



## KUNA PLANNING AND ZONING COMMISSION

Agenda for July 22, 2014

Kuna City Hall ▪ Council Chambers ▪ 763 W. Avalon ▪ Kuna, Idaho

### REGULAR MEETING

6:00 pm

#### 1. CALL TO ORDER AND ROLL CALL:

Chairman Lee Young  
Vice Chair Stephanie Wierschem  
Commissioner Dana Hennis  
Commissioner Cathy Gealy  
Commissioner Joan Gay

#### 2. CONSENT AGENDA:

- a. Approval of Planning & Zoning Commission Meeting Minutes for July 8, 2014

#### 3. NEW BUSINESS:

- a. None

#### 4. PUBLIC HEARING:

- a) **14-02-AN, 14-03-DA:** Mark & Yvonne Kirkpatrick Annexation - Applicant requests approval to annex approximately 6.8 acres into the City limits and split the existing parcel into two parcels. Applicant requests the Agriculture zone (Ag) for parcel one (1.3 acres). Applicant seeks an R-6 (Med. Density) zone for parcel two (5.5 acres) and hopes to attract a subdivision developer in the future. It is anticipated the two will continue enjoying the existing agricultural uses. A Development Agreement will be recorded to guide all future development.
- b) **14-04-AN:** Ben Bernier Annexation - Applicant is requesting annexation of an approximately 1.6 acre parcel into the City of Kuna with an R-4 (Med. Residential Density) zoning designation from its current Ada County zoning of R1 (Estate Residential). Applicant is relying on the category "A" annexation process.
- c) **14-01-ZC:** Ridley's Family Markets - Request by Mark Ridley (For CJM, LLP), for a rezone of approximately 7.98 acres located at the southwest corner (SWC) of Deer Flat Road and Highway 69. This is a request to change the current zoning, R-6 (Medium Density Residential) in the City, to C-1 (Neighborhood Business District) within the forthcoming Merrill Family Center Commercial subdivision.

#### 5. DEPARTMENT REPORTS

#### 6. CHAIRMAN / COMMISSIONER DISCUSSION

#### 7. ADJOURNMENT

Kuna City Codes, Comprehensive Plan, and Maps are available on the City web site:

<http://www.kunacity.id.gov>

**CITY OF KUNA  
REGULAR PLANNING & ZONING COMMISSION**

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**MEETING MINUTES  
Tuesday, July 8th, 2014**

**NOTE:** *These minutes are an unofficial record of this Planning & Zoning meeting until reviewed, corrected (if deemed appropriate), and formally approved by the Kuna Planning & Zoning Commission at a subsequent Planning & Zoning meeting.*

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PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	absent	Wendy Howell, Planning Director	X
Vice-Chair Stephanie Wierschem	X	Troy Behunin, Planner II	absent
Commissioner Dana Hennis	X	Trevor Kesner, Planning Technician	X
Commissioner Cathy Gealy	X		
Commissioner Joan Gay	X		

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

**Call to Order and Roll Call**

Vice Chair Stephanie Wierschem called the meeting to order at **6:01pm**.

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**1. CONSENT AGENDA**

- a. Approval of Planning & Zoning Commission Meeting Minutes for June 24th, 2014
- b. Approval of **14-04-DR: Crimson Point Villas** – Multi-family commercial project  
- Findings of Fact and Conclusions of Law.

*Commissioner Gealy motioned to approve the consent agenda;  
Commissioner Hennis seconds, all aye and motioned carried 4-0.*

**2. NEW BUSINESS:**

- a. None

**3. PUBLIC HEARING**

- a. None

**4. DEPARTMENT REPORTS:**

- a. Wendy Howell, Planning & Zoning Director gave a briefing of building permits issued for the month of June: We issued a total of 40 permits for the month of June. Seven new homes, with a total square footage of seventeen thousand, five hundred ninety, one mechanical commercial, two remodels,

**CITY OF KUNA  
REGULAR PLANNING & ZONING COMMISSION**

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**MEETING MINUTES  
Tuesday, July 8th, 2014**

twenty-six mechanical permits, two fences, two patio covers, one siding and at the next meeting we have two annexations.

C/Hennis: Big property? Big lot size?

Wendy Howell: I'm not sure because I have not looked at them quite yet. I know they are on the next meeting though.

C/Hennis: Ok. Thank you.

**5. CHAIRMAN / COMMISSIONER DISCUSSION:**

a. None

**6. ADJOURNMENT:**

*Commissioner Hennis motions to adjourn at **6:05 pm**; Commissioner Gealy Seconds, all aye and motion carried 4-0.*

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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



# City of Kuna

## P&Z Staff Report

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

**To:** Planning and Zoning Commission

**Case Number(s):** 14-02-AN (Annexation) 14-03-DA (Development Agreement) and 14-01-LS (Lot Split)  
*Kirkpatrick Annexation*

**Location:** 2021 W. Ardell Road  
Kuna, Idaho 83634

**Planner:** Troy Behunin, Senior Planner

**Hearing Date:** July 22, 2014

**Applicant:** Mark and Yvonne Kirkpatrick  
2021 W. Ardell Road  
Kuna, Idaho 83634  
208.922.1942  
[ymkirk@gmail.com](mailto:ymkirk@gmail.com)

### Table of Contents:

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- J. Proposed Conclusions of Law
- K. Proposed Decision by the Commission

### A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states annexation and a development agreement is designated as a public hearing, with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

#### a. Notifications

- |                           |                                       |
|---------------------------|---------------------------------------|
| i. Neighborhood Meeting   | February 20, 2014 (3 people attended) |
| ii. Agencies              | March 27, 2014                        |
| iii. 300' Property Owners | July 7 2014                           |
| iv. Kuna, Melba Newspaper | July 2, 2014                          |
| v. Site Posted            | July 12, 2014                         |

### B. Applicants Request:

#### 1. Request:

Applicant requests approval to annex approximately 6.8 acres into the City limits and to split the existing parcel into two parcels. Applicant requests the Agriculture zone (Ag) for parcel one (approx.

1.3 acres), where the applicant will continue to grow crops and live. Applicant seeks an R-6 (Medium Density) zone for parcel two (approx. 5.5 acres) and hopes to attract a subdivision developer in the future. Until such time, it is anticipated the two will continue enjoying its existing agricultural uses, just in the City limits. Applicant is aware a development agreement will be recorded to guide all future development.

**C. Vicinity and Aerial Maps:**



**D. History:** The parcel is adjacent to the City limits and is currently zoned RUT (Rural Urban Transition) and contains a home, out buildings and the majority of the lands are currently farmed. This parcel has historically been farmed.

**E. General Projects Facts:**

1. **Comprehensive Plan Designation:** The Future Land Use Map (FLU) identifies this site as Medium Density Residential. Staff views this land use request to be consistent with the approved FLU map.

2. **Surrounding Land Uses:**

<b>North</b>	RR	Rural Residential – Ada County
<b>South</b>	R-3	Low Density Residential – Kuna City
<b>East</b>	RUT	Rural Urban Transition – Ada County
<b>West</b>	R-6	Medium Density Residential – Kuna City

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

- Approx. 6.8 total acres

- RUT, Rural Urban Transition
- Parcel # - S1315427807

4. **Services:**

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

5. **Existing Structures, Vegetation and Natural Features:** Currently there is a home where the applicant lives and a couple of out buildings. The site has been used for agriculture activities and it is anticipated it will continue its historic uses on both parcels, until the larger parcel is developed in the future.
6. **Transportation / Connectivity:** The existing access for the parcel is off Ardell Road. This site will be required to provide connections to existing stubs when development occurs along with a possible connection to Ardell Road for the future subdivision.
7. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts. This site’s topography is generally flat.
8. **Agency Responses:** The following agencies returned comments: City Engineer (Gordon Law, P.E.), Central District Health Department, Ada County Highway District (ACHD), Department of Environmental Quality (DEQ) and Boise Project Board of Control. The responding agency comments are included as exhibits with this case file.

F. **Staff Analysis:**

This site is located near the southwest corner (SWC) of Ten Mile & Ardell Roads and near Crimson Point North and Crimson Point Subdivisions. Applicant requests to annex into the City and split the parcel into two. Parcel one will be approx. 1.3 acres in size and an existing residence will remain on it which will rely on a septic tank & well for now. The remaining 5.5 acres has been historically farmed and it is anticipated those uses will continue. In the future, those 5.5 acres will likely be developed into a subdivision.

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and Kuna Comprehensive Plan; and forwards a recommendation of approval for Case #'s 14-02-AN, 14-03-DA and 14-01-LS, subject to the recommended conditions of approval.

G. **Applicable Standards:**

1. City of Kuna Zoning Ordinance No. 230, 546 and 570,
2. City of Kuna Subdivision Ordinance No. 2012-18, Title 5 Zoning Regulations,
3. City of Kuna Comprehensive Plan and Future Land Use Map,
4. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

H. **Comprehensive Plan Analysis:**

The Kuna Planning and Zoning Commission, accepts the Comprehensive Plan components as described below.

1. The proposed applications for this site are consistent with the following Comprehensive Plan components:

**GOALS AND POLICY – Property Rights**

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

Policy 1: As part of a land use action review, the staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criterion established to determine the potential for property taking.

**GOALS AND POLICY – Economic Development**

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

Policy 1.3: The City will develop a policy to provide incentives and/or assistance in order to competitively attract firms.

**GOALS AND POLICY – Land Use**

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

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

Policy 2.3: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

**I. Proposed Findings of Fact:**

1. This request appears to be in compliance with all ordinances and laws of the City and appears to be consistent with Kuna City Code (KCC).
2. The use appears to meet the general objectives of Kuna’s Comprehensive Plan.
3. The site is physically suitable for a subdivision.
4. The annexation and subdivision uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. The annexation application is not likely to cause adverse public health problems.
6. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
7. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.
8. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.
9. Based on the evidence contained in Case No.s 14-02-AN, 14-03-DA and 14-01-LS, this proposal appears to comply with the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map (FLU).
10. The Planning and Zoning Commission has the authority to recommend approval or denial for these applications.
11. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**J. Proposed Conclusions of Law:**

1. Based on the evidence contained in Case No.s 14-02-AN and 14-03-DA, the Kuna Planning and Zoning Commission finds Case No.s 14-02-AN and 14-03-DA comply with Kuna City Code.
2. Based on the evidence contained in Case No.s 14-02-AN and 14-03-DA, the Kuna Planning and Zoning Commission finds Case No.s 14-02-AN and 14-03-DA, are consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**K. Proposed Decision by the Planning and Zoning Commission:**

*Note: This proposed motion is for approval or denial of this request. However, if the Commission wishes to approve or deny specific parts of the request as detailed in this report, they must be specified.*

Based on the facts outlined in staff's report and the public testimony at the public hearing the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval/denial* of Case No.s 14-02-AN, 14-03-DA and 14-01-LS, a request for annexation and development agreement from Mark And Yvonne Kirkpatrick, with the following conditions of approval:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
  - a. The City Engineer shall approve the sewer hook-ups.
  - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
  - d. The *Boise-Kuna* Irrigation District shall approval any modifications to the existing irrigation system.
  - e. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District and Idaho Transportation Department. No public street construction may be commenced without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
  - 2.1- With future development and as necessary, dedicate right-of-way in sufficient amounts to follow City and ACHD standards and widths.
3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see **KCC 6-4-2-W**.
4. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
5. Future lighting within the site shall comply with Kuna City Code as stated in KCC 5-9-5-B.
6. Future parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
7. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise).
8. Future signage within the site shall comply with Kuna City Code (A sign permit is required prior to sign construction).

9. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
10. Submit a petition to the City (if necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation system of the City (KMID).
11. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Council, or seek amending them through public hearing processes.
12. The applicant's future landscape plan shall be considered a binding site plan, or as modified by the Commission through DRC.
13. Any future development is subject to landscaping design review, among other land use applications as applicable, at time of development. The entire site will also be subject to the same.
14. Applicant shall follow all staff, City engineer and other agency recommended requirements as applicable.
15. Developer shall comply with all local, state and federal laws.

DATED this \_\_\_\_ day of 2014,



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

**Commission & Council Review Application**

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

\*Please submit the appropriate checklist (s) with application

For Office Use Only	
File Number (s)	14-02-AN, 14-03-Da, 14-01-LS
Project name	Kirkpatrick Annex
Date Received	
Date Accepted/ Complete	
Cross Reference Files	
Commission Hearing Date	22 July 2014
City Council Hearing Date	

**Type of Review (check all that apply):**

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

**Contact/Applicant Information**

Owners of Record: <u>MARK &amp; YVONNE KIRKPATRICK</u>	Phone Number: <u>208-922-1942</u>
Address: <u>2021 W ARDELL</u>	E-Mail: <u>ymkirk@gmail.com</u>
City, State, Zip: <u>KUNA ID 83634</u>	Fax #: _____
Applicant (Developer): _____	Phone Number: _____
Address: _____	E-Mail: _____
City, State, Zip: _____	Fax #: _____
Engineer/Representative: _____	Phone Number: _____
Address: _____	E-Mail: _____
City, State, Zip: _____	Fax #: _____

**Subject Property Information**

Site Address: <u>2021 W ARDELL KUNA ID 83634</u>
Site Location (Cross Streets): <u>W ARDELL &amp; N MCCLURE LANE</u>
Parcel Number (s): <u>S1315427807</u>
Section, Township, Range: <u>2N1W15</u>
Property size: <u>6.8 acres</u>
Current land use: <u>Residential/Agriculture</u> Proposed land use: <u>No change</u>
Current zoning district: <u>RUT</u> Proposed zoning district: _____

**Project Description**

Project / subdivision name: LUCERNE ACRES  
General description of proposed project / request: PROPERTY SPLIT AND REZONE OF ALFALFA FIELD  
Type of use proposed (check all that apply):  
 Residential HOUSE AS AGRICULTURAL, FIELD AS R6  
 Commercial \_\_\_\_\_  
 Office \_\_\_\_\_  
 Industrial \_\_\_\_\_  
 Other \_\_\_\_\_  
Amenities provided with this development (if applicable): \_\_\_\_\_

**Residential Project Summary (if applicable)**

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

**Non-Residential Project Summary (if applicable)**

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

Applicant's Signature: Jim Kirkpatrick  
Mark A. Kirkpatrick

Date: Mar 5, 2014  
5 MAR 2014

## Statement for Annexation and Rezone of 2021 W Ardell, Kuna

The rural characteristic of our residence has changed with the residential area of the city of Kuna bordering our property on two fronts. We have become the border between rural and residential Kuna.

For us to keep our land a saleable entity, we would like to plan the following changes to our property:

1. Annexation to become part of the city of Kuna.
2. Split our property at 2021 W Ardell Rd. into 2 lots.
3. Zone the smaller parcel with the house as Agricultural in keeping with the larger residences East and Northeast of our house.
4. Rezone the present Alfalfa field as R6, so that future development may continue out from both Crimson Point and Crimson Point North.

Until the Alfalfa field might be sold to a developer, we plan to retain the field in its present use of hay production. The smaller parcel with the house would remain as a large residential block of land with its present land use.

The closest subdivisions of Crimson Point and Crimson Point North presently have streets that can be extended into the Alfalfa field. Future development of this tract probably would extend from the South and West as this is the location of the nearest utilities.

We respectfully request annexation into the City of Kuna and also request the afore mentioned property split and zoning changes.



# AERIAL MAP

RECEIVED

FEB 24 2014

CITY OF KUNA

Teed Lateral

W Ardell Rd

SUBJECT

N McClure Ln

N Rosedust Dr

N Mauve Ave

W Crenshaw St

N Ten Mile Rd

W Melon Dr

## Legend

-  SUBJECT
-  PARCEL LINES
-  ROADS
-  WATER FEATURES



# VICINITY MAP

RECEIVED  
FEB 24 2014  
CITY OF KUNA

SUBJECT



**Legend**

-  SUBJECT
-  PARCEL LINES
-  ROADS
-  WATER FEATURES

TJ

FEB 24 2014

CITY OF KUNA



# City of Kuna AFFIDAVIT OF LEGAL INTEREST

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

Phone: (208) 922-5274  
Fax: (208) 922-5989  
Web: www.cityofkuna.com

State of Idaho )  
                          ) ss.  
County of Ada )

I, MARK & YVONNE KIRKPATRICK, 2021 W ARDELL  
Name Address  
KUNA, IDAHO 83634  
City State Zip Code

being first duly sworn upon oath, depose and say:

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

A That I am the record owner of the property described on the attached, and I grant my permission to N/A \_\_\_\_\_  
Name Address

to submit the accompanying application pertaining to that property.

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

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

Dated this 19th day of February, 2014

ymkirkpatrick Mark & Yvonne  
Signature

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

Susan L. Oswald  
Notary Public for Idaho  
Residing at: Mexican, Id  
My commission expires: 4/26/2018



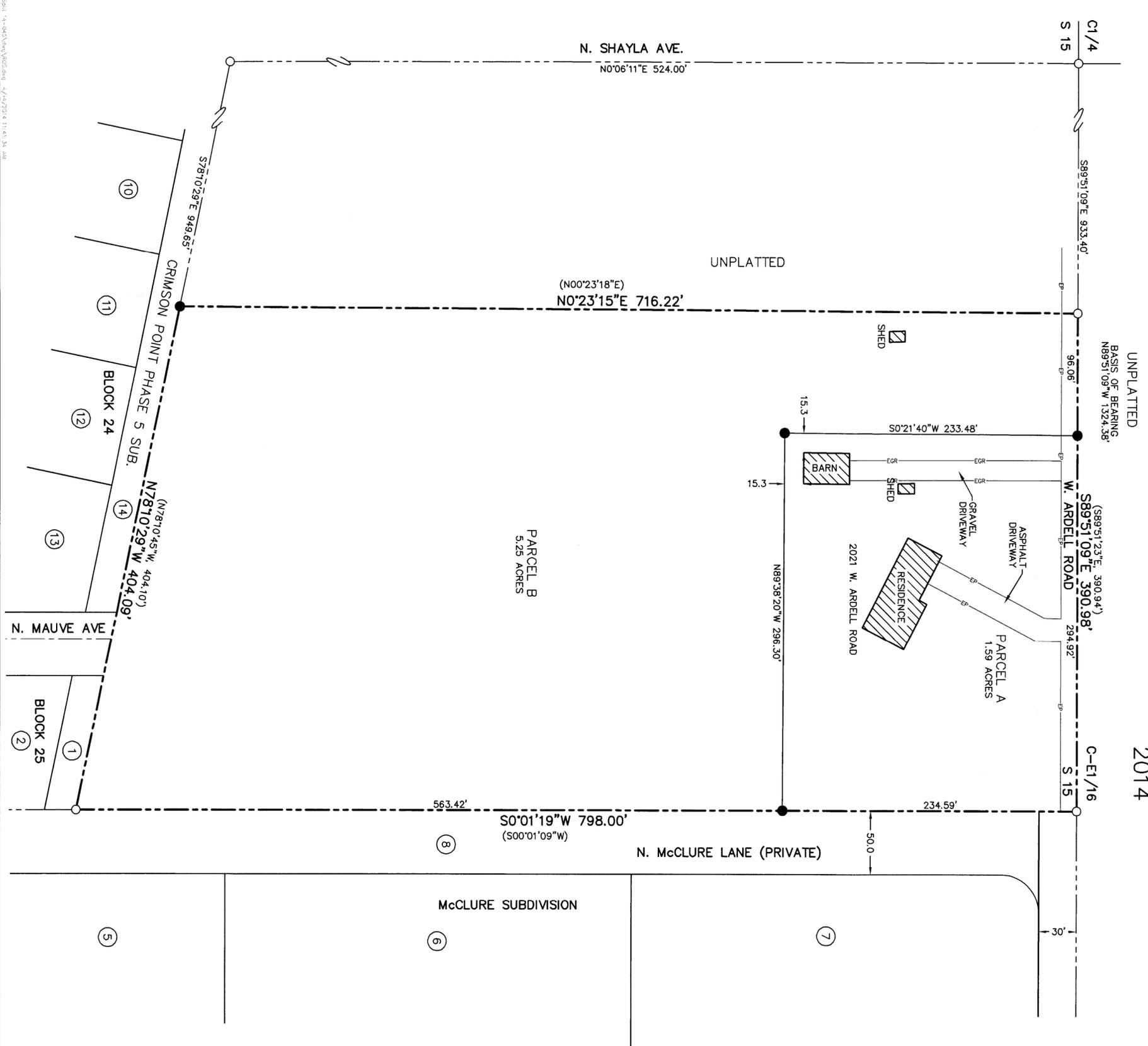


SCALE: 1" = 60'

PROPERTY LINE ADJUSTMENT RECORD OF SURVEY FOR

**MARK KIRKPATRICK**

LOCATED IN THE NW 1/4 OF THE SE 1/4 SECTION 15,  
T.2N., R.1W., B.M., KUNA, ADA COUNTY, IDAHO  
2014



**LEGEND**

- FOUND 5/8" IRON PIN
- SET 5/8" IRON PIN WITH CAP
- PROPERTY BOUNDARY LINE
- PARCEL LINE
- SECTION LINE
- RIGHT-OF-WAY LINE
- CENTERLINE
- EDGE OF GRAVEL ROAD
- EDGE OF PAVEMENT
- ⑦ LOT NO.

**APPROVAL OF OWNERS**

I, THE OWNER OF SUBJECT PROPERTY, HEREBY APPROVE OF THIS ONE TIME DIVISION SURVEY.

