

**OFFICIALS**

Lee Young, Chairman  
Dana Hennis, Vice Chairman  
Stephen Damron, Commissioner  
Cathy Gealy, Commissioner  
Tyson Garten, Commissioner



**CITY OF KUNA**  
Kuna City Hall Council Chambers, 751 W 4<sup>th</sup> Street, Kuna, Idaho 83634

**Planning & Zoning Commission Meeting**  
**AMENDED AGENDA**  
**Tuesday August 24, 2021**

**6:00 PM REGULAR MEETING**

*For questions, please call the Kuna Planning and Zoning Department at (208) 922-5274.*

**1. CALL TO ORDER & ROLL CALL:**

**2. CONSENT AGENDA:** ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS

*All items listed under the Consent Agenda are considered to be routine and are acted on with one (1) Motion by the Commission. There will be no separate discussion on these items unless the Chairman, Commissioner, 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 Commission.*

- 1. Regular Planning and Zoning Commission Meeting Minutes Dated August 10, 2021
- 2. Findings of Fact & Conclusions of Law
  - 1. Case No. 21-13-DR (Design Review) Cazador No. 2 Pool House
  - 2. Case No. 21-02-CPF (Combination Preliminary & Final Plat) Falcon Crest Clubhouse
  - 3. Case Nos. 20-07-AN (Annexation), 20-16-S (Preliminary Plat) & 20-25-DR (Design Review) Arrowwood Heights Subdivision

**3. PUBLIC HEARINGS:** (6:00 PM or as soon thereafter as matters may be heard.)

*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 or oral testimony, please contact the Planning and Zoning Department at (208) 922-5274.*

- A. Case Nos. 21-03-AN (Annexation), 21-02-S (Preliminary Plat) & 21-10-DR (Design Review) Sadie Creek South Subdivision – Doug Hanson, Planner II **ACTION ITEM**

Stephanie Hopkins of KM Engineering, LLP, on behalf of Challenger Development, requests to annex one parcel approx. 32 acres into Kuna City Limits with an R-8 (Medium Density Residential) zoning district classification and to subdivide the 32 acres into 192 total lots (170 residential lots, 22 common lots). The subject site is located at the NEC of S Luker Road and E King Road, within Section 25, Township 2 North, Range 1 West (APN: S1325438400).

*Staff requests this item be table to a date uncertain due to not receiving critical agency comments.*

**B. Case No. 21-06-AN (Annexation) 1113 & 1169 N Black Cat – Doug Hanson, Planner II**

**ACTION ITEM**

Robin and Diana Sanders request to annex two (2) parcels consisting of approximately 9.8 acres into Kuna City Limits with an R-2 zoning district classification. The subject sites are located at 1113 and 1169 N Black Cat Road, Kuna, ID 83634, within Section 21, Township 2 North, Range 1 West; (APNs: S1321141880, S1321141920).

Procedure:

*Open Public Hearing*

*Receive Testimony*

*Commission presents questions they may have*

*Close Public Hearing*

Potential Motions:

*Option 1: Recommend Approval of Case No. 21-06-AN (Annexation) 1113 & 1169 N Black Cat.*

*Option 2: Recommend Denial of Case No. 21-06-AN (Annexation) 1113 & 1169 N Black Cat.*

**C. Case No. 21-02-OA (Ordinance Amendment) Amending Subsection Q of Section 4 of Chapter 5 of Title 5 Kuna City Code, Electrical Energy Transmission Lines – Jace Hellman, Planning & Zoning Director** **ACTION ITEM**

- **MAKING CERTAIN FINDINGS**
- **AMENDING SUBSECTION Q OF SECTION 4 OF CHAPTER 5 OF TITLE 5 KUNA CITY CODE MAKING TECHNICAL CHANGES TO THE ZONING REGULATION OF ELECTRICAL ENERGY TRANSMISSION LINES AS UNIQUE LAND USES; AND**
- **DIRECTING THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

*Staff requests to table this item until September 14, 2021 due to a noticing error.*

**4. BUSINESS ITEMS:**

*None*

**5. ADJOURNMENT:**

**OFFICIALS**

Lee Young, Chairman  
Dana Hennis, Vice Chairman  
Stephen Damron, Commissioner  
Cathy Gealy, Commissioner  
Tyson Garten, Commissioner



**CITY OF KUNA**  
Kuna City Hall Council Chambers, 751 W 4<sup>th</sup> Street, Kuna, Idaho 83634

**Planning & Zoning Commission Meeting**  
**MINUTES**  
**Tuesday August 10, 2021**

**6:00 PM REGULAR MEETING**

*Due to technical difficulties, there is no recording for this meeting. Minutes have been written from notes and written staff presentations.*

*For questions, please call the Kuna Planning and Zoning Department at (208) 922-5274.*

**1. CALL TO ORDER & ROLL CALL:**

**COMMISSION MEMBERS PRESENT:**

Chairman Lee Young – In Person  
Vice Chairman Dana Hennis – Absent  
Commissioner Cathy Gealy – In Person  
Commissioner Stephen Damron – Absent  
Commissioner Tyson Garten – In Person

**CITY STAFF PRESENT:**

Marc Bybee, City Attorney – Via Zoom  
Jace Hellman, Planning & Zoning Director – In Person  
Troy Behunin, Senior Planner – In Person  
Jessica Reid, Planning Services Specialist – In Person

**2. CONSENT AGENDA: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS**

*All items listed under the Consent Agenda are considered to be routine and are acted on with one (1) Motion by the Commission. There will be no separate discussion on these items unless the Chairman, Commissioner, 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 Commission.*

1. Regular Planning and Zoning Commission Meeting Minutes Dated August 10, 2021
2. Findings of Fact & Conclusions of Law
  1. Case Nos. 21-01-ZC (Rezone), 21-01-S (Preliminary Plat) & 21-05-DR (Design Review)  
Circinae Valley Subdivision

**Motion To:** Approve Consent Agenda.

**Motion By:** Commissioner Gealy

**Motion Seconded:** Commissioner Garten

**Further Discussion:** None

**Voting No:** None

**Absent:** 2

**Motion Passed:** 3-0-2, Vice Chairman Hennis and Commissioner Damron were absent.

3. **PUBLIC HEARINGS:** (6:00 PM or as soon thereafter as matters may be heard.)

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 or oral testimony, please contact the Planning and Zoning Department at (208) 922-5274.

A. *Tabled from July 27, 2021* Case No. 21-02-CPF (Combination Preliminary & Final Plat) Falcon Crest Clubhouse – Troy Behunin, Senior Planner **ACTION ITEM**

Wendy Shrief of JUB Engineers, on behalf of M3 ID Falcon Crest, LLC, requests approval for a Combined Preliminary and Final Plat in order to create a buildable lot for a Clubhouse, 1 commercial lot, 1 common lot and 1 private road lot over 12.42 acres at the Falcon Crest Golf Course development. Section 22, Township 2 North, Range 1 East.

Senior Planner Troy Behunin presented an overview of the project and stood for questions; there were none.

Applicant Mark Tate, M3 Companies, 1087 W. River Street, Ste. 310 Boise, ID 83702 made a presentation showing computer generated images of the project and the vicinity. Mr. Tate also explained the reason behind the naming of items within the Falcon Crest community; projects were named with military reference in remembrance of the original property owners' son who enlisted after 9/11, later served in Afghanistan, and was killed in action stopping a suicide bomber from destroying his base.

Chairman Young opened the Public Hearing; there were no individuals signed up or present to testify.

Support:

None

Against:

None

Neutral:

None

Commissioner Gealy asked a clarifying question regarding the landscaping for the combination plat. Mr. Tate clarified that landscaping will be included with the design review for the building.

Chairman Young closed the Public Hearing and the Commission proceeded into deliberation.

**Motion To:** Recommend Approval of Case No. 21-02-CPF (Combination Preliminary & Final Plat) for Falcon Crest Clubhouse, with the Conditions as outlined in the Staff Report.

**Motion By:** Commissioner Gealy

**Motion Seconded:** Commissioner Garten

**Further Discussion:** None

**Voting No:** None

**Absent:** 2

**Motion Passed:** 3-0-2, Vice Chairman Hennis and Commissioner Damron were absent.

- B.** *Tabled from July 27, 2021* Case Nos. 20-07-AN (Annexation), 20-16-S (Preliminary Plat) & 20-25-DR (Design Review) Arrowwood Heights Subdivision – Troy Behunin, Senior Planner

**ACTION ITEM**

Wendy Shrief of JUB Engineers, on behalf of Hayden Homes, requests to Annex approximately 53.16 acres into Kuna City Limits with an R-6 (Medium Density Residential), R-8 (Medium/High Density Residential) and C-1 (Neighborhood Commercial) Zoning Districts. In addition, Applicant requests to subdivide approximately 41.3 acres into 177 Single-Family Residential lots (approx. 33.71 acres R-6, approx. 7.59 acres R-8), 26 Common Lots, and 4 shared driveways; the approximately 9.79 acres of Commercial will remain as an out parcel to be developed in the future. The project proposes a Net Density of 7.93 DUA (Dwelling Units per Acre) & 4.29 Gross DUA, with 16% open space. The subject site is located at 7445 S Ten Mile Road, Kuna, ID 83634, within Section 3, Township 2 North, Range 1 West (APN: S1303417354).

Senior Planner Troy Behunin presented an overview of the project. Mr. Behunin specifically addressed comments provided by the Department of Environmental Quality (DEQ) regarding the sewer lagoon and land application of the neighboring Ironhorse Subdivision (Ada County), and the resulting limitation. Mr. Behunin explained since the building footprint on three (3) lots within the Arrowwood Heights Subdivision fell within the required 300-foot buffer of the land application area, no homes would be permitted to be constructed until, if ever, the sewer lagoon and land application area for Iron Horse Subdivision was moved, closed or abandoned. Mr. Behunin then stood for questions.

Wendy Shrief with JUB Engineers, made a presentation showing the changes made to the project as a result of the Neighborhood Meetings, Staff, Agency comments, and the land application area. Ms. Shrief then stood for questions; there were none.

Chairman Young opened the Public Hearing.

Support:

Kathryn Guido, 7744 Bella Terra Lane, Meridian, ID 83642 - Testify

Against:

Michael McShane, 7982 S Old Farm Lane, Meridian, ID 83642 – Testify

Michael Sesti, 7776 S Old Farm Lane, Meridian, ID 83642 – Deferred time to Mr. McShane

Beverly Coleman, 7578 S Old Farm Lane, Meridian, ID 83642 – Deferred time to Mr. McShane

Patti Garofalo, 7624 S Old Farm Lane, Meridian, ID 83642 – Testify

David Coleman, 7578 S Old Farm Lane, Meridian, ID 83642 – Testify

Luis Urias, 7645 S Old Farm Lane, Meridian, ID 83642 – Not Testify

Steve & Jerri Meyerpeter, 7693 S Old Farm Lane, Meridian, ID 83642 – Not Testify

Christy Jones, 7597 S Old Farm Lane, Meridian, ID 83642 – Not Testify

Richard Jones, 7597 S Old Farm Lane, Meridian, ID 83642 – Not Testify

Amy Whittmuss, 7549 S Old Farm Lane, Meridian, ID 83642 – Not Testify

Joe Guido, 7744 Bella Terra Lane, Meridian, ID 83642 – Testify

Chris Brown, 7670 S Old Farm Lane, Meridian, ID 83642 - Testify

Neutral:

None

Michael McShane, 7982 S Old Farm Lane, Meridian, Idaho, 83642 introduced himself as the Iron Horse Subdivision HOA president and provided testimony in opposition to the project. Mr. McShane thanked the developer for the concessions and changes that were made to the project. He then stated communication with him the developer promised was never completed. Mr. McShane expressed their desire to see even larger lots on the southern property boundary and requested all home along this boundary remained single-story. In addition, Mr. McShane stated the residents of the Ironhorse Subdivision were concerned with the effects this project would have on the Iron Horse Subdivision property values. Mr. McShane's allotted testimony time had elapsed. Michael Sesti and Beverly Coleman asked if it was possible to defer their time as the community did not notify staff that Mr. McShane would be a community representative. Mr. Hellman requested that City Attorney Marc Bybee provide guidance. Mr. Bybee stated the Commission could do so. Mr. McShane received six additional minutes. He went on to state that he felt the stub street providing a connection to the south was not in a good location, additionally he did not feel it was the Iron Horse Subdivision residents' responsibility to move the current lagoon and land application area or their problem.

Patti Garofalo, 7624 S Old Farm Lane, Meridian, ID 83642 expressed concern about the homes along the southern boundary and requested that they be limited to single story. She also wanted to address comments from the previous meeting about a possible development agreement to ensure that the surrounding properties were not negatively affected by the R-6 and R-8 densities requested by the project.

David Coleman, 7578 S Old Farm Lane, Meridian, ID 83642 stated that lot 9 would be encroaching on their privacy as it was closer and was immediately adjacent to their patio area. He requested that the lot be moved or relocated.

Joe Guido, 7744 Bella Terra Lane, Meridian, ID 83642 addressed DEQ comments about the lagoon and land application area site, stating there was nowhere else to move the site. He thought that the developer should pay for the Ironhorse Subdivision to connect to City services. Mr. Guido did not like the southern stub street in its current location as it was adjacent to their large barn and requested it be moved further east. He requested single-story homes be built along the southern boundary.

Chris Brown, 7670 S Old Farm Lane, Meridian, ID 83642 believed those that had lived in the area longer were supposed to "have more pull" in these matters. He stated that developer had previously insinuated that Mr. McShane was a liar and said he was present when the "developer promised to stay in communication" which he believed had not occurred. Mr. Brown requested single story homes so that he did not have to look at "the rear of a cookie cutter home which looked like the architecture was designed by a child & only had three windows". He had concerns about the comments made by Chief Phil Roberts of the Kuna Rural Fire District who was concerned about the availability of adequate water supply to operate the fire hydrants. Mr. Brown's additional concerns were decreases in property values, the need for "double fencing" and that Ironhorse Subdivision should not be responsible to find a solution for the lagoons and land application area.

Kathryn Guido, 7744 Bella Terra Lane, Meridian, ID 83642 stated that the placement of the southern stub street should not be adjacent to the barn on her property.

Tim Mowka, Hayden Homes, 1406 W Main Street, Meridian, ID, 83642 rebutted specific points of the testimony provided. Mr. Mowka was ok with limiting lot 9 to a single-story home because it did semi-encroach on the neighboring Ironhorse Parcel and suggested a condition stating this. He explained that the existing Ironhorse Subdivision lagoon and land application area would not be affected in any way as they were not building on lots 11, 12 and 13 due to the buffer; they would only build on the lots should the lagoon and land application area ever relocated or be removed, they were not creating a problem for Ironhorse but rather providing a solution to what could have been a problem. He was not sure why Mr. Guido requested they pay for Ironhorse to connect to City services as there weren't going to be any changes to the existing lagoon or land application area, additionally that the land application area buffer encroached on a property which was not the Guido's and shouldn't have. Mr. Mowka could accommodate moving the stub street further east, lots 11, 12, and 13 were going to be left as a park-like area. He reiterated that multiple neighborhood meetings were held and concessions were made within the layout of the project. Lastly, it was reiterated that the lots on the southern border, though not being zoned an R-4, meet the minimum lot size requirements of an R-4 designation and were in fact the largest lots within the project.

Commissioner Gealy wanted to know if there would be anything besides sod on lots 11, 12 and 13. Mr. Behunin explained they would work that out with the developer; he was not sure the city would want to require trees and shrubs as there was future potential for those lots to be built on if there were ever changes to the lagoon and land application area. Commissioner Gealy asked about double fencing. Mr. Behunin explained the projects perimeter fencing would be 6-foot vinyl, the fencing within the irrigation district's easement would require their approvals. Mr. Behunin offered to discuss this with the developer and irrigation district. Commissioner Gealy asked about trees within the canal easement, Mr. Behunin and Chairmain Young explained that was not allowed. Ms. Reid confirmed that all fencing has to follow Kuna City Code and fencing adjacent to pathways need to be 6-foot open vision or 4-foot closed vision with 2-foot lattice.

Chairman Young closed the Public Hearing and the Commission proceeded into deliberation.

Chairman Young explained the Commission has no ability to limit homes along the southern border to single-family, he thought that shifting the southern stub street east is a good idea. Chairman Young reiterated that the Ironhorse Subdivision was not being required to make a change to their current system, only if the lagoon and land application area were relocated or removed, would homes be able to be built on lots 11, 12 and 13. He liked that lots 11, 12 and 13 would be sodded.

Commissioner Gealy like the proposed sod on lots 11, 12 and 13, but desired that the applicant works with staff to provide more. She wanted to be sure that all fencing would comply with Kuna City Code standards and was in agreement with the southern stub street being moved east.

**Motion To:** Recommend Approval of Case Nos. 20-07-AN (Annexation) and 20-16-S (Preliminary Plat) for Arrowood Heights Subdivision with the Conditions as outlined in the Staff

Report and the additional Conditions that lot 9 will be limited to a single-story home, confirm that all fencing is compliant with Kuna City Code and shift the southern stub street to the east.

**Motion By:** Commissioner Gealy

**Motion Seconded:** Commissioner Garten

**Further Discussion:** None

**Voting No:** None

**Absent:** 2

**Motion Passed:** 3-0-2, Vice Chairman Hennis and Commissioner Damron were absent.

**Motion To:** Approve Case No. 20-25-DR (Design Review) for Arrowood Heights Subdivision with the Conditions as outlined in the Staff Report.

**Motion By:** Commissioner Gealy

**Motion Seconded:** Commissioner Garten

**Further Discussion:** None

**Voting No:** None

**Absent:** 2

**Motion Passed:** 3-0-2, Vice Chairman Hennis and Commissioner Damron were absent.

#### **4. BUSINESS ITEMS:**

- A. Case No. 21-13-DR (Design Review) Cazador No. 2 Pool House – Jessica Reid, Planning Services Specialist

Ashley Buzzini of NeUdesing Architecture, on behalf of her client DB Development, requests Design Review approval for the construction of a 527 SF pool house, pool, landscaping, and parking lot; to be located on Lot 2, Block 7 of Cazador Subdivision No. 2. (APN: R1326121020), Section 14, Township 2 North, Range 1 West.

Jessica Reid Planning Services Specialist presented an overview of the project and stood for questions; there were none.

Applicant Ashley Buzzini with NeUdesign Architecture provided a presentation and highlighted certain aspects of the proposed project.

Chairman Young liked the building, specifically that it was similar in design to surrounding homes.

Commissioner Gealy asked if there was a landscape plan; Ms. Reid explained the landscape plan was approved with the original subdivision; the lot was originally two (2) home lots that were combined to create pool lot. Mr. Hellman explained the project would be required to meet Kuna City Code and notified the Commission they could create an additional condition requesting a formal landscape plan be submitted prior to submitting for building permits and/or holding the final certificate of occupancy until it was completed.

Commissioner Gealy liked the building, she thought it was cohesive with the surrounding subdivision. She asked how many parking stalls were provided and if that number was sufficient. Ms. Reid confirmed that on-site parking was adequate to serve the pool house.

Commissioner Garten liked the design and color pallet, he appreciated subdivisions installing pools in the community as an amenity for the residents and increase in property value.

**Motion To:** Approve Case No. 21-13-DR (Design Review) for Cazador No. 2 Pool House with the Conditions as outlined in the staff report, with the additional condition that the applicant submit a formal landscape plan prior to submitting for building permits.

**Motion By:** Commissioner Gealy

**Motion Seconded:** Commissioner Garten

**Further Discussion:** None

**Voting No:** None

**Absent:** 2

**Motion Passed:** 3-0-2, Vice Chairman Hennis and Commissioner Damron were absent.

## 5. **ADJOURNMENT:**

Mr. Hellman informed the Commission that Planning and Zoning Staff was considering updates to the Future Land Use Map and the proposed changes were available online as part of Public Outreach; the comment period will be open for two more weeks. Updates to the Planning and Zoning Commission Bylaws will also be forthcoming.

**Motion To:** Adjourn.

**Motion By:** Commissioner Gealy

**Motion Seconded:** Commissioner Garten

**Further Discussion:** None

**Voting No:** None

**Absent:** 2

**Motion Passed:** 3-0-2, Vice Chairman Hennis and Commissioner Damron were absent.

---

Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

---

Jace Hellman, Planning and Zoning Director

Kuna Planning and Zoning Department



**CITY OF KUNA**

751 W. 4<sup>th</sup> Street • Kuna, Idaho • 83634 • Phone (208) 922-5274  
Fax: (208) 922-5989 • www.Kunacity.Id.gov

**SIGN-UP SHEET**

**August 10, 2021 – Planning and Zoning Commission Public Hearing**

**Case Name: Falcon Crest Clubhouse**

**Case No: 21-02-CPF (Combo Preliminary and Final Plat)**

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.

