XX, 2020.

CITY OF KUNA
Ada County, Idaho

Joe Stear, Mayor

ATTEST:

Chris Engels, City Clerk

W:\Work\K\Kuna, City of 25721\Planning & Zoning Matters .002\Endurance Holdings, LLC Rezone Ordinance (Malaspina)\ENDURANCE HOLDING LLC REZONE ORDINANCE WFG Redlined (Malaspina).docx jh

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~~ORDINANCE NO. 2020-xx –Challenger Development Inc. –CHALLENGER DEVELOPMENT INC
MUNICIPAL Endurance Holdings, LLC REZONE~~

EXHIBIT A

CHALLENGER DEVELOPMENT INC
ENDURANCE HOLDINGS, LLC

REZONE TO R-4

Legal Descriptions

Malaspina Ranch Subdivision No. 1

A parcel being a portion of the NW ¼ of Section 14, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho, more particularly describes as follows:

All of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 Block 1 of Malaspina Ranch Subdivision No. 1, as same is recorded in Book 119 pf Plats at Page 18420-18423, records of Ada County, Idaho along with;

All of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 16 Block 2 of Malaspina Ranch Subdivision No. 1, as same is recorded in Book 119 pf Plats at Page 18420-18423, records of Ada County, Idaho along with;

All of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 Block 3 of Malaspina Ranch Subdivision No. 1, as same is recorded in Book 119 pf Plats at Page 18420-18423, records of Ada County, Idaho along with;

All of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 Block 4 of Malaspina Ranch Subdivision No. 1, as same is recorded in Book 119 pf Plats at Page 18420-18423, records of Ada County, Idaho along with;

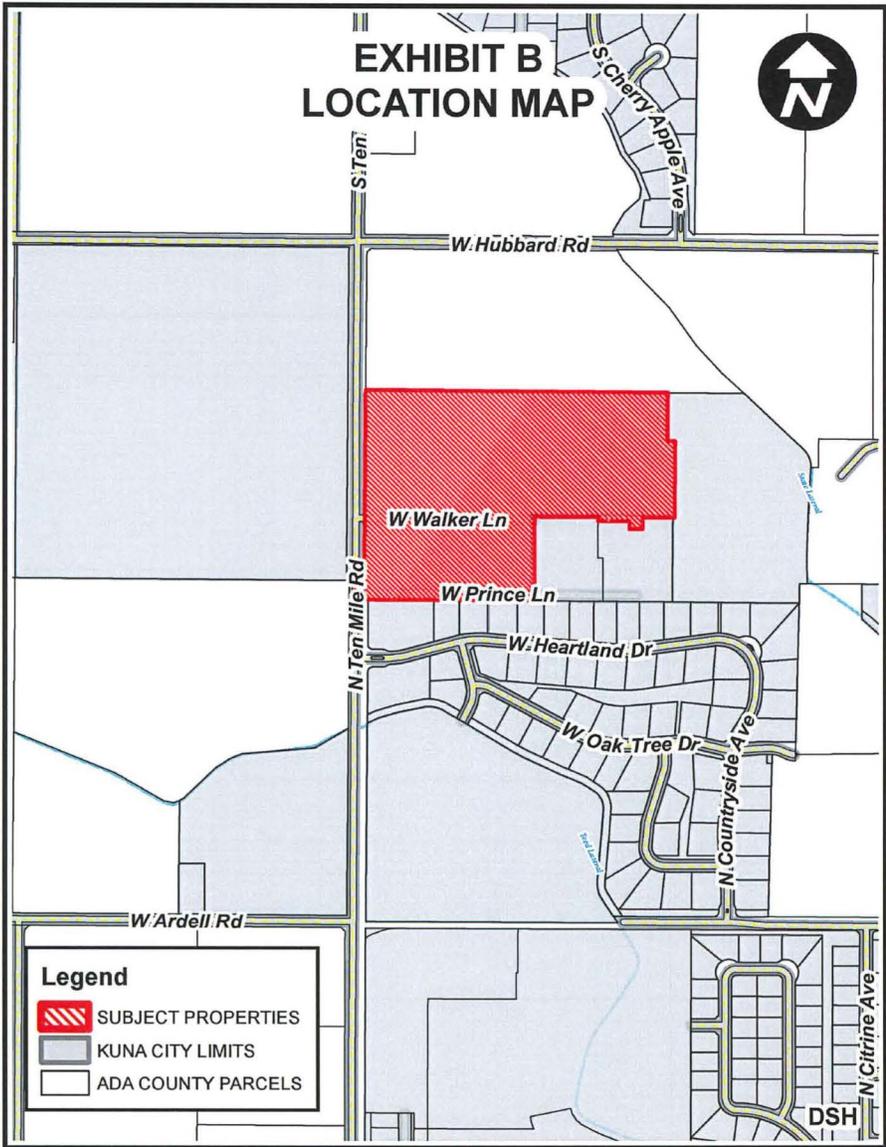
All of lots, 1, 2, 3, 4, and 5 Block 5 of Malaspina Ranch Subdivision No. 1, as same is recorded in Book 119 pf Plats at Page 18420-18423, records of Ada County, Idaho along with;

All of lots, 1 and 2 Block 6 of Malaspina Ranch Subdivision No. 1, as same is recorded in Book 119 pf Plats at Page 18420-18423, records of Ada County, Idaho.

Said parcels containing 20.64 acres, more or less.

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EXHIBIT B LOCATION MAP



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