MARK A. KIRKPATRICK

**ACKNOWLEDGMENT**

STATE OF IDAHO )  
COUNTY OF ADA ) S.S.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, BEFORE ME,

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARK A. KIRKPATRICK, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC, STATE OF IDAHO  
RESIDING IN BOISE, IDAHO

**CERTIFICATE OF LAND SURVEYOR**

I, GREGORY G. CARTER, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS.



GREGORY G. CARTER, PLS LICENSE NO. 7729

**COUNTY RECORDER'S CERTIFICATE**

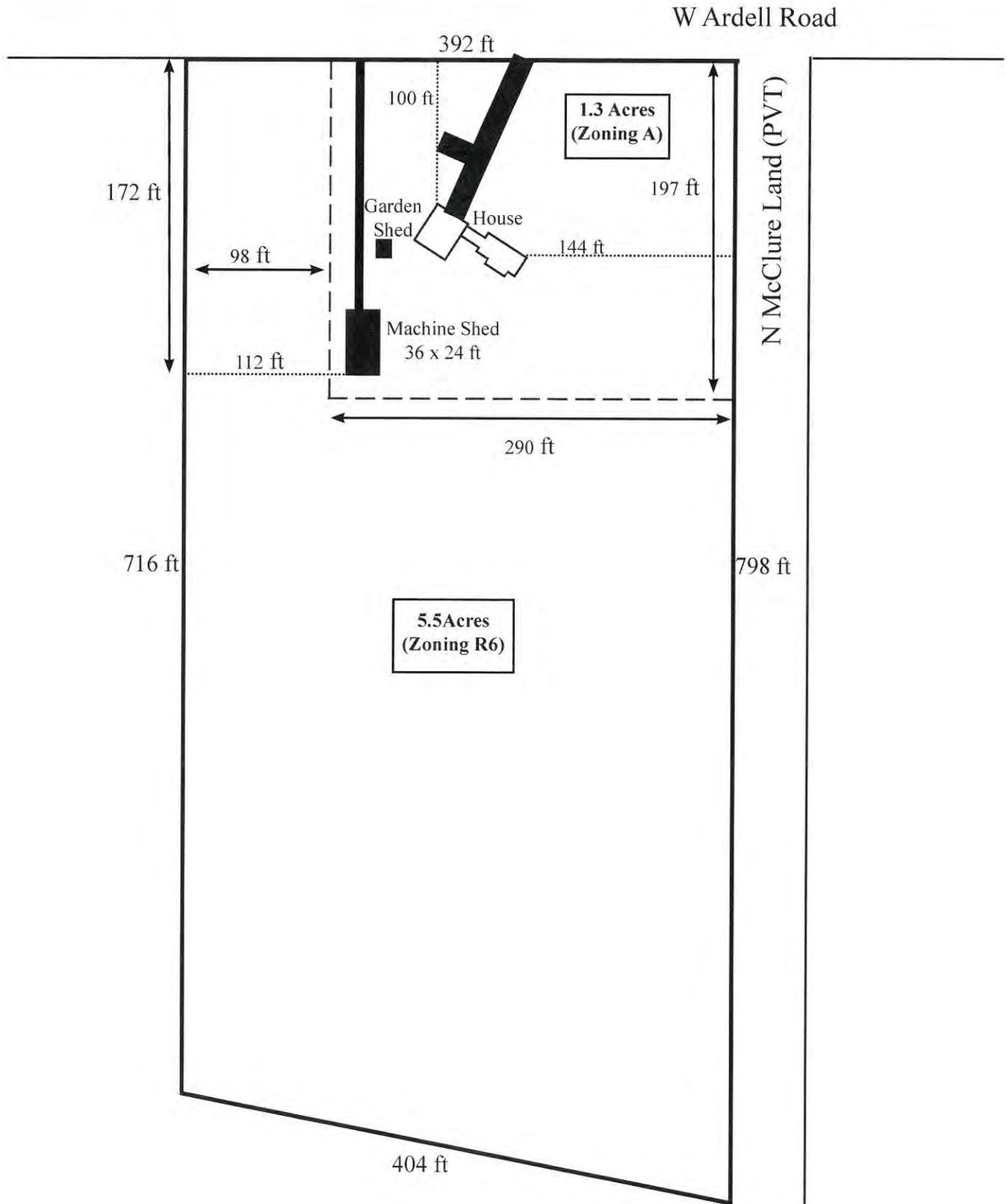
INST. NO. \_\_\_\_\_  
STATE OF IDAHO, COUNTY OF ADA, ss.  
FILED FOR RECORD AT THE REQUEST OF MARK A. KIRKPATRICK  
MIN. PAST O'CLOCK, M. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014  
CHRISTOPHER RICH, RECORDER  
BY \_\_\_\_\_ DEPUTY  
FEE \$ \_\_\_\_\_

RECORDING INDEX NUMBER: 214-15-2-4-0-00-000

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

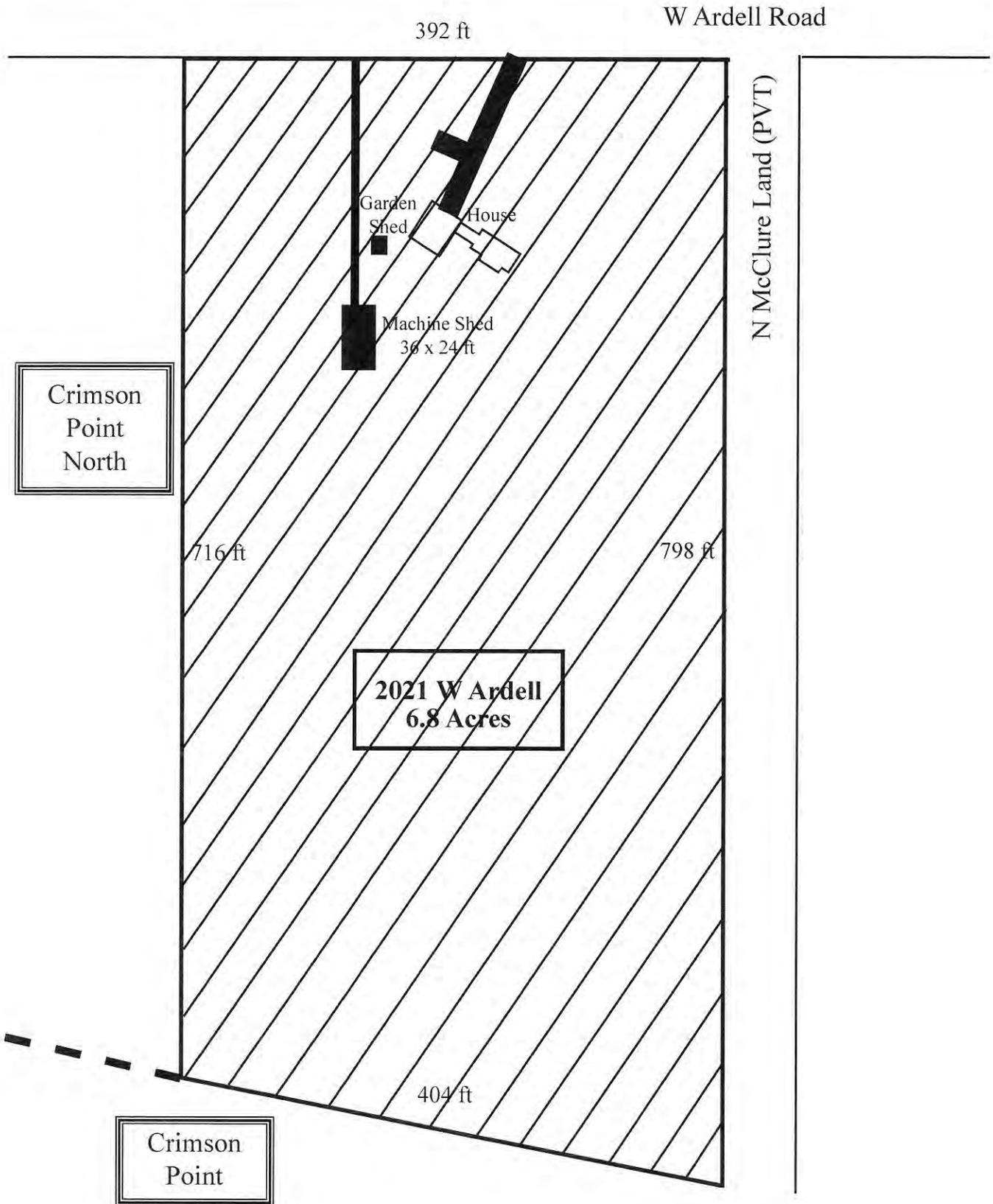
Mark and Yvonne Kirkpatrick  
2021 W Ardell  
Kuna ID 83634

Scale 1 inch = 100 ft



Mark and Yvonne Kirkpatrick  
2021 W Ardell  
Kuna ID 83634

Scale 1 inch = 100 ft





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

GORDON N. LAW  
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731  
Email: [gordon@cityofkuna.com](mailto:gordon@cityofkuna.com)

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## MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Gordon N. Law  
Kuna City Engineer

RE: Kirkpatrick – 2021 W. Ardell Rd.  
Annexation and Rezone  
14-02-AN, 14-03-DA, 14-01-LS

DATE: June 5, 2014

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The City Engineer has reviewed the annexation, development agreement and lot split request of the above applicant dated March 27, 2014. It is noted that general development plans are provided in the application describing the applicant's intent to ultimately sell off a portion of the property for development. The existing home and contiguous property is to be retained as a residence. It is therefore the recommendation of the City Engineer that the development agreement and other conditions be crafted in a manner to preserve the ability of both the applicant and City to reopen the agreement at a later date to provide and allow for more specific development possibilities in the future.

The comments below are generally directed toward the parcel intended for future development. Accordingly, the City Engineer provides the following comments:

### 1. Sanitary Sewer Needs

- a) The City has sufficient sewer treatment capacity to serve this site. The Sewer Master Plan for disposal of wastewater from this area proposes discharge into Crimson Point Lift Station for ultimate treatment at the North Wastewater Treatment facility. This site is not presently connected to the city system and would be subject to connection fees for the demand of the ultimate connected load as provided in the City's Standard Table.
- b) This property was not included in Local Improvement District 2006-1 and has no reserved connections. Treatment capacity may be secured for this site only from those who have reserved capacity or from capacity not reserved and upon payment of appropriate fees.
- c) The existing homestead appears to be served by its own septic tank and drain field. The city does have a sewer main to the south boundary of the parcel in Mauve Drive and will

have a second sewer main to the west boundary of the parcel in Henna Street. This will adequately serve the future sewer needs of the developed parcel.

- d) The City Engineer recommends the continued utilization of the site facilities as long as the existing use is maintained and the site system remains viable. If the site system fails or the use of the property is changed or expanded, the City Engineer recommends connection to City facilities.
- e) The sewer mains serving this site discharge to the North Sewer Treatment Plant which has sufficient capacity to serve this site. When connecting to the sewer system, the applicant will need to abide by any relevant sewer reimbursement policies and agreements and any relevant connection fees.
- f) For any connected load, it is recommended this application be conditioned to conform to the sewer master plan.
- g) At the time of platting, City Code (6-4-2O) requires connection to the City sewer system for all sanitary sewer needs.
- h) For assistance in locating existing facilities and understanding issues associated with connection, please contact the City Engineer at 287-1727.

## **2. Potable Water Needs**

- a) The City has sufficient potable water supply to serve this site but the site is not presently connected to the City potable water system. This site is planned for connection to the city water system and would be subject to connection fees for any future connections as provided in the City's Standard Table.
- b) The nearest water mains are located in W Ardell Road, Mauve Drive and Henna Street. When connecting to the water system, the applicant will need to abide by any relevant water reimbursement policies and agreements and any relevant connection fees.
- c) The existing homestead appears to be served by its own well. Accordingly, the City Engineer recommends the continued utilization of the site facilities as long as the existing use is maintained and the site system remains viable. If the site system fails or the use of the property is changed or expanded, the City Engineer recommends connection to City facilities.
- d) At the time of platting specific recommendations of note are as follows:
  - 1. City Code (6-4-2X) requires connection to the City water system for all potable water needs.
  - 2. For any connected load, it is recommended this application be conditioned to conform to the water master plan.
  - 3. Improvements necessary to provide adequate fire protection as required by Kuna Fire District will be required of the development.
- e) For assistance in locating existing facilities, please contact the City Engineer at 287-1727.
- f) The City Engineer concludes redundancy of water source to the development site is provided by existing facilities.

## **3. Pressure Irrigation**

- a) The property's irrigation needs are presently served by its own well and the Boise-Kuna Irrigation District. Until development occurs, it is recommended the site facilities and surface water rights continue to serve these needs.
- b) At the time of platting, Irrigation supply capacity is available for this site upon payment of appropriate fees. Specific recommendations of note are as follows:

1. Relying on drinking water for irrigation purposes is contrary to City Code (6-4-2I) and the public interest and is not accounted for in the approved Water Master Plan. It is recommended this project be conditioned to require connection and annexation to the City Pressure Irrigation system at the time of development.
  2. For any connected load, it is recommended this application be conditioned to conform to the Pressure Irrigation Master Plan. The Master Plan designates the providing of a 12-inch trunk line in the Ardell frontage to this property. When connecting to the pressure irrigation system, the applicant will need to abide by any relevant reimbursement policies and agreements and any relevant connection fees.
  3. It is further recommended that annexation into the municipal irrigation district and pooling of water rights is a requirement at the time of final platting.
  4. It is recommended that conformity with approved City PI standards is required, including the providing of adequately sized internal loop lines.
  5. It is recommended ten foot easements for irrigation lines are required to facilitate extension and operation of the city's pressure irrigation system.
- c) The city has pressure irrigation facilities in the vicinity. The nearest facilities include a 12-inch trunk line in Ardell at the northwest corner of the applicant's property and smaller mains in easements adjacent to the property on the west and south sides.

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

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

- a) Please 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) If impervious area is increased, please provide a storm water disposal plan acceptable to the City Engineer which accounts for the increased storm water drainage. Please provide detail drawings of drainage facilities for review.
- c) Any increase in quantity or rate of runoff or decrease in quality of runoff from the site compared to historical conditions must be detained, treated and released at rates no greater than historical amounts.
- d) If offsite disposal of storm water in excess of historical rates or conditions is proposed, or disposed at locations different than provided historically, the approval of the affected entities is required.

#### **5. General**

- a) With the addition of this property into the corporate limits of Kuna and its potential connection to water and irrigation services, this property will be placing demand not only on constructed facilities but on water rights provided by others. It is the reasonable expectation, in return, that this property transfer to the City at time of connection any conveyable water rights by deed and "Change of Ownership" form from IDWR. The domestic water right associated solely with a residence and ½ acre or less is not conveyable. The water right held in trust by an irrigation district is also not conveyable.
- b) A plan approval letter will be required if this project affects any local irrigation districts.
- c) Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties.
- d) State the vertical datum used for elevations on all drawings.

- e) Provide engineering certification on all final engineering drawings.

## 6. Inspection Fees

The following is not required until development occurs which involves the construction of public facilities such as water, sewer and pressure irrigation mains:

An inspection fee will be required for City inspection of the construction of any **public** water, sewer and irrigation facility associated with this development. The developer will still require a qualified responsible engineer to do sufficient inspection to justly certify to DEQ the project was completed in accordance with approved plans and specifications and to provide accurate as-built drawings to the City. The developer's engineer and the City's inspector are permitted to coordinate inspections as much as possible. The current inspection fee is \$1.00 per lineal foot of sewer, water and pressure irrigation pipe and payment is due and payable prior to City's approval of final construction plans. **If no public water, sewer and irrigation construction work is done, no fees are required.**

## 7. Right-of-Way

The subject property fronts on its north side on a quarter-section line major collector street (Ardell). The following conditions are related to these classified streets and are generally applicable at the time of development such as platting:

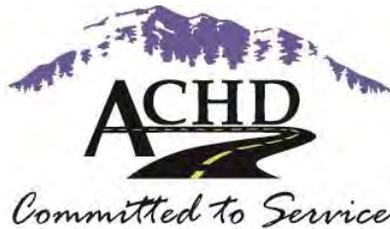
- a) Sufficient half right-of-way on the quarter line and section line for the classified streets should be provided pursuant to City and ACHD standards.
- b) It is recommended approaches onto the classified street complies with ACHD approach policies.
- c) It is recommended sidewalk, curb and gutter, street widening and any related storm drainage facilities, consistent with city code and policies, are provided at the time of land-use change or re-development.

## 8. As-Built Drawings

As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the developer's engineer. The city may help track changes, but will not be responsible for the finished product. As-built drawings will be required before occupancy or final plat approval is granted. **If no public facilities are constructed, no as-built drawings are required.**

## 9. Property Description

- a) The applicant provided a copy of a record of survey of the subject parcel.



John S. Franden, President  
Mitchell A. Jaurena, Vice President  
Rebecca W. Arnold, Commissioner  
Sara M. Baker, Commissioner  
Jim D. Hansen, Commissioner

Date: June 10, 2014

To: Mark Yvonne Kirkpatrick  
2021 W. Ardell Road  
Kuna, ID 83634

Subject: KUNA14-0003/K14-03-DA/K14-01-LS  
2021 W. Ardell Road  
Residential/Agricultural Lot Split.

In response to your request for comment, the Ada County Highway District (ACHD) staff has reviewed the submitted application and site plan for the item referenced above. It has been determined that ACHD has no site specific conditions of approval at this time.

- **Policy – These policies may be applied to future development of this site**

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

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

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

**Street Section and Right-of-Way Policy:** District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 50-feet wide and that the standard street section shall be 36-feet (back-of-curb to back-of-curb). The District will consider the utilization of a street width less than 36-feet with written fire department approval.

**Standard Urban Local Street—36-foot to 33-foot Street Section and Right-of-way Policy:** District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

The District will also consider the utilization of a street width less than 36-feet with written fire department approval. Most often this width is a 33-foot street section (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size.

**Continuation of Streets Policy:** District Policy 7207.2.4 states that an existing street, or a street in an approved preliminary plat, which ends at a boundary of a proposed development

shall be extended in that development. The extension shall include provisions for continuation of storm drainage facilities. Benefits of connectivity include but are not limited to the following:

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

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

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

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

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

**Half Street Policy:** District Policy 7207.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

- **Staff Comments/Recommendations:**

*This application is for a rezone only. Listed below are some of the 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.*

Ardell Road is classified as an collector roadway in the Master Street Map. In accordance with District Policies 7206.5 and 7206.5.2, the applicant should construct Ardell Road to ACHD standards for a collector street in a residential area (abutting the site). The applicant should be required to construct Ardell Road as ½ of a 36 foot street section with

curb, gutter and 5 foot wide attached sidewalk abutting the site plus an additional 12 feet of pavement widening beyond the ultimate centerline of the road. The applicant should provide a permanent right-of-way easement for sidewalk 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.

Consistent with District Policy 7207.2.4, the applicant should be required to extend stub streets Henna Street and Mauve Avenue into the future development and access the site through Crimson Point Subdivision in order to increase internal connectivity throughout the neighborhoods.

**General:**

A traffic impact fee may be assessed by ACHD and will be due prior to issuance of a building permit. Please contact ACHD Planning and Development Services at 387-6170 for information regarding impact fees.

Plans must be submitted to the ACHD Development Review Department prior to final approval.

Prior to the construction or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.) a permit or license agreement must be obtained from ACHD.

Prior to the construction or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.) a permit to work in the right-of-way must be obtained through ACHD Construction Services. For questions regarding the permitting process, please contact Construction Services at 387-6280.

The applicant shall also be required to meet the applicable ACHD Standard Conditions of Approval as well as ACHD Policies and requirements that may apply as noted below.

**Please review the Applicant's Responsibilities and Development Process Checklist below.**

If you have any questions, please feel free to contact me at (208) 387-6218.

Sincerely,

Lauren Watsek  
Planner I  
Development Services  
CC: Project file,  
City of Kuna

## 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, 7203.6, 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, ISPMC 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.

## 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 of Highway Systems, 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.

**RICHARD DURRANT**  
CHAIRMAN OF THE BOARD

**GRAHAM PATERSON**  
VICE CHAIRMAN OF THE BOARD

**TIMOTHY M. PAGE**  
PROJECT MANAGER

**ROBERT D. CARTER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

**JERRI FLOYD**  
ASSISTANT SECRETARY-  
TREASURER

## BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD  
BOISE, IDAHO 83703-3155

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

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

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

30 May 2014

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

RE: Mark & Yvonne Kirkpatrick  
2021 W. Ardell Rd.  
Boise-Kuna Irrigation District  
Teed Lateral Lateral 242+20  
Sec. 15, T2N, R1W, BM.

**14-02-AN, 14-03-DA, 14-01-LS**

**BK-287 B**

Troy Behunin:

The Boise Project has no objections to the Annexation, Development Agreement or Lot Split as there are no Project facilities located on the above-mentioned property; however it does in fact possess a valid water right.