IN FAVOR		NEUTRAL		IN OPPOSITION	
<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
_____ Print Name		_____ Print Name		_____ Print Name	
_____ Print Address		_____ Print Address		_____ Print Address	
_____ City	_____ State, Zip	_____ City	_____ State, Zip	_____ City	_____ State, Zip
<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
_____ Print Name		_____ Print Name		_____ Print Name	
_____ Print Address		_____ Print Address		_____ Print Address	
_____ City	_____ State, Zip	_____ City	_____ State, Zip	_____ City	_____ State, Zip
<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
_____ Print Name		_____ Print Name		_____ Print Name	
_____ Print Address		_____ Print Address		_____ Print Address	
_____ City	_____ State, Zip	_____ City	_____ State, Zip	_____ City	_____ State, Zip
<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
_____ Print Name		_____ Print Name		_____ Print Name	
_____ Print Address		_____ Print Address		_____ Print Address	
_____ City	_____ State, Zip	_____ City	_____ State, Zip	_____ City	_____ State, Zip

**IN FAVOR**

**NEUTRAL**

**IN OPPOSITION**

**Testify**       **Not Testify**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

**Testify**       **Not Testify**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

**Testify**       **Not Testify**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

**Testify**       **Not Testify**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

**Testify**       **Not Testify**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

**Testify**       **Not Testify**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

**Testify**       **Not Testify**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

**Testify**       **Not Testify**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

**Testify**       **Not Testify**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

**Testify**       **Not Testify**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

**Testify**       **Not Testify**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

**Testify**       **Not Testify**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

**Testify**       **Not Testify**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

**Testify**       **Not Testify**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

**Testify**       **Not Testify**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip



**IN FAVOR**

**NEUTRAL**

**IN OPPOSITION**

**Testify**     **Not Testify**

KATHRYN GUIDO  
Print Name  
7744 BELLA TERRA  
Print Address  
MERIDIAN ID  
City                      State, Zip

**Testify**     **Not Testify**

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

**Testify**     **Not Testify**

DAVID COLEMAN  
Print Name  
7578 S. OLD FARM LN.  
Print Address  
MERIDIAN ID 83642  
City                      State, Zip

**Testify**     **Not Testify**

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

**Testify**     **Not Testify**

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

**Testify**     **Not Testify**

LUIS A. URIAS  
Print Name  
7645 S. Old Farm Ln  
Print Address  
Meridian ID 83642  
City                      State, Zip

**Testify**     **Not Testify**

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

**Testify**     **Not Testify**

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

**Testify**     **Not Testify**

Steve + Terri Meyerpeter  
Print Name  
2693 S. Old Farm Ln  
Print Address  
Meridian, ID 83642  
City                      State, Zip

**Testify**     **Not Testify**

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

**Testify**     **Not Testify**

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

**Testify**     **Not Testify**

Christy Jones  
Print Name  
7597 S. Old Farm Ln  
Print Address  
Meridian 83642  
City                      State, Zip

**Testify**     **Not Testify**

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

**Testify**     **Not Testify**

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

**Testify**     **Not Testify**

RICHARD JONES  
Print Name  
7597 S. Old Farm Ln  
Print Address  
Meridian ID 83642  
City                      State, Zip

**IN FAVOR**

**NEUTRAL**

**IN OPPOSITION**

Testify       Not Testify

Print Name

Print Address

City                      State, Zip

Testify       Not Testify

Print Name

Print Address

City                      State, Zip

Testify       Not Testify

Print Name

Print Address

City                      State, Zip

*Amy Wittmuss*  
*549 S. Old Farm Ln*  
*Meridian Id 83642*

Testify       Not Testify

Print Name

Print Address

City                      State, Zip

Testify       Not Testify

Print Name

Print Address

City                      State, Zip

Testify       Not Testify

Print Name

Print Address

City                      State, Zip

*Joe Guido*  
*7444 Bella Terra Ln*  
*Meridian, ID 83642*

Testify       Not Testify

Print Name

Print Address

City                      State, Zip

Testify       Not Testify

Print Name

Print Address

City                      State, Zip

Testify       Not Testify

Print Name

Print Address

City                      State, Zip

*Chris Brown*  
*4670 S. Old Spruce Ln*  
*Meridian Id 83642*

Testify       Not Testify

Print Name

Print Address

City                      State, Zip

Testify       Not Testify

Print Name

Print Address

City                      State, Zip

Testify       Not Testify

Print Name

Print Address

City                      State, Zip

Testify       Not Testify

Print Name

Print Address

City                      State, Zip

Testify       Not Testify

Print Name

Print Address

City                      State, Zip

Testify       Not Testify

Print Name

Print Address

City                      State, Zip

# Cazador Pool House



1451 W Tiger Eye St.  
Kuna, ID

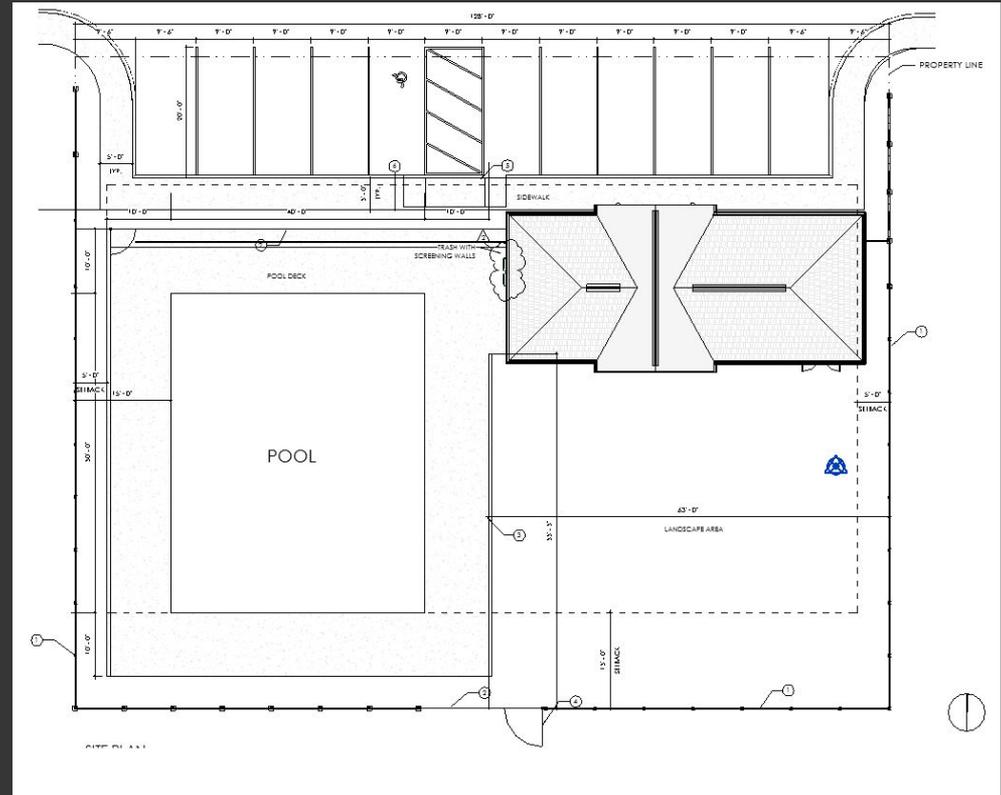
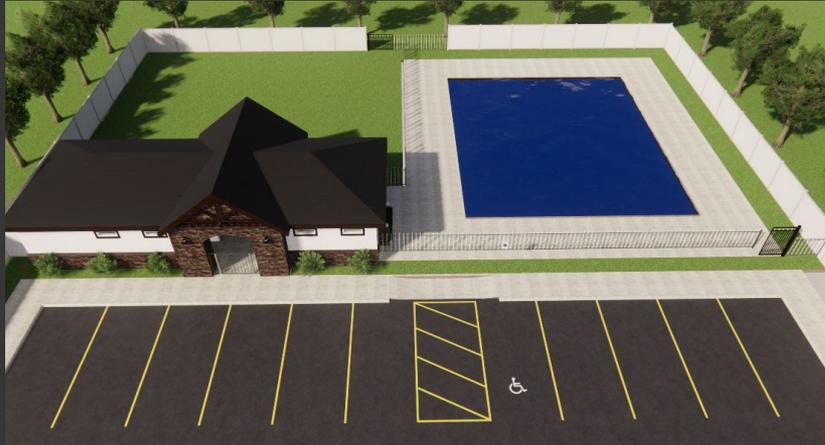
# SITE

ZONING DISTRICT: R-6

LOT AREA: 13,056 SF

BUILDING AREA: 527 SF

PROVIDED PARKING: 10 STANDARD STALLS  
1 ADA STALL



# FLOOR PLAN

CHANGING ROOMS:  
262 S.F. NEW

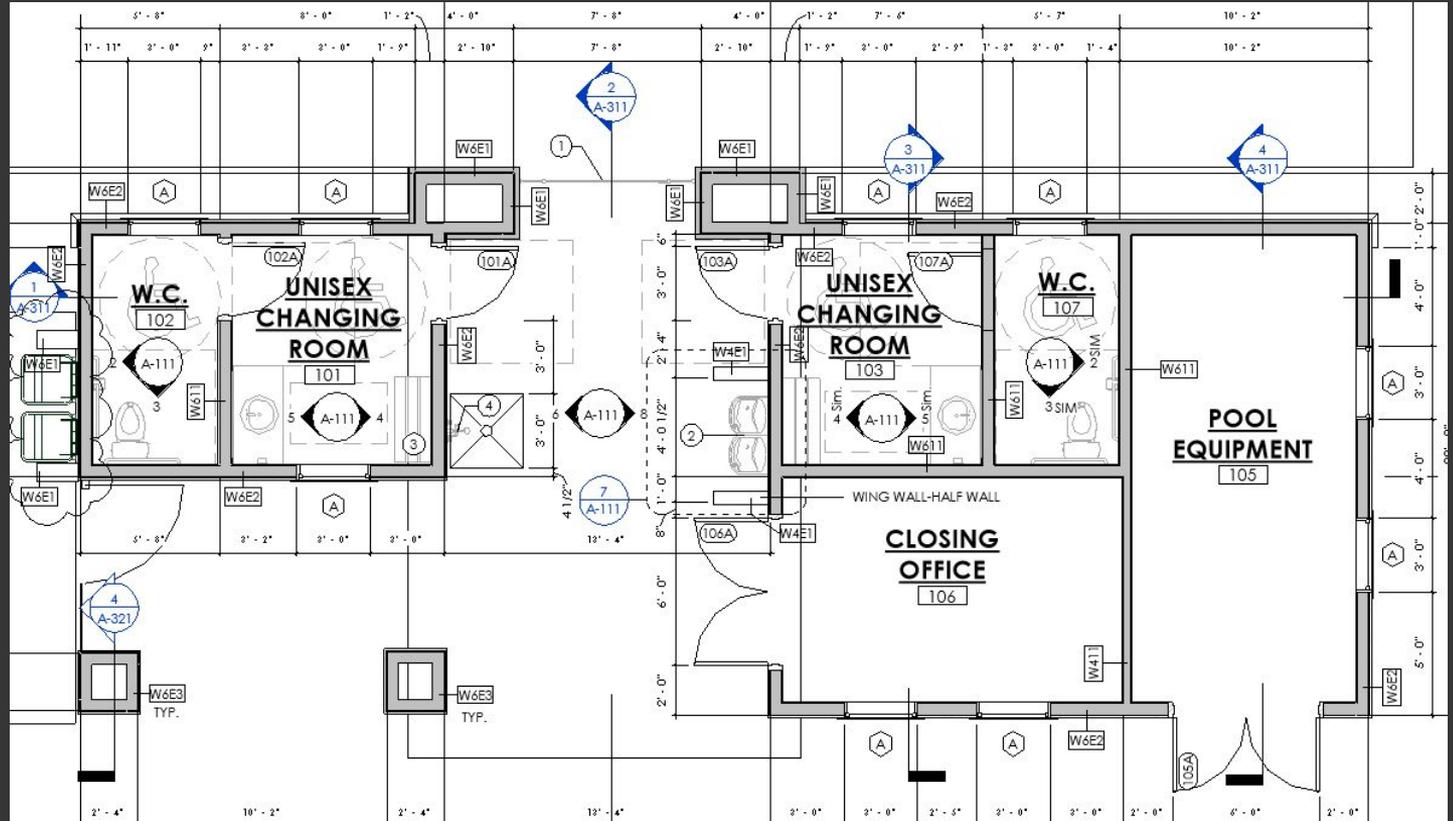
POOL/POOL DECK:  
4,566 S.F. NEW

OFFICE: 126 S.F.

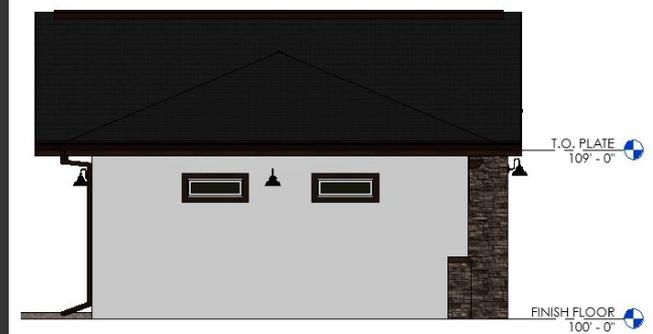
STORAGE/EQUIPMENT:  
174 S.F.

OCCUPANCY:  
POOL & DECK- 91  
POOL HOUSE-5

TOTAL:96



# ELEVATIONS



# QUESTIONS?





## **1.2 Public Meeting**

**1.2.1** The Planning and Zoning Commission heard this on August 10, 2021. The FCO's have been requested to go to the Commission August 24, 2021.

## **1.3 Testimony**

**1.3.1** Those who testified at the Commissions August 10, 2021 meeting are as follows, to-wit:

**1.3.1.1** City Staff:  
Jessica Reid, Planning Services Specialist

**1.3.1.2** Appearing for the Applicant:  
Ashley Buzzini, NeUdesign Architecture

## **II DECISION**

WHEREUPON THE PLANNING AND ZONING COMMISSION being duly informed upon the premises and having reviewed the record, evidence, and testimony received and being fully advised in the premises, DO HEREBY MAKE THE FOLLOWING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, to-wit:

## **III FINDINGS OF FACT**

### **3.1 Findings Regarding Design Review**

**3.1.1** The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements listed in Kuna City Code Title 5.

**3.1.2** Review by staff and the Commission of the proposed Design Review confirms all applicable requirements listed in Kuna City Code Title 5, Chapter 4, Section 9 were provided.

**3.1.3** Staff finds the proposed facility is an appropriate fit for the property's zoning designation and use.

**3.1.4** The buildings placement, future screening provided by fencing and landscaping, the materials used, and the color scheme matching the Cazador Subdivision, all assists in providing cohesiveness throughout the neighborhood.

- 3.1.5** A pre-existing parking lot, located onsite, provides 10 standard stalls and one (1) ADA stall. Though standards provided in Kuna City Code 5-9 requires 18 stalls, staff feels the number of stalls provided is adequate for the use.

## **3.2 Testimony of City Staff**

- 3.2.1 Conclusions:** The Planning Services Specialist, in a staff report to the Planning and Zoning Commission dated August 10, 2021, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

- 3.2.1.1** This application is a request for approval of Design Review for a proposed 527 square foot pool house, pool, landscaping and parking located on Lot 2, Block 7 (1451 W Tiger Eye) of the Cazador No. 2 Subdivision.
- 3.2.1.2** The proposed pool house will be 527 square feet and contain two (2) unisex restrooms, storage room, temporary closing office for the subdivision, and an exterior shower. The single-story building will be well under the R-6 zoning district height limit requirement of 35 feet. The façade will be a combination of stucco and stone in neutral/earth tones, while the roof will be black composite. The trim, fascia, soffits and wooden design elements will be in a neutral tone called Urban Bronze; these color combinations will complement the developing Cazador Subdivision.
- 3.2.1.3** The pool house entrance, as well as the side entrance leading to the pool area, is proposed to be a five (5) foot decorative, black, wrought iron gate; fencing of a similar material and look will surround the pool area. Six (6) foot vinyl fencing matching the subdivision and neighboring parcels, will border the subject site.
- 3.2.1.4** 4,566 Square Feet will be dedicated to the pool and pool deck. The pool will be surrounded by a concrete pool deck with an outdoor shower installed with outdoor tiles, that will be available for use by the residents. A grass area will also be provided and is located on the southeast portion of the subject site.
- 3.2.1.5** Subject site landscaping is proposed to consist of a landscaping strip between the sidewalk bordering the parking lot and the pool deck to be planted with vertical plants in order to provide privacy to the pool users. There are also narrow landscaping strips proposed around the pool deck. The landscape plan was originally approved with the Cazador No. 2 Final Plat (Case No. 20-08-FP), on June 2, 2020.
- 3.2.1.6** The associated parking lot has already been paved and striped and has a total of 10 standard stalls and one (1) ADA accessible stall. Kuna

City Code 5-9 requires one (1) stall per each five (5) persons; the pool and pool deck occupancy is 92 persons, which equivocates to a total of 18 parking stalls. Though 18 stalls would be required, staff finds the 11 total parking stalls provided, along with the ample pedestrian access, is sufficient.

**3.2.1.7** Upon complete review, staff has no concerns with the Case and has determined this application complies with Title 5 of Kuna City Code; Comprehensive Plan Future Land Use Map; and Idaho Code. Staff would recommend the Planning and Zoning Commission Approve Case No. 21-13-DR, with the Applicant being subject to the recommended Conditions of Approval listed in Section VIII (8) of this report.

**3.2.2 Staff Recommendations:** As a result of the review, Planning Services Specialist, Jessica Reid, recommended approval of the application with the following conditions, including an additional condition set forth by the Planning and Zoning Commission:

**3.2.2.1** The Applicant shall follow all requirements for sanitary sewer, potable water, irrigation system connections, and all other requirements of the Kuna Public Works Department.

**3.2.2.2** The applicant shall obtain written approval of the construction plans from applicable agencies. The approval may be either on agency letterhead referring to the approved use or, may be written or stamped upon a copy of the approved plans. All site improvements are prohibited prior to approval of these agencies and the issuance of a building permit:

**3.2.2.2.1** No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the Civil Plan.

**3.2.2.2.2** The Kuna Fire District shall approve fire flow requirements and /or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.

**3.2.2.2.3** The Kuna Municipal Irrigation System shall approve any modifications to the existing irrigation system.

**3.2.2.2.4** Approval from Ada County Highway District/Impact Fees, if any, shall be paid *prior to issuance* of building permits.

**3.2.2.3** This development is subject to Architectural Compliance Design Review Inspections *prior* to receiving a Certificate of Occupancy. Design Review Inspection fees shall be paid prior to requesting staff inspection.

- 3.2.2.4** If applicable, Fire Suppression shall be shown on all plans and approved by the Kuna Rural Fire District.
- 3.2.2.5** Per Kuna Public Works, the KRFD Deputy Fire Marshal, or KRFD representative, shall approve fire access to the project before, during, and after construction.
- 3.2.2.6** Potable water shall not be used for irrigation purposes per KCC 6-4-2:B(9).
- 3.2.2.7** Applicant shall verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties; slopes shall not be steeper than 3:1 on lots adjacent to a street or common lot, and no steeper than 4:1 for lots with common rear lot lines.
- 3.2.2.8** The Landowner/Applicant/Developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Planning and Zoning Commission, or seek amending them through the Design Review process.
- 3.2.2.9** All required landscaping shall be permanently maintained in healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within three (3) days or as the planting season permits, as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
- 3.2.2.10** Landscaping shall not be placed within 10 feet of any and all meter pits, pressurized irrigation valves and/or ACHD underground facilities, and must honor all vision triangles.
- 3.2.2.11** If applicable, on-site stormwater retention shall be reviewed in conjunction with this Design Review and Applicant/Developer may be required to provide a stormwater disposal and treatment plan which accounts for increased on-site storm water runoff volumes; detailed drawings of drainage and treatment facilities with supporting calculations for review and approval.
- 3.2.2.12** As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the Applicant engineer. As-built drawings shall be provided before occupancy or Final Plat approval is granted.
- 3.2.2.13** Applicant shall follow staff, City Engineer and other agency recommended requirements, as applicable.
- 3.2.2.14** Applicant shall comply with all local, state and federal laws.

- 3.2.2.15** Applicant shall provide a landscape plan that meets Kuna City Code, prior to submission of building permits.

**IV  
CONCLUSIONS OF LAW**

- 4.1** City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to Chapter 1, Title 50, Idaho Code.
- 4.2** The Kuna Planning and Zoning Commission has the decision-making authority over all Legislative Design Review applications as provided in Kuna City Code §1-14-3.
- 4.3** Kuna City Code Title 5, Chapter 4, Section 2 provides that:

This chapter applies to all proposed development located within the design review overlay district which shall include the entire city limits, and any land annexed into the city after the date of adoption hereof. Such development includes, but is not limited to, new commercial, industrial, institutional, office, multifamily residential projects, common areas, subdivision signage, proposed conversions, proposed changes in land use and/or building use, or exterior remodeling, exterior restoration, and enlargement or expansion of existing buildings, signs or sites, and requires the submittal of a design review application pursuant to this chapter and fee as prescribed from time to time by the city council.

**V  
ORDER OF APPROVAL OF APPLICATION FOR DESIGN REVIEW**

The Kuna Planning and Zoning Commission, having reviewed the above-entitled record, having listened to the arguments and presentations at the public meeting, and being fully informed in the premises and further based upon the Findings of Fact and Conclusions of Law hereinabove set forth, DO HEREBY APPROVE:

- 5.1** Case No. 21-13-DR (Design Review) for the Cazador No. 2 Pool House.

**BY ACTION OF THE PLANNING AND ZONING COMMISSION** of the City of Kuna at its regular meeting held on the 24<sup>th</sup> day of August 2021.

---

Lee Young, Chairman



<b>9</b>	Affidavit of Legal Interest			X
<b>10</b>	Neighborhood Meeting Certification			X
<b>11</b>	Subdivision Name Reservation			X
<b>12</b>	Agency Transmittal			X
<b>13</b>	Public Works/City Engineer Comments			X
<b>14</b>	ACHD Comments			X
<b>15</b>	Kuna Rural Fire District Comments			X
<b>16</b>	Kuna School District Comments			X
<b>17</b>	DEQ Comments			X
<b>18</b>	Nampa Meridian Irrigation Dist.			X
<b>19</b>	Kuna Melba News Legal Notice Publication for P&Z			X
<b>20</b>	Photograph of Property Posting			X
<b>21</b>	Proof of Property Posting			X
<b>22</b>	Legal Notice Mailer & Confirmation of Mailing			X
<b>23</b>	Kuna Melba News Affidavit of Publication			X

## **1.2 Hearings**

**1.2.1** Planning and Zoning Commission heard this on August 10, 2021. The FCO's have been requested to go to the Planning and Zoning Commission on August 24, 2021. Neighborhood Meeting notices were mailed to residents within 300 feet of the proposed subject site and the meeting was held on February 2, 2021. A Legal Notice was published in the Kuna Melba News Newspaper on July 7, 2021 as well as a Legal Notice being mailed by the City to residents within 300 feet, on July 7, 2021. The Applicant posted a sign on the property on July 16, 2021; the Case was tabled at the July 27, 2021 Commission Meeting to a date certain of August 10, 2021.

## **1.3 Witness Testimony**

**1.3.1** Those who testified at the Commission's August 10, 2021, hearing are as follows, to-wit:

**1.3.1.1** City Staff:  
Troy Behunin, Planner III

**1.3.1.2** Appearing for the Applicant:  
Mark Tate, M3Companies, LLC, 1087 W. River St., Ste. 310 Boise, ID 83702

**1.3.1.3** Neighboring property owner's appearing In Favor:  
None

**1.3.1.4** Neighboring property owner's appearing Neutral:  
None

**1.3.1.5** Neighboring property owner's appearing In Opposition:  
None

**II  
DECISION**

WHEREUPON THE PLANNING AND ZONING COMMISSION being duly informed upon the premises and having reviewed the record, evidence, and testimony received and being fully advised in the premises, DO HEREBY MAKE THE FOLLOWING RECCOMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, to-wit:

**III  
FINDINGS OF FACT**

**3.1 Findings Regarding Notice**

**3.1.1 Notice Required:** Notice has been given in accordance with the City Code and Idaho Statutes.

**3.1.2 Notice Provided**

**3.1.2.1** Notice was published for the August 10, 2021, hearing on the Combination Preliminary and Final Plat for Falcon Crest Clubhouse Subdivision in the *Kuna Melba News*, the official City of Kuna newspaper, which has general circulation within the boundaries of the City, Ada County and Canyon County.

<i>Newspaper</i>	<i>Dates Published</i>
<i>Kuna Melba News</i>	July 7, 2021

**3.1.2.2** Notice for the August 10, 2021, hearing containing the description of the property proposed to be developed, was mailed on June 23, 2021 to all known and affected property owners within three hundred (300) feet of the boundaries of the area described in the application.

**3.1.2.3** Notice for the August 10, 2021, hearing was posted on a sign in accordance with Kuna City Code (KCC) 5-1A-8 on July 16, 2021. A Proof of Property Posting was provided to staff on July 16, 2021.

**3.1.2.4** Notice for the August 10, 2021, hearing was posted in conspicuous places within City Hall on the Foyer’s Bulletin Boards and City Website.

**3.2 Findings Regarding Preliminary Plat**

**3.2.1** The land proposed for subdivision is comprised of one parcel totaling approx. 11.65 acres. The parcel includes the following (See flowing page):

Property Owner	Parcel Size:	Current Zone	Parcel Number
Falcon Crest, LLC	11.65 acres	R-12 – High Density Residential	S1422244200

**3.2.2** The proposal is for a subdivision that would yield three (3) total lots.

**3.2.3** The existing land uses and zoning district classifications for lands surrounding the subject parcels are as follows:

<b>North</b>	R-6 R-12	Medium Density Residential – Kuna City High Density Residential – Kuna City
<b>South</b>	R-6 R-12	Medium Density Residential – Kuna City High Density Residential – Kuna City
<b>East</b>	R-6 R-12	Medium Density Residential – Kuna City High Density Residential – Kuna City
<b>West</b>	R-6 R-12	Medium Density Residential – Kuna City High Density Residential – Kuna City

**3.2.4** All technical requirements listed in KCC 6-2-3 were provided on the Combination Preliminary and Final Plat.

**3.2.5** The subject site is located near the northeast corner of Cloverdale and Kuna Roads within the previously approved Falcon Crest Planned Unit Development (PUD). Ingress/egress will be taken from the existing private lane on Cloverdale Road approx. 3,545 feet north of Kuna Road.

**3.2.6** ACHD has recommended the applicant adhere to the following guidelines for their Combined preliminary and final plat request:

- The private road should discourage through traffic between two public streets.
- The private road should be graded to drain away from the public street intersection.
- If a private road is gated, the gate or key pad (if applicable) shall be located a Minimum of 50 feet from the near edge of the intersection and a turnaround shall be provided.

**3.2.7** ACHD has also recommended, if the lead agency (Kuna City) approves the private road, the applicant shall be required to pave the private road it's full width and at least 30 feet into the site beyond the edge of pavement of all public streets and install 15-foot tapers.

**3.2.8** ACHD stated in their report they will only accept roadway dedications if the following requirements are met:

- Dedicate a Min. of 50 feet of Rights-of-Way for the road,
- Construct the road to Min. ACHD requirement, And,
- Construct a stub street to surrounding parcels.

### 3.3 Testimony of the City Planner

**3.3.1 Conclusions:** The City Planner, in a staff report to the Planning and Zoning Commission dated August 10, 2021, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

**3.3.1.1** A pre-application meeting was held with the Applicant on March 8, 2021, representatives from Planning and Zoning and Parks and Recreation were in attendance as well as Public Works. The Applicant held a neighborhood meeting on February 2, 2021. There was a total of three (3) residents who attended the meeting. Neighborhood meeting minutes have been provided as a part of this application.

**3.3.1.2** The Applicant requests approval for a Combined Preliminary & Final Plat in order to subdivide approximately 11.65 acres into three (3) total lots. The property is zoned R-12 (High Density Residential) within Kuna City Limits. The subject site is located near the northeast corner of Cloverdale and Kuna Roads, Kuna, Idaho, Kuna, ID 83634, within Section 22, Township 2 North, Range 1 East; (APN: S1422244200).

**3.3.1.3** Applicant intends to develop this parcel into three (3) separate lots. One lot will be used for commercial purposes, lot two will be a common lot and the final lot will be used as a private road to serve the project.

**3.3.1.4** In accordance with KCC 6-2-3-B: Preliminary Plat. an applicant may request an application to be processed as both preliminary and final so long as the request meets the following criteria;

- 3.3.1.4.1 The application does not exceed 10 lots,
- 3.3.1.4.2 No new street dedication or widening is involved, and
- 3.3.1.4.3 No special development considerations are involved.

**3.3.1.5** The applicants request fulfills the listed criteria and is therefore eligible to make the request.

**3.3.1.6** The subject site is currently used as a public golf course and the site is adjacent to the existing private driveway that serves it. This application is located within the Falcon Crest Planned Unit Development (PUD) and lies between the approved Robinhood and proposed Golf Villages Subdivisions of the same PUD. Staff recommends that the private drive be designed and built to allow for connection between this and other projects to serve the public, its residents, EMS and daily service providers. Staff recommends that Applicant be conditioned to construct the proposed private lane in widths that are acceptable to the City, ACHD and EMS.

**3.3.1.7** KCC 5-18-1-D discourages gated entries to subdivisions except by Council approval. With the PUD approval by Council (January 15, 2019; Development Agreement Item 5.1.1.5.3), this development may ask for gated access for the Active Adult Community entrances subject to review and approval by the City, KRFD and ACHD and Aa County Ambulance Service. And *each* gated access must be approved on a case-by-case basis.

**3.3.2 Staff Recommendations:** As a result of the review, Planner III, Troy Behunin, recommends that if the Planning and Zoning Commission recommends approval of Case No. 21-02-CPF (Combination Preliminary and Final Plat), the Applicant be subject to the following Conditions of Approval:

**3.3.2.1** The Applicant and/or Owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:

**3.3.2.1.1** The City Engineer shall approve all sewer connections and grading plans.

**3.3.2.1.2** The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.

**3.3.2.1.3** Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties".

**3.3.2.1.4** The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Rural Fire District are required.

**3.3.2.1.5** The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.

**3.3.2.1.6** Approval from Ada County Highway District shall be obtained and Impact Fees must be paid *prior to issuance* of any building permit(s).

**3.3.2.1.7** All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.

**3.3.2.2** Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2.

**3.3.2.3** Compliance with Idaho Code §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.

- 3.3.2.4** When required, submit a petition to the City (as necessary, confirmed with the City Engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Irrigation System (KMIS) of the City.
- 3.3.2.5** Connection to all City Services (Sewer, Water, & Pressurized Irrigation) is required. The Applicant shall conform to all corresponding Master Plans.
- 3.3.2.6** Applicant shall work with staff in order to provide final locations of street lights as required by Kuna City Code.
- 3.3.2.7** Street lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- 3.3.2.8** Fencing within and around the site shall comply with Kuna City Code (unless specifically approved otherwise and permitted).
- 3.3.2.9** All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
- 3.3.2.10** Landscaping cannot be placed within ten (10) feet of any and all meter pits, pressurized irrigation valves, and/or ACHD underground facilities and must honor all vision triangles.
- 3.3.2.11** If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary and Final Plats.
- 3.3.2.12** Any revisions of the Plat are subject to Administrative Determination to rule if the revision is substantial.
- 3.3.2.13** The Land Owner/Applicant/Developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
- 3.3.2.14** Developer/Owner/Applicant shall follow staff, City Engineer and other agency recommended requirements as applicable.
- 3.3.2.15** It is the responsibility of the developer or his engineer to coordinate the stricter requirement between agencies and the City of Kuna standards.
- 3.3.2.16** The Applicant shall provide/allow for proper vehicle connection of the proposed private drive to the approved Robinhood and proposed Golf Villages subdivisions.

- 3.3.2.17 The Applicant shall construct the proposed private lane in widths that are acceptable to the City, ACHD and EMS.
- 3.3.2.18 Applicant shall correct any technical items and make any requested changes to bring the Final Plat into conformance as recommended by Kuna Public Works Staff.
- 3.3.2.19 The Applicant shall comply with all local, state and federal laws.
- 3.3.2.20 Upon City Council Council’s approval, no revisions shall be made to the Final Plat. If revisions are desired, the Applicant shall bring a copy of the changes to Planning and Zoning Staff to determine if a new approval is required via City Council or Planning and Zoning Commission.
- 3.3.2.21 Applicant shall secure all signatures on the Final Plat Memorandum prior to requesting Kuna City Engineer’s signature on the Final Plat Mylar.

**3.4 Other Testimony**

- 3.4.1 8/10/2021 Public Hearing – Mark Tate of the M3 Companies, LLC, 1087 W. River Street, Ste. 310 Boise, ID 83702, presented a Power Point Slideshow with artist renderings about the clubhouse, guard towers and other facilities. He also testified about how the project name originated discussing how “Valor Subdivision” is a tribute to the son of one of the original owners, who served in and died in service while in Afghanistan.

**IV**

**CONCLUSIONS OF LAW**

**RE: POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION**

- 4.1 City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to Chapter 1, Title 50, Idaho Code.
- 4.2 The power of the City of Kuna lies in the Planning and Zoning Commission to hear this matter as provided in Idaho Code §50-13 & §67-65, and Kuna City Code 1-14-3.
- 4.3 The Kuna Planning and Zoning Commission has the exclusive general supervisory authority over recommendation of all plat approvals and certification under their jurisdiction as provided in Idaho Code §50-1308.

**V**

**CONCLUSIONS OF LAW**

**RE: APPLICATION FOR COMBINATION PRELIMINARY AND FINAL PLAT**

- 5.1 The City of Kuna has authority to approve *Preliminary* and *Final Plats* within its boundaries pursuant to I.C. §50-13 & §67-65.
- 5.2 Kuna City Code, Title 1, Chapter 14, Section 3, states that Combination Preliminary and Final Plats are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and City Council as the decision-making body.

- 5.3** Subdivision regulations as defined in Kuna City Code Title 6 are authorized by I.C. §50-13 & §67-65 and Article 12, section 2.

**VI**  
**ORDER OF RECCOMENDING APPROVAL OF APPLICATION FOR**  
**COMBINATION PRELIMINARY AND FINAL PLAT**

The Kuna Planning and Zoning Commission, having reviewed the above-entitled record, having listened to the arguments and presentations at the hearing, and being fully informed in the premises and further based upon the Findings of Fact and Conclusions of Law hereinabove set forth, DO HEREBY ORDER AND THIS DOES ORDER:

- 6.1** That the Combination Preliminary and Final Plat application (Case No. 21-02-CPF) is recommended approval.

**BY ACTION OF THE PLANNING AND ZONING COMMISSION** of the City of Kuna at its regular meeting held on the 24<sup>th</sup> day of August, 2021.

\_\_\_\_\_  
Lee Young, Chairman



9	TIS Executive Summary			X
10	Annexation Legal Description			X
11	C-1 Legal Description			X
12	R-8 Legal Description			X
13	R-6 Legal Description			X
14	Legal Description Exhibit			X
15	Preliminary Plat - Dated 8.4.2021			X
16	Phasing Plan – Dated 8.3.2021			X
17	Buffer Zone Site Plan - Dated 8.4.2021			X
18	Landscape Plan			X
19	Agency Notification			X
20	City Engineer Annexation and Preliminary Plat Memo			X
21	Ada County Highway District Comments			X
22	Boise Project Board of Control Comments			X
23	Central District Health Comments			X
24	COMPASS Comments			X
25	Department of Environmental Quality Comments 2.5.2021			X
26	Economic Development Director Comments			X
27	Kuna Rural Fire District Comments			X
28	P&Z Kuna Melba News			X
29	P&Z Mailer			X
30	P&Z Proof of Property Posting - 7.16.2021			X
31	P& Z Courtesy Notice – Mailed 7.22.2021			X
32	Joe Guido Public Testimony 3.31.2021			X
33	City Engineer Annexation and Preliminary Plat Memo Addenda			X
34	Joe Guido Public Testimony 6.9.2021			X
35	Kathryn and Joe Guido Public Testimony 7.20.2021			X
36	City Engineer Annexation and Pre. Plat Clarification Memo. 8.2.2021			X
37	Department of Environmental Quality Email 7.22.2021			X
38	Department of Environmental Quality Email 7.30.2021			X
39	Property Line Exhibit between Arrowwood Heights & the Guido Home			X

## 1.2 Hearings

1.2.1 Planning and Zoning Commission heard this on August 10, 2021. The FCO's have been requested to go to the Planning and Zoning Commission on August 24, 2021. Neighborhood Meeting notices were mailed to residents within 300 feet of the proposed subject site and a meeting was held September 24, 2020, and a second meeting on October 21, 2020. A total of 13 residents attended the first meeting and eight (8) residents attended the second. A legal notice was published in the Kuna Melba Newspaper on July 7, 2021. The applicant posted sign on the property on July 16, 2021. Neighborhood Notices were mailed to land owners within 300-FT of the proposed project site on July 7, 2021. At the

July 27, 2021, Commission Meeting, the hearing was tabled to a date certain. A Courtesy Notice was sent July 22, 2021, notifying neighbors the meeting was tabled until the August 10, 2021, Commission meeting.

**1.3 Witness Testimony**

**1.3.1** Those who testified at the Commission’s August 10, 2021, hearing are as follows, to-wit:

- 1.3.1.1** City Staff:  
Troy Behunin, Planner III
  
- 1.3.1.2** Appearing for the Applicant:  
Wendy Shrief, JUB Eng., 2760 W. Excursion Ln. Ste. 400 Meridian, ID 83680
  
- 1.3.1.3** Neighboring property owner’s appearing In Favor:  
Kathryn Guido, 7744 S Bella Terra Ln., Meridian, ID 83642 – Not Testify
  
- 1.3.1.4** Neighboring property owner’s appearing Neutral:  
None
  
- 1.3.1.5** Neighboring property owner’s appearing In Opposition:  
Michael McShane, 7982 S Old Farm Ln., Meridian, ID 83642 – Testify  
Michael Sesti, 7776 S Old Farm Ln., Meridian, ID 83642 – Deferred time to Mr. McShane  
Beverly Coleman, 7578 S Old Farm Ln., Meridian, ID 83642 – Deferred time to Mr. McShane  
Patti Garofalo, 7624 S Old Farm Ln., Meridian, ID 83642 – Testify  
David Coleman, 7578 S Old Farm Ln., Meridian, ID 83642 – Testify  
Luis Urias, 7645 S Old Farm Ln, Meridian, ID 83642 – Not Testify  
Steve Meyerpeter, 7693 S Old Farm Ln., Meridian, ID 83642 – Not Testify  
Jerri Meyerpeter, 7693 S Old Farm Ln., Meridian, ID 83642 – Not Testify  
Christy Jones, 7597 S Old Farm Ln., Meridian, ID 83642 – Not Testify  
Richard Jones, 7597 S Old Farm Ln., Meridian, ID 83642 – Not Testify  
Amy Whittmuss, 7549 S Old Farm Ln., Meridian, ID 83642 – Not Testify  
Joe Guido, 7744 S Bella Terra Ln., Meridian, ID 83642 – Testify  
Chris Brown, 7670 S Old Farm Ln., Meridian, ID 83642 - Testify

**II  
DECISION**

WHEREUPON THE PLANNING AND ZONING COMMISSION being duly informed upon the premises and having reviewed the record, evidence, and testimony received and being fully advised in the premises, DO HEREBY MAKE THE FOLLOWING RECCOMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, to-wit:

**III  
FINDINGS OF FACT**

**3.1 Findings Regarding Notice**

**3.1.1 Notice Required:** Notice has been given in accordance with the City Code and Idaho Statutes.

**3.1.2 Notice Provided**

**3.1.2.1** Notice was published for the August 10, 2021, hearing for the Arrowwood Heights Subdivision in the *Kuna Melba News*, the official City of Kuna newspaper, which has general circulation within the boundaries of the City, Ada County and Canyon County.

<i>Newspaper</i>	<i>Dates Published</i>
<i>Kuna Melba News</i>	July 7, 2021

**3.1.2.2** Notice for the August 10, 2021, hearing containing the description of the property proposed to be developed, was mailed on July 7, 2021, to all known and affected property owners within three hundred (300) feet of the boundaries of the area described in the application. A courtesy notice was also mailed July 22, 202, notifying land owners of the change in dates.

**3.1.2.3** Notice for the August 10, 2021, hearing was posted on a sign in accordance with Kuna City Code (KCC) 5-1A-8 on July 16, 2021. A Proof of Property Posting was provided to staff on July 16, 2021.

**3.1.2.4** Notice for the August 10, 2021, hearing was posted in conspicuous places within City Hall on the Foyer’s Bulletin Boards and City Website.

**3.2 Findings Regarding Annexation, Preliminary Plat and Design Review**

**3.2.1** The land proposed for subdivision is comprised of one parcel totaling approx.. 53.13 acres. The parcel includes the following:

Property Owner	Parcel Size:	Current Zone	Parcel Number
Dean Leavitt	53.13 acres	RR – Rural Residential	S1303417354

**3.2.2** The proposal is for annexation into Kuna City and for a subdivision that would yield 177 buildable lots, and 26 common lots, for a total of 203 lots, and design review for the common lots.

**3.2.3** The existing land uses and zoning district classifications for lands surrounding the subject parcels are as follows:

<b>North</b>	R-6 & R-8	Both Medium Density Residential– Kuna City
<b>South</b>	RR	Rural Residential – Ada County

<b>East</b>	RR	Rural Residential – Ada County
<b>West</b>	RR	Rural Residential – Ada County

- 3.2.4** All technical requirements listed in KCC Chapters 5 and 6 were provided on the Annexation, Preliminary Plat and Design Review applications.
- 3.2.5** The subject site is located near the northwest corner of Ten Mile and Columbia Roads, at 7445 S Ten Mile Road, Meridian, ID 83642. Ingress/egress will be taken from a proposed Major East-West Collector 1 / 2 Mile north of Columbia Road, on the west side of Ten Mile Road.
- 3.2.6** The applicant proposes to construct a new section mid mile collector on the north property line of the site named Armidale Road; which will become a classified East-West Major Collector according to the City of Kuna Street Circulation Map. Armidale Road is shall be constructed as half of a 36-foot street section with an additional 12-feet of pavement, vertical curb, gutter, and detached sidewalk in accordance with KCC standards and ACHD policy.
- 3.2.7** ACHD has planned for a single lane roundabout at the intersection of Ten Mile and Armidale Roads. The applicant will be required to provide sufficient ROW to accommodate construction of the future roundabout.
- 3.2.8** The City of Kuna Street Circulation Map shows the alignment of Shayla Avenue, a north-south mid mile collector abutting the sites west property line. The applicant has not proposed to construct a new segment of Shayla Avenue. ACHD requires that the applicant provide a new segment of Shayla Road on the west side of the property. Shayla Road shall constructed as half of a 36-foot street section with an additional 12-feet of pavement, vertical curb, gutter, and detached sidewalk in accordance with KCC standards and ACHD policy. This segment of Shayla Road will connect to a segment being constructed as a part of the approved Memory Ranch subdivision the north.
- 3.2.9** The applicant has proposed a hammerhead turnaround near the terminus of Tenterfield Street ACHD will require the applicant to redesign Tenterfield with an acceptable cul-de-sac on the west side of the site in accordance with ACHD policy. An intersection of Tenterfield street and Shayla Avenue would not meet would not meet ACHD policy for spacing between local roadways and a collector roadway that intersect a collector roadway. The applicant will be required to submit a revised preliminary plat showing the redesigned roadway prior to ACHD’s signature on the final plat.
- 3.2.10** Loxton Way is proposed at a length greater than 750 feet. The applicant should reduce the length of Loxton Way or to include the passive design elements to meet ACHD policy. The applicant will be required to submit a revised preliminary plat prior to ACHD’s signature on the final plat.
- 3.2.11** Tarree Avenue is proposed to intersect Armidale Road 308 feet east of the site’s west property line and intersection of Shayla Avenue and Armidale Road. Tarre Avenue should be constructed to intersect Armidale a minimum of 330 feet from future Shayla Avenue to meet ACHD policy. The applicant will be required to submit a revised preliminary plat prior to ACHD’s signature on the final plat.

- 3.2.12** Moonie Avenue and Loxton way will be constructed as stub streets to adjacent properties. The applicant shall install a sign at the terminus of these stub streets stating, “THIS ROAD WILL BE EXTENDED IN THE FUTURE.”
- 3.2.13** Signs shall be installed at the terminus of Armidale Road and Shayla Avenue stating, “THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS STREET WILL BE WIDENED AND EXTENDED IN THE FUTURE.”
- 3.2.14** According to ACHD’s report and the submitted Traffic Impact Study, the current intersections of Ten Mile Road and Lake Hazel Road will not meet minimum operational thresholds with the buildout of this development. Once mitigation improvements are completed, per the submitted TIS the intersection will be back within an acceptable operational threshold. No mitigation should be required for the intersection of Ten Mile Road and Lake Hazel Road with this development application as improvements are planned in ACHD’s integrated Five Year Work Plan.

### **3.3 Testimony of the City Planner**

**3.3.1 Conclusions:** The City Planner, in a staff report to the Planning and Zoning Commission dated August 10, 2021, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

- 3.3.1.1** On September 21, 2020 staff held a pre-application meeting with the applicant, representatives from Planning and Zoning, Public Works, Parks and Recreation, ACHD, Kuna School Dist., Kuna Rural Fire Dist. and the Kuna Police Department were all invited to attend. The applicant held two neighborhood meetings, one on September 24, 2020, and again on October 21, 2020. There were 16 residents who attended the first meeting and nine (9) who attended the second meeting. Meeting minutes have been provided as a part of this packet.
- 3.3.1.2** The Applicant requests approval to annex approximately 53.13 -acres into the City of Kuna using three zones; approximately (approx.) 33.71 acres as R-6 Medium Density Residential (MDR), 7.59 acres as R-8 MDR, and 9.79 acres as C-1 Neighborhood Commercial. The lands are currently in Ada County, zoned RR (Rural Residential) and are adjacent to Kuna City Limits. The overall gross density of the project is proposed at 4.29 dwelling units per acre (DUA).
- 3.3.1.3** 6.86 acres, or 16% of the project, is proposed to be open space, including all end caps, buffers, parks, and pathways. A total of 4.54 acres or, 11% of the project, are considered useable open space as defined by KCC 5-1-6-2. Included in the useable open space is a park area with shelter, playground and tennis court. Pathways are provided throughout the subdivision to provide pedestrian connectivity. KCC 5-17 requires developments with a range of 151-200 homes/dwelling units to devote 8.50% of the development area to useable open space; staff views the proposed open space for *Arrowwood Heights* to be in compliance with KCC. Applicant is proposing five-foot wide sidewalks on Armidale Road (Mid-Mile Collector), KCC requires sidewalks on collectors to be a minimum of eight (8) feet.

- 3.3.1.4** The proposed Subdivision is within the Memory Ranch Lift Station Sewage Basin which requires pump upgrades. The developer may be requested to participate with lift station and/or force main improvements in order to serve the development. Sewer Flow models will be required to verify pipe sizes and will be paid by developer.
- 3.3.1.5** The installation of streetlights is a required public improvement listed under Kuna City Code 6-4-2. The applicant will be required to ensure street lights are at a maximum spacing not exceeding 250 ft. The final location of street lights will be approved at the time of construction document review. Staff notes all streetlights must be designed and installed according to “Dark Sky” standards.
- 3.3.1.6** A design review application for common area landscaping and open space was included as a part of the overall application. The application includes several internal pathways, staff will require the applicant comply with KCC 5-5-5-F and install “see-through” fence in the appropriate locations. Staff finds the proposed landscaping, buffers and common space to be in compliance with Kuna City Code. Additionally, staff notes that if this project is approved, at the time of civil plan development, landscaping cannot be placed within ten (10) feet of any meter pits, pressurized irrigation valves, and/or ACHD underground facilities. In the event that locations of landscape elements are within the locations listed above, the landscaping in that area must be moved to an alternate location, and an updated landscape plan must be provided to staff *prior* to scheduling final landscape and street light inspection(s). The Developer, Owner and/or Applicant is hereby notified that this project is subject to design review inspection fees. Required inspections (post construction), are to verify landscaping and street light placement compliance prior to signature on the final plat for each phase.
- 3.3.1.7** Kuna’s Comprehensive Plan (Comp Plan) encourages a variety of housing types for all income levels, open space and pathways numerous times throughout the document. Pertinent sections of the Comp Plan that address the above listed items are included below in Section H of this staff report.
- 3.3.1.8** On April 13, 2021, at the original Commission public hearing, the Commission recommended changes to the preliminary plat (pre plat) which the applicant made and submitted to staff after that hearing. The applicant responded to the Commissions recommended conditions by lowering the lot count along the southern boundary.
- 3.3.1.9** Staff became concerned about the residential transition from the proposed commercial uses within this project and the comprehensive Plan Map designated Mixed-Uses to the south. Staff recommends a more-dense residential transition should be placed on the south side of Loxton Way for at least the first 400’ going west, adjacent to the applicants’ proposed commercial in order to facilitate a proper transition for future commercial development in the area. This updated preliminary plat was sent to Council on June 15, 2021, where the Council became concerned the Commission did not have the opportunity to review the updated site plan reflecting these changes and remanded the Arrowwood Heights case back to the Commission.