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

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

Sincerely,



Bob Carter  
Assistant Project Manager- BPBC

bdc/bc

cc: Phil Comegys Watermaster, Div; 2 BPBC  
Lauren Boehlke Secretary – Treasurer, BKID  
File



**CENTRAL DISTRICT HEALTH DEPARTMENT**  
**Environmental Health Division**

Return to:

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

Rezone # 14-02-AN/14-03-DA/14-01-SALS

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

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

Sect. 15

- 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       waste flow characteristics
  - bedrock from original grade       other \_\_\_\_\_
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approval from appropriate entities are submitted, we can approve this proposal for:
  - central sewage       community sewage system       community water well
  - interim sewage       central water
  - individual sewage       individual water
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - central sewage       community sewage system       community water
  - sewage dry lines       central 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       swimming pools or spas       child care center
  - beverage establishment       grocery store
- 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

**RECEIVED**  
**JUN 18 2014**  
**KUNA CITY CLERK**

14. \_\_\_\_\_ Reviewed By: *[Signature]*  
 \_\_\_\_\_ Date: 6/16/14



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

## *DEQ Response to Request for Environmental Comment*

Date: 06/05/2014  
Agency Requesting Comments: City of Kuna Planning and Zoning  
Date Request Received: 5/28/2014  
Applicant/Description: Annexation of approximately 6.8 acres into city limits

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

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

### **1. Air Quality**

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

*For questions, contact David Luft, Air Quality Manager, at 373-0550.*

- *IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.*

*For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.*

### **2. Wastewater and Recycled Water**

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

*All projects for construction or modification of wastewater systems require*

*preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.*

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

*For questions, contact Todd Crutcher, Engineering Manager, at 373-0550.*

### **3. Drinking Water**

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

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

- *DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at <http://www.deq.idaho.gov/water-quality/drinking-water.aspx>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.*
- *If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.*
- *DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.*
- *DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

*For questions, contact Todd Crutcher, Engineering Manager at 373-0550.*

### **4. Surface Water**

- *A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.*

- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at: <http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

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

##### **5. Hazardous Waste And Ground Water Contamination**

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).

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

- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or

*disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method.”*

*For questions, contact Aaron Scheff, Waste & Remediation Manager, at 373-0550.*

**6. Additional Notes**

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

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

Sincerely,

***Danielle Robbins***

Danielle Robbins  
[danielle.robbs@deq.idaho.gov](mailto:danielle.robbs@deq.idaho.gov)  
Boise Regional Office  
Idaho Department of Environmental Quality

C: File # 1961

**MARK AND YVONNE KIRKPATRICK; ANNEXATION &  
DEVELOPMENT AGREEMENT**  
(CAR06-00054)

**RECITALS**

THIS DEVELOPMENT AGREEMENT "**Agreement**" is entered into this \_\_\_ day of \_\_\_\_\_, 2014, by and between the **City of Kuna**, an Idaho municipal corporation "**City**", and **Mark and Yvonne Kirkpatrick**, whose address is **2021 W. Ardell Road, Kuna, Idaho 83634**, as "**Owner**", of the property described herein: S1315427807, and hereafter referred to as "**Developer**".

- A. Developer owns certain property "**Property**" located in Ada County, an approximately 6.8 acre parcel of land (**S1315427807**) located at 2021 W, Ardell Road, Kuna, Idaho and more particularly described in Exhibit A, attached hereto. Developer has applied to split the property into two parcels consisting of 1.3 acres and 5.5 acres, approximately. This agreement will control the 5.5 acres and the 1.3 acres will not be controlled by this Agreement.
- B. Developer has applied to the City to annex the property into the City and rezone the parcel, in order to enter the City corporate limits with said property. Developer has submitted an application (**Case No. 14-02-AN, 14-03-DA and 14-01-LS**) to annex real property into the city of Kuna and split the property. Parcel one will have an Agricultural Zone (approximately 1.3 acres) and the remaining approximate 5.5 acres will be zoned R-6 (Medium Residential Density).
- C. City and Developer desire to enter into this Agreement, which shall be recorded in the Office of the Ada County Recorder and shall take effect on the date last executed below.
- D. Pursuant to Idaho Code Section 67-6511A and Kuna City Code, Title 5, Chapter 14, City has the authority to conditionally rezone the Property and to enter into this Development Agreement for the purpose of allowing, by Agreement, annexation of said parcel for a specific purpose or use which is appropriate in the area, and this Agreement contains the conditions required of the owner by the City. This Agreement supersedes any conflicting terms and/or conditions in prior agreements or staff reports concerning the land as to obligations between the parties to this Agreement. This Agreement complies with all Kuna Idaho Municipal Code Title 5 zoning regulations and Title 6 subdivision regulations as they are applicable to these land use actions.
- E. The Kuna Planning and Zoning Commission and City Council have independently held public hearings on these land use matters as prescribed by law and have approved the application in accordance with the Findings of Fact, Conclusions of Law and Order of Decision set forth in its approval, and all such conditions are included in this Agreement. This Agreement is made pursuant to and in accordance with the provisions of Idaho Code Section 67-6511A and Kuna City Code Title 5 and Title 6.
- F. The uses(s) allowed through this conditional annexation and rezone are those that are permitted or specially permitted, by way of a special use permit, in the Agricultural (Ag.) and R-6

(Medium Residential Density) zones; or those agreed to, provided they are not in conflict with City code. It should be noted, the Agriculture zone shall allow for the existing agricultural uses to remain. In the event the property, and/or the uses on it, expand or enlarge - any nonconforming uses shall cease; thus, triggering necessary land use processes to bring the property into conforming status under Kuna City code. At time of future development, the City and Developer shall amend this Agreement to provide and allow for more aggressive development possibilities if necessary.

- G. The Order of Decision of the Council for the annexation and land use zone classification, including all conditions of approval, is hereby made a part of this Agreement. In the event there is a discrepancy or conflict, the stricter condition shall apply unless specifically stated otherwise in this Development Agreement.

### **AGREEMENT**

**NOW, THEREFORE**, in consideration of the mutual promises, covenants, and agreements stated herein, and for other consideration, the sufficiency of which is hereby acknowledged, City and Developer agree as follows:

#### **1. ZONING ORDINANCE AMENDMENT.**

- 1.1: The City will adopt an ordinance amending the Kuna Zoning Ordinance to change the zone for the 1.3 acres to Agriculture and R-6 (Medium Residential Density) zone for approximately 5.5 acres. The Ordinance will become effective after its passage, approval, and publication and the execution of the Agreement. It is possible this Agreement could be modified to accommodate the Developer's future land use plans when they are known, based on the uses and development plans at that time.

#### **2. PERMITTED USES.**

- 2.1: **Development According to the Conceptual Site Plan.** Upon development, developer agrees to provide a Conceptual Land Use Site Plan which shall be relied upon and considered a binding site plan. Substantial (as determined by the Director of planning services) modifications to the Conceptual Site Plan shall require the approval of the Kuna City Planning and Zoning Commission and City Council through public hearing processes. However, minor site plan modifications may be approved administratively. The Director of planning services will determine if a change is of minor significance or necessitates legislative review.
- 2.2: **Uses.** Generally speaking, the Property is approved for the uses typically associated with Agriculture zone for the 1.3 acre parcel and R-6 zone for the 5.5 acres.
- 2.3: **Modification of Allowed Uses.** The uses permitted within this Agreement shall not be modified without complying with the notice and hearing provisions of Idaho Code § 67-6509, provided, however, any specially permitted use(s) in the Agricultural and /or R-6 Zones may be permitted on the Property through issuance of a Special Use Permit.

### 3. CONDITIONS ON DEVELOPMENT.

The following conditions shall apply to the approximate 5.5 acres in the event of future development, expansion or enlargement, as determined by the Director of planning services:

- 3.1: **Bicycle Parking Spaces.** Developer shall provide a minimum of 15 bicycle parking spaces over the property in common lot(s).
- 3.2: **Building Permits.** Developer shall obtain a building permit before construction of any facilities. Developer shall comply with the R-6 zone's Height and Area Performance Standards found in Kuna City Code (KCC), in place at time of development.
- 3.3: **Construction Etiquette.** Developer shall post and maintain a "rules and regulation sign" at the entryways to the site until construction is complete. The signs are intended for the subcontractors performing the work and should include: (1) no dogs permitted; (2) no loud music permitted; (3) no alcohol or drugs permitted; (4) no profane or abusive language permitted; (5) dispose of personal trash and site debris; (6) clean up any mud and/or dirt that is deposited from the construction site onto the public street; (7) install temporary construction fence to keep debris from blowing off site; (8) no burning of construction or other debris on the property; (9) keep a watering truck on site and employed as necessary to keep dust under control; (10) Site construction shall be limited to the hours of 7:00 am to 7:00 pm daily.
- 3.4: **Curbs, Gutters, Sidewalks and Storm-Water Conveyances.** The use of drainage swales for storm water conveyance in lieu of curb and gutter is prohibited unless it's necessary to preserve a historical drainage right that would be impeded by the swale's removal and such action is determined by the City engineer. There shall be no mixing of irrigation drainage water and road runoff water. All construction shall be in accordance with Idaho Standards for Public Construction Work (ISPCW) or other standards established by the City engineer.
- 3.5: **Design Review.**
  - 3.5.1: Design review is required for any proposed new landscaping, parking, entrance, monument(s), common area and/or signage use.
  - 3.5.2: Commercial buildings and their compositions are subject to design review pursuant to requirements in the Kuna City Code relative to usage of materials, woods, entrances, window arrangement and other considerations.
  - 3.5.3: Any materials employed in the construction of commercial fencing, wall and trash enclosures are subject to design review and/or J&M Sanitations review.
  - 3.5.4: Any fencing and/or wall materials employed in the development are subject to design review pursuant to requirements in the Kuna City Code.
- 3.6: **Driveways and other Approaches.**

- 3.6.1: Developer agrees future commercial areas and entrances to the site are subject to the Design Review Standards pursuant to requirements in the Kuna City Code.
- 3.6.2: All curb returns throughout any future project shall be constructed with *28-foot minimum curb return radius*.
- 3.7: **Engineering Calculations/Drawings/Plans/Reports.**
- 3.7.1: At the time of construction, developer shall obtain a letter from the City engineer recommending engineering approval of construction drawings, drainage and storm-water plans.
- 3.7.2: At the time of construction plan submittal, developer shall provide the City engineer with fire flow, water distribution and wastewater calculations and acquire all necessary permits and pay all associated fees. The City engineer will review the water modeling results and provide comments or corrections.
- 3.7.3: At the time of construction plan submittal, a geotechnical report (if required) is subject to the City engineer's review and corrections.
- 3.8: **Federal, State, Local and Special Purpose Standards.** Developer shall comply with all applicable federal, state, local and special purpose standards as they apply to the Property's development.
- 3.9: **Fencing.** Developer shall construct and place fencing on site according to the City's zoning standards. Developer shall use the approved type of fencing allowed by City code and obtain a fence permit as outlined in City code.
- 3.10: **Fire.**
- 3.10.1: **Hydrants and Water Mains.** Adequate fire protection shall be required in accordance with the appropriate fire district standards. Developer shall meet the requirements of the Kuna Rural Fire District.
- 3.10.2: **Fire Safety.** Developer shall address fire safety compliance to the Kuna Rural Fire District and City building inspector's satisfaction. The site landscaping shall be designed and maintained to provide fire protection around the building perimeters. The internal roads shall be designed to allow Kuna Rural Fire District access to each building. Developer will place fire hydrants on the property in locations determined by the Kuna Fire Marshall. Fire related signage shall be installed with guidance from the Kuna Fire Marshall. The water model results are to be reviewed and approved by the Kuna Rural Fire District.
- 3.11: **Grading Plan.** Developer shall provide a grading plan identifying how the Subject Property will be graded and contoured. The grading plan shall be reviewed and approved by the City engineer for its compliance with City standards.

**3.12: Irrigation.**

3.12.1: Developer shall comply with Idaho Code §31-3805 relating to irrigation water use. Irrigation/drainage waters shall not be impeded by on-site construction. Developer shall comply with lawful requirements of the Boise Project Board of Control.

3.12.2: At time of Construction Plans submittal, Developer shall provide the City engineer an irrigation plan for review and approval; if Developer uses the City irrigation utility, developer shall acquire all permits and inspections necessary to connect the commercial facility's irrigation system to the City irrigation utility; construct the irrigation system to the City's pressurized irrigation standards; and construct any off-site improvements necessary to connect into the City's water utility.

3.12.3: The use of potable water from the City utility shall not be employed for landscape irrigation purposes.

**3.13: Land Use Requirements.**

3.13.1: Developer shall comply with the City's land use requirements for residential zone development or, as modified by this Agreement.

3.13.2: Uses other than those existing at time of annexation, permitted, or specially permitted in the Agriculture and R-6 zones shall not be introduced on the property without further land use review or approvals.

3.13.3: Developer shall meet all requirements set forth in the City's zoning ordinance or, as modified by this Agreement.

**3.14: Landscape.**

3.14.1: Future site improvements will be subject to the City's landscape ordinance and design review processes depending on scope (note: the design review standards may differ from the City's landscape ordinance). An underground irrigation source shall be required for all of the site's landscape elements in accordance with the provisions of **KCC 5-17-11**. The use of potable water for landscape irrigation purposes is prohibited.

3.14.2: At time of development, Developer shall prepare for City review, a detailed landscape plan using native or suitable plants. The landscape plan is subject to the City's design review process. The landscape plan shall call out the method(s) of re-vegetating common open space and the periphery areas disturbed during any construction activities. The property's entire landscape scheme shall consist of organic materials. Accordingly, no hard-scape (*or gravel or rock*) materials shall be used for landscape purposes.

3.14.3: Employ vegetative buffers and landscape berming techniques along the property boundaries to minimize adverse land use impacts [compatibility issues]

with the adjoining neighbors. The landscape and buffer techniques shall be detailed in a landscape plan.

3.14.4: At time of development, developer shall submit landscape plans to the City forester for review and approval.

3.14.5: Any future landscape plan shall follow the landscape requirements and guidelines contained within KCC, which will be considered a binding site plan.

3.14.6: At time of development, developer shall place a landscape buffer along Ardell Road a minimum width of 20 feet from the property line in accordance with KCC.

**3.15: Outdoor Lighting.**

3.15.1: Future on-site lighting shall be designed and installed to minimize fugitive light and glare and installed so it does not unduly intrude on adjoining properties pursuant to requirements in the current Kuna City Code (KCC).

3.15.2: A lighting plan shall be submitted to the City director of planning services for review and approval in accordance with current KCC.

3.15.3: The future site lighting plan shall follow the provisions of current KCC.

**3.16: Parking and Loading Standards.**

3.16.1: On-site parking shall be installed in accordance with current City parking standards.

3.16.2: At time of development, Developer shall design and construct the parking area(s) according to the approved plans. The parking lot circulation pattern shall be designed so the patrons enter and exit the parking lot in a forward motion consistent with the provisions of current KCC.

3.16.3: Developer shall pave the area allocated for parking purposes with an approved asphalt material. The parking lot construction and methods of storm drainage mitigation are subject to the City engineer's review and approval. Parking spaces shall be designed where the motorist can enter and exit the spaces without obstruction.

3.16.4: Developer shall provide a site plan graphically demonstrating the method of onsite traffic circulation, parking lot placement and loading facility location and satisfy onsite parking space requirements.

3.16.5: The site's traffic circulation pattern and parking placement are subject to the Director of planning services review, consistent with the other provisions of this Agreement.

- 3.17: **Permits and Applicable Fees.** Developer shall acquire all permits and pay all applicable fees.
- 3.18: **Plat Map/Deed.** In the event of a lot line adjustment lot split, or subdivision, developer shall provide City a recorded record of survey and deed, or recorded plat for the property changes.
- 3.19: **Roads/Ada County Highway District.**
- 3.19.1: Developer shall comply with City and ACHD road improvement requirements.
- 3.19.2: Developer shall provide additional rights-of-way and/or easements necessary for utility and road widening purposes as required by the City and other agencies with jurisdiction. Developer shall record these easements with the Ada County Recorder's Office.
- 3.19.3: At time of development, Developer shall dedicate additional rights-of-way (ROW) along Ardell Road (a mid-mile Class Road) in accordance with City and ACHD ROW and classified roadway standards.
- 3.20: **Sanitary Sewer.**
- 3.20.1: Developer shall connect the Property to the City's sanitary sewer system according to City standards; provide the development's sanitary sewer design to the City engineer for review and approval; acquire all of the permits and inspections necessary to connect to the City's sewer utility; construct the sewer system to City standards and construct offsite improvements necessary to connect to the City's sewer utility.
- 3.20.2: in the event of development, Developer shall abandon and dismantle any onsite septic tank system and its component parts, according to City and Central District Health standards. The dismantling of a septic system requires collapsing and removing the lid, backfilling and compaction of the fill area.
- 3.21: **Sidewalks and Pathways.**
- 3.21.1: In accordance with KCC 6-4-2-Q, developer shall provide eight foot (8'), detached concrete sidewalks along the Columbia Roads frontage. The detached concrete sidewalks shall be minimum eight feet (8') in width. All sidewalks shall be built in accordance with the American with Disabilities Act (**ADA**) accessibility guidelines, as well as to ACHD and City engineer standards and specifications. The accompanying landscape strip shall be minimum eight feet (8') in width and include an irrigation system reliant upon a non-potable water source. Columbia Road at this location is designated as a Minor Arterial. The landscaping elements shall consist solely of organic materials. Developer shall provide a public easement for any sidewalk placed outside public rights-of-way. The placement of the sidewalk outside the public rights-of-way requires City approval. Sidewalks constructed as part of a curb cut installation shall be designed to

accommodate the additional loading impacts placed upon it by the weight of the vehicle.

3.21.2: Developer shall be responsible for snow removal along the sidewalks so they are pedestrian accessible within twenty-four hours of a snow event.

**3.22: Signage.**

3.22.1: No signs shall be placed on fences, buildings, or other structures unless approved through the City's design review process. Developer shall be in compliance with all signage requirements in place at the time developer seeks a sign permit.

3.22.2: All site signage and monument placement is subject to the City's design review process to include building identification signage. If site signage or monuments are lighted, they must be designed according to the City's outdoor lighting standards.

3.22.3: Temporary signage placed on the Property's fences, buildings, or other structures for advertising or promotion purposes shall be according to the City's signage placement provisions.

3.23: **Site Plans.** At the time developer applies for a building permit, developer shall provide an overall site/landscape plan, which shall be considered a binding site plan for purposes of the land use application.

**3.24: Storm-water and Drainage.**

3.24.1: The Property is subject to the City's storm-water and drainage standards at time of development. Stormwater impacts resultant from the development shall be mitigated in accordance with the City's storm water management policy. The engineer of record shall provide storm-water calculations, which comply with the City's storm-water policy requirements. The discharge of storm-water or drainage offsite requires written approval from the City and other agencies responsible for receiving the fugitive storm-waters.

3.24.2: Developer shall provide the City engineer with a storm-water management plan and a drainage design plan showing how drainage flows from impervious surfaces will be addressed in compliance with the City's drainage management guidelines. The drainage design plan shall also provide an erosion control plan for a 100-year event and shall depict all proposed site grading.

3.24.3: The City engineer shall approve a surface drainage run-off plan, which has been recommended by Central District Health Department (CDHD). The plan should be designed and constructed in conformance with standards contained in "Catalog for Best Management Practices for Idaho Cities and Counties".

- 3.24.4: Developer shall not construct, grade, fill, clear or excavate the Property until the City engineer approves the storm water management plan and the drainage design plan. The drainage design plan shall include all proposed site grading.
- 3.24.5: Storm drainage and/or street runoff must be retained onsite.
- 3.24.6: Design the surface drainage system to minimize “ponding” issues to reduce mosquito breeding problems.
- 3.25: **Street and Alleys.**
- 3.25.1: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the City and ACHD. Street functionality shall be determined according to the City’s Functional Classified Road Map. Widths for rights-of-way shall be according to the street typologies identified in current KCC, or ACHD’s standards, which ever standard is more stringent.
- 3.25.2: Developer shall enter into a license agreement with the transportation authority for landscape maintenance within the public rights-of-way, where applicable.
- 3.26: **Street Name and Other Street Traffic Signs.** Traffic signage shall be constructed and installed at appropriate street locations in accordance with ACHD and City standards as applicable.
- 3.27: **Trash Enclosures/Solid Waste.** The site’s solid waste disposal strategy is subject to design review. Developer shall provide an enclosed or a sight obscuring structure(s) for all trash collection containers. The design shall be approved by the City and J&M Sanitation services.
- 3.28: **Trees.**
- 3.28.1: Developer shall retain mature trees with diameters exceeding six-inches (6”) (if any exist), unless their removal is approved by City staff prior to their removal.
- 3.28.2: Developer shall provide a tree replacement strategy to compensate for tree removal, which provides no net tree loss (in terms of overall tree diameter reductions). Developer’s tree removal and replanting strategy is subject to the City arborist and Design Review Committee’s approval. Developer shall show the tree planting strategy and method of planting on the landscape plan(s) and provide for a year-round variety of trees that are compatible with the area.
- 3.29: **Underground Storage Tanks, Utilities, Wells or Septic Systems.**
- 3.29.1: Developer shall disconnect any onsite well(s) and septic systems and cap or remove them according to City and Health District standards.
- 3.29.2: If discontinued or impaired underground storage tanks are discovered during construction, they shall be removed or abandoned in accordance with federal, state and local agency requirements.

3.30: **Underground Utilities.**

3.30.1: Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services.

3.30.2: All public utilities shall be placed underground if possible. A utility easement of sufficient width as determined by the City engineer shall be placed around the exterior subdivision boundary for utility and drainage easement purpose. Utilities that cannot be placed underground are subject to the City's design review process.

3.31: **Water.**

3.31.1: Developer shall connect the property to the City's water system at time of development. Developer shall provide the development's potable water design to the City engineer for review and possible corrections. Developer shall acquire all permits and inspections necessary to connect into the City's potable water utility.