**3.3.1.10** In late July, staff became aware of a potential issue related to the wastewater treatment pond and land-application (land app.) area used for treated sewer waters from the neighboring Ironhorse Subdivision. According to DEQ comments received through email on July 22, 2021, if dwelling units are placed within 300' of the land-application site, the Ironhorse Subdivision sewer treatment facility would face one (1) of four (4) outcomes as soon as the first home within 300' of the land app. site is issued a Certificate of Occupancy (C of O):

- Relocate the land-application site,
- Upgrade the treatment to a higher standard, however, upgrades to the treated waters only reduce the buffer area, it does not eliminate it completely,
- Discontinue using the pond and application area, annex into Kuna City limits and connect to central sewer from the city; Or,
- Conduct a microbial risk analysis to show a reduced buffer zone is protective, which would include:
  - Addition of a landscaper buffer,
  - Asses whether the full acreage is needed to comply with the Reuse Permit.

**3.3.1.11** According to the DEQ Email from 7.22.2021, postponing development and sale of the (these three lots) that fall within the buffer zone would allow the Ironhorse residents and the Wastewater treatment provider, W&WW, LLC, additional time to determine a solution.

**3.3.1.12** Due to these recent developments, the applicant has altered their site plan again, yet have retained the same lot count. The applicant is willing to place notes on the final plat that limits when or, if homes may be built on the three (s) lots within 300' of the land-application site. The three (3) lots have been identified in the final plat notes. The notes will not allow a home to be built on them until the Ironhorse Subdivision no longer needs the pond and land app. site. The Applicant has been made aware they may never have the opportunity to build on any lot where a home will be built within 300' of the land app. site. In the event that the Ironhorse Subdivision no longer needs the pond or land app. site in the future (at their choosing), the three (3) lots identified in the notes on the Final Plat may be issued a permit to build homes. Staff recommends the applicant treat these three (3) lots inside the Ironhorse Sub wastewater buffer-zone as common lots. Furthermore, that the applicant Landscape these three lots with sod at a minimum as this may be turn into a permanent situation.

**3.3.2 Staff Recommendations:** As a result of the review, Planner III, Troy Behunin, recommends that if the Planning and Zoning Commission recommends approval of Case No's 20-07-A (Annexation) 20-16-S (Preliminary Plat) and 20-25-DR (Design Review), the Applicant be subject to the following Conditions of Approval:

**3.3.2.1** The Applicant and/or Owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting,

landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:

- 3.3.2.1.1** The City Engineer shall approve all sewer connections and grading plans.
- 3.3.2.1.2** The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
- 3.3.2.1.3** Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, “Catalog for Best Management Practices for Idaho Cities and Counties”.
- 3.3.2.1.4** The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Rural Fire District are required.
- 3.3.2.1.5** The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
- 3.3.2.1.6** Approval from Ada County Highway District shall be obtained and Impact Fees must be paid *prior to issuance* of any building permit(s).
- 3.3.2.1.7** All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- 3.3.2.2** Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2.
- 3.3.2.3** Compliance with Idaho Code §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- 3.3.2.4** When required, submit a petition to the City (as necessary, confirmed with the City Engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Irrigation System (KMIS) of the City.
- 3.3.2.5** Connection to all City Services (Sewer, Water, & Pressurized Irrigation) is required. The Applicant shall conform to all corresponding Master Plans.

- 3.3.2.6** Applicant shall work with staff in order to provide final locations of street lights as required by Kuna City Code.
- 3.3.2.7** Street lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- 3.3.2.8** Fencing within and around the site shall comply with Kuna City Code (unless specifically approved otherwise and permitted).
- 3.3.2.9** All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
- 3.3.2.10** Landscaping cannot be placed within ten (10) feet of any and all meter pits, pressurized irrigation valves, and/or ACHD underground facilities and must honor all vision triangles.
- 3.3.2.11** If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary and Final Plats.
- 3.3.2.12** Any revisions of the Plat are subject to Administrative Determination to rule if the revision is substantial.
- 3.3.2.13** The Land Owner/Applicant/Developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
- 3.3.2.14** Developer/Owner/Applicant shall follow staff, City Engineer and other agency recommended requirements as applicable.
- 3.3.2.15** It is the responsibility of the developer or his engineer to coordinate the stricter requirement between agencies and the City of Kuna standards.
- 3.3.2.16** The Applicant shall provide/allow for proper vehicle connection of the proposed private drive to the approved Robinhood and proposed Golf Villages subdivisions.
- 3.3.2.17** The Applicant shall construct the proposed private lane in widths that are acceptable to the City, ACHD and EMS.
- 3.3.2.18** Applicant shall correct any technical items and make any requested changes to bring the Final Plat into conformance as recommended by Kuna Public Works Staff.
- 3.3.2.19** The Applicant shall comply with all local, state and federal laws.

- 3.3.2.20** Upon City Council Council’s approval, no revisions shall be made to the Final Plat. If revisions are desired, the Applicant shall bring a copy of the changes to Planning and Zoning Staff to determine if a new approval is required via City Council or Planning and Zoning Commission.
- 3.3.2.21** Applicant shall secure all signatures on the Final Plat Memorandum prior to requesting Kuna City Engineer’s signature on the Final Plat Mylar.
- 3.3.2.22** Applicant shall limit the home built on Lot 9, Block 1, to a single-story.
- 3.3.2.23** Applicant shall place a note on the Final Plat preventing homes from being placed on the lots within the land-application buffer zone (as described above), until the Ironhorse Subdivision no longer needs the wastewater treatment pond and land application site.
- 3.3.2.24** Applicant shall work with staff to ensure fence compliance for the project.
- 3.3.2.25** Applicant shall work with staff and ACHD to move the proposed south stub street to the east.

#### **3.4 Other Testimony**

- 3.4.1** 8/10/2021 Public Hearing – Wendy Shrief, with JUB Engineers, 2760 W. Excursion Ln. Ste. 400 Meridian, ID presented the changes to the site plan in between the April 13, 2021 meeting and August 10, 2021 as a direct result of the neighborhood meetings. Staff comments and Agency Comments, and the land application area within Ironhorse Sub.
- 3.4.2** 8/10/2021 Public Hearing – Michael McShane testified as President of the HOA in opposition to the project. Thanked the developer for some concessions and changes to the project. Testified the developer did not keep his promise never took place after the neighborhood meeting. Expressed a desire for even larger lots on the south boundary of the new subdivision and requested all homes of the same boundary be single-story homes. He testified the Ironhorse residents are concerned with a drop in property value if this project is built. He was awarded six (6) additional minutes to testify on behalf of two other residents (Michael Sesti and Beverly Coleman). He stated support for the south stub street but requested it be moved east. He stated the buffer/ lagoon and land-application area issues were not the Ironhorse Subdivisions’ problem to solve.
- 3.4.3** 8/10/2021 Public Hearing – Patti Garofalo stated her concern for homes on the south boundary, and requested they be single-story. Wanted to address a concern from the April meeting that a development agreement ensure surrounding properties are not negatively affected by the R-6 and R-8 densities of this subdivision request.
- 3.4.4** 8/10/2021 Public Hearing – David Coleman testified lot 9 would encroach on his privacy as he is closest to the homes in Arrowwood and it was near his patio area. He requested lot relocation for lot 9, block 1.
- 3.4.5** 8/10/2021 Public Hearing – Joe Guido testified about the Ironhorse lagoon and land application area. Stated there is no where to move the pond or land application area. He stated the developer should pay for annexation for the Ironhorse residents to connect to City services. He stated his concern about the stub street that would run into his large barn

and requested it be moved east. He also requested single-story homes for homes on the southern boundary.

- 3.4.6 8/10/2021 Public Hearing – Chris Brown believed residents who have lived here longer had more pull/influence with these projects. He testified the developer promised to stay in communication and that it didn't happen. He also requested single-story homes for homes on the southern boundary so they wouldn't need to look at cookie-cutter homes that looked like a child created a three-windowed box. He stated the comments from former Chief of Fire Phil Roberts about adequate water supply for hydrants. He expressed concerns about property values dropping and the need to double perimeter fencing and the buffer/lagoon and land-application area issues were not the Ironhorse Subdivisions' problem to solve.
- 3.4.7 8/10/2021 Public Hearing – Kathryn Guido stated that the placement of the southern stub street should not be adjacent to the barn on her property.
- 3.4.8 8/10/2021 Public Hearing – Tim Mokwa (Hayden Homes) rebutted the public testimony. Stated He was OK with conditioning Lot 9, Block 1 to a single-story. He stated that Lots 11, 12, 13, Block 1 which are within the land application buffer would only receive homes if Ironhorse Subdivision no longer needed the lagoon and land application area, or if they were moved. They were not creating the problem, that was created by the Ironhorse developer. He testified Hayden Homes is providing a solution to what could have been a problem. He was not certain why it was suggested that Hayden Homes pay for the Ironhorse residents to annex into Kuna. He stated support for moving the stub street east, and for keeping lots 11 through 13 as park-like. He stated the number of neighborhood meetings held to be a good neighbor and the multiple concessions made. He stated the lots were R-4 sized, the zoning is not changing to R-4 and the southern lots were the largest in the sub.

#### IV

#### CONCLUSIONS OF LAW

#### RE: POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION

- 4.1 City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to Chapter 1, Title 50, Idaho Code.
- 4.2 The power of the City of Kuna lies in the Planning and Zoning Commission to hear this matter as provided in Idaho Code §50-13 & §67-65, and Kuna City Code 1-14-3.
- 4.3 The Kuna Planning and Zoning Commission has the exclusive general supervisory authority over recommendation of all annexations, preliminary plat approvals and certification under their jurisdiction as provided in Idaho Code §50-1308.

#### V

#### CONCLUSIONS OF LAW

#### RE: APPLICATION FOR ANNEXATION

- 5.1 The City of Kuna has authority to approve Annexations within its boundaries pursuant to I.C. §50-222.
- 5.2 I.C. § 50-222(1) provides that:

[C]ities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, *to enable the orderly development of private lands* which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocated the costs of public services in management of development on the urban fringe.

(emphasis added).

- 5.3** The proposed annexation is a Category A annexation as described in I.C. § 50-222(3)(a), because all private landowners of the parcels at issue have consented to the proposed annexation.
- 5.4** The annexation, proposed by the Annexation Application in Case No. 20-07-AN, would constitute an orderly development and would not contribute to urban sprawl of the city.

**VI**  
**CONCLUSIONS OF LAW**  
**RE: APPLICATION FOR PRELIMINARY PLAT**

The Kuna Planning and Zoning Commission, having reviewed the above-entitled record, having listened to the arguments and presentations at the hearing, and being fully informed in the premises and further based upon the Findings of Fact and Conclusions of Law hereinabove set forth, DO HEREBY ORDER AND THIS DOES ORDER:

- 6.1** That the Preliminary Plat application (Case No. 20-07-S) is recommended for approval.

**VII**  
**CONCLUSIONS OF LAW**  
**RE: APPLICATION FOR DESIGN REVIEW**

The Kuna Planning and Zoning Commission, having reviewed the above-entitled record, having listened to the arguments and presentations at the hearing, and being fully informed in the premises and further based upon the Findings of Fact and Conclusions of Law hereinabove set forth, DO HEREBY APPROVE:

- 7.1** That the design review application (Case No. 20-25-DR) is hereby approved.

**BY ACTION OF THE PLANNING AND ZONING COMMISSION** of the City of Kuna at its regular meeting held on the 24<sup>th</sup> day of August, 2021.

---

Lee Young, Chairman

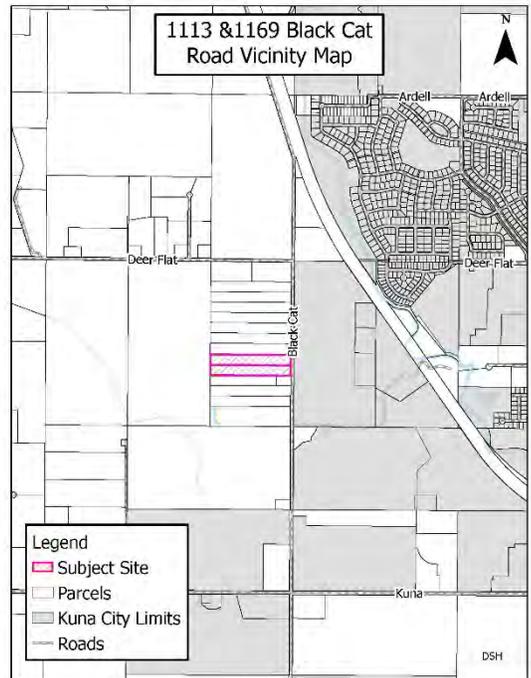
**BEFORE THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF KUNA**

IN THE MATTER OF THE APPLICATIONS OF ) **Case No. 21-06-AN (Annexation),**  
 )  
**ROBIN AND DIANA SANDERS** )  
 )  
 ) **STAFF REPORT FOR THE 1113**  
*For an Annexation for 1113 and 1169 N* ) **AND 1169 N BLACK CAT ROAD**  
*Black Cat Road.* ) **ANNEXATION APPLICATION.**

---

**TABLE OF CONTENTS**

1. Exhibit List
2. Process and Noticing
3. Applicants Request
4. General Project Facts
5. Transportation and Connectivity
6. Staff Analysis
7. Proposed Findings of Fact and Conclusions of Law
8. Proposed Comprehensive Plan Analysis
9. Commission’s Recommendation



**I  
EXHIBIT LIST**

The exhibits of the above-referenced matter consist of the following, to-wit:

**1.1 Exhibits:**

<i>DESCRIPTION OF EVIDENCE</i>		Withdrawn	Refused	Admitted
<b>1.1</b>	Staff Memo			X
<b>2.1</b>	Planning and Zoning Application Coversheet			X

<b>2.2</b>	Annexation Application			X
<b>2.3</b>	Narrative			X
<b>2.4</b>	Legal Description			X
<b>2.5</b>	Vicinity Map			X
<b>2.6</b>	1113 N Black Cat Road Deed			X
<b>2.7</b>	1169 N Black Cat Road Deed			X
<b>2.8</b>	Neighborhood Meeting Certification			X
<b>2.9</b>	Commitment to Property Posting			X
<b>2.17</b>	Agency Transmittal			X
<b>2.18</b>	Ada County Development Services			X
<b>2.19</b>	Nampa and Meridian Irrigation District			X
<b>2.20</b>	Central District Health Department			X
<b>2.21</b>	City Engineer			X
<b>2.22</b>	Ada County Highway District			X
<b>2.23</b>	Planning and Zoning Commission Kuna City Website Notice			X
<b>2.24</b>	Planning and Zoning Commission Kuna Melba News			X
<b>2.25</b>	Planning and Zoning Commission Mailer			X
<b>2.26</b>	Planning and Zoning Commission Proof of Property Posting			X

## II PROCESS AND NOTICING

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

### 2.1.1 Notifications

- |   |                             |
|---|-----------------------------|
| <b>2.1.1.1</b> Neighborhood Meeting:          | May 22, 2021 (No Attendees) |
| <b>2.1.1.2</b> Agency Comments Request:       | June 11, 2021               |
| <b>2.1.1.3</b> 300 FT Property Owners Notice: | August 4, 2021              |
| <b>2.1.1.4</b> Kuna Melba News Newspaper:     | August 4, 2021              |
| <b>2.1.1.5</b> Site Posted:                   | August 13, 2021             |

## III APPLICANTS REQUEST

**3.1** Robin and Diana Sanders request to annex two (2) parcels consisting of approximately 9.8 acres into Kuna City Limits with an R-2 zoning district classification. The subject sites are located at 1113 and 1169 N Black Cat Road, Kuna, ID 83634, within Section 21, Township 2 North, Range

1 West; (APNs: S1321141880, S1321141920).

## **IV GENERAL PROJECT FACTS**

### **4.1 Site History**

**4.1.1** The property has historically served as single-family residences on large lots and farmland.

### **4.2 Surrounding Land Uses**

<b>North</b>	RR	Rural Residential – Ada County
<b>South</b>	RR	Rural Residential – Ada County
<b>East</b>	RR	Rural Residential – Ada County
<b>West</b>	A	Agriculture – Kuna City

### **4.5 Parcel Number, Owner, Parcel Size, Current Zoning**

**4.5.1** S1321141880 (1113 N Black Cat Road)

**4.5.1.1** Robin and Diana Sanders

**4.5.1.2** Approximately 4.9 acres

**4.5.1.3** RR (Rural Residential)

**4.5.2** S1321141920 (1169 N Black Cat Road)

**4.5.1.1** Robin and Diana Sanders

**4.5.1.2** Approximately 4.9 acres

**4.5.1.3** RR (Rural Residential)

### **4.6 Services**

Sanitary Sewer – Private System

Potable Water – Private System

Fire Protection – Kuna Rural Fire District

Police Protection – Kuna Police (Ada County Sheriff's Office)

Sanitation Services – J&M Sanitation

### **4.7 Existing Structures, Vegetation, and Natural Features**

**4.7.1** 1113 N Black Cat Road contains a 1,586 square foot home with a 576 square foot attached garage. 1169 N Black Cat Road contains a 1,792 square foot mobile home with a 2,000 square foot barn. Vegetation in direct proximity to the primary dwelling units includes trees, shrubs and grass. Vegetation on the remainder of the site is consistent with that of pasture-like fields. The sites have an estimated average slope of 3% to 5.9%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be between 20 and 40 inches.

**4.8 Environmental Issues**

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

**4.9 Comprehensive Plan Future Land Use Map**

**4.9.1** The Future Land Use Map (FLUM) is intended to serve as a *guide* for the decision-making body for the city. The FLUM indicates land use designations generally speaking, it is not the actual zone. The Future Land Use Map identifies the approximately 9.8-acres as Low Density Residential.

**4.10 Recreation and Pathways Map**

**4.10.1** The Recreation and Pathways Master Plan Map does not indicate a future pathway/trail or bike route through or along the subject site.

**4.11 Agency Responses**

<b>Agency</b>	<b>Exhibit No.</b>
Ada County Development Services	2.18
Nampa & Meridian Irrigation District	2.19
Central District Health Department	2.20
City Engineer	2.21
Ada County Highway District	2.25

**V**

**TRANSPORTATION AND CONNECTIVITY**

**5.1** There is no development associated with this application, the Ada County Highway District (ACHD) has provided comments detailing what will be required as a part of a future development application.

The proposed project takes frontage on Black Cat Road. Black Cat Road is currently improved with two (2) travel lanes, 25 feet of pavement and no curb, gutter or sidewalk abutting the site. There is 55 feet of right-of-way, 30 feet from Centerline. The City of Kuna Street Circulation Map identifies Black Cat Road as a Minor Arterial. As part of a future development application, the applicant will be required to dedicate additional right of way to total 39-feet from centerline, with an eight-foot-wide detached sidewalk within a 20–30-foot landscape buffer in accordance with ACHD policy and KCC standards.

The subject site currently has three (3) unimproved driveways that provide access to the site from Black Cat Road located 85, 178 and 322 feet south of the site’s northernmost property line. ACHD approved a private road application for the site on April 2021 requiring that the driveways located 85 and 322 feet south of the site’s northernmost property line be closed. The driveway located 178 feet south of the site’s northernmost property line was approved to be improved as a 24-foot-wide private road/driveway and is currently under construction.

## VI STAFF ANALYSIS

- 6.1** The applicant held a neighborhood meeting with residents within 300 ft of the proposed project area on May 22, 2021, there were no attendees. Neighborhood meeting minutes as well as mailed materials have been provided as a part of this application.

The property is currently zoned RR (Rural Residential) within unincorporated Ada County. The applicant is proposing to annex the approximately 9.8 -acres with a R-2 (Low Density Residential) zoning district classification. The property is adjacent to Kuna City Limits, which makes it eligible for consideration of annexation. The property owner is consenting to the annexation and the property is contiguous with Kuna City limits situated to the east of the subject site. Idaho Statutes §50-222 grants cities the authority to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.

This request is limited to the annexation of the land into Kuna City Limits, no development associated with this application.

Staff has determined the applicant's annexation request is in compliance with Idaho Statutes §50-222 and the goals and policies set in Kuna's Comprehensive Plan. Staff recommends that if the Commission recommends approval to the City Council, that the applicant be subject to the conditions of approval listed in section "IX" of this report, as well as any additional conditions designated by the Planning and Zoning Commission.

### **6.2 Applicable Standards**

- 6.2.1** City of Kuna Comprehensive Plan.
- 6.2.2** Idaho Code, Title 50, Chapter 2, §50-222

## VII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 21-06-AN (Annexation) including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, including the exhibits, and the testimony during the public hearing, the Kuna Planning and Zoning Commission hereby recommends (*approval/conditional approval/denial*) of the Findings of Fact and Conclusions of Law for Case No. 21-06-AN, a request from Robin and Diana Sanders to annex two (2) parcels consisting of approximately 9.8 acres into Kuna City Limits with an R-2 zoning district classification.

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

- 7.1** Based on the evidence contained in Case Nos. 21-06-AN, this proposal *does/does not* generally comply with the City Code.

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

- 7.2** The public notice requirements *have/have not* been met and the neighborhood meeting *was/was not* conducted within the guidelines of applicable Idaho Code and City Ordinances.

**Staff Finding:** *The applicant held a neighborhood meeting on May 22, 2021, no residents attended the meeting. Neighborhood Notices were mailed out to residents within 300-FT of the proposed project site on August 4, 2021 and a legal notice was published in the Kuna Melba Newspaper on August 4, 2021. The applicant posted sign on the property on August 13, 2021.*

- 7.3** Based on the evidence contained in Case Nos. 21-06-AN, this proposal *does/does not* generally comply with the Comprehensive Plan.

**Staff Finding:** *The Comprehensive Plan designates the future land use designation of the proposed subject site as Low Density Residential. The applicant is requesting a R-2 (Low Density Residential) zoning district classification.*

- 7.4** All private landowners *have/have not* consented to the Annexation.

**Staff Finding:** *The property owners have consented to the annexation.*

- 7.5** The proposed project lands are eligible for annexation into Kuna City Limits.

**Staff Finding:** *The parcels to be annexed have a contiguous touch to Kuna City Limits to the east.*

- 7.6** The applicant and/or owner of the property have the right to request a written regulatory taking analysis.

**Staff Finding:** *Pursuant to Idaho Code 67-8003, the owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk. Not more than twenty-eight (28) days after the final decision concerning the matter at issue, the City shall prepare a written taking analysis concerning the action if requested.*

## **VIII PROPOSED COMPREHENSIVE PLAN ANALYSIS**

The Kuna Planning and Zoning Commission may *accept/reject* the Comprehensive Plan components, and shall determine if the proposed Annexation request for the site *is/is not* consistent with the following Comprehensive Plan components:

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

- Goal 3.A.: Ensure community design directs growth and implements sustainable land use patterns
  - Objective 3.A.1.: Use the Future Land Use Map and land use regulations to direct development, encourage complementary and compatible land uses, and achieve good community design.
- Goal 3.G.: Respect and protect private property rights.

- Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.
  - Policy 3.G.1.b: Ensure City land use actions, decision, and regulations will not cause an unconstitutional regulatory taking of private property; and do not effectively eliminate all economic value of the subject property.
  - Policy 3.G.1.c: Ensure land use actions, decisions and regulations do not prevent a private property owner from taking advantage of a fundamental property right. Ensure city actions do not impose a substantial and significant limitation on the use of the property.