3.31.2: The potable water lines, meter locations and potable waterline valves shall be reviewed by the City public works staff and constructed and placed according to City standards. Potable water lines are to be looped through the property. Developer is responsible for constructing any off-site improvements necessary to connect into the City's potable water utility.

3.32: **Water Rights.** Water rights appurtenant to a tract of land shall be dedicated to the City in sufficient water quantities to offset the development's potential water demands as determined by the City engineer. The land's water rights shall not be sold, abandoned or transferred outside the City or Area of City Impact (ACI). All water rights must be transferred to Kuna City through the adoption of a water rights annexation ordinance.

3.32.2: It shall be the responsibility of the developer to secure irrigation water rights prior to the Kuna Municipal Irrigation District (KMID) allowing you to connect to the pressure irrigation (PI) system.

3.33: **Weeds.** Developer assumes responsibility for the control and removal of noxious weeds if present on the property until the development of the site is complete.

**4. DEFAULT, REMEDIES.**

4.1: **Default.** If Developer fails to comply with the terms of this Agreement within forty-five (45) days after written notice from the other party specifying the particulars of such failure, the complaining party may, without prejudice to any other rights or remedies, cure such default, enjoin such violation or otherwise enforce the commitments contained in this Agreement in any manner allowed by law; provided, however, if any failure to comply cannot with diligence be cured within such 45 day period, if the defaulting party shall commence to cure the same within such 45 day period and thereafter shall pursue the curing of same with diligence and continuity, then the time allowed to cure such failure may be extended for a period not to exceed 180 days.

- 4.2: **Consent to Rezone on Uncured Default.** In addition to other remedies set forth herein, if Developer fails to cure any material default within 120 days after written notice from City specifying the particulars of such material default, such failure shall be deemed consent to City to rezone the use to a suitable zone as determined by the City Council, pursuant to the requirements of applicable law.
- 4.3: **Waiver; Forbearance.** A waiver or forbearance by one party of any default by the other party of any one or more of the covenants or conditions hereof shall apply solely to the breach and breaches waived and shall not bar any other rights or remedies of the party or apply to any subsequent breach of other or future covenants and conditions.

## 5. ATTORNEY FEES.

- 5.1: In the event of any controversy, claim or legal action being filed or instituted between the parties to this Agreement to enforce the terms and conditions of this Agreement or arising from the breach of any provision hereof, the prevailing party will be entitled to receive from the other party reasonable attorney fees, expenses, and costs incurred by the prevailing party, including fees and costs on any appeal. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

## 6. RECORDATION, EFFECTIVE DATE, AND BINDING EFFECT.

- 6.1: **Recordation.** After approval and execution by City through its authorized agents, City shall record this Agreement, including all exhibits, against the Property in the real property records of Ada County, Idaho and provide Developer with a recorded copy of this Agreement.
- 6.2: **Effective Date.** This Agreement shall become effective upon the formal adoption and final publication of the zoning.
- 6.3: **Binding Effect; Assignment.** This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, successors, assigns and personal representatives, including the City's governing authority and their successors in office. This Agreement shall run with the land and be binding on the owner of the Property, each subsequent owner and each other person acquiring an interest in the Property. Nothing herein shall in any way prevent sale or alienation of the Property, except that any sale or alienation shall be subject to the provisions hereof and any successor owner or owners shall be both benefited and bound by the conditions and restrictions herein expressed.
- 6.4: **Recordation of Termination.** Upon Developer's completion of all of its obligations under this Agreement, City shall provide developer, upon request, recordable evidence of City's concurrence that Developer's obligations under this Agreement have been completed.

## 7. GENERAL PROVISIONS.

- 7.1: **Incorporation of Recitals.** The recitals above and the exhibits referred to in this Agreement and attached hereto are incorporated into the Agreement as if set out in full

in the body of the Agreement. In the event of a conflict between any exhibit and the body of this Agreement, the Agreement shall control unless otherwise noted.

7.2: **Amendments.** Any alteration or change to this Agreement shall be made only after complying with the notice and hearing provision of Idaho Code Section §67-6509, as required by Kuna City Code, Title 5, Chapter 14.

7.2.1 It is anticipated this Agreement will be amended for time to time to accommodate the Developers development pursuits.

7.3: **Interpretation.** In construing this Agreement, feminine or neuter pronouns shall be substituted for those masculine in form and vice versa, plural terms shall be substituted for singular and singular for plural in any place in which the context so requires, and the word “including” shall be construed as if the words “but not limited to” appear immediately thereafter. The headings contained in this Agreement are for reference purposes only and shall not be construed or interpreted so as to limit or define the intent or the scope of any part of this Agreement. This Agreement shall not be construed more strictly against one party than against another merely by virtue of the fact that it may have been prepared by one of the parties, it being acknowledged that both parties have substantially and materially contributed to the preparation thereof. This Agreement and all rights and obligations of the parties shall be governed, construed, and interpreted under and pursuant to the laws of the state of Idaho.

7.4: **Final Agreement; Modifications.** This Agreement sets forth all promises, inducements, agreements, conditions and understandings between developer and City relative to the subject matter hereof and there are no promises, agreements, conditions or understanding, oral or written, express or implied, between developer and City, other than as are stated herein. This Agreement contains all conditions required by the City and supersedes conditions specified in City staff reports and any conflicting terms and conditions in prior development agreements concerning the land as to obligations between the parties to this Agreement. Except as herein otherwise provided, no subsequent alteration, amendment, changes or additions to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by them or their successors in interest or their assigns, and pursuant, with respect to City, to a duly adopted ordinance or resolution of City.

7.5: **Notices.** All notice between the parties shall be deemed received when personally delivered or when deposited in the United States mail postage prepaid, registered or certified, with return receipt requested, or sent by telegram or mail-o-gram or by recognized courier delivery (e.g., Federal Express, Airborne, Burlington), addressed to the parties, as the case may be, at the address set forth below or at such other addresses as the parties may subsequently designate by written notice given in the manner provided in this Section:

**To City:** City of Kuna  
Attn: Mayor of the City of Kuna  
P.O. Box 13  
Kuna, ID 83634

**To Developer:** Mark And Yvonne Kirkpatrick  
2021 W. Ardell Road  
Kuna, ID 83634

Either party shall give notice to the other party of any change of such party's address for the purpose of this section by giving written notice of such change to the other party in the manner herein provided.

- 7.5: **Time of the Essence.** The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the party so failing to perform.
- 7.6: **Severability.** If any term or provision of this Agreement shall, to any extent be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforceable to the fullest extent permitted by law; and it is the intention of the parties hereto that if any provision of this Agreement is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, the provision shall have the meaning which renders it valid.

[end of text; signatures to follow]

The parties have executed this Agreement as of the date first set forth above.

**"City"**

CITY OF KUNA, an Idaho municipal corporation

By: \_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
City Clerk

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

**“Developer”**

Mark Kirkpatrick

By: \_\_\_\_\_

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

**“Developer”**

Yvonne Kirkpatrick

By: \_\_\_\_\_

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

**City:**

State of Idaho )

: ss

County of Ada )

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

And who personally appeared before me \_\_\_\_\_

(SEAL)

Notary Public: \_\_\_\_\_

My Commission Expires on: \_\_\_\_\_

**Developer:**

State of Idaho )

: ss

County of Ada )

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

And who personally appeared before me \_\_\_\_\_

(SEAL)

Notary Public: \_\_\_\_\_

My Commission Expires on: \_\_\_\_\_

**Developer:**

State of Idaho )

: ss

County of Ada )

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

And who personally appeared before me \_\_\_\_\_

(SEAL)

Notary Public: \_\_\_\_\_

My Commission Expires on: \_\_\_\_\_



# City of Kuna

## P&Z Staff Report

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

**To:** Planning and Zoning Commission

**Case Number(s):** 14-04-AN (Annexation)  
*Ben Bernier Annexation*

**Location:** 452 S. Swan Falls Rd.  
Kuna, ID 83634

**Planner:** Troy Behunin, Senior Planner

**Hearing Date:** July 22, 2014

**Applicant:** **Ben Bernier**  
452 S. Swan Falls Rd.  
Kuna, ID 83634  
208.571.3780  
[sks2bu77@gmail.com](mailto:sks2bu77@gmail.com)

### Table of Contents:

- A. Course Proceedings
- B. Applicants Request
- C. Vicinity and Aerial Maps
- D. History
- E. General Project Facts
- F. Staff Analysis
- G. Applicable Standards
- H. Comprehensive Plan Analysis
- I. Proposed Findings of Fact
- J. Proposed Conclusions of Law
- K. Proposed Decision by the Commission

### A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states annexation into City limits is designated as a public hearing, with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

#### a. Notifications

- |                           |                                       |
|---------------------------|---------------------------------------|
| i. Neighborhood Meeting   | March 28, 2014 (Zero people attended) |
| ii. Agencies              | May 28, 2014                          |
| iii. 300' Property Owners | July 7 2014                           |
| iv. Kuna, Melba Newspaper | July 2, 2014                          |
| v. Site Posted            | July 12, 2014                         |

### B. Applicants Request:

#### 1. Request:

- Applicant is requesting annexation of an approximately 1.6 acre parcel into the City of Kuna with an R-4 (Medium Density Residential District) zoning designation from its current Ada County zoning of R1

(Estate Residential). Applicant is relying on the category "A" annexation process as noted in Idaho Statute §50-222. The category "A" annexation is available for annexations where all private landowners, subject to annexation, raise no objection to the annexation process.

**C. Vicinity and Aerial Maps:**



**D. History:** The parcel is adjacent to the City limits and is currently zoned R1 (Estate Residential) and contains a residence and two out buildings.

**E. General Projects Facts:**

1. **Comprehensive Plan Designation:** The Future Land Use Map (FLU) identifies this site as Medium Density Residential. Staff views this land use request to be consistent with the approved FLU map.

2. **Surrounding Land Uses:**

<b>North</b>	L-O	Limited Office – Ada County
<b>South</b>	R1	Estate Residential – Kuna City
<b>East</b>	R1	Estate Residential – Ada County
<b>West</b>	R-6, Ag	Medium Density Residential, Agriculture – Kuna City

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

- Approx. 1.6 acres
- R1, Estate Residential
- Parcel # - S1325233780

4. **Services:**

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

5. **Existing Structures, Vegetation and Natural Features:** Currently there is a residence where the applicant lives and two out buildings. Existing vegetation is similar to typical residential parcels.

6. **Transportation/Connectivity:** The existing access for the parcel is off S. Swan Falls Road. This application does not seek additional or alternative access.

7. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts. This site’s topography is generally flat.

8. **Agency Responses:** The following agencies returned comments: City Engineer (Gordon Law, P.E.), Central District Health Department and Boise Project Board of Control. The responding agency comments are included as exhibits with this case file.

**F. Staff Analysis:**

This site is located near the southeast corner (SEC) of Swan Falls & Stagecoach Roads. Applicant requests to annex into the City limits. There is an existing residence which will rely on a septic tank & well for now.

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and Kuna Comprehensive Plan; and forwards a recommendation of approval for Case #'s 14-02-AN, 14-03-DA and 14-01-LS, subject to the recommended conditions of approval.

**G. Applicable Standards:**

1. City of Kuna Zoning Ordinance No. 230, 546 and 570,
2. City of Kuna Subdivision Ordinance No. 2012-18, Title 5 Zoning Regulations,
3. City of Kuna Comprehensive Plan and Future Land Use Map,
4. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

## **H. Comprehensive Plan Analysis:**

The Kuna Planning and Zoning Commission, accepts the Comprehensive Plan components as described below.

1. The proposed applications for this site are consistent with the following Comprehensive Plan components:

### **GOALS AND POLICY – Property Rights**

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

Policy 1: As part of a land use action review, the staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criterion established to determine the potential for property taking.

### **GOALS AND POLICY – Economic Development**

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

Policy 1.3: The City will develop a policy to provide incentives and/or assistance in order to competitively attract firms.

### **GOALS AND POLICY – Land Use**

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

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

Policy 2.3: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

## **I. Proposed Findings of Fact:**

1. This request appears to be in compliance with all ordinances and laws of the City and appears to be consistent with Kuna City Code (KCC).
2. The use appears to meet the general objectives of Kuna’s Comprehensive Plan.
3. The site is physically suitable for a subdivision.
4. The annexation and subdivision uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. The annexation application is not likely to cause adverse public health problems.
6. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
7. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.
8. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.
9. Based on the evidence contained in Case No. 14-04-AN, this proposal appears to comply with the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map (FLU).
10. The Planning and Zoning Commission has the authority to recommend approval or denial for these applications.

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

**J. Proposed Conclusions of Law:**

1. Based on the evidence contained in Case No. 14-04-AN the Kuna Planning and Zoning Commission finds Case No. 14-04-AN complies with Kuna City Code.
2. Based on the evidence contained in Case No. 14-04-AN, the Kuna Planning and Zoning Commission finds Case No. 14-04-AN, is consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**K. Proposed Decision by the Planning and Zoning Commission:**

*Note: This proposed motion is for approval or denial of this request. However, if the Commission wishes to approve or deny specific parts of the request as detailed in this report, they must be specified.*

Based on the facts outlined in staff's report and the public testimony at the public hearing the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval/denial* of Case No. 14-04-AN, a request for annexation from Ben Bernier, with the following conditions of approval:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage and development plans. All site improvements are prohibited prior to approval of the following agencies:
  - a. The City Engineer shall approve the sewer hook-ups.
  - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
  - d. The *Boise-Kuna* Irrigation District shall approve any modifications to the existing irrigation system.
  - e. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District and Idaho Transportation Department. No public street construction may be commenced without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
  - 2.1- With future development and as necessary, dedicate right-of-way in sufficient amounts to follow City and ACHD standards and widths.
3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see **KCC 6-4-2-W**.
4. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
5. In the event of future development, lighting within the site shall comply with Kuna City Code as stated in KCC 5-9-5-B.
6. In the event of future development, parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).

7. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise).
8. In the event of future development, future signage within the site shall comply with Kuna City Code (A sign permit is required prior to sign construction).
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 approved by the public entities owning the property.
10. Submit a petition to the City (if necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation system of the City (KMID).
11. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Council, or seek amendment to them through public hearing processes.
12. In the event of future development, the applicant's landscape plan shall be considered a binding site plan, or as modified by the Commission through DRC.
13. Any future development is subject to landscaping design review, among other land use applications as applicable, at time of development. The entire site will also be subject to the same.
14. Applicant shall follow all staff, City engineer and other agency recommended requirements as applicable.
15. Developer shall comply with all local, state and federal laws.

DATED this \_\_\_\_ day of 2014,

RECEIVED

MAK 3 1 2014

CITY OF KUNA



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

### Commission & Council Review Application

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

\*Please submit the appropriate checklist (s) with application

#### Type of Review (check all that apply):

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

For Office Use Only	
File Number (s)	1464-AN
Project name	B. BERNIER ANNEX
Date Received	MARCH 31, 2014
Date Accepted/ Complete	
Cross Reference Files	N/A
Commission Hearing Date	July 22, 2014
City Council Hearing Date	

#### Contact/Applicant Information

Owners of Record: <u>Ben Bernier</u>	Phone Number: <u>208-571-3780</u>
Address: <u>4525 Swan Falls Rd</u>	E-Mail: <u>SKS2BL77@gmail.com</u>
City, State, Zip: <u>Kuna, Id, 83634</u>	Fax #: _____
Applicant (Developer): <u>SAME</u>	Phone Number: _____
Address: <u>452 S. SWAN FALLS RD.</u>	E-Mail: _____
City, State, Zip: _____	Fax #: _____
Engineer/Representative: _____	Phone Number: _____
Address: _____	E-Mail: _____
City, State, Zip: _____	Fax #: _____

#### Subject Property Information

Site Address: <u>452 S. Swan Falls Rd Kuna ID 83634</u>	
Site Location (Cross Streets): <u>Stagecoach Rd / Swan Falls Rd, Southwest</u>	
Parcel Number (s): <u>S1325233780</u>	
Section, Township, Range: _____	
Property size: <u>1.6 Acre</u>	
Current land use: <u>Residential</u>	Proposed land use: <u>Residential</u>
Current zoning district: <u>R1</u>	Proposed zoning district: <u>R-4</u>

**Project Description**

Project / subdivision name: Ben Bernier Annex INTO city OF Kunz

General description of proposed project / request: Annex into city limits

Type of use proposed (check all that apply):

Residential \_\_\_\_\_

Commercial \_\_\_\_\_

Office \_\_\_\_\_

Industrial \_\_\_\_\_

Other \_\_\_\_\_

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

**Residential Project Summary (if applicable)**

Are there existing buildings?  Yes  No

Please describe the existing buildings: single Family Home

Any existing buildings to remain?  Yes  No

Number of residential units: 1 Number of building lots: 1

Number of common and/or other lots: 0

Type of dwellings proposed:

Single-Family existing

Townhouses \_\_\_\_\_

Duplexes \_\_\_\_\_

Multi-Family \_\_\_\_\_

Other \_\_\_\_\_

Minimum Square footage of structure (s): 1500 SQ/FT

Gross density (DU/acre-total property): \_\_\_\_\_ Net density (DU/acre-excluding roads): \_\_\_\_\_

Percentage of open space provided: \_\_\_\_\_ Acreage of open space: \_\_\_\_\_

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

**Non-Residential Project Summary (if applicable)**

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

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

Hours of operation (days & hours): \_\_\_\_\_ Building height: \_\_\_\_\_

Total number of employees: \_\_\_\_\_ Max. number of employees at one time: \_\_\_\_\_

Number and ages of students/children: \_\_\_\_\_ Seating capacity: \_\_\_\_\_

Fencing type, size & location (proposed or existing to remain): \_\_\_\_\_

Proposed Parking: a. Handicapped spaces: \_\_\_\_\_ Dimensions: \_\_\_\_\_

b. Total Parking spaces: \_\_\_\_\_ Dimensions: \_\_\_\_\_

c. Width of driveway aisle: \_\_\_\_\_

Proposed Lighting: \_\_\_\_\_

Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.): \_\_\_\_\_

Applicant's Signature: [Signature] Date: 17 mar 14

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MAR 31 2014

CITY OF KUNA

March 19 2014  
City Of Kuna  
763 W. Avalon  
Kuna, ID 83634

Dear Mayor and Council:

**RE: Ben Bernier Property Annexation – Letter of intent**

Please consider this request for annexation of the property located at 452 S. Swan Falls Road, into the City of Kuna. The property is approximately 1.6 acres in size. The property is currently zoned as R-1 and the intent is to zone the property to an R-4 zoning. The Property has one existing dwelling, where I reside currently, and I have no further plans to add separate dwellings at this time.

City water is currently connected to the dwelling and city sewer is not available at this time. Connection to city sewer will not be a required condition of annexation at this time because the home has an established working septic system.

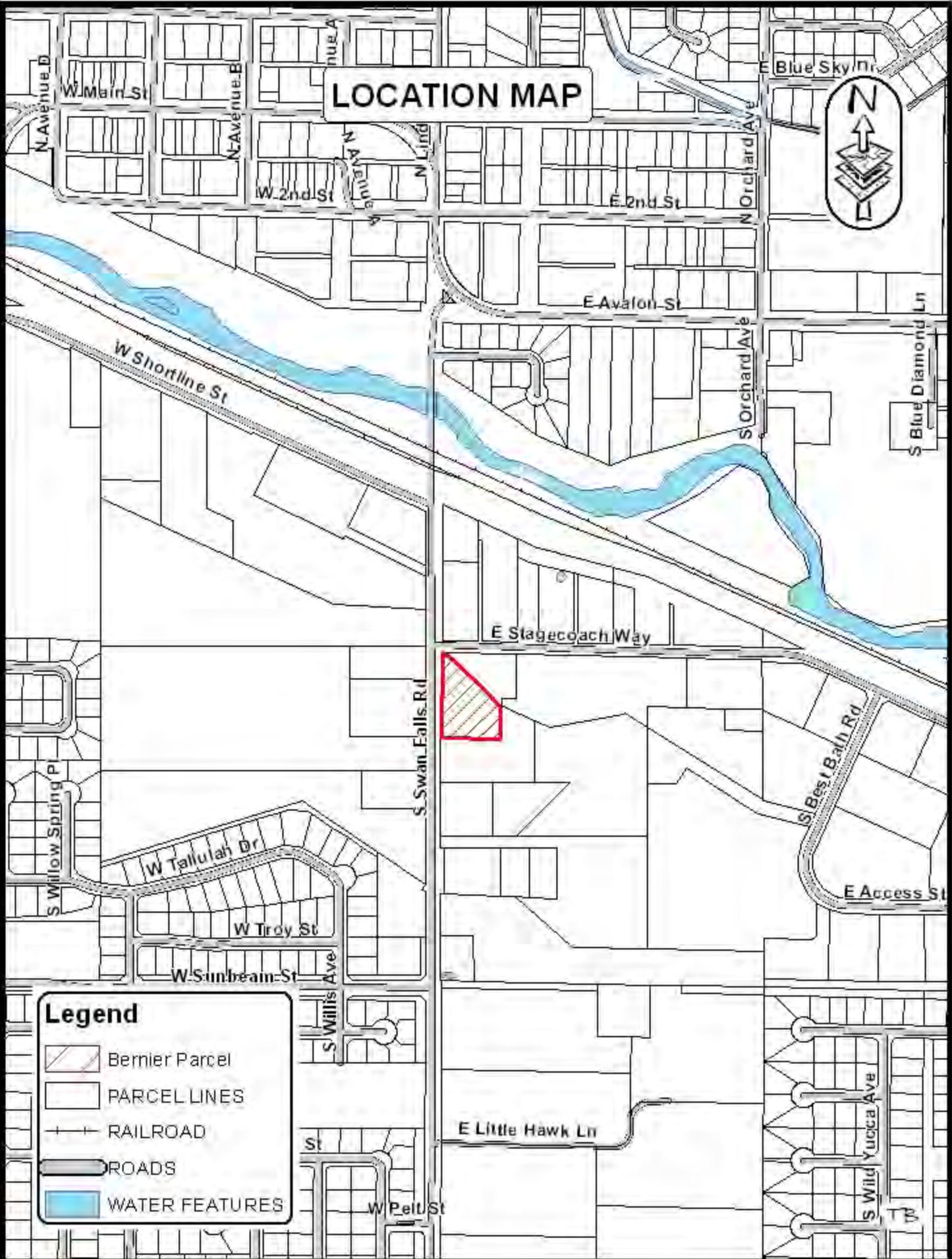
Thank you for your consideration on this application. I look forward to working with you and your staff, being more of a part of this great City of Kuna and would like to request approval of this annexation. Please contact me if you should have any questions regarding this request.

Sincerely,



Ben Bernier  
452 S. Swan Falls Road  
Kuna, ID 83634

# LOCATION MAP



## Legend

-  Bernier Parcel
-  PARCEL LINES
-  RAILROAD
-  ROADS
-  WATER FEATURES

AERIAL MAP



**E Stagecoach Way**

**S Swan Falls Rd**



TB





IDAHO  
SURVEY  
GROUP

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MAR 31 2014

CITY OF KUNA

1450 East Watertower St.  
Suite 130  
Meridian, Idaho 83642

Phone (208) 846-8570  
Fax (208) 884-5399

Job No. 14-041

March 19, 2014

**ANNEXATION DESCRIPTION FOR  
BENJAMIN BERNIER PROPERTY**

A parcel of land located in the SW 1/4 of the NW 1/4 of Section 25, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho being more particularly described as follows:

Commencing at the NW corner of the SW 1/4 of the NW 1/4 of said Section 25 (N1/16 corner) from which the W 1/4 corner of said Section 25 bears South 00°00'00" West, 1331.38 feet;

Thence along the West boundary line of said Section 25 South 00°00'00" West, 2.00 feet to the **REAL POINT OF BEGINNING**;

Thence continuing along said West boundary line South 00°00'00" West, 358.00 feet;

Thence leaving said West boundary line South 87°45'45" East, 270.63 feet;

Thence North 01°27'42" East, 126.51 feet to a point on the centerline of the South Railroad Canal;

Thence along said centerline the following 4 courses:

Thence North 42°41'27" West, 111.56 feet;

Thence North 46°28'00" West, 145.92 feet;

Thence North 54°14'57" West, 80.28 feet;

Thence North 64°52'54" West, 29.90 feet to the **REAL POINT OF BEGINNING**.  
Containing 1.60 acres, more or less.

This description was written from data of record and not verified with a survey on the ground.

Prepared by:  
Idaho Survey Group, P.C.



Gregory G. Carter, P.L.S.



IDAHO  
SURVEY  
GROUP

RECEIVED

MAR 31 2014

CITY OF KUNA

1450 East Watertower St.  
Suite 130  
Meridian, Idaho 83642

Phone (208) 846-8570  
Fax (208) 884-5399

Job No. 14-041

March 19, 2014

**CLOSURE SHEET FOR  
BENJAMIN BERNIER PROPERTY  
ANNEXATION**

**Section Tie**

Course: S 00°00'00" W Length: 2.00 to RPOB

Course: S 00°00'00" W Length: 358.00'

Course: S 87°45'45" W Length: 270.63'

Course: S 01°27'42" E Length: 126.51'

Course: N 42°41'27" W Length: 111.56'

Course: N 46°28'00" W Length: 145.92'

Course: N 54°14'57" W Length: 80.28'

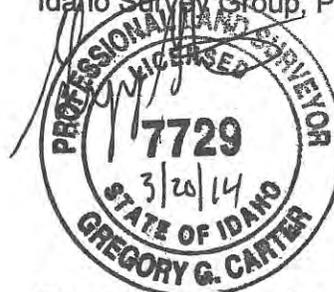
Course: N 64°52'54" W Length: 29.90'

Area: 69868.69 1.60 acres

Error of Closure: 0.000 Course: S 90-00-00 E

Precision: 1: 1122805210.45

Prepared by:  
Idaho Survey Group, P.C.



Gregory G. Carter, P.L.S.

RECEIVED  
 MAR 31 2014  
 CITY OF KUNA



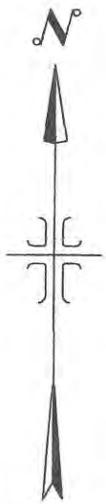
BENJAMIN BERNIER  
 452 S. SWAN FALLS ROAD  
 1.60 ACRES

ROS 64

☪ SOUTH RAILROAD CANAL

BASIS OF BEARING  
 S0°00'00\"/>

1/4  
 S 26 S 25



SCALE: 1" = 60'

S:\ISG Projects\452 Swan Falls Rd Annexation 14-041\dwg\exhibit.dwg 3/19/2014 3:49:45 PM

**IDAHO SURVEY GROUP, P.C.**  
 1450 E. WATERTOWER ST.  
 SUITE 130  
 MERIDIAN, IDAHO 83642  
 (208) 848-8570

ANNEXATION EXHIBIT FOR  
**BENJAMIN BERNIER**

LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 25, T.2N., R.1W., B.M.,  
 ADA COUNTY, IDAHO

JOB NO. 14-041
SHEET NO 1
DWG. DATE 3/19/2014

RECEIVED

MAR 31 2014

CITY OF KUNA

EXHIBIT "A"

195806

That portion of the following described property lying South of the Southerly boundary of the South Railroad Canal, described as follows:

Beginning at the Northwest corner of the SW 1/4 of the NW 1/4 of Section 25, Township 2 North, Range 1 West, Boise-Meridian, Ada County, Idaho; thence South 360 feet along the West boundary of the aforesaid Section 25; thence East 270 feet; thence North 150 feet; thence East 65 feet; thence North 210 feet to the North boundary of the aforesaid SW 1/4 of the NW 1/4; thence West 335 feet along the aforesaid North boundary to the POINT OF BEGINNING.



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

GORDON N. LAW  
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731  
Email: [gordon@cityofkuna.com](mailto:gordon@cityofkuna.com)

---

## MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Gordon N. Law  
Kuna City Engineer

RE: Ben Bernier – 452 S. Swan Falls Road  
Annexation and Rezone  
14-04-AN, 14-03-DA, 14-01-LS

DATE: June 6, 2014

---

The City Engineer has reviewed the annexation request of the above applicant dated May 28, 2014. It is noted that the site is occupied by a single family residence and that no development plans are provided. The City Engineer's comments will be abbreviated and will assume that any development beyond the present use would require a new application and opportunity to comment appropriately at that time. Accordingly, the City Engineer provides the following comments:

### 1. Sanitary Sewer Needs

- a) The City has sufficient sewer treatment capacity to serve this site. The Sewer Master Plan for disposal of wastewater from this area proposes discharge into Ten Mile Lift Station for ultimate treatment at the South Wastewater Treatment facility. This site is not presently connected to the city system and would be subject to connection fees for the demand of the ultimate connected load as provided in the City's Standard Table.
- b) This property was not included in Local Improvement District 2006-1 and has no reserved connections. Treatment capacity may be secured for this site only from those who have reserved capacity or from capacity not reserved and upon payment of appropriate fees.
- c) The existing homestead appears to be served by its own septic tank and drain field. The city does not have a sewer main in the vicinity deep enough to serve this parcel.
- d) The City Engineer recommends the continued utilization of the site facilities as long as the existing use is maintained and the site system remains viable.
- e) For assistance in locating existing facilities and understanding issues associated with connection, please contact the City Engineer at 287-1727.

### 2. Potable Water Needs

- a) This site is connected to the City Water system. No further comments are pertinent.

**3. Pressure Irrigation**

- a) The property's irrigation needs are presently served by City water and the Boise-Kuna Irrigation District. Until development occurs, it is recommended the site facilities and surface water rights continue to serve these needs.
- b) The closest city pressure irrigation facilities are located 950 feet south of the site in Sunbeam Street.

**4. Grading and Storm Drainage (Not Applicable)**

**5. General (Not Applicable)**

**6. Inspection Fees (Not Applicable)**

**7. Right-of-Way**

The subject property fronts on its west side on a section line minor arterial street (Swan Falls). The following conditions are related to these classified streets and are **generally applicable at the time of development** such as platting:

- a) Sufficient half right-of-way on the quarter line and section line for the classified streets should be provided pursuant to City and ACHD standards.
- b) It is recommended approaches onto the classified street complies with ACHD approach policies.
- c) It is recommended sidewalk, curb and gutter, street widening and any related storm drainage facilities, consistent with city code and policies, are provided at the time of land-use change or re-development.

**8. As-Built Drawings (Not Applicable)**

**9. Property Description**

- a) The applicant provided a metes and bounds description of the subject parcel.

**RICHARD DURRANT**  
CHAIRMAN OF THE BOARD

**GRAHAM PATERSON**  
VICE CHAIRMAN OF THE BOARD

**TIMOTHY M. PAGE**  
PROJECT MANAGER

**ROBERT D. CARTER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

**JERRI FLOYD**  
ASSISTANT SECRETARY-  
TREASURER

# BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD  
BOISE, IDAHO 83705-3155

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

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

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

12 June 2014

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

RE: Ben Bernier **14-04-AN**  
452 S Swan Falls Rd.  
Boise-Kuna Irrigation District **BK-389 A**  
S. Railroad Lateral 166+30  
Sec. 25, T2N, R1W, BM.

**RECEIVED**

**JUN 18 2014**

**KUNA CITY CLERK**

Troy Behunin:

The Boise Project has no objection to the annexation request for the above-mentioned property; however, it does lie next to a Federal Facility, the S. Railroad Lateral. Any future development or changes to this property should be aware of the following comments.

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

The Boise Project Board of Control is contracted to operate and maintain this lateral. We assert this federal easement 20 feet both directions of the lateral's centerline. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

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

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

If the irrigation system will be incorporated into the City of Kuna's pressure system, we will require confirmation from both the City of Kuna and the Boise-Kuna Irrigation District prior to review and approval of an irrigation plan by Boise Project Board of Control.

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

Sincerely,

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

Bob Carter  
Assistant Project Manager, BPBC

bdc/bc

cc: Dan Sheirbon Watermaster, Div; 3 BPBC  
Lauren Boehlke Secretary – Treasurer, BKID  
File



**CENTRAL DISTRICT HEALTH DEPARTMENT**  
**Environmental Health Division**

Return to:

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

Rezone # 14-01-AN

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

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

Sect. 25

- 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
  - waste flow characteristics
  - bedrock from original grade
  - other \_\_\_\_\_
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approval from appropriate entities are submitted, we can approve this proposal for:
  - central sewage
  - community sewage system
  - community water well
  - interim sewage
  - central water
  - individual sewage
  - individual water
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - central sewage
  - community sewage system
  - community water
  - sewage dry lines
  - central 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
  - swimming pools or spas
  - child care center
  - beverage establishment
  - grocery store
- 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

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JUN 18 2014

KUNA CITY CLERK

14. \_\_\_\_\_ Reviewed By: \_\_\_\_\_  
 \_\_\_\_\_ Date: 6/16/14



# City of Kuna

## P&Z Staff Report

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

**To:** Planning and Zoning Commission

**File Numbers:** 14-01-ZC (Zone Change) Ridley's Family Markets

**Location:** 129 N. School Avenue, Kuna, Idaho

**Planner:** Troy Behunin, Senior Planner

**Hearing date:** July 22, 2014

**Applicant:** CJM, LLP  
Mark Ridley  
621 Washington St. South  
Twin Falls, Idaho 83301  
(208) 320-2070  
[mark@shopsridleys.com](mailto:mark@shopsridleys.com)

### Table of Contents:

- A. Course Proceedings
- B. Applicants Request
- C. Vicinity & Aerial maps
- D. History
- E. General Project Facts
- F. Staff Analysis
- G. Applicable Standards
- H. Comprehensive Plan Analysis
- I. Proposed Findings of Fact
- J. Proposed Conclusions of Law
- K. Proposed Recommendation by the Commission

### A. Course of Proceedings:

1. Kuna City Code 1-14-3 (KCC), states a Rezone is designated as a public hearing, with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

#### a. Notifications

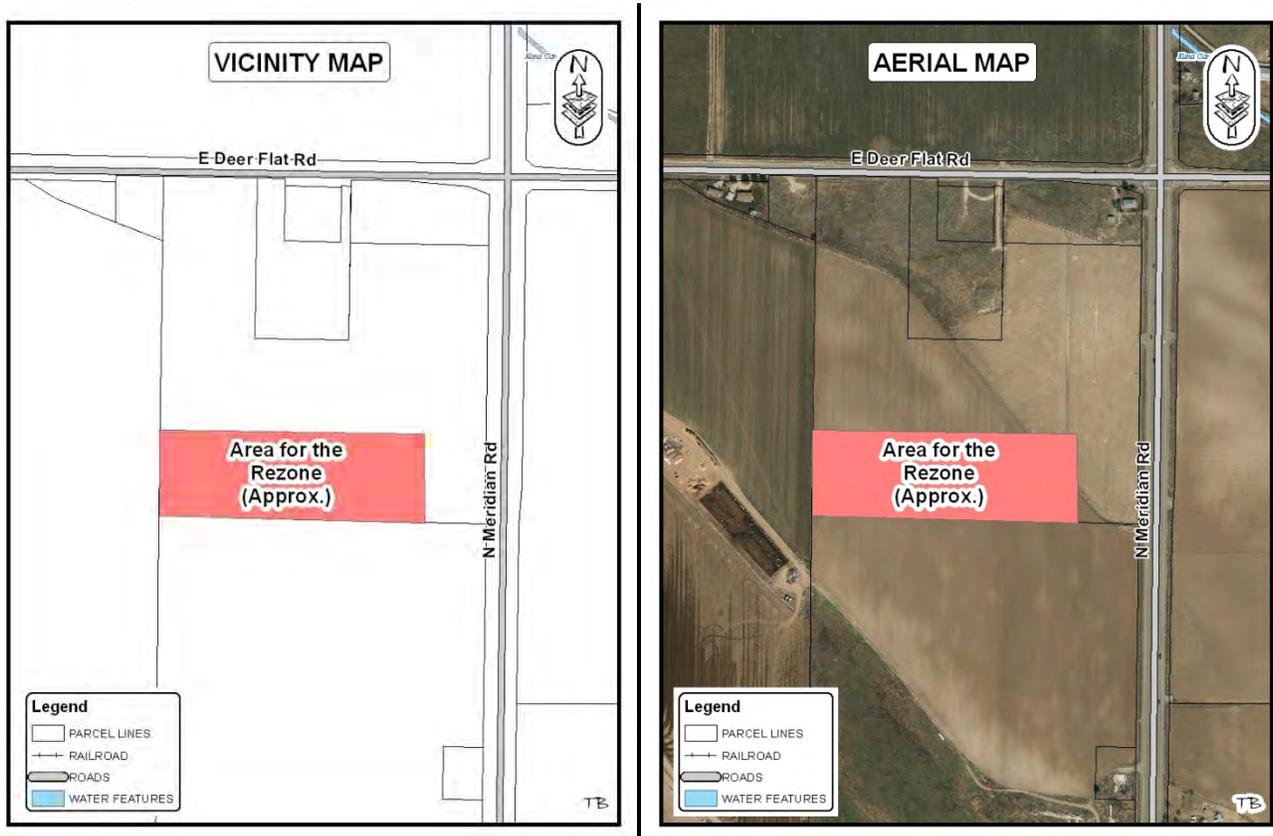
- |                            |                              |
|----------------------------|------------------------------|
| i. Neighborhood Meeting    | May 6, 2014 (Zero Attendees) |
| ii. Agency Comment Request | May 27, 2014                 |
| iii. 300' Property Owners  | July 7, 2014                 |
| iv. Kuna, Melba Newspaper  | July 2, 2014                 |
| v. Site Posted             | July 12, 2014                |
2. Case No. (14-01-ZC – Ridley's Family Markets Rezone), and the supplementary documents for this application are available for review in the Planning and Zoning Department. The public is invited to make arrangements for copies by calling (208) 922-5274, or visiting Planning and Zoning located at 763 W. Avalon Street, Kuna, Idaho, during normal business hours.

**B. Applicants Request:**

**1. Request:**

- Request by Mark Ridley (For CJM, LLP), for a rezone of approximately 7.98 acres located at the southwest corner (SWC) of Deer Flat Road and Highway 69. The is a request to change the current zoning, R-6 (Medium Density Residential) in the City, to C-1 (Neighborhood Business District) within the forth coming Merrill Family Center Commercial subdivision.

**C. Vicinity and Aerial Maps:**



**D. History:**

This site was farmed until the spring of 2013, when construction of a Ridley’s Market and Ace Hardware store began. The store(s) opened in December of 2013 and the property will soon be subdivided to encourage future commercial development on site, however it has not yet been recorded as of today.

The rezone of this part of the property is a condition of approval from earlier land use actions and CJM, LLP is seeking this rezone preparatory to attracting additional commercial business to the City. While there is not a committed party, this rezone will set the stage for commercial development, in the southwest corner of the CJM, LLP property.

**E. General Projects Facts:**

1. **Legal Description:** A legal description was included with the submitted request.
2. **Comprehensive Plan Designation:** The Future Land Use Map (FLU) identifies this site as Medium Density Residential.

3. **Surrounding Land Uses:**

<b>North</b>	RUT	Rural Urban Transition – Ada County
<b>South</b>	R-6	Medium Residential - Kuna City
<b>East</b>	RUT	Rural Urban Transition – Ada County
<b>West</b>	RUT	Rural Urban Transition – Ada County

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

- Parcel Size: 29.39 acres (Approximately)
- Zoning: Neighborhood Commercial District; (C-1)
- Parcel #: S1324110085

5. **Services:**

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

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

The site currently has a combined store, which houses Ridley’s Family Market, and Ace Hardware stores. Pads for future commercial are also available. The vegetation on site is typically associated with a parking lot and commercial business(s) on site.

7. **Transportation / Connectivity:**

The site has frontage along Highway 69 on the east side of the property, and Deer Flat Road on the north side. Future development will add another point of access on the west side.

8. **Environmental Issues:**

Staff is not aware of any environmental issues, health or safety conflicts. This site’s topography is generally flat.

9. **Comprehensive Future Land Use Map:**

The site is identified as Mixed–Use Commercial on Kuna’s Future Land Use Map (FLU). Staff views this proposed land use request to be consistent with the surrounding area land uses and approved FLU map designations.

10. **Agency Responses:**

The following agencies returned comments: City Engineer (Gordon Law, P.E.), Central District Health Department, Ada County Highway District (ACHD), Idaho Transportation Department and Boise Project Board of Control. The responding agency comments are included with this case file.

**Staff Analysis:**

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case # 13-02-ZC, subject to the recommended conditions of approval.

**F. Applicable Standards:**

1. City of Kuna Zoning Ordinance No. 230
2. City of Kuna Comprehensive Plan
3. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act

**G. Comprehensive Plan Analysis:**

The Kuna planning commission accepts the Comprehensive Plan components as described below:

1. The proposed zone change for the site is consistent with the following Comprehensive Plan components:

**GOALS AND POLICIES – Property Rights**

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

Policy 1: As part of a land use action review, the staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criterion established to determine the potential for property taking.

**GOALS AND POLICIES – Economic Development**

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

Policy 1.3: The City will develop a policy to provide incentives and/or assistance in order to competitively attract firms.

**GOALS AND POLICIES – Land Use**

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

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

Policy 2.3: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

**Proposed Findings of Fact:**

1. The site is physically suitable for a commercial use.
2. The commercial use is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
3. The commercial use is not likely to cause adverse public health problems.
4. The commercial use appears to be in compliance with all ordinances and laws of the City.
5. The commercial use appears to not be detrimental to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
6. The existing and proposed street and utility services in proximity to the site are suitable and adequate for commercial purposes.
7. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.

8. The Kuna Planning and Zoning Commission, has the authority to recommend this case be approved or denied, to City Council.
9. The neighborhood meeting was held and the public notice requirements were met.
10. The public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**Proposed Conclusions of Law:**

1. Based on the evidence contained in Case No. 14-01-ZC, Kuna Planning and Zoning Commission finds Case No. 14-01-ZC, complies with Kuna City Code.
2. Based on the evidence contained in Case No. 14-01-ZC, Kuna Planning and Zoning Commission finds Case No. 14-01-ZC, are consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**H. Proposed Recommendation by the Commission:**

Based on the facts outlined in staff's report and the public testimony presented at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends (*approval / denial*) for Case No. **14-01-ZC**, a rezone, request from CJM, LLP (Mark Ridley), (with or without) the following conditions of approval:

**Recommended Conditions of Approval:**

At the time of future development:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
  - a. The City Engineer shall approve the sewer hook-ups.
  - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
  - d. The *Boise-Kuna* Irrigation District shall approval any modifications to the existing irrigation system.
  - e. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District and Idaho Transportation Department. No public street construction may commence without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
  - 2.1- With future development and as necessary, dedicate right-of-way in sufficient amounts to follow City and ACHD standards and widths.
3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see **KCC 6-4-2-W**.
4. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
5. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation

surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation system of the City (KMID).