## IX COMMISSION'S RECCOMENDATION

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

Based on the facts outlined in staff's report and public testimony as presented, the Planning and Zoning Commission of Kuna, Idaho, hereby *recommends (approval/conditional approval/denial)* of Case No. 21-06-AN (Annexation), a request from Robin and Diana Sanders to annex two (2) parcels consisting of approximately 9.8 acres into Kuna City Limits with an R-2 zoning district classification., subject to the following conditions of approval:

- 9.1** Upon development the applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
  - 9.1.1** The City Engineer shall approve the sewer connections.
  - 9.1.2** The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - 9.1.3** Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties".
  - 9.1.4** The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Rural Fire District are required.
  - 9.1.5** The Kuna Municipal Irrigation System (KMIS) and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
  - 9.1.6** Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to issuance of any building permit(s).
  - 9.1.7** All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.

- 9.2 Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2.
- 9.3 Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- 9.4 When required, submit a petition to the City (as necessary, confirmed with the City Engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the KMIS of the City.
- 9.5 The developer/owner/applicant, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
- 9.6 Developer/owner/applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
- 9.7 Developer/owner/applicant shall comply with all local, state and federal laws.

**DATED** this 24<sup>th</sup> day of August, 2021.

# 1113 & 1169 Black Cat Road Aerial Map



-  Subject Site
-  Parcels
-  Roads
-  Water Features



# Planning & Zoning Application Coversheet

PO Box 13 | 751 W 4<sup>th</sup> Street | Kuna, ID 83634  
(208) 922-5274 | [www.KunaCity.ID.gov](http://www.KunaCity.ID.gov)



### \*\*Office Use Only\*\*

**File No.(s):** 21-06-AN

**Project Name:** 1113 & 1169 N Black Cat

**Date Received:** 06.01.2021

**Date Accepted as Complete:** 6.25.2021

Type of review requested (check all that apply); please submit all associated applications:

<input checked="" type="checkbox"/>	Annexation	<input type="checkbox"/>	Appeal
<input type="checkbox"/>	Comp. Plan Map Amendment	<input type="checkbox"/>	Combination Pre & Final Plat
<input type="checkbox"/>	Design Review	<input type="checkbox"/>	Development Agreement
<input type="checkbox"/>	Final Planned Unit Development	<input type="checkbox"/>	Final Plat
<input type="checkbox"/>	Lot Line Adjustment	<input type="checkbox"/>	Lot Split
<input type="checkbox"/>	Ordinance Amendment	<input type="checkbox"/>	Planned Unit Development
<input type="checkbox"/>	Preliminary Plat	<input type="checkbox"/>	Rezone
<input type="checkbox"/>	Special Use Permit	<input type="checkbox"/>	Temporary Business
<input type="checkbox"/>	Vacation	<input type="checkbox"/>	Variance

### Owner of Record

Name: Robin & Diana Sanders

Address: 1113 N. Black Cat Rd.

Kuna, ID 83634

Phone: 208-869-6723 Email: rd.sanders@hotmail.com

### Applicant (Developer) Information

Name: Diana & Robin Sanders

Address: 1113 N. Black Cat Rd.

Kuna, ID 83634

Phone: 208-869-6723 Email: rd.sanders@hotmail.com

### Engineer/Representative Information

Name: \_\_\_\_\_

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Subject Property Information**

Site Address: 1113 N. Black Cat Rd. & 1169 N. Black Cat Rd.

Nearest Major Cross Streets: Deer Flat Rd., Kuna Rd.

Parcel No.(s): S1321141880, S1321141920

Section, Township, Range: 21, 2N, 1W

Property Size: 9.8 acres

Current Land Use: Residential/farm Proposed Land Use: Residential/farm

Current Zoning: RR Proposed Zoning: R-2

**Project Description**

Project Name: Annexation

General Description of Project: Annexation into the City with future development.

Type of proposed use (check all that apply and provide specific density/zoning):

Residential: R-2 R-4 R-6 R-8 R-12 R-20  Commercial: C-1 C-2 C-3  CBD

Office  Industrial: M-1 M-2  Other: \_\_\_\_\_

Type(s) of amenities provided with development: Private road, underground utilities.

**Residential Project Summary (If Applicable)**

Are there existing buildings? **YES** NO

If YES, please describe: 1113 N. Black Cat: residence, 1169 N. Black Cat: mobile and barn.

Will any existing buildings remain? **YES** NO

No. of Residential Units: 2 No. of Building Lots: 2

No. of Common Lots: \_\_\_\_\_ No. of Other Lots: \_\_\_\_\_

Type of dwelling(s) proposed (check all that apply):

Single-Family     Townhomes     Duplexes     Multi-Family

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

Minimum square footage of structure(s): \_\_\_\_\_

Gross Density (Dwelling Units ÷ Total Acreage): \_\_\_\_\_

Net Density (Dwelling Units ÷ Total Acreage not including Roads): \_\_\_\_\_

Percentage of Open Space provided: \_\_\_\_\_ Acreage of Open Space: \_\_\_\_\_

Type of Open Space provided (i.e. public, common, landscaping): \_\_\_\_\_

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

### Non-Residential Project Summary (If Applicable)

Number of building lots: \_\_\_\_\_ Other lots: \_\_\_\_\_

Gross floor area square footage: \_\_\_\_\_ Existing (if applicable): \_\_\_\_\_

Building height: \_\_\_\_\_ Hours of Operation: \_\_\_\_\_

Total no. of employees: \_\_\_\_\_ Max no. of employees at one time: \_\_\_\_\_

No. of and ages of students: \_\_\_\_\_ Seating capacity: \_\_\_\_\_

Proposed Parking:

ADA accessible spaces: \_\_\_\_\_ Dimensions: \_\_\_\_\_

Regular parking spaces: \_\_\_\_\_ Dimensions: \_\_\_\_\_

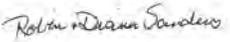
Width of driveway aisle: \_\_\_\_\_

Proposed lighting: \_\_\_\_\_

Is lighting "Dark Sky" compliant? YES NO

Proposed landscaping (i.e. berms, buffers, entrances, parking areas, etc.):

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

Applicant Signature:  Date: May 26, 2021



# Annexation Application

PO Box 13 | 751 W. 4<sup>th</sup> Street | Kuna, ID 83634  
(208) 922-5274 | [www.KunaCity.ID.gov](http://www.KunaCity.ID.gov)



Annexation requires public hearings with **both** the Planning & Zoning Commission and City Council. Public hearing signs will be required to be posted by the applicant for both meetings. Sign posting regulations are available online in Kuna City Code 5-1A-8.

**\*\*Office Use Only\*\***

Case No(s): 21-06-AN

Project Name: 1113 & 1169 N Black Cat

Date of Pre-Application Meeting: \_\_\_\_\_ Valid for three (3) months

Date Received: 06.01.2021

Date Accepted as Complete: \_\_\_\_\_

**Application shall contain one (1) copy of the following (digital documents preferred):**

- Complete Planning & Zoning Application Coversheet.
- Complete Annexation Application (*It is the applicant's responsibility to use the most current application.*)
- Detailed narrative or justification for the application, describing the project, design elements, serviceability, amenities, and how the project complies with the requirements found within Kuna City Code 5-13 and Idaho Code §50-222.
- Legal Description of Annexation Area: Include metes & bounds description to the section line of all adjacent roadways; stamped & signed by a registered professional Land Surveyor; calculated closure sheet; and a map showing the boundaries of the legal description.
- Vicinity Map 8.5" x 11": Drawn to scale of 1" = 300' (or similar), showing the location of subject property. Map shall contain a shaded area showing the annexation property; surrounding street names; and name(s) of surrounding subdivisions.
- Recorded Warranty Deed for property.
- Affidavit of Legal Interest if the individual submitting this application is not the legal property owner. (*One Affidavit required for each party involved. Originals must be submitted to the Planning & Zoning Department.*)
- Neighborhood Meeting Certification.
- Commitment of Property Posting form signed by the applicant/agent.

*This application shall not be considered complete (nor will a Public Hearing be scheduled) until Staff has received all required information. Once the application is deemed complete, Staff will notify the Applicant of the scheduled hearing date, fees due, and any additional items via a Letter of Completeness.*

**Information to Note:**

The date of application acceptance shall be the date the applicant submits the final required information to the Planning & Zoning Department, including the application fee (KCC 5-1A-2C).

Complete applications shall be reviewed within sixty (60) days of date of acceptance (KCC 5-1A-5A).

May 26, 2021

To whom it may concern:

We are requesting annexation into the City of Kuna with an R-2 Zone. We are currently within the Rural Residential (RR) District in Ada County. We have worked and lived in the Kuna area for 38 years and have felt a part of Kuna. Our children attended Kuna Schools and participated in the community. Now our grandchildren want the opportunity to be a part of the City of Kuna. We would like to create three one+ acre parcels for our children and ourselves to build on and be closer to us as we grow older to allow us to remain in our home as long as possible in compliance with the Kuna Comprehensive Plan and City code.

The annexation will allow us to officially be a part of Kuna and hopefully make our property a great addition to Kuna. The purpose of the annexation is to create a buffer from the higher density from the east to the agricultural use to the west.

We have reached out to the Kuna Fire District, ACHD, Boise/Kuna Irrigation District, Kuna Engineer and Kuna Irrigation Manager, Central District Health and Kuna Staff concerning our application and have not received any concerns with the project.

Ada County Development Services, ACHD, Kuna Fire, Central District Health, Boise Project Board of Control and the City of Kuna have approved our private road, Grace May Lane. We are under construction and will receive final approval from the County prior to annexation.

Kuna City Code

5-2-2 B. Residential:

Low density residential district (R-2): The purpose of the R-2 district is to promote the establishment of low-density residential areas that do not exceed two (2) dwelling units per net acre. The district is considered semi-rural in nature and intended to preserve residential living arrangements that are rural or semi-agriculture in character. The district serves as a transitional buffer between rural areas and higher density urban development. The R-2 zone is not intended to provide a full range of urban services. A district requirement is connection to public sewer and water with some limited exceptions found in KCC 5-16-4. The R-2 zone is intended to accommodate accessory dwelling units [ADU], senior housing, bed and breakfast operations, single-family dwellings, duplexes, home occupations, manufactured homes and a limited number of agricultural uses. It is not intended for placement of more intensive type residential uses associated with condominiums, townhouses, apartments, multifamily or group living arrangements.

5-13-Zoning Amendments:

We have submitted all of the required information.

Kuna Comprehensive Plan

The City of Kuna Future Land Use Map (FLUM) is used as a guide for determining the future land use designation of parcels upon annexation into Kuna city limits. The FLUM shows APNs:

S1321141880 and S1321141920 with a future land use designation of Low Density Residential. The low-density residential land use designation is considered semi-rural in nature and intended to preserve residential living arrangements that are rural or semi-agricultural in character; which may include: accessory dwelling units [ADU], senior housing, bed and breakfast operations, single-family dwellings, duplexes, home occupations, manufactured homes and a limited number of agricultural uses.

**Goal Area 3:** Kuna's Land Uses will Support a Desirable, Distinct and Well-Designed Community.

Land Use and Community Design: Planning Principles Community design and character encompasses the principles by which the City manages land use and regulates new and existing development. Community character and design seek to make Kuna a desirable place to live, work, and play, while simultaneously providing opportunities for present and future economic development, room for growth and preservation of land resources. Community design and character planning includes:

- Encouraging a sustainable land use pattern and sensible mix of commercial, agricultural, industrial, public facilities and residential development that meet community demands.
- Providing a variety of housing options and strengthening neighborhoods.
- Maintaining and enhancing special places that are treasured within the community and reflect Kuna's values and culture.
- Protecting private property rights.

The goals and policies described in this chapter serve as the basis for how community design and character are encouraged and perpetuated in Kuna. Goal 3.A. Ensure community design directs growth and implements sustainable land use patterns.

Community design is concerned with the appearance, function, and compatibility of land uses within a community. Successful community design recognizes the importance of shaping and managing the built environment in a way that compliments the topography and natural features of the area, preserves existing land uses and creates inviting places. Good community design also meets the needs of the community in terms of commercial, housing, recreation, employment demands and contributes to a tax base that is in line with the demand for public infrastructure and services. Community design should reflect what the community values about Kuna and strengthen Kuna's unique sense of place.

How do communities integrate with urban agriculture:

Within urban and suburban areas (in city limits), encouraging:

- Livestock such as chickens, pigs or bees
- Access to vacant land for gardening (e.g., community gardens or plots)
- School gardens or teaching gardens
- Availability of irrigation infrastructure
- Rooftop gardens
- Farmers markets, produce stands and seasonal markets
- Nurseries and commercial farms under a certain size

- Agri-tainment and agritourism-based businesses Within rural areas and on agricultural lands, allowing and encouraging:
- Retention of available land for commercial farms, dairies, and aquaculture
- Formation of agricultural or preservation land trusts and community land trusts
- Farm to market access and events

**Objective 3.A.2.** Encourage development in priority areas. 3.A.2.c. Develop flexible design standards to encourage infill that preserves valued characteristics of surrounding area and promotes compatible uses.

**Goal 3.D** Encourage development of housing options and strong neighborhoods.

**Objective 3.D.1.** Encourage development of housing options for all citizens.

**3.D.1.b.** Encourage scale and location of housing that provides opportunities for Kuna’s older citizens to age-in-place, with walkable neighborhoods served by transit and easy access to food stores, health and assisted living services and community amenities such as parks and libraries.

**Goal 3.G** Respect and protect private property rights.

The protection and consideration of private property rights is mandated at both the federal and state level. Idaho State Code requires that local land use regulations and policies do not adversely impact property values or create unnecessary technical limitations of the use of property and analysis as prescribed under the declarations of purpose established in Chapter 80, Title 67 of Idaho Code. The city of Kuna Comprehensive Plan was created with the intention of being consistent with state law and protecting private property rights. The Plan strives to balance the needs of the community with the private interests of individuals.

**Objective 3.G.1.** Ensure land use policies, restrictions, and fees do not violate private property rights.

**Policies: 3.G.1.a.** Utilize a consistent review process for proposed actions that may result in private property “takings.”

**3.G.1.b.** Ensure City land use actions, decisions, and regulations will not cause an unconstitutional regulatory taking of private property; and do not effectively eliminate all economic value of the subject property.

**3.G.1.c.** Ensure City land use actions, decisions, and regulations do not prevent a private property owner from taking advantage of a fundamental property right. Ensure city actions do not impose a substantial and significant limitation on the use of the property.

**3.G.1.d.** Closely review land use actions, decisions, and regulations that have the potential to meet the criterion of a property taking.

**3.G.1.e.** Ensure land use regulations are designed in the interest of health, safety and welfare of the community. Community Design and Character Implementation Top Community Design and Character Projects and Actions

2. Develop a city of Kuna housing needs analysis to address future housing demand, inventory and strategies to increase diverse housing options.

We appreciate the opportunity to annex into the City of Kuna.

Sincerely

A handwritten signature in cursive script that reads "Robin & Diana Sanders".

Robin & Diana Sanders

Description for  
**Annexation**  
May 19, 2021

A parcel of land located in the Southeast 1/4 of the Northeast 1/4 of Section 21, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho, more particularly described as follows:

Commencing at a brass cap monument marking the 1/4 corner common to Sections 21 and 22, Township 2 North, Range 1 West, Boise Meridian from which a brass cap monument marking the Section corner common to Sections 15, 16, 21, and 22, Township 2 North, Range 1 West, Boise Meridian, bears North 00°20'08" East, 2655.56 feet;

thence on the east boundary line of said Section 21, North 00°20'08" East, 815.00 feet to the **REAL POINT OF BEGINNING**;

thence leaving said east boundary line, North 89°22'28" West, 1,317.97 feet to the west boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 21;

thence on said west boundary line, North 00°19'46" East, 330.00 feet;

thence leaving said West boundary line South 89°22'28" East, 1,318.00 feet to the east boundary line of said Section 21;

thence on said east boundary line, South 00°20'08" West, 330.00 feet to the **REAL POINT OF BEGINNING**.

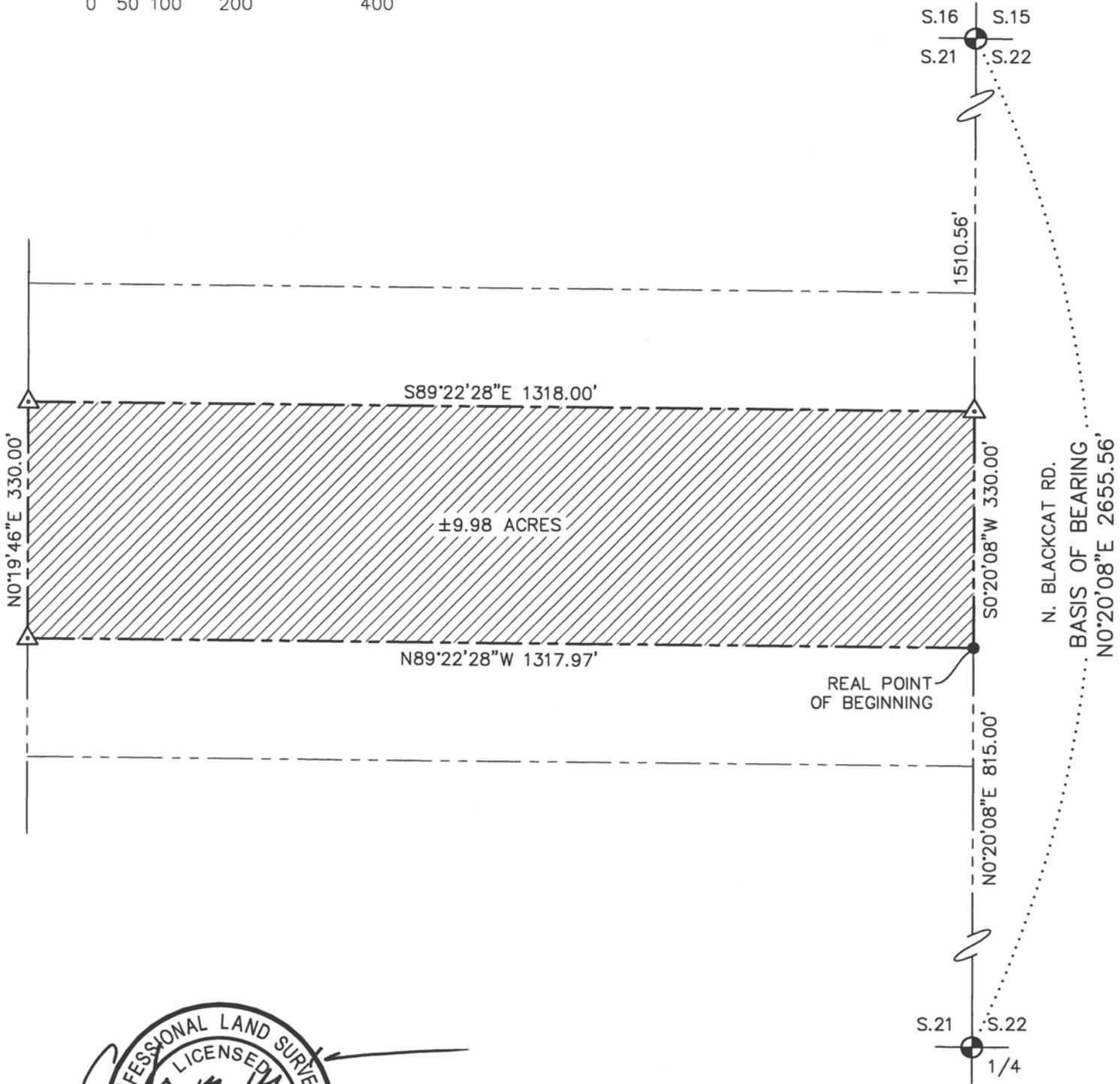
Containing 9.98 acres, more or less.

End of Description.





SCALE: 1"=200'



P:\1113 Blackcat Rd. 21-189\dwg\Annexation Ex.dwg 5/19/2021 4:38:41 PM



IDAHO SURVEY GROUP, LLC

9955 W. EMERALD ST.  
BOISE, IDAHO 83704  
(208) 846-8570

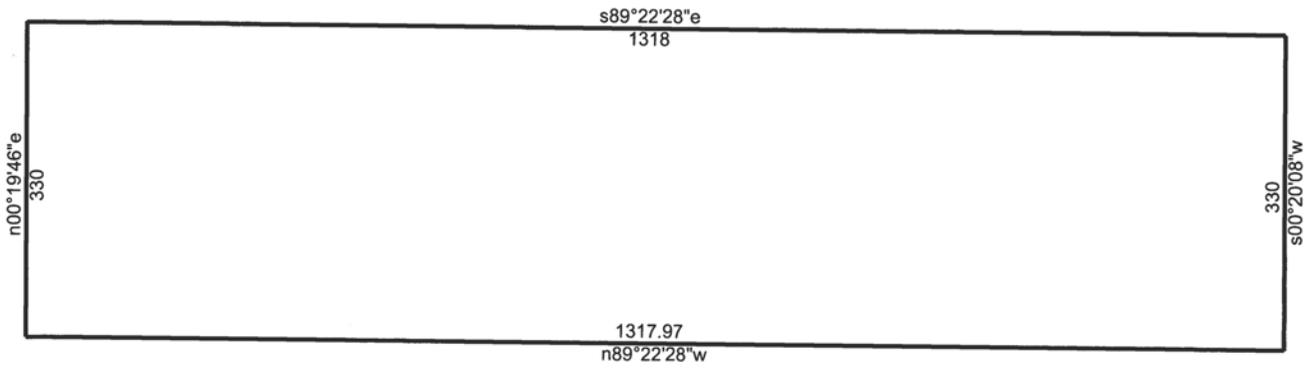
EXHIBIT DRAWING FOR ANNEXATION

LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 21,  
T.2N., R.1W., B.M., KUNA, ADA COUNTY, IDAHO

JOB NO. 21-189

SHEET NO. 1

DWG. DATE 5/19/2021



5/19/2021

Scale: 1 inch= 200 feet

File: Annexation.ndp

Tract 1: 9.9846 Acres (434929 Sq. Feet), Closure: n88.3830e 0.01 ft. (1/633703), Perimeter=3296 ft.

- 01 n89.2228w 1317.97
- 02 n00.1946e 330
- 03 s89.2228e 1318
- 04 s00.2008w 330

# Vicinity Map



3309749  
PIONEER TITLE CO.

ADA COUNTY, ID. FOR  
J. DAVID NAVARRO  
RECORDER BY *J. Navarro*

PART OF ORIGINAL  
TOO POOR TO COPY

'93 FEB 8 PM 4 16 1509001841

*D118430" J. Stu*

DEED OF TRUST

STATE OF IDAHO

FHA CASE NO.  
121:1287591-703

THIS DEED OF TRUST ("Security Instrument") is made on FEBRUARY 2, 1993  
The grantor is ROBIN L. SANDERS AND DIANA J. SANDERS, HUSBAND AND WIFE

The trustee is PIONEER TITLE COMPANY OF ADA COUNTY

("Borrower").

The beneficiary is ROCKY MOUNTAIN MORTGAGE, INC.

("Trustee").

which is organized and existing under the laws of THE STATE OF IDAHO  
and whose address is 410 S. ORCHARD, SUITE 184, BOISE, IDAHO 83706

("Lender"). Borrower owes Lender the principal sum of

SEVENTY-SEVEN THOUSAND TWO HUNDRED FIFTY AND NO/100  
Dollars (U.S. \$ 77,250.00 )

This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on MARCH 1, 2023  
This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications; (b) the payment of all other sums, with interest, advanced under paragraph 6 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in ADA County, Idaho:

SEE ATTACHED EXHIBIT "A"

which has the address of 1113 S. BLACK CAT ROAD KUNA  
[Street] [City]  
Idaho 83634 ("Property Address")  
[Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

**1. Payment of Principal, Interest and Late Charge.** Borrower shall pay when due the principal of, and interest on, the debt evidenced by the Note and late charges due under the Note.