6. Future lighting within the site shall comply with Kuna City Code.
7. Future parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
8. Future fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted).
9. Future signage within the site shall comply with Kuna City Code.
10. Future required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
11. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
12. Any development will be subject to landscaping and building design reviews, among other land use applications as applicable, at time of future development.
13. Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
14. Developer/Owner/Applicant shall comply with all local, state and federal laws.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2014

MAY 16 2014

CITY OF KUNA



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

**Commission & Council Review Application**

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

\*Please submit the appropriate checklist (s) with application

**Type of Review (check all that apply):**

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

For Office Use Only	
File Number (s)	14-01-2C
Project name	Ridleys REZONE
Date Received	
Date Accepted/Complete	
Cross Reference Files	
Commission Hearing Date	July 22, 2014
City Council Hearing Date	

**Contact/Applicant Information**

Owners of Record: CJM LLP	Phone Number: 208-324-4633
Address: 621 Washington St S	E-Mail: Mark@shopridleys.ca
City, State, Zip: Twin Falls ID 83301	Fax #: 208-324-1190
Applicant (Developer): Rick Millap	Phone Number:
Address: 5755 Willow Lane	E-Mail: rick.millap@cutconsecorp.com
City, State, Zip: Lake Oswego OR 97035	Fax #: 503-629-1106
Engineer/Representative: Jeff Ward CCHA	Phone Number: 208-343-4635
Address: 200 Broad St	E-Mail: Jeff.ward@schgk.com
City, State, Zip: Boise ID 83702	Fax #: 208-343-1858

**Subject Property Information**

Site Address: 1403 N Meridian Road Kuna ID	
Site Location (Cross Streets): Deer Flat and Meridian Road	
Parcel Number (s): Par H 0085 center of NE 1/4 NE 1/4 S1324110085	
Section, Township, Range: SEC 24 2 N 1 W	
Property size: 12.35 Acres	
Current land use: Bare	Proposed land use: Commercial
Current zoning district: R-6	Proposed zoning district: C-1

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CITY OF KUNA

**Project Description**

Project / subdivision name: Merrell Family Center

General description of proposed project / request: Rezone

Type of use proposed (check all that apply):

Residential \_\_\_\_\_

Commercial \_\_\_\_\_

Office \_\_\_\_\_

Industrial \_\_\_\_\_

Other \_\_\_\_\_

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

**Residential Project Summary (if applicable)**

Are there existing buildings?  Yes  No

Please describe the existing buildings: \_\_\_\_\_

Any existing buildings to remain?  Yes  No

Number of residential units: \_\_\_\_\_ Number of building lots: \_\_\_\_\_

Number of common and/or other lots: \_\_\_\_\_

Type of dwellings proposed:

Single-Family \_\_\_\_\_

Townhouses \_\_\_\_\_

Duplexes \_\_\_\_\_

Multi-Family \_\_\_\_\_

Other \_\_\_\_\_

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

Gross density (DU/acre-total property): \_\_\_\_\_ Net density (DU/acre-excluding roads): \_\_\_\_\_

Percentage of open space provided: \_\_\_\_\_ Acreage of open space: \_\_\_\_\_

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

**Non-Residential Project Summary (if applicable)**

Number of building lots: 5 Other lots: \_\_\_\_\_

Gross floor area square footage: 85296 Existing (if applicable): 55000

Hours of operation (days & hours): 6AM - 11 PM Building height: 22'

Total number of employees: \_\_\_\_\_ Max. number of employees at one time: \_\_\_\_\_

Number and ages of students/children: \_\_\_\_\_ Seating capacity: \_\_\_\_\_

Fencing type, size & location (proposed or existing to remain): \_\_\_\_\_

Proposed Parking:

a. Handicapped spaces: 11 Dimensions: 10x30

b. Total Parking spaces: 573 Dimensions: 10x20

c. Width of driveway aisle: 22'

Proposed Lighting: Per Permit Drawings

Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.): \_\_\_\_\_

Applicant's Signature: [Signature] Date: 4-6-14



*April 06, 2014*

City of Kuna

RE: Merrell Town Center Development

To Whom it May Concern:,

As a representative of CJM, LLP and Ridley's Family Markets, I am submitting for a re zoning of a portion of the current development from residential to commercial.

At the moment there are no conceptual plans we are able to share for this area but the intent is for the development to be used for commercial purposes and bringing more retail services to the community of Kuna.

A handwritten signature in black ink, appearing to read "Mark Ridley".

Mark Ridley  
Ridley's Family Markets-CJM LLP  
Cell 208-320-2070  
[mark@shopridleys.com](mailto:mark@shopridleys.com)

# VICINITY MAP

*Karna Co*



E-Deer Flat Rd

Area for the  
Rezone  
(Approx.)

N-Meridian Rd

**Legend**

- PARCEL LINES
- RAILROAD
- ROADS
- WATER FEATURES

TB

# AERIAL MAP

Karna Co



E Deer Flat Rd

Area for the  
Rezone  
(Approx.)

N Meridian Rd

## Legend

-  PARCEL LINES
-  RAILROAD
-  ROADS
-  WATER FEATURES

TB

**FOX Land Surveys, Inc.**

1515 South Shoshone St. Δ Boise Idaho Δ 83705 Δ 208-342-7957 Δ 208-342-7437 FAX

**REZONE DESCRIPTION**

A PORTION OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 24,  
TOWNSHIP 2 NORTH, RANGE 1 WEST, BOISE MERIDIAN,  
CITY OF KUNA, ADA COUNTY, IDAHO

A Portion of The Northeast ¼ of the Northeast ¼ of Section 24, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho, being more particularly described as follows;

1. **COMMENCING** at the found Aluminum Cap Monument marking the Northeast Corner of Section 24, from which the found Aluminum Cap Monument marking the East ¼ Corner thereof bears South 00°46'12" West, a distance of 2,649.29 feet;
2. thence along the easterly boundary of Section 24, South 00°46'12" West, a distance of 1324.65 feet to the north 1/16<sup>th</sup> Corner common to Sections 24 and 19;
3. thence along the north 1/16<sup>th</sup> line of section 24, North 88°36'31" West, a distance of 273.07 feet to its intersection with the current limits of R-6 Zoning as established in Ordinance 2009-12, the **TRUE POINT OF BEGINNING**;
4. thence continuing along the north 1/16<sup>th</sup> line, North 88°36'31" West, a distance of 1039.83 feet to a found 5/8 inch rebar with plastic cap stamped PLS "4998" marking the North-East 1/16<sup>th</sup> Corner of Section 24;
5. thence along the east 1/16<sup>th</sup> line of Section 24, North 00°39'34" East, a distance of 328.81 feet to its intersection with the current limits of R-6 Zoning as established in Ordinance 2009-12;
6. thence along said limits the following courses and distances:
7. South 89°13'48" East, a distance of 1040.41 feet;
8. South 00°46'12" West, a distance of 340.09 feet to the **POINT OF BEGINNING**.

Containing 347,856 square feet (7.985 acres), more or less.  
Any modification of this description shall render it void.  
Refer to the attached sketch titled "REZONE EXHIBIT".

Fox Land Surveys, Inc.  
Thomas A. Judge, Survey Manager, PLS 13934

**END OF DESCRIPTION**

TAJ:taj

W:\PROJECTS\2012\12-056-RIDLEYS-KUNAPROFILERIDGE.PR\PROJECT\FLSI\DOCS\DESCRIPTIONS\1256-REZONE-4-15-14.DOC



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**MAY 16 2014**

**CITY OF KUNA**

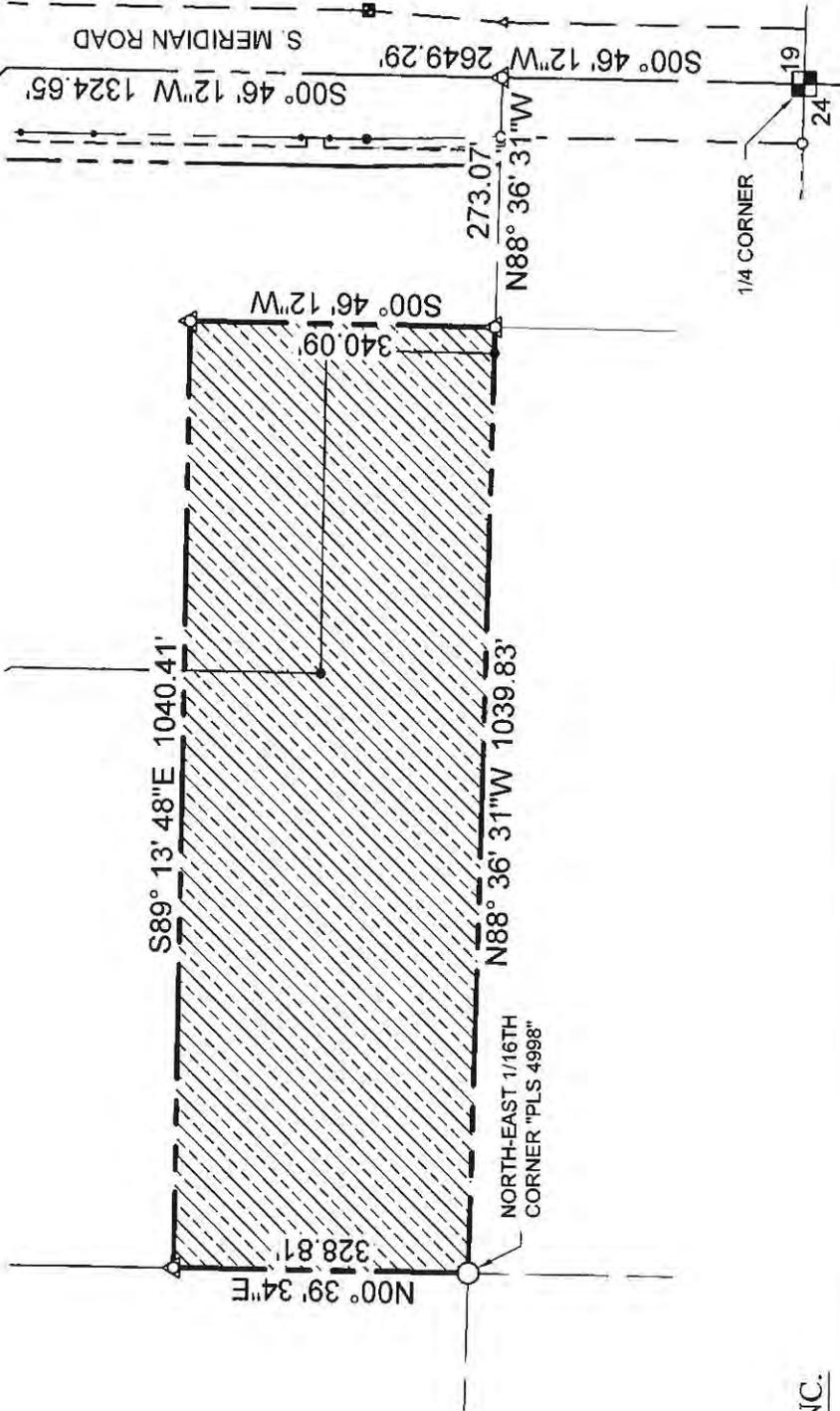
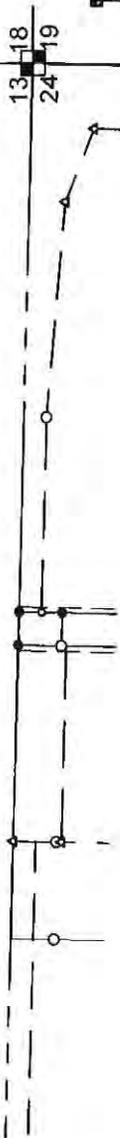


REZONE AREA

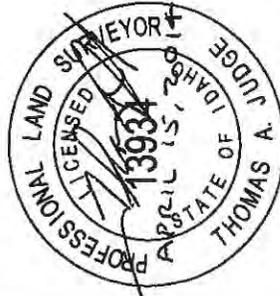
REZONE EXHIBIT

A PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24,  
TOWNSHIP 2 NORTH, RANGE 1 WEST, BOISE MERIDIAN  
CITY OF KUNA, ADA COUNTY, IDAHO

- - - EAST DEER FLAT ROAD



SCALE 1" = 200'



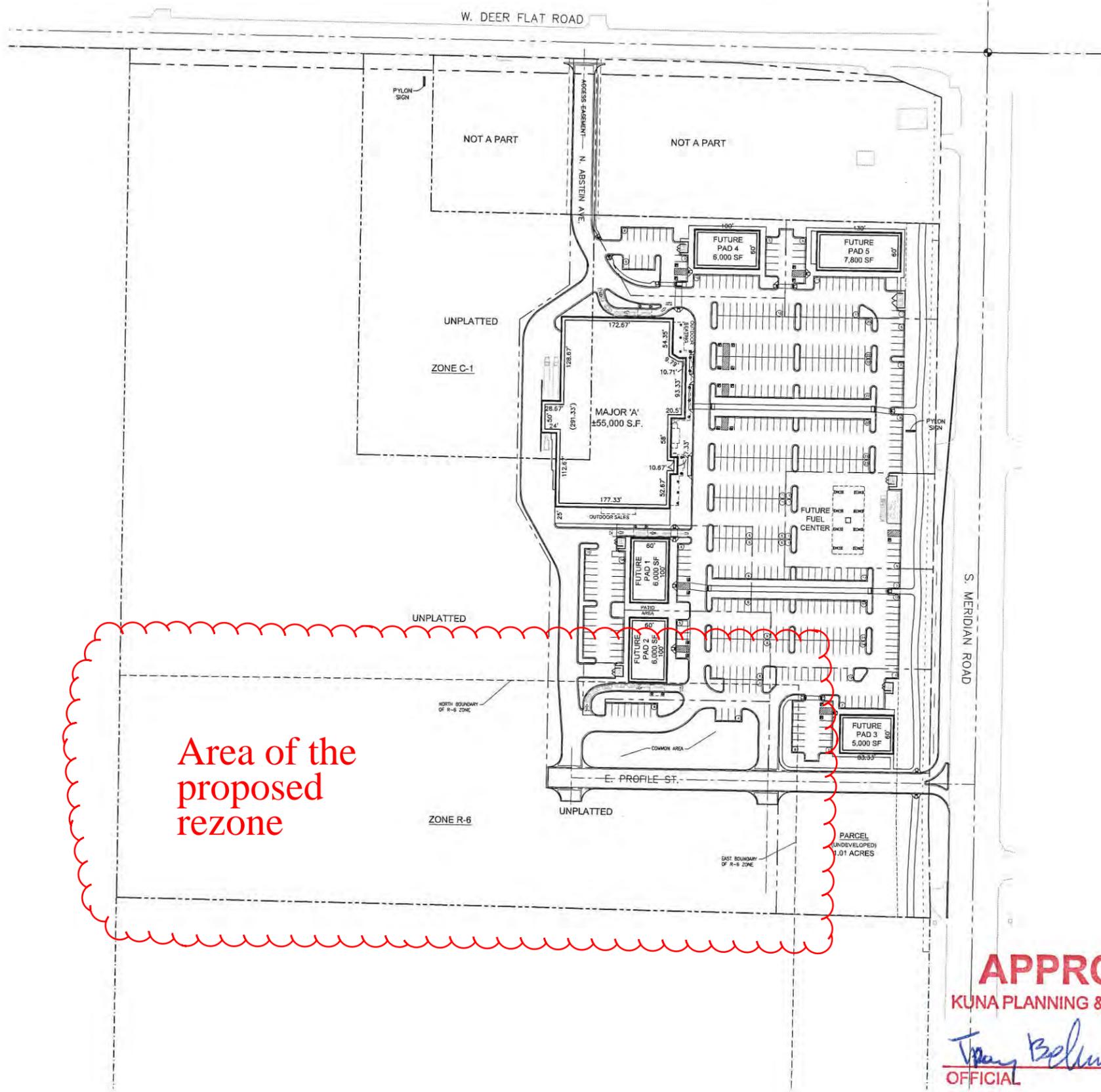
FOX LAND SURVEYS INC.

(208) 342-7957

xxxSKETCH.DWG

# PROFILE RIDGE

## (PHASE 2)



### DRAWING INDEX

- |       |                                     |
|-------|-------------------------------------|
| DRC   | COVER SHEET/OVERALL SITE PLAN       |
| DRSP1 | DESIGN REVIEW SITE PLAN (NORTH)     |
| DRSP2 | DESIGN REVIEW SITE PLAN (SOUTH)     |
| L1.0  | DESIGN REVIEW LANDSCAPE PLAN (WEST) |
| L2.0  | DESIGN REVIEW LANDSCAPE PLAN (EAST) |
| DRDP1 | DESIGN REVIEW DRAINAGE PLAN (NORTH) |
| DRDP2 | DESIGN REVIEW DRAINAGE PLAN (SOUTH) |
| A4.0  | EXTERIOR ELEVATIONS (COLOR)         |
| A4.1  | BUILDING SECTIONS                   |
| A2.5  | ROOF PLAN                           |
| E1.1  | SITE LIGHTING PLAN NORTH            |
| E1.2  | SITE LIGHTING PLAN SOUTH            |
| E1.3  | SITE LIGHTING PHOTOMETRICS PLAN     |
| L3.0  | LANDSCAPE PLAN (COLOR)              |

PARKING INFORMATION					
BUILDING AND AREA	SITE AREA	PARKING REQUIRED	PARKING PROVIDED	ACCESSIBLE REQUIRED	ACCESSIBLE PROVIDED
MAJOR 'A' ±55,000 S.F. 7.13 ACRES	310,496 S.F.	1/250 = 220	340	7	8
MAJOR 'A1' ±33,360 S.F. 0.77 ACRES	33,360 S.F.	1/2 GAS PUMPS = 4	10	1	1
PAD 1 ±6,000 S.F. 0.59 ACRES	25,856 S.F.	1/250 = 24	32	2	2
PAD 2 ±6,000 S.F. 0.80 ACRES	34,917 S.F.	1/250 = 24	37	2	2
PAD 3 ±5,000 S.F. 0.90 ACRES	39,417 S.F.	1/250 = 20	33	2	2
PAD 4 ±6,000 S.F. 0.74 ACRES	32,328 S.F.	1/250 = 24	32	2	2
PAD 5 ±7,800 S.F. 0.79 ACRES	34,362 S.F.	1/300 = 26	29	2	2
ACCESS DRIVES	27,316 S.F. 0.63 ACRES	N/A	N/A	N/A	N/A
<b>TOTAL SITE AREA:</b> ±538,051 S.F. ±12.35 ACRES		<b>TOTAL = 342</b>	<b>TOTAL = 513</b> (= 150% OF REQ'D PARKING)	<b>TOTAL = 18</b>	<b>TOTAL = 19</b>

**APPROVED**  
KUNA PLANNING & ZONING DEPT.

*Tracy Belme* **MAR 4, 2013**  
OFFICIAL DATE

NORTH

**1 OVERALL SITE PLAN**  
SCALE: 1" = 100'  
0 50 100 200 300 400  
SCALE IN FEET

PRELIMINARY  
NOT FOR  
CONSTRUCTION

PATRICIA M. NOBBE, ARCHITECT  
C.W. MOORE PLAZA  
250 S. 5TH ST.  
BOISE, IDAHO  
PHONE: 208-343-4635 FAX: 208-343-1858

**PROFILE RIDGE PHASE 2**  
SWC DEER FLAT RD. & MERIDIAN RD. KUNA, ID

C.W. MOORE PLAZA  
250 S. 5TH ST. • BOISE, ID 83702  
(208) 343-4635 • FAX (208) 343-1858  
http://www.cshqa.com

**CSHOA**



PROJECT 12148.000	DATE 11/30/12
DRAWN JT	CHECKED PN

REVISED

SHEET TITLE  
**COVER SHEET/  
OVERALL SITE  
PLAN**

SHEET

**DRC**

ORIGINAL SHEET SIZE  
24" x 36"



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

GORDON N. LAW  
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731  
Email: [gordon@cityofkuna.com](mailto:gordon@cityofkuna.com)

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## MEMORANDUM

TO: Director of Kuna Planning and Zoning

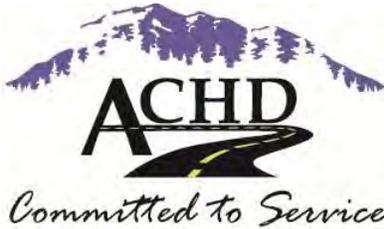
FROM: Gordon N. Law  
Kuna City Engineer

RE: Ridley's Rezone Request  
14-01-ZC

DATE: May 30, 2014

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It does not appear there are issues relative to the above application that need review by the City Engineer. If this assumption is not correct, please notify me.



John S. Franden, President  
Mitchell A. Jaurena, Vice President  
Rebecca W. Arnold, Commissioner  
Sara M. Baker, Commissioner  
Jim D. Hansen, Commissioner

Date: June 11, 2014  
To: Mark Ridley, via e-mail  
CJM, LLP  
621 Washington St. South  
Twin Falls, ID 83301  
Subject: KUNA14-0004 / K14-01-ZC  
SWC of Deer Flat & Meridian  
Request for a rezone.

On November 7, 2007 the Ada County Highway District approved development applications (K07-04-S, K07-01-AN, K07-03-ZC, K07-03-DA) for Profile Ridge Subdivision. The conditions and requirements also apply to K14-01-ZC. The applicant may be required to update any existing non-compliant pedestrian improvements adjacent to the site to meet current ADA (Americans with Disabilities Act) requirements.

- The applicant shall be required to meet all of the ACHD Standard Conditions of Approval as well as all ACHD Policies and requirements that may apply as noted below.

If you have any questions or concerns please feel free to contact me at (208) 387-6335.

Sincerely,

Austin Miller  
Planning Review Intern  
Development Services

CC: Project File  
City of Kuna, via e-mail

## 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, 7203.6, 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.

## 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 of Highway Systems, 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.



*Committed to Service*

**Project/File:** **Profile Ridge Subdivision (K07-04-S, K07-01-AN, K07-03-ZC, K07-03-DA)**  
*This application is for annexation, rezone, preliminary plat, and development agreement for 159 (137) residential lots and 17 commercial lots (302,100sf commercial) on 75.08 acres.*

**Lead Agency:** City of Kuna

**Site address:** SW corner of Kuna-Meridian (SH-69) and Deer Flat roads

**Commission Approval:** November 7, 2007

*Consent Agenda Item*

*Update: The applicant submitted at Traffic Impact Study update on December 11, 2007, and a revised preliminary plat on January 15, 2008. Notes in red address these changes.*

**Applicant:** Red Cliff Development  
 2060 S. Eagle Road  
 Meridian, Idaho 83642

**Staff Contact:** Matt Edmond  
 Phone: 387-6187  
 E-mail: [medmond@achd.ada.id.us](mailto:medmond@achd.ada.id.us)

**Tech Review:** October 26, 2007

**Application Information:**  
 Acreage: 75.08  
 Current Zoning: RUT (Ada County); A (Kuna)  
 Residential Lots: 159  
 Commercial Lots: 17



## **A. Findings of Fact**

### **Existing Conditions**

1. **Site Information:** The site is currently agricultural.

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

Direction	Land Use	Zoning
North	Agricultural	RUT
South	Single-family residential	RUT
East	Agricultural, proposed Scoria mixed-use development	RUT, A (R-6, C-1 proposed)
West	Agricultural	RUT

3. **Existing Roadway Improvements and Right-of-Way Adjacent To and Near the Site**

- Deer Flat Road is currently improved with 2 traffic lanes, and no curb, gutter, or sidewalk inside of 72-feet of right-of-way abutting the site. Within 300-feet of SH-69, Deer Flat Road is improved to 3 traffic lanes

- Meridian Road (SH-69) is currently improved with 4 traffic lanes, a center turn lane, paved shoulders, and no curb, gutter, or sidewalk abutting the site. Right-of-way varies from 140-feet along the northern half of the site and 120-feet along the southern half. This is a state highway under Idaho Transportation Department (ITD) jurisdiction.
  - The intersection of Deer Flat and SH-69 was signalized this year.
  - Meadow View Street is currently improved with 2 travel lanes and no curb, gutter, or sidewalk in 50-feet of right of way. It aligns with the site’s southern boundary from the east, and was designated a collector by ACHD on 27 June 2007.
  - Kay Road is currently improved with 2 travel lanes and curb, gutter, and sidewalk on its west side in 44-feet of right-of-way.
  - Linder Road is currently improved with 2 travel lanes and detached sidewalk on portions of its west side in 50-to-80-feet of right-of-way.
4. **Existing Access:** Currently, the site has 3 defined access points to Deer Flat Road (approximately 125-feet, 570-feet, and 700-feet west of the near edge of the intersection with SH 69) and 5 defined access points onto SH 69 (approximately 100-feet, 580-feet, 1260-feet, 2220-feet, and 2500-feet south of the intersection with Deer Flat Road).
  5. **Site History:** ACHD has not previously reviewed this site for a development application.
  6. **Adjacent Development:** ACHD reviewed and approved (at the Commission level on 27 June 2007) an application for Scoria Subdivision, adjacent to the southeast portion of the site. Scoria is a proposed development of 4 commercial lots, 68 single-family lots, and 10 common lots on approximately 17.5 acres, located at the northeast corner of Meadow View and SH-69.

**Development Impacts**

7. **Trip Generation:** This development is estimated to generate an additional 12,031 (14,283) vehicle trips per day (1,084 (1,271) vehicles per hour during PM peak hour traffic) based on the submitted traffic impact study.
8. **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.
9. **Traffic Impact Study:** A traffic impact study was required with this application (see Findings for Consideration below).
10. **Impacted Roadways:**

Roadway	Frontage	Functional Classification	Traffic Count	Level of Service*	Speed Limit
Meridian Rd (SH-69)	2,600	Principal Arterial	7,230 south of Deer Flat 2/2007	Established by ITD	55 MPH
Deer Flat Rd	1,250	Minor Arterial	9,072 west of SH-69 4/05/2007	Better than "C"	35 MPH
Meadow View St	N/A	Collector	110 east of SH-69 7/26/2006	Better than "C"	35 MPH
Kay Road	N/A	Collector	2,641 south of Deer Flat 3/14/2006	Better than "C"	
Linder Road	N/A	Minor Arterial	5,924 south of Deer Flat 4/6/2006	Better than "C"	35 MPH

\*Acceptable level of service for State Highways is determined by ITD.

\*Acceptable level of service for two-lane minor arterials is "D" (14,000 VTD).

\*Acceptable level of service for two-lane collectors is "D" (9,500 VTD).

## 11. Capital Improvements Plan/Five Year Work Plan

Currently, Deer Flat Road is on the Five Year Work Plan to be widened from 2 lanes to 3 lanes between SH-69 and Linder Road in 2008; and the intersection of Deer Flat and Linder roads is in the Capital Improvement Plan to be signalized in 11-20 years.

## **B. Findings for Consideration**

### 1. Traffic Impact Study

**Executive Summary:** Below is an executive summary of the submitted traffic impact study prepared by Stanley Consultants. **The traffic impacts were evaluated based on the land uses and site access proposed in the preliminary site plan. The impacts were also evaluated without the proposed East Profile Street Right-in/Right-out access on Meridian Road. The traffic impact study update for Profile Ridge Subdivision concludes and recommends the following:**

- Profile Ridge is projected to generate an average daily traffic (ADT) of 13,116 (14,283) vehicles per day (vpd), an AM peak hour traffic of 397 (414) vehicles per hour (vph) and a PM peak hour traffic of 1,174 (1,271) vehicles per hour (vph).
- Approximately 11% (126 vph) (9%, 109 vph) of the generated trips are projected to be retained on site during the PM peak hour.
- The proposed commercial uses along Deer Flat Road and Meridian Road are projected to attract approximately 295 (319) vph pass-by traffic during PM peak hour.
- Site traffic is projected to have the following distribution patterns at build-out:
  - Residential Traffic
    - 52% having origins/destinations north of the site
    - 25% having origins/destinations south of the site
    - 20% having origins/destinations west of the site
    - 3% having origins/destinations east of the site
  - Commercial Traffic
    - 40% having origins/destinations north of the site
    - 31% having origins/destinations south of the site
    - 26% having origins/destinations west of the site
    - 3% having origins/destinations east of the site
- Background traffic within the study area was estimated by projecting the existing traffic counts at a 7.16% annual growth rate, which is based on City of Kuna population and household forecast as adopted in the City of Kuna Comprehensive Plan.
- **Traffic impacts were evaluated based on the preliminary site plan with and without the proposed East Profile Street Right-in/Right-out (RIRO) access on Meridian Road:**
  - **The site traffic patterns are not significantly different with and without the RIRO access on Meridian Road.**
  - **The site traffic impacts are slightly different with and without the RIO access on Meridian Road.**
    - **The roadway network within the study area is projected to function slightly better with the RIRO than without the RIRO based on traffic simulation.**
    - **Existing and proposed intersections are projected to operate at about the same Level of Service (LOS) and need the same improvements with and without the RIRO access.**
    - **The average speed on Deer Flat Road segment between Meridian Road and Linder is approximately two mph faster on the westbound direction with the RIRO access than without the RIRO access.**

- The average speed on Meridian Road segment between Dear Flat Road and Meadowview Road is approximately two mph slower on the southbound direction with the RIRO access than without the RIRO access.
- Deer Flat Road & Linder Road intersection is projected to operate as follows during the PM peak hour flow with existing lane configuration and unsignalized intersection control:
  - 2006 Existing : LOS B
  - 2011 Background : LOS D
  - 2011 Background + Site : LOS F (with and without RIRO access)
- Deer Flat Road and Meridian Road intersection is projected to operate as follows during the PM peak hour with existing lane configuration and signalized intersection control:
  - 2006 Existing : LOS B
  - 2011 Background : LOS C
  - 2011 Background + Site : LOS C (with and without RIRO access)
- At build-out year 2011, Meridian Road, Deer Flat Road, and Linder Road are projected to have sufficient capacity to accommodate the traffic growth and site traffic with the existing number of lanes.
- Deer Flat Road is included in ACHD's FYWP to be widened to three lanes from Meridian Road to Ten Mile Road by 2008, and would provide additional capacity and safety adjacent to the site.
- The Deer Flat Road and Linder Road intersection is projected to need improvements to mitigate site traffic impacts:
  - The intersection is projected to meet warrants for a traffic signal under 2011 total traffic conditions.
  - Ada County Highway District (ACHD) is planning to signalize the intersection within the next 11 to 20 years.
  - The intersection is projected to operate at LOS B under 2011 PM peak hour total traffic if signalized.
- The proposed Commercial Access on Deer Flat Road is located approximately 600 feet west of Meridian Road:
  - 477 (496) vph are projected to use the access during the PM peak hour with RIRO access.
  - 561 vph are projected to use the access during the PM peak hour without the RIRO access.
  - The westbound approach is projected to need a left-turn lane at build-out, which could be accommodated by the ACHD planned improvement on Deer Flat Road.
  - The eastbound approach is not projected to warrant a right-turn lane at build-out.
  - The proposed northbound approach is projected to need a separate left-turn lane and a right-turn lane.
  - Northbound left-turn traffic from the site is projected to operate at LOS D during the PM peak hour with RIRO access and LOS E without RIRO access.
  - Traffic on Deer Flat Road is projected to operate with minimal delay.
- The proposed North Chappelle Avenue on Deer Flat Road is located approximately ¼ mile west of Meridian Road.
  - 305 (318) vph are projected to use the access during the PM peak hour with the RIRO access.
  - 323 vph are projected to use the access during the PM peak hour without the RIRO access.
  - The westbound approach is projected to need a left-turn lane at build-out, which could be accommodated by the ACHD planned improvement on Deer Flat Road.
  - The eastbound approach is not projected to warrant a right-turn lane at build-out.

- The proposed northbound approach is projected to need a separate left-turn lane and a right-turn lane.
- Northbound left-turn traffic from the site is projected to operate at LOS C during PM peak hour **with and without the RIRO access.**
- Traffic on Deer Flat Road is projected to operate with minimal delay.
- The proposed East Meadowview Road on Meridian Road is located and aligned with the existing approach approximately ½ mile south of Deer Flat Road:
  - 230 (232) vph are projected to use the access during PM peak hour **with the RIRO access.**
  - 230 (283) vph are projected to use the access during PM peak hour **without the RIRO access.**
  - The southbound approach is projected to warrant a right-turn lane at build-out.
  - The existing two-way left-turn lane on Meridian Road would accommodate left-turn traffic into the site.
  - The proposed eastbound approach is projected to need one shared lane.
  - Install signs and pavement striping **on Meridian Road.**
  - Install lighting **at the access point.**
  - Ensure stopping sight distance is at least 495 feet.
  - Northbound left-turn traffic from the site is projected to operate at LOS C during PM peak hour.
  - **Eastbound traffic from the site is projected to operate at LOS C during the PM peak hour with and without the RIRO access.**
  - Traffic on Meridian Road is projected to operate with minimal delay.
- The proposed East Profile Street RIRO access on Meridian Road is located approximately 1,100 feet south of Deer Flat Road:
  - 130 (121) vph are projected to use access during PM peak hour.
  - The southbound approach is projected to warrant a right-turn lane at build-out.
  - Install signs and pavement striping **on Meridian Road.**
  - Install lighting **at the access point.**
  - Ensure stopping site distance is at least 495 feet.
  - Eastbound right-turn traffic from the site is projected to operate **at LOS B during the PM peak hour.**
  - **Traffic on Meridian Road is expected to operate with minimal delay.**
- The proposed internal roadways include alleys, local roads, and collector streets
  - The proposed North Chappelle Avenue **is projected to carry 3,645 vpd** adjacent to the commercial area and should be classified as a collector street.
  - The proposed North Abstein Avenue **is projected to carry over 1,000 vpd and** should be classified as a collector street.
  - The proposed East Profile Street is projected to carry over 1,000 vpd **east of North Abstein Avenue and should be classified as a collector street and less than 1,000 vpd west of North Abstein Avenue and should be classified as a local road.**
  - East Meadowview Road is projected to carry **approximately 2,660 vpd** and should be classified as a collector street.
  - All other proposed roadways and alleys in the residential neighborhoods are projected to carry less than 1,000 vpd and should be classified as local roads.
- Sidewalks should be constructed along the site frontage on Meridian Road and Deer Flat Road for pedestrian safety and school route connectivity.
- Bike lanes should be provided on Meridian Road and Deer Flat Road along the site frontage and within the site to accommodate future pedestrians and bicyclists.

- The City of Kuna is planning to have bike/pedestrian paths on Meridian Road and Deer Flat Road. Provisions should be considered on Meridian Road and Deer Flat Road adjacent to the site to accommodate this future bike/pedestrian path.
- At horizon year 2025, the following right-of-way needs may be considered for long-range transportation planning purposes based on a 7.16% annual traffic growth:
  - 7 lanes on Meridian Road north of Deer Flat Road
  - 4 lanes on Deer Flat Road west of Meridian Road
  - 3 lanes on Linder Road south of Deer Flat Road
  - Additional right-of-way may be needed at the intersections for turning lanes and traffic signals

**Staff Comment:** ACHD Traffic Services Staff has analyzed the submitted traffic impact study and determined the following:

- State Highway 69 is a class IV highway with access restrictions at the half mile. Staff recommends that access be granted onto SH-69 at East Meadow View Street (formerly South Driveway), and at East Profile Street (formerly North Driveway), pending approval by City of Kuna and ITD.
- The growth rate for background traffic (7.16%) is likely too high, especially when used for 2026 horizon year traffic.
- Signal control at the intersection of Deer Flat and Linder will likely not be warranted by 2011. It is currently listed on the Capital Improvement Plan to be signalized in 11-20 years.
- North Chappelle Avenue should both be classified as a commercial street where adjacent to commercial uses and as a residential collector where adjacent to residential uses.
- East Meadow View Street should both be classified as a residential collector.

## 2. Meridian Road (SH-69)

**ITD:** This road is under the jurisdiction of ITD. The applicant, the City of Kuna, and ITD should work together to determine if additional right-of-way or improvements are necessary on SH-69, and the appropriate access of East Meadow View Street and East Profile Street onto SH-69.

**Staff Comment:** Per the traffic impact study, at site build-out the following improvements are recommended: right turn lanes are warranted on the southbound approaches of SH-69 to East Profile Street and East Meadow View Street.

## 3. Deer Flat Road

**Right-of-Way Policy:** District policy requires 96-feet of right-of-way on arterial roadways (Figure 72-F1B). This right-of-way allows for the construction of a 5-lane roadway with curb, gutter, 5-foot concrete detached sidewalks and bike lanes.

**Sidewalk Policy:** District policy requires 7-foot wide attached (or 5-foot detached) concrete sidewalk on all collector roadways and arterial roadways (7204.7.2).

**Applicant Proposal:** The applicant has proposed to dedicate 48-feet of right-of-way from the centerline of Deer Flat Road and construct an 8-foot detached concrete sidewalk along Deer Flat Road 41-feet from the centerline. In accordance with the Traffic Impact Study findings, the applicant has not proposed to construct right-turn lanes from Deer Flat Road eastbound into the site's two proposed access points from Deer Flat Road.

**Staff Recommendation:** Staff recommends that the applicant dedicate 48-feet of right-of-way from the centerline of Deer Flat Road and construct a detached concrete sidewalk a minimum of 5-feet in width and no closer than 41-feet from the centerline of Deer Flat Road. The applicant should provide a sidewalk and utilities easement for any portion of the sidewalk that lies outside the right-of-way. Due to the fact that Deer Flat Road only has one eastbound travel lane, staff

recommends that the applicant construct right-turn lanes on the eastbound approaches from Deer Flat Road onto Chappelle Avenue and the commercial drive.

#### 4. Access

**Access Policy:** District policy 7207.8 states that direct access to arterials and collectors is normally restricted. The developer shall try to use combined access points. If the developer can show that the use of a combined access point to a collector or arterial street is impractical, the District may consider direct access points. Access points for proposed developments at intersections should be located as far from the intersection as practical, and in no case closer than as illustrated on Figure 72-F4, unless a waiver for the access point has been approved by the District Commission.

**Offset Policy:** District policy 7204.11.6, requires local roadways to align or offset a minimum of 300-feet from an arterial roadway (measured centerline to centerline).

**Applicant Proposal:** The applicant has proposed to construct four access points from the site onto arterial roadways. The applicant has proposed to construct North Chappelle Avenue as a full-access street onto Deer Flat Road approximately  $\frac{1}{4}$  mile west of SH-69 and a commercial drive as a full access drive onto Deer Flat Road, approximately 600-feet west of SH-69. The applicant has proposed to construct East Profile Street as a **Right-in Only** access street from SH-69 approximately 1,100-feet south of Deer Flat Road and East Meadow View Street as a full access street onto SH-69 abutting the south property line (approximately  $\frac{1}{2}$  mile south of Deer Flat Road).

**Staff Recommendation:** The applicant's proposal for access onto Deer Flat Road meets District policy and should be approved with this application. The applicant should coordinate access of East Profile Street and East Meadow View Street onto SH-69 with ITD. If East Profile Street is approved for a **Right-in Only** access onto SH-69 (Meridian Road), District staff recommends that it be constructed as a driveway and not a public street.

#### 5. East Meadow View Street (formerly South Driveway)

**Residential Collector Policy:** District policy 72-F1A, 7202.3.2 and 7202.3.5, requires that residential collectors be constructed as 36-foot street sections with curb, gutter and 5-foot wide concrete sidewalks with no front-on housing. The access restrictions for these street segments should be stated on the final plat. Unless otherwise noted, parking should be prohibited on these street segments. Coordinate the signage Program with District staff.

**District One-Half Street Policy:** District policy 7203.4.2 states "if a proposed development abuts an unpaved street or streets the developer shall construct one-half of the full street improvements, including curb, gutter and concrete sidewalk plus additional pavement widening beyond the centerline established for the street to provide a minimum 24-foot wide paved surface. A 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff shall be constructed on the unimproved side. This street section shall be constructed within a minimum 40-foot right-of-way."

**Stub Street Policy:** District policy 7203.5.1 states that the street design in a proposed development shall cause no undue hardship to adjoining property. An adequate and convenient access to adjoining property for use in future development may be required. If a street ends at the development boundary, it shall meet the requirements of sub section 7205, "non-continuous streets." District policy 7205.5 states that stub streets will be required to provide intra-neighborhood circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7204.5, 7204.6 and 7204.7, except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

**Driveways/Access:** District policy 7207.8 states that direct access to arterials and collectors is normally restricted. The developer shall try to use combined access points. If the developer

can show that the use of a combined access point to a collector or arterial street is impractical, the District may consider direct access points. Access points for proposed developments at intersections should be located as far from the intersection as practical, and in no case closer than as illustrated on Figure 72-F4, unless a waiver for the access point has been approved by the District Commission. District policy 72-F4 (1) and 72-F4 (2), requires driveways located on collector streets to offset a controlled and/or uncontrolled intersection a minimum of 150-feet (measured near edge to near edge).

**Applicant Proposal:** The applicant has proposed to construct Meadow View Street from SH-69 to the west property line abutting the south property line as a one-half street section consisting of 24-feet of pavement with curb, gutter, and sidewalk on the north side, all within 40-feet of right-of-way. The applicant has proposed to take a driveway access to commercial lots abutting SH-69 approximately 250-feet west of the near edge of SH-69.

**Staff Recommendation:** The applicant's proposal for East Meadow View Street meets District policy and should be approved with this application. The road will need to shift to the north as it approaches the site's west property line, due to the fact that beyond the west property line to the south of the ½ mile, there is already an existing urban subdivision that could not continue the construction of this roadway. The roadway will have to be completed to Kay Avenue as the property to the west of this site develops.

The applicant should construct this road with 24-feet of pavement, vertical curb, gutter, and 5-foot attached sidewalk on the north side and a 3-foot gravel shoulder and adequately sized drainage swale on the south side. The applicant should also install a sign at the west terminus of the street section stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE." East Meadow View Street should be classified as a residential collector its entire length, with front-on housing and on-street parking restricted.

During the technical review meeting between District staff, the applicant, and the City of Kuna, the applicant discussed the possibility of the District allowing a right-in ONLY driveway on East Meadow View Street to serve the future commercial lots along Meridian Road (SH 69). The City of Kuna is requiring any intersection or direct access to East Meadow View Street be located further to the west than originally proposed (to be located 660-feet west of Meridian Road). The proposed lots along North Abstein Avenue and Meridian Road (SH 69) are identified as conceptual commercial lots, but could ultimately be developed as multi-family lots. District staff is supportive of the applicant's proposal for a right-in ONLY commercial driveway on East Meadow View Street to provide access to the lots on Block 16, contingent upon their development as commercial uses and upon the approval of the City of Kuna. The land uses of the lots adjacent to Meridian Road and North Abstein Avenue will have to be approved through the conditional use process, and the District and the City of Kuna will have additional opportunities to review this portion of the development.