**2. Monthly payments of Taxes, Insurance and Other Charges.** Borrower shall include in each monthly payment, together with the principal and interest as set forth in the Note and any late charges, an installment of any (a) taxes and special assessments levied or to be levied against the Property, (b) leasehold payments or ground rents on the Property, and (c) premiums for insurance required by Paragraph 4.

Each monthly installment for items (a), (b) and (c) shall equal one-twelfth of the annual amounts, as reasonably estimated by Lender, plus an amount sufficient to maintain an additional balance of not more than one-sixth of the estimated amounts. The full annual amount for each item shall be accumulated by Lender within a period ending one month before an item would become delinquent. Lender shall hold the amounts collected in trust to pay items (a), (b) and (c) before they become delinquent.

If at any time the total of the payments held by Lender for items (a), (b) and (c), together with the future monthly payments for such items payable to Lender prior to the due dates of such items, exceeds by more than one-sixth the estimated amount of payments required to pay such items when due, and if payments on the Note are current, then Lender shall either refund the excess over one-sixth of the estimated payments or credit the excess over one-sixth of the estimated payments to subsequent payments by Borrower, at the option of Borrower. If the total of the payments made by Borrower for item (a), (b), or (c) is insufficient to pay the item when due, then Borrower shall pay to Lender any amount necessary to make up the deficiency on or before the date the item becomes due.

As used in this Security Instrument, "Secretary" means the Secretary of Housing and Urban Development or his or her designee. In any year in which the Lender must pay a mortgage insurance premium to the Secretary, each monthly payment shall also include either: (i) an installment of the annual mortgage insurance premium to be paid by Lender to the Secretary, or (ii) a monthly charge instead of a mortgage insurance premium if this Security Instrument is held by the Secretary. Each monthly installment of the mortgage insurance premium shall be in an amount sufficient to accumulate the full annual mortgage insurance premium with Lender one month prior to the date the full annual mortgage insurance premium is due to the Secretary; or if this Security Instrument is held by the Secretary, each monthly charge shall be in an amount equal to one-twelfth of one-half percent of the outstanding principal balance due on the Note.

If Borrower tenders to Lender the full payment of all sums secured by this Security Instrument, Borrower's account shall be credited with the balance remaining for all installments for items (a), (b) and (c) and any mortgage insurance premium installment that Lender has not become obligated to pay to the Secretary, and Lender shall promptly refund any excess funds to Borrower. Immediately prior to a foreclosure sale of the Property or its acquisition by Lender, Borrower's account shall be credited with any balance remaining for all installments for items (a), (b) and (c).

**3. Application of Payments.** All payments under Paragraphs 1 and 2 shall be applied by Lender as follows:

**FIRST**, to the mortgage insurance premium to be paid by Lender to the Secretary or to the monthly charge by the Secretary instead of the monthly mortgage insurance premium;

**SECOND**, to any taxes, special assessments, leasehold payments or ground rents, and fire, flood and other hazard insurance premiums, as required;

**THIRD**, to interest due under the Note;

**FOURTH**, to amortization of the principal of the Note;

**FIFTH**, to late charges due under the Note.

**4. Fire, Flood and Other Hazard Insurance.** Borrower shall insure all improvements on the Property, whether now in existence or subsequently erected, against any hazards, casualties, and contingencies, including fire, for which Lender requires insurance. This insurance shall be maintained in the amounts and for the periods that Lender requires. Borrower shall also insure all improvements on the Property, whether now in existence or subsequently erected, against loss by floods to the extent required by the Secretary. All insurance shall be carried with companies approved by Lender. The insurance policies and any renewals shall be held by Lender and shall include loss payable clauses in favor of, and in a form acceptable to, Lender.

In the event of loss, Borrower shall give Lender immediate notice by mail. Lender may make proof of loss if not made promptly by Borrower. Each insurance company concerned is hereby authorized and directed to make payment for such loss directly to Lender, instead of to Borrower and to Lender jointly. All or any part of the insurance proceeds may be applied by Lender, at its option, either (a) to the reduction of the indebtedness under the Note and this Security Instrument, first to any delinquent amounts applied in the order in Paragraph 3, and then to prepayment of principal, or (b) to the restoration or repair of the damaged property. Any application of the proceeds to the principal shall not extend or postpone the due date of the monthly payments which are referred to in Paragraph 2, or change the amount of such payments. Any excess insurance proceeds over an amount required to pay all outstanding indebtedness under the Note and this Security Instrument shall be paid to the entity legally entitled thereto.

In the event of foreclosure of this Security Instrument or other transfer of title to the Property that extinguishes the indebtedness, all right, title and interest of Borrower in and to insurance policies in force shall pass to the purchaser.

**5. Occupancy, Preservation, Maintenance and Protection of the Property; Borrower's Loan Application; Leaseholds.** Borrower shall occupy, establish, and use the Property as Borrower's principal residence within sixty days after the execution of this Security Instrument and shall continue to occupy the Property as Borrower's principal residence for at least one year after the date of occupancy, unless the Secretary determines this requirement will cause undue hardship for Borrower, or unless extenuating circumstances exist which are beyond Borrower's control. Borrower shall notify Lenders of any extenuating circumstances. Borrower shall not commit waste or destroy, damage or substantially change the Property or allow the Property to deteriorate, reasonable wear and tear excepted. Lender may inspect the Property if the Property is vacant or abandoned or the loan is in default. Lender may take reasonable action to protect and preserve such vacant or abandoned Property. Borrower shall also be in default if Borrower, during the loan application process, gave materially false or inaccurate information or statements to Lender (or failed to provide Lender with any material information) in connection with the loan evidenced by the Note, including, but not limited to, representations concerning Borrower's occupancy of the Property as a principal residence. If this Security Instrument is on a leasehold, Borrower shall comply with the provisions of the lease. If Borrower acquires fee title to the Property, the leasehold and fee title shall not be merged unless Lender agrees to the merger in writing.

**6. Charges to Borrower and Protection of Lender's Rights in the Property.** Borrower shall pay all governmental or municipal charges, fines and impositions that are not included in Paragraph 2. Borrower shall pay these obligations on time directly to the entity which is owed the payment. If failure to pay would adversely affect Lender's interest in the Property, upon Lender's request Borrower shall promptly furnish to Lender receipts evidencing these payments.

If Borrower fails to make these payments or the payments required by Paragraph 2, or fails to perform any other covenants and agreements contained in this Security Instrument, or there is a legal proceeding that may significantly affect Lender's rights in the Property (such as a proceeding in bankruptcy, for condemnation or to enforce laws or regulations), then Lender may do and pay whatever is necessary to protect the value of the Property and Lender's rights in the Property, including payment of taxes, hazard insurance and other items mentioned in Paragraph 2.

Any amounts disbursed by Lender under this Paragraph shall become an additional debt of Borrower and be secured by this Security Instrument. These amounts shall bear interest from the date of disbursement, at the Note rate, and at the option of Lender, shall be immediately due and payable.

**7. Condemnation.** The proceeds of any award or claim for damages, direct or consequential, in connection with any condemnation or other taking of any part of the Property, or for conveyance in place of condemnation, are hereby assigned and shall be paid to Lender to the extent of the full amount of the indebtedness that remains unpaid under the Note and this Security Instrument. Lender shall apply such proceeds to the reduction of the indebtedness under the Note and this Security Instrument, first to any delinquent amounts applied in the order provided in Paragraph 3, and then to prepayment of principal. Any application of the proceeds to the principal shall not extend or postpone the due date of the monthly

NON-UNIFORM COVENANTS. Borrower and Lender further covenant and agree as follows:

17. Foreclosure Procedure. If Lender requires immediate payment in full under paragraph 9, Lender may invoke the power of sale and any other remedies permitted by applicable law. Lender shall be entitled to collect all expenses incurred in pursuing the remedies provided in this paragraph 17, including, but not limited to, reasonable attorneys' fees and costs of title evidence.

If Lender invokes the power of sale, Lender shall execute or cause Trustee to execute a written notice of the occurrence of an event of default and of Lender's election to cause the Property to be sold, and shall cause such notice to be recorded in each county in which any part of the Property is located. Lender or Trustee shall mail copies of the notice as prescribed by applicable law to Borrower and to other persons prescribed by applicable law. Trustee shall give public notice of sale to the persons and in the manner prescribed by applicable law. After the time required by applicable law, Trustee, without demand on Borrower, shall sell the property at public auction to the highest bidder at the time and place and under the terms designated in the notice of sale in one or more parcels and in any order Trustee determines. Trustee may postpone sale of all or any parcel of the Property by public announcement at the time and place of any previously scheduled sale. Lender or its designee may purchase the Property at any sale.

Trustee shall deliver to the purchaser Trustee's deed conveying the Property without any covenant or warranty, expressed or implied. The recitals in the Trustee's deed shall be prima facie evidence of the truth of the statements made therein. Trustee shall apply the proceeds of the sale in the following order: (a) to all expenses of the sale, including, but not limited to, reasonable Trustee's and attorneys' fees; (b) to all sums secured by this Security Instrument; and (c) any excess to the person or persons legally entitled to it.

18. Reconveyance. Upon payment of all sums secured by this Security Instrument, Lender shall request Trustee to reconvey the Property and shall surrender this Security Instrument and all notes evidencing debt secured by this Security Instrument to Trustee. Trustee shall reconvey the Property without warranty and without charge to the person or persons legally entitled to it. Such person or persons shall pay any recordation costs.

19. Substitute Trustee. Lender may, for any reason or cause, from time to time remove Trustee and appoint a successor trustee to any Trustee appointed hereunder. Without conveyance of the Property, the successor trustee shall succeed to all the title, powers and duties conferred upon Trustee herein and by applicable law.

20. Area and Location of Property. Either the Property is not more than twenty acres in area or the Property is located within an incorporated city or village.

Riders to this Security Instrument. If one or more riders are executed by Borrower and recorded together with this Security Instrument, the covenants of each such rider shall be incorporated into and shall amend and supplement the covenants and agreements of this Security Instrument as if the rider(s) were in a part of this Security Instrument. [Check applicable box(es)].

- Condominium Rider
- Graduated Payment Rider
- Growing Equity Rider
- Planned Unit Development Rider
- Other [Specify]

BY SIGNING BELOW, Borrower accepts and agrees to the terms contained in pages 1 through 4 of this Security Instrument and in any rider(s) executed by Borrower and recorded with it.

Witnesses:

\_\_\_\_\_ Robin L. Sanders (Seal) Borrower

\_\_\_\_\_ Diana J. Sanders (Seal) Borrower

\_\_\_\_\_ (Seal) Borrower

\_\_\_\_\_ (Seal) Borrower

STATE OF IDAHO, CANYON County ss: On this 2nd day of February, 1993, before me, THE UNDERSIGNED, a Notary Public in and for the said county and state, personally appeared ROBIN L. SANDERS and DIANA J. SANDERS

known or proved to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that they executed the same.

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



Diana J. Sanders  
Notary Public residing at: Greenleaf, ID  
My Commission Expires: 8-11-93

REQUEST FOR RECONVEYANCE

TO TRUSTEE: The undersigned is the holder of the note or notes secured by this Deed of Trust. Said note or notes, together with all other indebtedness secured by this Deed of Trust, have been paid in full. You are hereby directed to cancel said note or notes and this Deed of Trust, which are delivered hereby, and to reconvey, without warranty, all the estate now held by you under this Deed of Trust to the person or persons legally entitled thereto.

Date: \_\_\_\_\_

payments, which are referred to in Paragraph 2, or change the amount of such payments. Any excess proceeds over an amount required to pay all outstanding indebtedness under the Note and this Security Instrument shall be paid to the entity legally entitled thereto.

**8. Fees.** Lender may collect fees and charges authorized by the Secretary.

**9. Grounds for Acceleration of Debt.**

**(a) Default.** Lender may, except as limited by regulations issued by the Secretary in the case of payment defaults, require immediate payment in full of all sums secured by this Security Instrument if:

- (i) Borrower defaults by failing to pay in full any monthly payment required by this Security Instrument prior to or on the due date of the next monthly payment, or
- (ii) Borrower defaults by failing, for a period of thirty days, to perform any other obligations contained in this Security Instrument.

**(b) Sale Without Credit Approval.** Lender shall, if permitted by applicable law and with the prior approval of the Secretary, require immediate payment in full of all the sums secured by this Security Instrument if:

- (i) All or part of the Property, or a beneficial interest in a trust owning all or part of the Property, is sold or otherwise transferred (other than by devise or descent) by the Borrower, and
- (ii) The Property is not occupied by the purchaser or grantee as his or her principal residence, or the purchaser or grantee does so occupy the Property but his or her credit has not been approved in accordance with the requirements of the Secretary.

**(c) No Waiver.** If circumstances occur that would permit Lender to require immediate payment in full, but Lender does not require such payments, Lender does not waive its rights with respect to subsequent events.

**(d) Regulations of HUD Secretary.** In many circumstances regulations issued by the Secretary will limit Lender's rights, in the case of payment defaults, to require immediate payment in full and foreclose if not paid. This Security Instrument does not authorize acceleration or foreclosure if not permitted by regulations of the Secretary.

**(e) Mortgage Not Insured.** Borrower agrees that should this Security Instrument and the note secured thereby not be eligible for insurance under the National Housing Act within 120 DAYS from the date hereof, Lender may, at its option and notwithstanding anything in Paragraph 9, require immediate payment in full of all sums secured by this Security Instrument. A written statement of any authorized agent of the Secretary dated subsequent to 120 DAYS from the date hereof, declining to insure this Security Instrument and the note secured thereby, shall be deemed conclusive proof of such ineligibility. Notwithstanding the foregoing, this option may not be exercised by Lender when the unavailability of insurance is solely due to Lender's failure to remit a mortgage insurance premium to the Secretary.

**10. Reinstatement.** Borrower has a right to be reinstated if Lender has required immediate payment in full because of Borrower's failure to pay an amount due under the Note or this Security Instrument. This right applies even after foreclosure proceedings are instituted. To reinstate the Security Instrument, Borrower shall tender in a lump sum all amounts required to bring Borrower's account current including, to the extent they are obligations of Borrower under this Security Instrument, foreclosure costs and reasonable and customary attorneys' fees and expenses properly associated with the foreclosure proceeding. Upon reinstatement by Borrower, this Security Instrument and the obligations that it secures shall remain in effect as if Lender had not required immediate payment in full. However, Lender is not required to permit reinstatement if: (i) Lender has accepted reinstatement after the commencement of foreclosure proceedings within two years immediately preceding the commencement of a current foreclosure proceeding, (ii) reinstatement will preclude foreclosure on different grounds in the future, or (iii) reinstatement will adversely affect the priority of the lien created by this Security Instrument.

**11. Borrower Not Released; Forbearance by Lender Not a Waiver.** Extension of the time of payment or modification of amortization of the sums secured by this Security Instrument granted by Lender to any successor in interest of Borrower shall not operate to release the liability of the original Borrower or Borrower's successor in interest. Lender shall not be required to commence proceedings against any successor in interest or refuse to extend time for payment or otherwise modify amortization of the sums secured by this Security Instrument by reason of any demand made by the original Borrower or Borrower's successors in interest. Any forbearance by Lender in exercising any right or remedy shall not be a waiver of or preclude the exercise of any right or remedy.

**12. Successors and Assigns Bound; Joint and Several Liability; Co-Signers.** The covenants and agreements of this Security Instrument shall bind and benefit the successors and assigns of Lender and Borrower, subject to the provisions of Paragraph 9.b. Borrower's covenants and agreements shall be joint and several. Any Borrower who co-signs this Security Instrument but does not execute the Note: (a) is co-signing this Security Instrument only to mortgage, grant and convey that Borrower's interest in the Property under the terms of this Security Instrument; (b) is not personally obligated to pay the sums secured by this Security Instrument; and (c) agrees that Lender and any other Borrower may agree to extend, modify, forbear or make any accommodations with regard to the terms of this Security Instrument or the Note without that Borrower's consent.

**13. Notices.** Any notice to Borrower provided for in this Security Instrument shall be given by delivering it or by mailing it by first class mail unless applicable law requires use of another method. The notice shall be directed to the Property Address or any other address Borrower designates by notice to Lender. Any notice to Lender shall be given by first class mail to Lender's address stated herein or any address Lender designates by notice to Borrower. Any notice provided for in this Security Instrument shall be deemed to have been given to Borrower or Lender when given as provided in this paragraph.

**14. Governing Law; Severability.** This Security Instrument shall be governed by Federal law and the law of the jurisdiction in which the Property is located. In the event that any provision or clause of this Security Instrument or the Note conflicts with applicable law, such conflict shall not affect other provisions of this Security Instrument or the Note which can be given effect without the conflicting provision. To this end the provisions of this Security Instrument and the Note are declared to be severable.

**15. Borrower's Copy.** Borrower shall be given one conformed copy of this Security Instrument.

**16. Assignment of Rents.** Borrower unconditionally assigns and transfers to Lender all the rents and revenues of the Property. Borrower authorizes Lender or Lender's agents to collect the rents and revenues and hereby directs each tenant of the Property to pay the rents to Lender or Lender's agents. However, prior to Lender's notice to Borrower of Borrower's breach of any covenant or agreement in the Security Instrument, Borrower shall collect and receive all rents and revenues of the Property as trustee for the benefit of Lender and Borrower. This assignment of rents constitutes an absolute assignment and not an assignment for additional security only.

If Lender gives notice of breach to Borrower: (a) all rents received by Borrower shall be held by Borrower as trustee for benefit of Lender only, to be applied to the sums secured by the Security Instrument; (b) Lender shall be entitled to collect and receive all of the rents of the Property; and (c) each tenant of the Property shall pay all rents due and unpaid to Lender or Lender's agent on Lender's written demand to the tenant.

Borrower has not executed any prior assignment of the rents and has not and will not perform any act that would prevent Lender from exercising its rights under this Paragraph 16.

Lender shall not be required to enter upon, take control of or maintain the Property before or after giving notice of breach to Borrower. However, Lender or a judicially appointed receiver may do so at any time there is a breach. Any application of rents shall not cure or waive any default or invalidate any other right or remedy of Lender. This assignment of rents of the Property shall terminate when the debt secured by the Security Instrument is paid in full.

1509001845

PART OF THE EAST HALF OF THE NORTHEAST QUARTER IN SECTION 21, TOWNSHIP 2 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 21, SAID POINT BEING LOCATED 815 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 21, THE REAL POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG THE SAME LINE, A DISTANCE OF 165 FEET; THENCE WEST AND PARALLEL TO THE NORTH SIDE OF SAID NORTHEAST QUARTER OF SECTION 21, A DISTANCE OF 1,320 FEET, MORE OR LESS, TO A POINT IN THE WEST LINE OF THE EAST HALF OF SAID NORTHEAST QUARTER OF SECTION 21; THENCE SOUTH ALONG THE SAID WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 21, A DISTANCE OF 165 FEET, THENCE EAST AND PARALLEL TO THE NORTH SIDE OF SAID NORTHEAST QUARTER OF SECTION 21, A DISTANCE OF 1,320 FEET, MORE OR LESS, TO THE REAL POINT OF BEGINNING. EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY FOR BLACK CAT ROAD.

END OF LEGAL DESCRIPTION

Recording Requested by:  
First American Title and Escrow Company

When recorded mail to:  
Robin L. Sanders and Diana J. Sanders  
1113 Black Cat Road  
Kuna, ID 83634

1752017-JB

File No. 4101-1752017 (PC)

ELECTRONICALLY RECORDED - DO NOT  
REMOVE THE COUNTY STAMPED FIRST  
PAGE AS IT IS NOW INCORPORATED AS  
PART OF THE ORIGINAL DOCUMENT.

**PERSONAL REPRESENTATIVE'S DEED**

*DS* *RLS*  
THIS DEED, Made by **State of Idaho, Department of Health and Welfare,, Personal Representative of the Estate of Alice L. Sullivan** deceased, as Grantor, to **Robin L. Sanders and Diana J. Sanders, husband and wife**, as Grantee(s), whose address is **1113 Black Cat Road, Kuna, ID 83634**.

WHEREAS, Grantor(s) is the qualified Personal Representative of the said estate of said deceased as filed under Probate Number **CVFE1103088** in **Ada County, Idaho**:

THEREFORE, For a valuable consideration received, Grantor(s) sells and conveys to Grantee(s) the following described real property in **Ada County, ID**:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREIN

Tax ID Number: **S1321141920**

With all appurtenances.

Executed this 1st day of September, 2011.

*Lisa Hettinger*  
\_\_\_\_\_  
**Lisa Hettinger, Bureau Chief for State of Idaho, Department of Health and Welfare  
Personal Representative of the Estate of  
Alice L. Sullivan**



**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Ada, State of Idaho, described as follows:

**A PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT A POINT IN THE EAST LINE OF THE SAID NORTHEAST QUARTER OF SECTION 21, SAID POINT BEING A DISTANCE OF 980 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 21, BEING THE REAL POINT OF BEGINNING; CONTINUING THENCE**

**NORTH ALONG THE SAME LINE, A DISTANCE OF 165 FEET; THENCE WEST AND PARALLEL TO THE NORTH SIDE OF THE SAID NORTHEAST QUARTER OF SECTION 21, A DISTANCE OF 1320 FEET, MORE OR LESS, TO A POINT IN THE WEST LINE OF THE EAST ONE-HALF OF SAID NORTHEAST QUARTER OF SECTION 21; THENCE**

**SOUTH ALONG THE SAID WEST LINE OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 21, A DISTANCE OF 165 FEET; THENCE**

**EAST AND PARALLEL TO THE NORTH SIDE OF SAID NORTHEAST QUARTER OF SECTION 21, A DISTANCE OF 1320 FEET, MORE OR LESS, TO THE INITIAL POINT.**

**EXCEPT DITCH AND ROAD RIGHTS-OF-WAY.**



# Neighborhood Meeting Certification

PO Box 13 | 751 W 4<sup>th</sup> Street | Kuna, ID 83634  
(208) 922-5274 | [www.KunaCity.ID.gov](http://www.KunaCity.ID.gov)



You **must** conduct a Neighborhood Meeting **prior** to submission of an application for Annexation; Rezone; Special Use Permit; Subdivision; and Variance. Please see Kuna City Code 5-1A-2 for more information or contact the Planning & Zoning Department at (208) 922-5274.

The Neighborhood Meeting Certification packet includes the following:

- Neighborhood Meeting Certification – This acts as quick reference information regarding your project.
- Sign-in Sheet – This provides written record of who attended your Neighborhood Meeting.
- Neighborhood Meeting Minutes – Provides space in which to record the items discussed and any concerns attendees may have.

A Neighborhood Meeting cannot take place more than two (2) months prior to acceptance of the application and an application will not be accepted before the meeting is conducted. You are required to mail written notification of your meeting, allowing at least fourteen (14) days before your meeting for property owners to plan to attend. **Contacting and/or meeting individually with property owners will not fulfill Neighborhood Meeting requirements.** You may request a 300' property owners mailing list by completing the Neighborhood Meeting Mailing List Request form located under Forms & Applications on the City of Kuna website.

Neighborhood Meetings must be held on either a weekend between 10:00 Am & 7:00 PM, or a weekday between 6:00 PM & 8:00 PM. The meeting **cannot** be conducted on holidays, holiday weekends, or the day before/after a holiday or holiday weekend. The meeting must be held at one of the following locations:

- Subject property;
- Nearest available public meeting place (i.e. Libraries, Community Centers, etc.); or
- An office space within a one (1) mile radius of the subject property.

Once you have held your Neighborhood Meeting, please complete this certification form and include with your application along with the Sign-in Sheet, Neighborhood Meeting Minutes & a copy of the notification mailed to attendees.

Description of proposed project: Annexation with R2 Zoning

\_\_\_\_\_

Date of Meeting: May 22, 2021 Time: 4:00 pm

Meeting Location: 1113 N. Black Cat Rd.

### Site Information

Location: Quarter \_\_\_\_\_ Section 21 Township 2N Range 1W Total Acres 9.8

Subdivision Name: \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

1113 & 1169 N. Black Cat Rd.  
Address: \_\_\_\_\_

S1321141880 and S1321141920  
Parcel No(s): \_\_\_\_\_

*Include ALL addresses and parcel numbers for your application.*

**Current Property Owner**

Name: \_\_\_\_\_ Robin & Diana Sanders

Address: \_\_\_\_\_ 1113 N. Black Cat Rd.

**Contact Person**

Name: \_\_\_\_\_ Diana Sanders

Business Name (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_ 1113 N. Black Cat Rd.

Phone: \_\_\_\_\_ 208-869-6723 Email: \_\_\_\_\_ rd.sanders@hotmail.com

**Applicant**

Name: \_\_\_\_\_ Diana Sanders

Address: \_\_\_\_\_ 1113 N. Black Cat Rd.

Phone: \_\_\_\_\_ 208-869-6723 Email: \_\_\_\_\_ rdd.sanders@hotmail.com

I, Diana Sanders, certify that a Neighborhood Meeting was conducted at the time and location noted on this form in accordance with Kuna City Code 5-1A-2.

Applicant Signature: \_\_\_\_\_ *Diana Sanders* \_\_\_\_\_ Date: \_\_\_\_\_ 5/26/2021

# SIGN-IN SHEET

Project Name: Sanders Annexation

	Name	Address	Phone
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			

# NEIGHBORHOOD MEETING MINUTES

Meeting Date: May 22, 2021 Number of Attendees: 0

Location: 1113 N. Black Cat Rd., Kuna

Project Description: Annexation with R-2

Attendee Comments or Concerns: No attendees

I, Diana Sanders, hereby certify the above information and the information provided within these forms is true, complete and correct to the best of my knowledge.

Applicant Signature: Diana Sanders Date: May 26, 2021

May 15, 2021

Dear Neighbors,

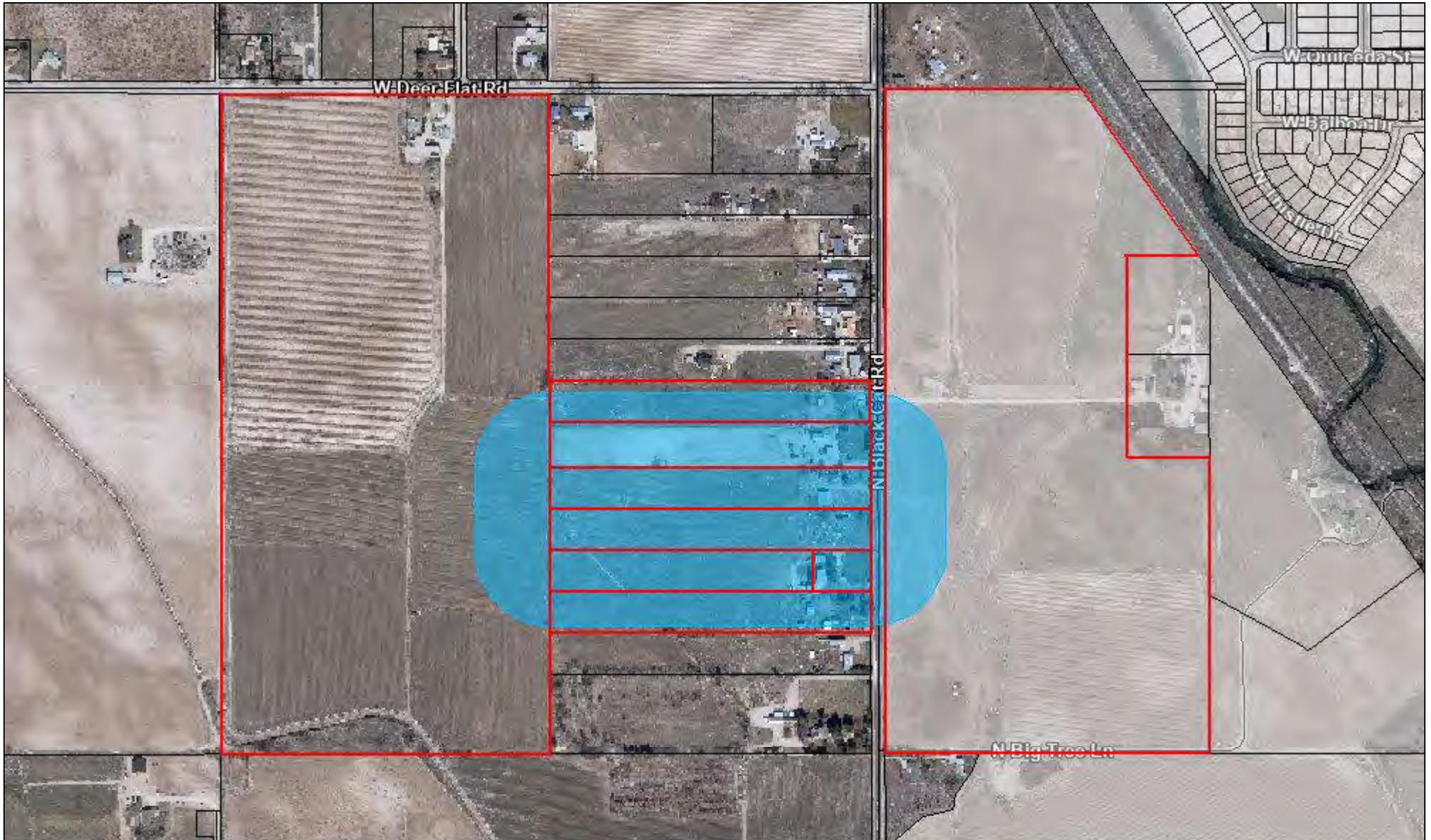
You are invited to our neighborhood meeting on May 22, 2021 at 4:00 p.m. to discuss our request to annex into the City of Kuna per Kuna City Code at 1113 N. Black Cat Rd.

Please let me know if you have any questions.

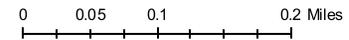
Sincerely,  
Diana and Robin Sanders  
208-869-6723



# Ada County Development Services



- Parcels
- EAGLE
- MERIDIAN
- Parks
- City Limits**
- GARDEN CITY
- STAR
- BOISE
- KUNA
- Street Names



Date: 3/19/2021



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

PRIMOWNER  
BENTON KIMBA  
REYNOLDS DAVID A  
BRAZEE BRENDAN  
GRAHAM WILLIAM D  
SANDERS DIANA J  
DAVIS RONALD W  
ENDURANCE HOLDINGS LLC

SECOWNER  
REYNOLDS KARLA M  
BRAZEE JENNIFER  
GRAHAM ALTA R  
SANDERS ROBIN L  
DAVIS RUBY E

ADDCONCAT  
9626 E GILBERT RD  
4649 W KING RD  
985 N BLACK CAT RD  
1015 N BLACK CAT RD  
1113 N BLACK CAT RD  
1171 N BLACK CAT RD  
1977 E OVERLAND RD

STATCONCAT  
MIDDLETON, ID 83644-0000  
KUNA, ID 83634-0000  
KUNA, ID 83634-0000  
KUNA, ID 83634-1627  
KUNA, ID 83634-1627  
KUNA, ID 83634-0000  
MERIDIAN, ID 83642-0000



# COMMITMENT TO PROPERTY POSTING

PO Box 13 | 751 W 4<sup>th</sup> Street | Kuna, ID 83634  
(208) 922-5274 | [www.KunaCity.ID.gov](http://www.KunaCity.ID.gov)



Per Kuna City Code (KCC) 5-1A-8, the applicant, for all applications requiring a public hearing, shall post the subject property not less than ten (10) days prior to the hearing. The applicant shall post a copy of the public hearing notice or the application(s) on the property under consideration; all posting must be in substantial compliance.

The applicant shall submit proof of property posting in the form of a notarized statement and a photograph of the posting to the City of Kuna Planning and Zoning Department no later than seven (7) days prior to the public hearing, attesting to where and when the sign(s) were posted. Unless such certificate is received by the required date, the hearing will be continued.

**The signs shall be removed no later than three (3) days after the end of the public hearing for which the sign(s) had been posted.**

Print Name: Diana Sanders

Signature: *Diana Sanders* Date: May 26, 2021

## Doug Hanson

---

**From:** Doug Hanson  
**Sent:** Friday, June 25, 2021 2:25 PM  
**To:** 'Ada County Engineer'; 'Ada County Highway District'; 'Adam Ingram'; 'Beky Rone (Kuna USPS Addressing)'; Bobby Withrow; 'Boise Project Board of Control'; 'Brent Moore (Ada County)'; 'Cable One TV'; Catherine Feistner; 'Central District Health Department'; 'Chief Fratusco'; 'COMPASS'; 'David Reinhart'; 'DEQ'; 'Eric Adolfsen'; 'Idaho Power Easements'; 'Idaho Power Easements 2'; 'Intermountain Gas'; 'ITD'; 'J&M Sanitation'; Jace Hellman; 'Krystal Hinkle'; 'Marc Boyer (Kuna Postmaster)'; 'Marci Horner (Meridian School District)'; 'Megan Leatherman'; 'Nampa Meridian Irrigation District'; 'New York Irrigation'; 'Paris Dickerson'; Paul Stevens; 'Planning Manager (Ada County Development Services)'; 'Robbie Reno'; 'Stacey Yarrington (Ada County)'; 'TJ Lawrence (Interim KRFD Chief)'  
**Subject:** 21-06-AM (Annexation) 1113 & aa69 N Black Cate Road City of Kuna Request for Comment  
**Attachments:** 21-06-AN (Annexation) 1113 & 1169 N Black Cat Road Agency Transmittal Packet.pdf

June 25, 2021

Notice is hereby given by the City of Kuna that the following action(s) are under consideration:

<b>File Number &amp; Case Name:</b>	21-06-AN (Annexation) 1113 & 1169 N Black Cat Road
<b>Project Description</b>	The applicant is requesting to annex two (2) parcels consisting of approximately 9.8 acres into Kuna City Limits with an R-2 zoning district classification. The subject sites are located at 1113 and 1169 N Black Cat Road, Kuna, ID 83634, within Section 21, Township 2 North, Range 1 West; (APNs: S1321141880, S1321141920).
<b>Site Location</b>	1113 and 1169 N Black Cat Road, Kuna, ID 83634
<b>Owner/ Applicant</b>	Diana Sanders 1113 N Black Cat Road Kuna, ID 83634 <a href="mailto:rd.sanders@hotmail.com">rd.sanders@hotmail.com</a>
<b>Public Hearing Date</b>	Tuesday, <b>August 24, 2021</b> 6:00 pm Kuna City Hall is located at 751 W. 4 <sup>th</sup> Street, Kuna, ID 83634
<b>Staff Contact</b>	Doug Hanson, Planner II <a href="mailto:dhanson@kunaid.gov">dhanson@kunaid.gov</a> Phone: 208.287.1771 Fax: 208.922.5989

Enclosed is information to assist you with your consideration and response. All comments as to how this action may affect the service(s) your agency provides, is greatly appreciated. Please contact staff with any questions. **If your agency needs different or additional information to review and provide comments please notify our office and they will be sent to you.** If your agency needs additional time for review, please let our office know as soon as possible. *No response within 15 business days will indicate you have no objection or comments for this project.*

Best,

Doug Hanson  
Planner II  
City of Kuna  
751 W 4<sup>th</sup> St  
Kuna, ID 83634  
[dhanson@kunaid.gov](mailto:dhanson@kunaid.gov)  
208.287.1771





# ADA COUNTY DEVELOPMENT SERVICES

200 W. FRONT STREET, BOISE, IDAHO 83702-7300  
<https://adacounty.id.gov/developmentservices>

PHONE (208) 287-7900  
FAX (208) 287-7909

BUILDING • COMMUNITY PLANNING • ENGINEERING & SURVEYING • PERMITTING

June 28, 2021

Doug Hanson  
Kuna City Planning Department  
PO Box 13  
Kuna, ID 83634

RE: 21-06-AN / 1113 and 1169 N Black Cat Road

Doug,

The City of Kuna has requested feedback regarding the proposed annexation of 9.8-acres at 1113 and 1169 N Black Cat Road with R-2 (Low density Residential) zoning to allow for the future development of three 1-acre parcels.

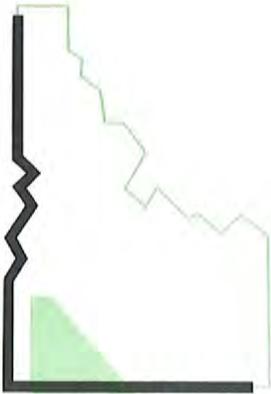
Ada County is supportive of the application due to the proximity of the site to existing public services. *Goal 2.2f* of the Ada County Comprehensive Plan encourages residential development to occur at urban densities within Areas of City Impact where public facilities are available. The application is compatible with the Future Land Use Map of the Kuna Comprehensive Plan, as adopted by Ada County, which designates the site as *Existing Residential (Non-Farm Subdivisions)* which is primarily intended for single-family homes on large lots and allowed as part of the Farm Development right. The site is contiguous to City of Kuna limits.

Please feel free to contact me with any questions.

Sincerely,

*Stacey Yarrington*

Stacey Yarrington  
Community & Regional Planner  
Ada County Development Services



RECEIVED

JUL 09 2021

CITY OF KUNA

ORGANIZED 1904

# Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH  
FAX #208-463-0092

NAMPA, IDAHO 83651-4395  
nmid.org

OFFICE: Nampa 208-466-7861  
SHOP: Nampa 208-466-0663

July 1, 2021

Doug Hanson, Planner I  
City of Kuna  
751 W. 4<sup>th</sup> Street  
Kuna, ID 83634

**RE: 21-06-AN/ 1113 & 1169 N. Black Cat Road**

Dear Doug:

Nampa & Meridian Irrigation District (NMID) has no comment on the above referenced application as it lies outside of our district boundaries. Please contact Thomas Ritthaler, Boise Project- Board of Control, at 208-344-1141 or 2465 Overland Road Room 202 Boise, ID 83705-3173.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site NMID must review drainage plans. Developers must comply with Idaho Code 31-3805.

Sincerely,

David T. Duvall  
Asst. Water Superintendent  
Nampa & Meridian Irrigation District  
DTD/ gnf

Cc:

Office/ file  
T. Ritthaler, Board of Control



APPROXIMATE IRRIGABLE ACRES  
RIVER FLOW RIGHTS - 23,000  
BOISE PROJECT RIGHTS - 40,000



**Ada County Transmittal**  
**Division of Community and Environmental Health**

Return to:

- ACZ
- Boise
- Eagle
- Garden City
- Meridian
- Kuna
- Star

Rezone # 21-016-AM

Conditional Use # \_\_\_\_\_

Preliminary / Final / Short Plat \_\_\_\_\_

*Sect. 21*

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

14. CDH does not guarantee additional septic systems can be permitted & installed on these lots without conducting a site evaluation per lot.

Reviewed By: [Signature]

Date: 7/9/2021



**CITY OF KUNA**  
P.O. BOX 13  
KUNA, ID 83634  
[www.kunacity.id.gov](http://www.kunacity.id.gov)

Catherine Feistner, E.I.T.  
Asst. Kuna City Engineer

Brady Barroso  
Engineering Technician I

## Annexation Memorandum

TO: Jace Hellman - Planning and Zoning Director  
FROM: Brady Barroso - Engineering Technician I  
Catherine Feistner, E.I.T. - Assistant Kuna City Engineer  
RE: Public Works Comments for 1113 and 1169 N Black Cat Rd  
21-06-AN (Annexation)  
DATE: 19 July 2021

---

The properties located at 1113 and 1169 N Black Cat Rd, annexation with Planning and Zoning acceptance date of June 25, 2021 has been reviewed. The applicant wishes to annex with a City of Kuna (City) R-2 (low-density residential) zone. These comments apply to the application as they affect public works infrastructure. Review of civil design drawings is accomplished separately, when received.

These comments may be expanded or refined based on future land-use actions.

### 1. Inspection Fees

- a. An inspection fee will apply to inspect the final construction of water, sewer and irrigation facilities associated with this development.
- b. The developer shall retain a qualified responsible, Idaho registered professional engineer to provide sufficient inspection to certify to DEQ that the project was completed in accordance with approved plans and specifications and to provide accurate as-built drawings to the City.
- c. The developer's engineer and the City's inspector are permitted to coordinate inspections. The current inspection fee is \$1.00 per lineal foot of sewer, water and pressure irrigation pipe. *Payment is due and payable prior to the pre-construction meeting.*
- d. The Kuna Rural Fire District's current hydrant flow testing and plat base fee are \$300.00 and \$75.00 respectively for a total of \$375.00. *Payment is due and payable prior to the pre-construction meeting.*

### 2. General

- a. The applicant requests 9.8 acres to be annexed into the City of Kuna with an intent of R-2 zoning designation upon annexation.
- b. Equivalent Dwelling Units (EDUs) are reckoned at approximately 3.18 people per household. The resultant projected population for this subdivision is approximately 63.
- c. A plan approval letter will be required if this project affects any local irrigation districts.
- d. Elevations shall be actual NAVD 88 datum elevations. A localized elevation system is not acceptable.

- e. All positional information shall be from the most recent state plane coordinate system.
- f. Provide engineering certification on all final engineering drawings.
- g. If the applicant proposes private streets, streetlights will not be owned and maintained by the City. City Code 5-18-1 states that private, dead-end roads may not exceed 450-ft in length.
- h. The City of Kuna requires streetlights in all subdivisions. Streetlights are required along arterial roads bordering the subdivision, at the entrances of the subdivision, at intersections, and at every 250' interval. Streetlights should be coincident with Fire Hydrants whenever possible.
- i. Fire suppression shall be available and approved by KRFD.
- j. No building construction can begin without adequate fire protection.

### **3. Right-of-Way**

- a. All city mainlines crossing proposed lots or located on the backs or sides of lots shall have easements that allow the City of Kuna to access and maintain the utilities.
- b. The KRFD Deputy Fire Marshal, or the representative, must approve fire access to the subdivision.

### **4. Sanitary Sewer**

- a. The applicant's property is not connected to City services. It is not clear how the applicant plans to service this property.
- b. If applicable the subdivision's septic system must receive approval from Central District Health, IDWR, and IDEQ.
- c. If applicable the applicant must show the septic system(s) on the construction drawings. If the applicant chooses a single septic system, construction drawings must show how it will be connected and maintained by the multiple homes. A recorded agreement will be needed and the applicant must show Idaho Department of Environmental Quality (DEQ) and CDH approval.
- d. Connecting to City sewer services will be challenging. The closest connection point is located on the opposite side of the creek and railroad with a minimum distance of 0.5 miles.
- e. City code 5-16-3-B.2 states public sewer utilities shall be extended to each parcel when sewer is available within three hundred (300) feet of the parcels. At this time, the applicant will decommission the septic system and connect to City Sewer services, in accordance with the City's "to and through" policy in Kuna City Code 6-4-2.

### **5. Potable Water**

- a. The applicant's property is not connected to City services. It is not clear how the applicant plans to service this property.
- b. If applicable the subdivision's well system must receive approval from Central District Health, IDWR, and IDEQ.
- c. If applicable the applicant must show the well system(s) on the construction drawings. If the applicant chooses a single well system, construction drawings must show how it will be connected and maintained by the multiple homes. A recorded agreement will be needed and the applicant must show Idaho Department of Environmental Quality (DEQ) and CDH approval.
- d. Connecting to City water services will be challenging. The closest connection point is located on the opposite side of the creek and railroad with a minimum distance of 0.5 miles.
- e. City Code 6-4-2 requires the subdivision to connect to the City water system. City code 5-16-3-B.2 states public water utilities shall be extended to each parcel when water is available within three hundred (300) feet of the parcels.

## **6. Pressurized Irrigation**

- a. The applicant's property is not connected to City services. It is not clear how the applicant plans to provide irrigation to service this property.
- b. Relying on drinking water for irrigation purposes is contrary to City Code 6-4-2-B.9.
- c. If the applicant plans to use an existing well for irrigation purposes, water rights shall be adjusted to match usage.
- d. If applicable, a communal well shall be recorded on the final plat.
- e. If applicable, a gravity irrigation system must be approved through the City and the appropriate irrigation district.
- f. This project does not require connection to the City's Pressurized Irrigation system at this time. When pressurized irrigation becomes available, it is expected the applicant will connect to City PI services, in accordance with the City's "to and through" policy in Kuna City Code 6-4-2.
- g. Existing irrigation ditches (supply & drain) must be relocated as needed and as approved by the irrigation ditch company/users.

## **7. Grading and Storm Drainage**

- a. Provide a grading and drainage plan which supports and maintains all upstream drainage rights and all downstream irrigation delivery rights as they presently exist for this property.
- b. Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties. Slopes shall not be steeper than 3:1 on lots adjacent to a street or common lot and no steeper than 4:1 for lots with common rear lot lines.
- c. Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties.
- d. Runoff from public right-of-way is regulated by ACHD. On site storm water retention shall be reviewed in conjunction with the City's Civil Engineering Construction Improvements Review. Provide a storm water disposal & treatment plan which accounts for increased on-site storm water runoff volumes. Provide detailed drawings of drainage & treatment facilities with supporting calculations for review and approval.

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

- a. As-built drawings will be required of any/all public facilities.



**Project/File:** **Sanders Annexation and Rezone/ KUNA21-0004/ 21-06-AN**  
 This is an annexation with rezone application and a development agreement with the City of Kuna for a 10 acre site. The site is located on the west side of Black Cat Road between Deer Flat Road to the north and Kuna Road to the south.

**Lead Agency:** City of Kuna

**Site address:** 1113 & 1169 N Black Cat Road

**Commission Meeting:** XXXX, 202X

**Staff Approval:** XXXX, 202X

**Applicant/ Owner:** Diana & Robin Sanders  
 1113 N Black Cat Road  
 Kuna, ID 83634

**Staff Contact:** Kelly Bruner  
 Phone: 387-6132  
 E-mail: [kbruner@achdidaho.org](mailto:kbruner@achdidaho.org)



## A. Findings of Fact

- Description of Application:** The applicant is requesting approval for an annexation of 10 acres into the City of Kuna, a rezone from RR (Rural Residential) to R-2 (Low Density Residential) and a development agreement with the City of Kuna.

The Applicant’s rezone proposal is consistent with the City of Kuna’s comprehensive plan, which designates this area as Low Density Residential.

- Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Rural Residential	RR
South	Rural Residential	RR
East	Agricultural	A
West	Rural Residential	RR

- Site History:** ACHD staff/Commission previously reviewed this site as ADA21-0035 in April 2021 and approved the applicant’s request to construct a private road/driveway onto Black Cat Road. The requirements of this staff report are consistent with those of the prior action.
- Transit:** Transit services are not available to serve this site.

5. **New Center Lane Miles:** The proposed development includes 0 centerline miles of new public road.
6. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.
7. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**  
There are no roadways, bridges or intersections in the general vicinity of the project that are in the Integrated Five Year Work Plan (IFYWP) or the District's Capital Improvement Plan (CIP).
8. **Roadways to Bikeways Master Plan:** ACHD's Roadways to Bikeways Master Plan (BMP) was adopted by the ACHD Commission in May of 2009 and was update in 2018. The plan seeks to implement the Planned Bicycle Network to support bicycling as a viable transportation option for Ada County residents with a wide range of ages and abilities, maintain bicycle routes in a state of good repair in order to ensure they are consistently available for use, promote awareness of existing bicycle routes and features and support encouragement programs and to facilitate coordination and cooperation among local jurisdictions in implementing the Roadways to Bikeways Plan recommendations.

The BMP identifies Black Cat Road as a Level 2 facility that will be constructed as part of a future ACHD project.

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

1. **Trip Generation:** Below is a chart with the land use and estimated trip generation rates for the use that may be included within the site. Trip generation rates are based on the Institute of Transportation Engineers Trip Generation Manual, 10<sup>th</sup> edition.

Use	Avg. Daily Trips	Avg. PM Peak Hour
Single Family Detached (Unit)	10	1

2. **Condition of Area Roadways**  
Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Black Cat Road	330-feet	Minor Arterial	90	Better than "E"

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

3. **Average Daily Traffic Count (VDT)**  
*Average daily traffic counts are based on ACHD's most current traffic counts.*

- The average daily traffic count for Black Cat Road north of Kuna Road was 1,922 on 07/18/17.

## **C. Findings for Consideration**

*This application is for annexation and rezone only. Listed below are some findings for consideration that the District may identify when it reviews a future development application. The District may add additional findings for consideration when it reviews a specific redevelopment application.*

# 1. Black Cat Road

a. **Existing Conditions:** Black Cat Road is improved with 2-travel lanes, 25-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 55-feet of right-of-way for Black Cat Road (30-feet from centerline).

b. **Policy:**

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

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

**Street Section and Right-of Way Width Policy:** District Policy 7205.2.1 & 7205.5.2 states that the standard 3-lane street section shall be 46-feet (back-of-curb to back-of-curb) within 70 feet of right-of-way. This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

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

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

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

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

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

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

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

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Black Cat Road is designated in the MSM without a specific type of street section with 3-lanes and on-street bike lanes, a 46-foot street section within 78-feet of right-of-way.

- c. **Applicant's Proposal:** The applicant is not proposing any street improvements to Black Cat Road abutting the site.
- d. **Staff Comments/Recommendations:** As part of a future development application the applicant should be required to dedicate additional right of way to total 39-feet from centerline, consistent with the MSM. Additionally, the applicant should be required to construct 5-foot wide concrete sidewalk located a minimum of 32-feet from centerline abutting the site.

## 2. Private Roads/Driveways

### 2.1 Black Cat Road

- a. **Existing Conditions:** There are three unimproved driveways from the site onto Black Cat Road located 85, 178 and 322-feet south of the site's furthest north property line (measured from the site's furthest north property line to centerline). As part of ACHD's previous action on the Private Road application for the site, ADA21-0035, in April 2021, the driveways located 85-feet and 322-feet south of the site's further north property line were required to be closed and the driveway located 178-feet south of the site's furthest north property line was approved to be turned into a 24-foot wide private road/driveway, and is currently under construction.

- b. **Policy:**

**Private Road Policy:** District policy 7212.1 states that the lead land use agencies in Ada County establish the requirements for private streets. The District retains authority and will review the proposed intersection of a private and public street for compliance with District intersection policies and standards. The private road should have the following requirements:

- Designed to discourage through traffic between two public streets,
- Graded to drain away from the public street intersection, and
- If a private road is gated, the gate or keypad (if applicable) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

**Access Points Policy:** District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

**Access Policy:** District policy 7205.4.6 states that direct access to minor arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. If it is necessary to take access to the higher classified street due to a lack of frontage, the minimum allowable spacing shall be based on Table 1a under District policy 7205.4.6, unless a waiver for the access point has been approved by the District Commission.

**Successive Driveways:** District policy 7205.4.6 Table 1a, requires driveways located on minor arterial roadways with a speed limit of 50 MPH to align or offset a minimum of 425-feet from any existing or proposed driveway.

**Driveway Width Policy:** District policy 7205.4.8 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7205.4.8, the applicant should be required to pave the driveway its full width and at least 30-

feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7205.4.8.

**Cross Access Easements/Shared Access Policy:** District Policy 7202.4.1 states that cross access utilizes a single vehicular connection that serves two or more adjoining lots or parcels so that the driver does not need to re-enter the public street system.

- c. **Applicant's Proposal:** The applicant has not proposed any changes to the private road or driveways since submitting the original application for the private road.
- d. **Staff Comments/Recommendations:** The applicant should be required to close the two existing driveways from the site onto Black Cat Road located 85 and 322-feet south of the site's furthest north property line with landscaping, fencing, or a barricade following the completion of construction on the private road with the future development application, consistent with ACHD's previous action for the private road.

Street name and stop signs are required for the private road. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.

ACHD does not make any assurances that the private road, which is a part of this application, will be accepted as a public road if such a request is made in the future. Substantial redesign and reconstruction costs may be necessary in order to qualify this road for public ownership and maintenance.

The following requirements must be met if the applicant wishes to dedicate the roadway to ACHD:

- Dedicate a minimum of 50-feet of right-of-way for the road.
- Construct the roadway to the minimum ACHD requirements.
- Construct a stub street to the surrounding parcels.

### 3. Tree Planters

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

### 4. Landscaping

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

### 5. Other Access

Black Cat Road is classified as a minor arterial roadway. Other than the access specifically approved with the future development application, direct lot access is prohibited to these roadways and should be noted on the final plat with the future development application. Any changes to the access for the site originally approved by ACHD in April 2021 will be evaluated at the time of the future development application.

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

*This application is for annexation and rezone only. Site specific conditions of approval will be established as part of the future development application.*

1. Payment of impact fees is due prior to issuance of a building permit.
2. Comply with all Standard Conditions of Approval.

## **E. Standard Conditions of Approval**

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

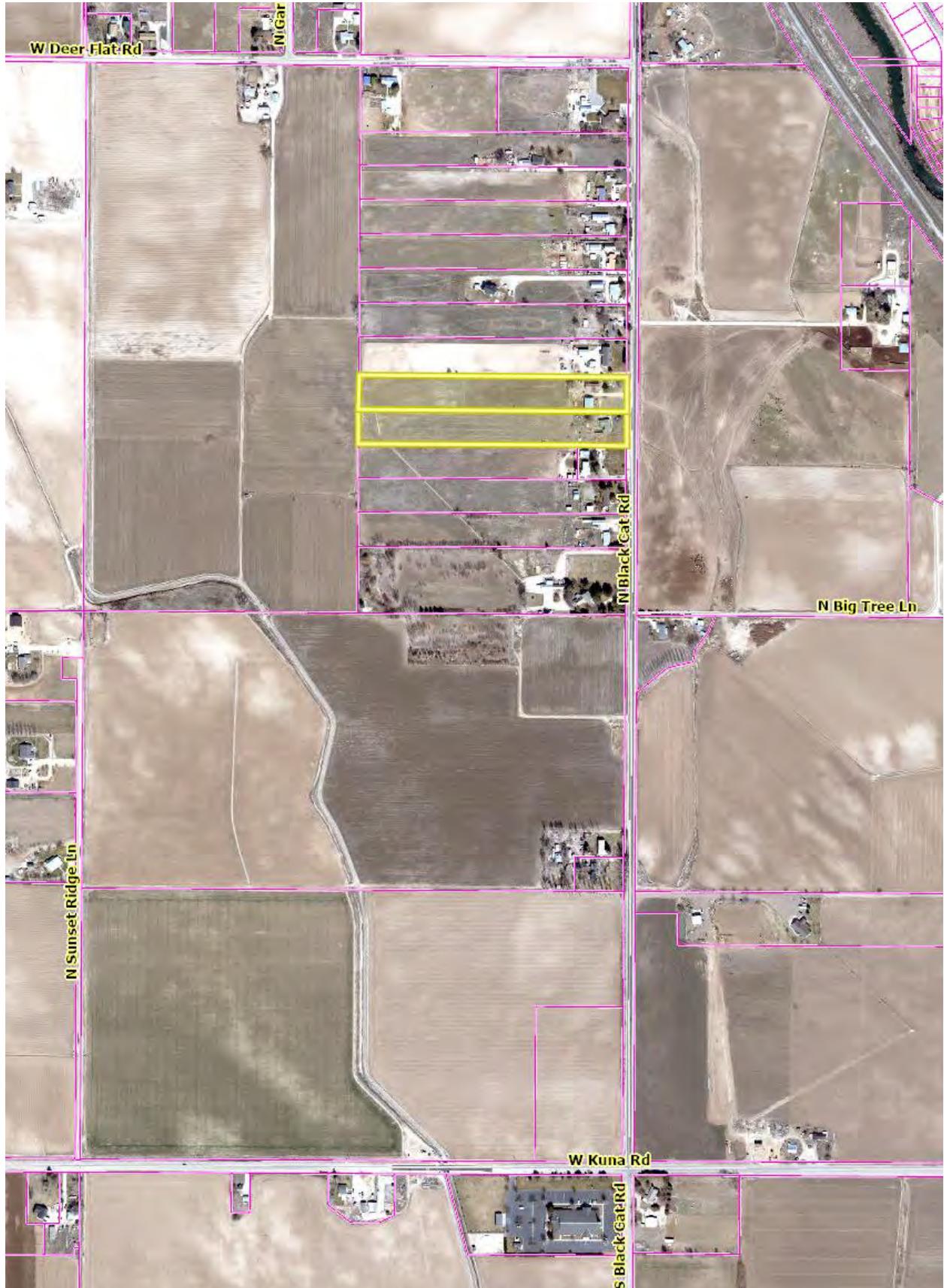
## **F. Conclusions of Law**

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

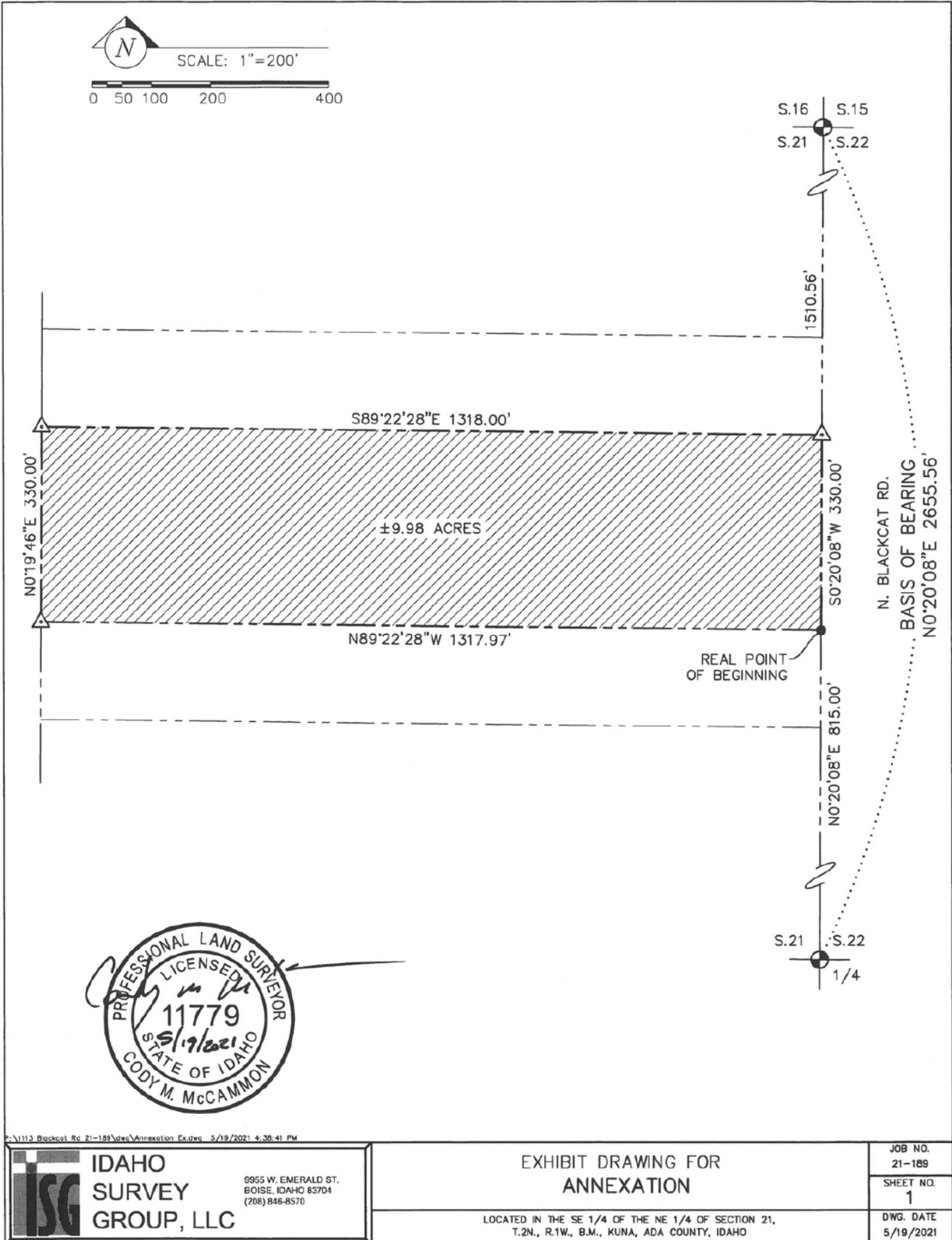
## **G. Attachments**

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. **Request for Reconsideration Guidelines OR Appeal Guidelines**

VICINITY MAP



**SITE PLAN**



# Ada County Utility Coordinating Council

## Developer/Local Improvement District Right of Way Improvements Guideline Request

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

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

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

# Development Process Checklist

## Items Completed to Date:

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

## Items to be completed by Applicant:

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

### DID YOU REMEMBER:

#### *Construction (Non-Subdivisions)*

##### **Driveway or Property Approach(s)**

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

##### **Working in the ACHD Right-of-Way**

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

#### *Construction (Subdivisions)*

##### **Sediment & Erosion Submittal**

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

##### **Idaho Power Company**

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

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

## Request for Appeal of Staff Decision

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

## Request for Reconsideration of Commission Action

1. **Request for Reconsideration of Commission Action:** A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.

- a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.

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

CITY OF KUNA  
PO Box 13 - Kuna, ID 83634  
Phone: 208.922.5274 - Fax: 208.922.5989

**Case No. 21-06-AN (Annexation): 1113 & 1169 N Black Cat Road**

NOTICE IS HEREBY GIVEN the Planning & Zoning Commission will hold a public hearing **Tuesday, August 24, 2021, at 6:00 PM**, or as soon as can be heard; in connection with an **Annexation (AN)** request to annex two (2) parcels consisting of approximately 9.8 acres into Kuna City Limits with an R-2 zoning district classification. The subject sites are located at 1113 and 1169 N Black Cat Road, Kuna, ID 83634, within Section 21, Township 2 North, Range 1 West; (APNs: S1321141880, S1321141920).

Please do not contact the Commission or Council including the Mayor as this may jeopardize the public hearing process as it is considered ex parte. If you require special accommodations, please contact Kuna Planning & Zoning Department prior to the meeting at (208) 922-5274.

The public is invited to provide written or oral testimony; the City of Kuna is providing alternative ways for the community to submit comments at Public Hearings if they do not wish to testify in person at the hearing, please contact the Kuna Planning & Zoning Department at (208) 922-5274 for more information.

Kuna Planning & Zoning Department





# ADVERTISING PROOF

PO Box 9399  
 1618 N Midland Blvd, 83651,  
 Nampa, ID 83652  
 Ph. (208) 465-8129 Fax: (907) 452-5054

BILLING DATE:	ACCOUNT NO:
08/02/21	21880

## LEGAL NOTICE

**Case No. 21-06-AN  
 (Annexation): 1113 & 1169  
 N Black Cat Road**

JESSICA REID  
 1 KUNA, CITY OF  
 P.O. BOX 13  
 KUNA, ID 83634

NOTICE IS HEREBY GIVEN the Planning & Zoning Commission will hold a public hearing **Tuesday, August 24, 2021, at 6:00 PM**, or as soon as can be heard; in connection with an Annexation (AN) request to annex two (2) parcels consisting of approximately 9.8 acres into Kuna City Limits with an R-2 zoning district classification. The subject sites are located at 1113 and 1169 N Black Cat Road, Kuna, ID 83634, within Section 21, Township 2 North, Range 1 West; (APNs: S1321141880, S1321141920).

Please do not contact the Commission or Council including the Mayor as this may jeopardize the public hearing process as it is considered ex parte. If you require special accommodations, please contact Kuna Planning & Zoning Department prior to the meeting at (208) 922-5274.

The public is invited to provide written or oral testimony; the City of Kuna is providing alternative ways for the community to submit comments at Public Hearings if they do not wish to testify in person at the hearing, please contact the Kuna Planning & Zoning Department at (208) 922-5274 for more information.

Kuna Planning & Zoning  
 Department

August 4, 2021 129740

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
129740	PH 8/24/2021 BLACK C	08/04/21	08/04/21	1	\$42.00

## Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
------	--------	-----------	---------------	-------	--------

Discount:	<b>\$0.00</b>	Gross:	<b>\$42.00</b>
Surcharge:	<b>\$0.00</b>	Paid Amount:	<b>\$0.00</b>
Credits:	<b>\$0.00</b>		

**Amount Due: \$42.00**

*We Appreciate Your Business!*

## Suggestions for Testifying at Public Hearings:

### Be Informed...

Review the proposal, Staff Report, applicable Ordinance(s), Comprehensive Plan & Idaho Code §67-65. All items pertaining to the application can be found online the Friday prior to the hearing at [www.kunacity.id.gov](http://www.kunacity.id.gov) >City Government >Agendas & Minutes.

### Be on time...

Although the item you are interested in may not be first on the agenda, you never know when it will be heard; the governing body has authority to adjust the schedule according to its discretion, thus, anticipate attending from the beginning.

### Speak to the Point...

The governing body appreciates pertinent, well organized, factual & concise comments. The Developer or their Representative is given 10 minutes to present their project; 3 minutes per individual is provided for public testimony; neighborhood groups are encouraged to select a community representative & the representative is provided 10 minutes (please inform staff). The Developer/Representative is given additional time for rebuttal.

### If you do not wish to speak, write...

Written testimony received by close of business the Wednesday before the hearing will be included in the meeting packet; late submissions will be provided to the governing body at time of hearing. As a reminder, it is unreasonable to submit extensive written comments/info at the hearing and expect it to be reviewed prior to a decision.



Planning & Zoning  
PO BOX 13  
Kuna, ID 83634

NEOPOST

FIRST-CLASS MAIL

08/04/2021

US POSTAGE \$000.00<sup>00</sup>



ZIP 83634  
041M11460992

JR 8.4.21  
TB. 8.4.21

City of Kuna

# LEGAL NOTICE

Dear Property Owner: NOTICE IS HEREBY GIVEN the **Planning & Zoning Commission** is scheduled to hold a Public Hearing on **August 24, 2021 at 6:00 AM** (or as soon as can be heard), in City Hall Council Chambers, 751 W 4<sup>th</sup> Street, Kuna, ID, 83634, on the following case:

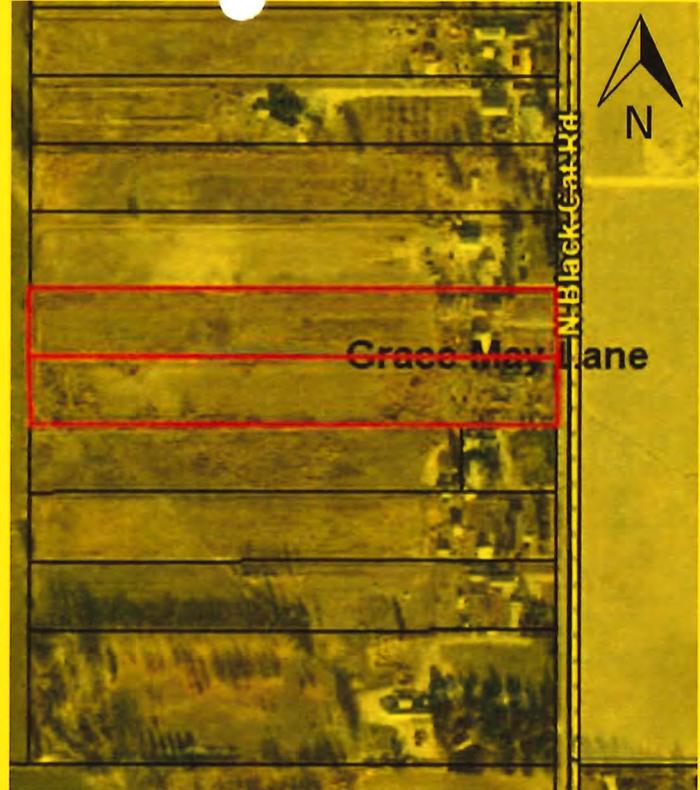
## Case No. 21-06-AN (Annexation) for 1113 & 1169 N Black Cat Road

A request to annex two (2) parcels consisting of approximately 9.8 acres into Kuna City Limits with an R-2 zoning district classification. The subject sites are located at 1113 and 1169 N Black Cat Road, Kuna, ID 83634, within Section 21, Township 2 North, Range 1 West; (APNs: S1321141880, S1321141920).

The public is invited to provide written or oral testimony; the City of Kuna is providing alternative ways for the community to submit comments at Public Hearings if they do not wish to testify in person or will not be able to attend. Please contact the Kuna Planning & Zoning Department at (208) 922-5274.

Written testimony received by close of business on **August 18, 2021** will be included with the packet distributed to the governing body prior to the hearing; late submissions will be provided at time of hearing.

**MAILED 08.04.2021**





# City of Kuna PROOF OF PROPERTY POSTING

City of Kuna  
P.O. Box 13  
Kuna, Idaho 83634  
Phone: (208) 922-5274  
Fax: (208) 922-5989  
Web: www.kunacity.id.gov

This notice shall confirm that the Public Hearing Notice for 1113+1169 N BlackCat Rd Kuna (NAME OF SUBDIVISION OR ADDRESS) was posted as required per Kuna City Ordinance 5-1A-8. Sign posted Friday, August 13, 2021 (DAY OF THE WEEK, MONTH, DATE AND YEAR). This form is required to be returned three (3) calendar days subsequent to posting and signs are to be removed from the site three (3) calendar days after the hearing.

DATED this 13<sup>th</sup> day of August, 2021.

Signature,

[Handwritten Signature]  
Owner/Developer

STATE OF IDAHO )  
County of Ada ) : ss

On this 13<sup>th</sup> day of August, 2021, before me the undersigned, a Notary Public in and for said State, personally appeared before me (Owner, Developer).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Handwritten Signature]  
Notary Public  
Residing at 10909 Westgate Dr. Boise, ID.  
Commission Expires 4/5/2027





# **CITY OF KUNA PUBLIC HEARING NOTICE**

**Before the Kuna Planning and Zoning  
Commission**

**THE CITY OF KUNA will hold a public hearing  
on August 24, 2021 at 6:00 PM, at  
Kuna City Hall, 751 W 4th St, Kuna ID 83634**

**PURPOSE:** Annexation of 1113 and 1169 N Black Cat Road with an  
R-2 (Low Density Residential) zone.

**LOCATION:** 1113 and 1169 N Black Cat Road; APN's: S1321141880  
S1321141920

**APPLICATION BY:** Robin and Diana Sanders

**CONTACT:** Doug Hanson at 208-287-1771 or Kuna Planning &  
Zoning at 208-922-5546