## 6. North Chappelle Avenue (formerly West Driveway): Commercial Portion

**Commercial Street Policy:** District policy requires 54-feet of right-of-way on industrial/commercial roadways (Figure 72-F1B). This right-of-way allows for the construction of a 3-lane roadway with curb, gutter and 5-foot wide concrete sidewalks.

**District One-Half Street Policy:** District policy 7203.4.2 states "if a proposed development abuts an unpaved street or streets the developer shall construct one-half of the full street improvements, including curb, gutter and concrete sidewalk plus additional pavement widening beyond the centerline established for the street to provide a minimum 24-feet wide paved surface. A 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff shall be constructed on the unimproved side. This street section shall be constructed within a minimum 40-foot right-of-way."

**Applicant's Proposal:** The applicant has proposed to construct North Chappelle Avenue as a commercial half-street section in 40-feet of right-of-way abutting the west property line for

approximately 1,000-feet south from Deer Flat Road. The applicant has proposed to classify this portion as a collector street.

The applicant's revised site plan continues to show North Chappelle Avenue as a complete 29-foot street section inside 42-feet of right-of-way.

**Staff Recommendation:** The applicant's proposal for the commercial portion of North Chappelle Avenue meets District policy and should be approved with this application.

The applicant should construct the portion of North Chappelle Avenue adjacent the commercial lots as a half-street section, to be completed as a full commercial street when the properties to the west develop.

## 7. North Chappelle Avenue (formerly West Driveway): Residential Portion

**Reduced Local Street Policy:** District policy 7240.4.3 allows a developer to construct a local urban residential street with a reduced width of 29-feet from back-of-curb to back-of-curb with curb, gutter and sidewalk. Policy requires Fire Department approval from use of reduced street sections and restricts parking on reduced street sections.

**Stub Street Policy:** District policy 7203.5.1 states that the street design in a proposed development shall cause no undue hardship to adjoining property. An adequate and convenient access to adjoining property for use in future development may be required. If a street ends at the development boundary, it shall meet the requirements of sub section 7205, "non-continuous streets." District policy 7205.5 states that stub streets will be required to provide intra-neighborhood circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7204.5, 7204.6 and 7204.7, except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

**Traffic Calming:** District policy 7202.2.6 states that the design of local street systems should discourage excessive speeds by using curvilinear alignment and/or breaks in the street system.

**Applicant's Proposal:** The applicant has proposed to construct North Chappelle Avenue as a full local street (36-foot street section within 50-feet of right-of-way) abutting the west property line within the residential portion of the site. North Chappelle will "bow" completely into the site approximately 1,000 feet and 2,000 feet south of Deer Flat Road to provide traffic calming. North Chappelle Avenue will terminate at the south property line as a stub street. The applicant has proposed to classify the residential portion of North Chappelle Avenue as a local street.

The applicant's revised site plan shows North Chappelle Avenue as a complete 29-foot street section inside 42-feet of right-of-way.

**Staff Recommendation:** The applicant's proposal for the residential portion of North Chappelle Avenue meets District policy and should be approved with this application. Additionally, the applicant should install signs at the south terminus of North Chappelle Avenue stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

The residential portion of North Chappelle Avenue is projected to carry 565 vpd at build-out. The applicant's proposal to construct North Chappelle Avenue as a reduced-width residential street meets District policy. Parking may be restricted along this street by the Kuna Fire Department, or as future conditions may warrant.

## 8. North Abstein Avenue

**Local Street Policy:** District policy 7204.4.1 and Figure 72-F1A requires 50-feet of right-of-way on local streets. This right-of-way allows for the construction of a 2-lane roadway with curb, gutter and 5-foot wide concrete sidewalks.

**Commercial Street Policy:** District policy requires 54-feet of right-of-way on industrial/commercial roadways (Figure 72-F1B). This right-of-way allows for the construction of a 3-lane roadway with curb, gutter and 5-foot wide concrete sidewalks.

**Applicant Proposal:** The applicant has proposed to construct North Abstein Avenue as a 36-foot street section with curb, gutter, and sidewalk inside of 50-feet of right-of-way.

**Staff Recommendation:** Staff recommends a modification of policy to allow the applicant to construct North Abstein Avenue as proposed and not as a commercial street section (40-foot section within 54-feet of right-of-way). This recommendation is due to the fact that North Abstein Avenue will only abut commercial lots on the east side, and that residential lots on the west side will be alley-loaded. Staff also recommends that on-street parking be prohibited on the east (commercial) side.

The City of Kuna has indicated that they will require the applicant to shift the proposed intersection of Abstein Avenue with Meadow View Drive to be located no closer than 660-feet from Meridian Road (SH 69), measured centerline to centerline.

The applicant has proposed to realign North Abstein Avenue in accordance with a request from the City of Kuna to offset the nearest intersection on East Meadowview Road from Meridian Road by at least 600-feet.

## 9. Internal Streets

**Right-of-Way Policy:** District policy 7204.4.1 and Figure 72-F1A requires 50-feet of right-of-way on local streets. This right-of-way allows for the construction of a 2-lane roadway with curb, gutter and 5-foot wide concrete sidewalks.

**Stub Street Policy:** District policy 7203.5.1 states that the street design in a proposed development shall cause no undue hardship to adjoining property. An adequate and convenient access to adjoining property for use in future development may be required. If a street ends at the development boundary, it shall meet the requirements of sub section 7205, "non-continuous streets." District policy 7205.5 states that stub streets will be required to provide intra-neighborhood circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7204.5, 7204.6 and 7204.7, except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

**Applicant's Proposal:** The applicant has proposed to construct all internal streets not previously discussed as local streets consisting of 36-foot street section with curb, gutter, and 5-foot attached sidewalk inside 50-feet of right-of-way. The applicant has proposed to classify all internal roads not previously discussed as local streets. The applicant has proposed to construct one stub street in addition to North Chappelle Avenue and East Meadow View Street: East Porter Street, approximately 660-feet north of the south property line.

**Staff Recommendation:** The applicant's proposal for internal streets meets District policy and should be approved with this application. Additionally, the applicant should install signs at the terminus of each street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE." The District reserves the right to require the extension of Landmark, Rainbow, or Hennessy Streets to the west with future development, as it will control contiguous right-of-way to the west property line.

## 10. Alleys

**Access:** Access is allowed to and from a fully improved alley (District policy 7204.10.2). Parking shall be designed so the minimum clear distance from the back of the parking stall to the opposite side of the alley is 22 feet for perpendicular parking. An access to an alley shall be located a minimum of 25 feet from the nearest public street.

**Pavement:** District Policy 7204.10.1 states if the proposed development is not a single family detached residence and it takes access from an alley, the developer will be required to pave the entire width of the right-of-way from the nearest public street to and abutting the development.

**Applicant Proposal:** The applicant has proposed to construct four 25-foot wide alleys; each paved its full width, to provide rear-load access to Blocks 4, 6, 8, and 11.

The applicant's revised site plan calls for alignment of 3 alleys, between blocks 4 and 5, 9 and 10, and 13 and 14, respectively.

**Staff Recommendation:** District staff recommends that the applicant construct the alleys to a maximum width of 20-feet. Additionally, the applicant should align the alleys abutting Blocks 4 and 11 with Stibinite Way or offset them a minimum of 50-feet.

The applicant's revised proposal meets District policy.

## 11. Tree Planters

**Tree Planter Policy:** The District's Tree Planter Width Interim Policy prohibits all trees in planters less than 8-feet in width. policy requires a minimum planter width of 8-feet for class II trees. The policy also requires Class I and Class III trees to provide a minimum planter width of 10-feet.

## 12. Other Access

SH-69 is classified as a principal arterial and Deer Flat Road is classified as a minor arterial. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways and should be noted on the final plat.

## C. Site Specific Conditions of Approval

1. Dedicate 48-feet of right-of-way from the centerline of Deer Flat Road abutting the parcel. The right-of-way purchase and sale agreement and deed must be completed and signed by the applicant prior to scheduling the final plat for signature by the ACHD Commission or prior to issuance of a building permit (or other required permits), whichever occurs first. Allow up to 30 business days to process the right-of-way dedication after receipt of all requested material. The District will purchase the right-of-way which is in addition to existing right-of-way from available Corridor Preservation Funds.
2. Construct a detached concrete sidewalk, a minimum of 5-feet in width and no closer than 41-feet from the centerline of Deer Flat Road along the entire site frontage. Provide a sidewalk and utility easement for any portion of sidewalk that lies outside the right-of-way. Ensure that this sidewalk connects to current or future sidewalk improvements abutting the site along SH-69.
3. Construct East Meadow View Street as a half-street section abutting the length of the south property line within 40-feet of right-of-way, consisting of 24-feet of pavement with vertical curb, gutter, and attached 5-foot sidewalk along the north side and a 3-foot gravel shoulder and adequately sized drainage swale along the south side. Shift the roadway completely into the site (36-foot street section within 50-feet of right-of-way) before it reaches the west property line and allow for the connection of this section with future streets to the west and south. Install a sign at the west terminus of Meadow View Street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
4. Construct North Chappelle Avenue along the commercial portion of the site (approximately 1000-feet south from Deer Flat Road) as one half of a 40-foot commercial-street section abutting the west property line within 40-feet of right-of-way, consisting of 24-feet of pavement with vertical curb, gutter, and attached 5-foot sidewalk along the east side and a 3-foot gravel shoulder and adequately sized drainage swale along the west side.
5. Construct North Chappelle Avenue, abutting the residential portion of the site, as a complete 29-foot street section with vertical curb, gutter, and attached 5-foot sidewalk on each side of the

roadway within 42-feet of right-of-way all the way to the south property line. Allow for the connection of this section with future streets to the south. Install a sign at the south terminus of North Chappelle Avenue stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

6. Construct North Abstein Avenue as a 36-foot street section, with vertical curb, gutter, and attached 5-foot concrete sidewalks on both sides of the roadway within 50-feet of right-of-way.
7. With the exceptions of East Meadow View Street, North Chappelle Avenue, and North Abstein Avenue listed above, construct all internal streets as local residential 36-foot street sections, with rolled curb, gutter, and attached 5-foot concrete sidewalks on both sides of the roadway within 50-feet of right-of-way. Install a sign at the west terminus of East Porter Street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
8. Construct 3 paved alleys, 20-feet in width as proposed in the revised site plan. .
9. Direct lot access to Deer Flat Road (minor arterial), SH-69 (principal arterial) and East Meadow View Street (residential collector) is prohibited and should be noted on the final plat.
10. Only commercial lots will have direct access to Abstein Avenue. Direct lot access to Abstein Avenue from residential lots is prohibited and should be noted on the final plat.
11. Comply with requirements of ITD and City of Kuna for the SH-69 frontage. Submit to the District a letter from ITD regarding said requirements prior to District approval of the final plat or issuance of a building permit (or other required permits), whichever occurs first. Contact the District III Traffic Engineer at 334-8340.
12. Comply with all Standard Conditions of Approval.

## **D. Standard Conditions of Approval**

1. Any existing irrigation facilities shall be relocated outside of the right-of-way.
2. Private sewer or water systems are prohibited from being located within any ACHD roadway or right-of-way.
3. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
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. Comply with the District's Tree Planter Width Interim Policy.
6. 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.
7. All design and construction shall be in accordance with the Ada County Highway District Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Ordinances unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
8. The applicant shall submit revised plans for staff approval, prior to issuance of building permit (or other required permits), which incorporates any required design changes.
9. Construction, use and property development shall be in conformance with all applicable requirements of the Ada County Highway District prior to District approval for occupancy.
10. Payment of applicable road impact fees is required prior to building construction. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.

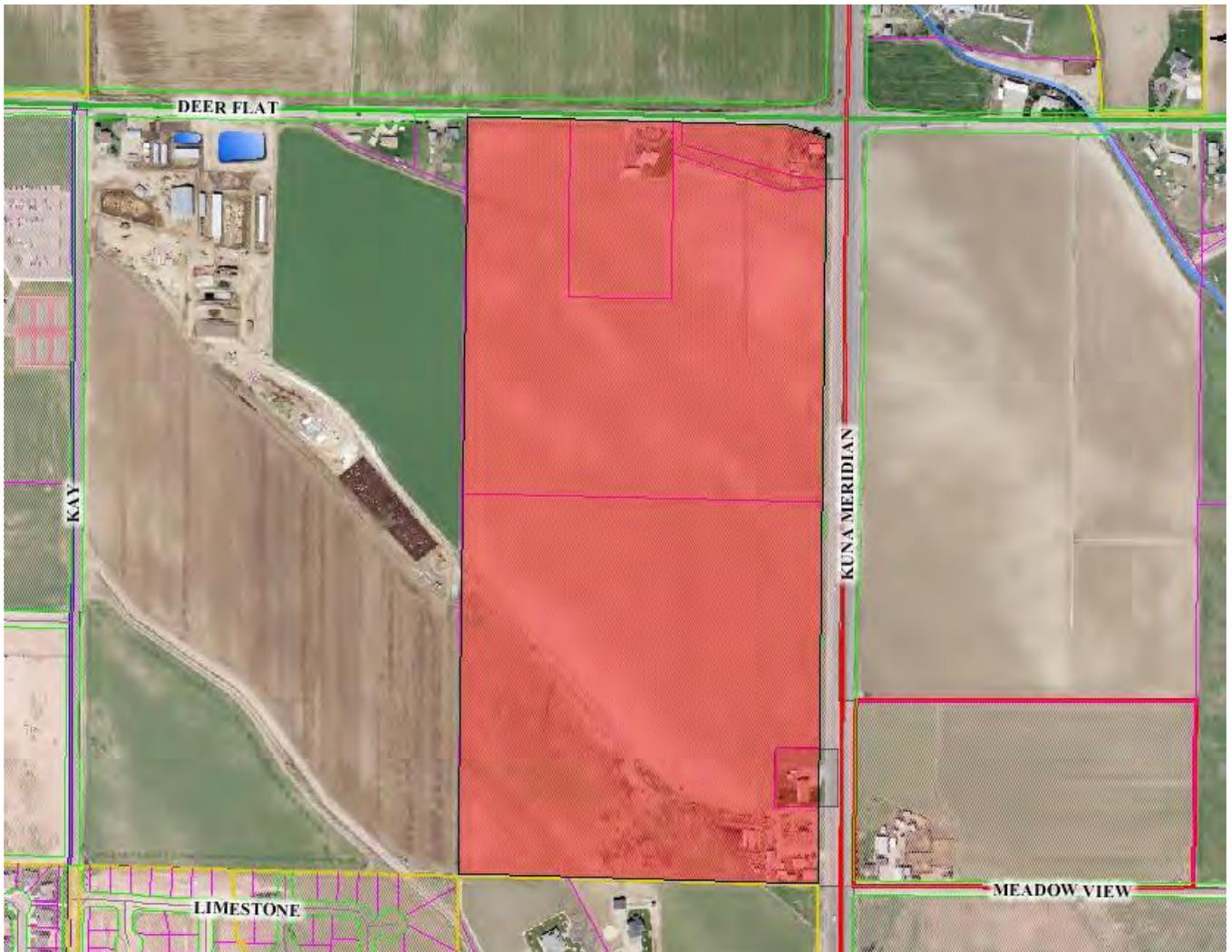
11. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to 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.
12. 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 the Ada County Highway District. The burden shall be upon the applicant to obtain written confirmation of any change from the Ada County Highway District.
13. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the Highway District of its intent to change the planned use of the subject property unless a waiver/variance of said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

## **E. 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.

## **Attachments**

1. Vicinity Map
2. Site Plan
3. Internal Traffic Distribution
4. Utility Coordinating Council
5. Development Process Checklist
6. Request for Reconsideration Guidelines







**RICHARD DURRANT**  
CHAIRMAN OF THE BOARD

**GRAHAM PATERSON**  
VICE CHAIRMAN OF THE BOARD

**TIMOTHY M. PAGE**  
PROJECT MANAGER

**ROBERT D. CARTER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

**JERRI FLOYD**  
ASSISTANT SECRETARY-  
TREASURER

## BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD  
BOISE, IDAHO 83705-3155

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

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

30 May 2014

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

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

RE: CJM,LLP-Mark Ridley  
SWC of W. Deer Flat Rd. and Meridian Rd.  
Boise-Kuna Irrigation District  
Kuna Lateral 128+40  
Sec. 24, T2N, R1W, BM.

**14-01-ZC**

BK-381A1, BK-381A3

Troy Behunin:

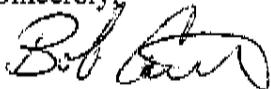
The Boise Project has no objection to the request for Rezone as there are no Project facilities located on the above-mentioned property; however it does in fact possess a valid water right.

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

Whereas this development is in its preliminary stages, Boise Project Board of Control reserves the right to review plans and require changes when our easements and/or facilities are affected by unknown factors.

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

Sincerely,



Bob Carter  
Assistant Project Manager- BPBC

bdc/bc

cc: Phil Comegys      Watermaster, Div; 2 BPBC  
    Lauren Boehlke     Secretary – Treasurer, BKID  
    File

*"To improve the health of our communities by identifying sustainable solutions to community health issues, developing partnerships for implementation of strategies, and demonstrating our success through measurement of outcomes."*

14-0440

June 13, 2014

Christopher D. Rich  
Ada County Recorder  
200 West Front Street  
Boise, ID 83702

RECEIVED

JUN 18 2014

KUNA CITY CLERK

RE: Merrell Family Center Subdivision No. 1

Dear Mr. Rich:

Central District Health Department has reviewed and does approve the final plat for this subdivision for central water and central sewer facilities. Final approval was given June 13, 2014.

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on a review by a Qualified Licensed Professional Engineer (QLPE) representing City of Kuna and the QLPE approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water extensions or sewer extensions were constructed. Building construction can be allowed with appropriate building permits if drinking water extensions or sewer extensions have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities then sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.

*Serving Valley, Elmore, Boise, and Ada Counties*

Ada / Boise County Office  
707 N. Armstrong Pl.  
Boise, ID 83704  
Enviro. Health: 327-7499  
Reproductive Health: 327-7400  
Immunizations: 327-7450  
Senior Nutrition: 327-7460  
WIC: 327-7488  
FAX: 327-8500

Elmore County Office  
520 E. 8th St. North  
Mountain Home, ID 83647  
Enviro. Health: 587-9225  
Family Health: 587-4407  
WIC: 587-4409  
FAX: 587-3521

Valley County Office  
703 N. 1st St.  
McCall, ID 83638  
Ph: 634-7194  
FAX: 634-2174

If you have any questions, please call 327-8517.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori Badigian". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Lori Badigian, R.E.H.S.  
Senior Environmental Health Specialist

cc: CJM, LLLP  
CSHQA  
City of Kuna

LB:bk



May 29, 2014

Troy Behunin  
City of Kuna  
P.O. Box 13,  
Kuna, Idaho 83634 **VIA EMAIL**

**Re: 14-01-ZC – ITD Review Comments**

Dear Mr. Behunin:

The Idaho Transportation Department (ITD) has received the May 27, 2014 transmittal for the zone change for the expanding commercial project west of SH-69 (Meridian Road) and south of Deer Flat Road. ITD has the following review comments:

- State Highway 69 currently carries less than 9,000 vehicle trips per day adjacent to the project site. This is far below the capacity of the roadway. The abutting segments of SH-69 have sufficient capacity to accommodate the site-generated traffic volumes.
- ITD has sufficient right-of-way for the SH-69 corridor to accommodate current long range corridor planning. No additional right-of-way is anticipated from this application.
- ITD controls SH-69 and the intersection with Deer Flat Road. This intersection has sufficient capacity to accommodate the long range traffic forecasts.
- The project site has one permitted approach on SH-69. The conditions of approval included the requirement that this would be the only site access to SH-69.
- A traffic study was originally submitted for this project in 2007. The original traffic data is far out of date and the proposed rezone will increase the amount of site-generated traffic. An updated traffic analysis is not required for the this rezone, but any development application may require an updated traffic analysis.

ITD has the following suggestions for project development:

1. Comply with ITD policies for the previously approved approach location on SH-69.
2. Comply with ITD policies concerning curb, gutter and sidewalk outside the public right-of-way.
3. Comply with ITD policies concerning roadway lighting.
4. Comply with ITD policies concerning outdoor advertising.

ITD has the following requirements for approval of this rezone application:

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1. None.

If you have any questions, you may contact Shona Tonkin at 334.8341 or me at 334-8521.

Sincerely,

A handwritten signature in blue ink that reads "Dave Szplett". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Dave Szplett  
Right of Way Manager  
[dave.szplett@itd.idaho.gov](mailto:dave.szplett@itd.idaho.gov)

**CITY OF KUNA  
REGULAR PLANNING & ZONING COMMISSION**

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**MEETING MINUTES  
Tuesday, July 8th, 2014**

**NOTE:** *These minutes are an unofficial record of this Planning & Zoning meeting until reviewed, corrected (if deemed appropriate), and formally approved by the Kuna Planning & Zoning Commission at a subsequent Planning & Zoning meeting.*

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PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	absent	Wendy Howell, Planning Director	X
Vice-Chair Stephanie Wierschem	X	Troy Behunin, Planner II	absent
Commissioner Dana Hennis	X	Trevor Kesner, Planning Technician	X
Commissioner Cathy Gealy	X		
Commissioner Joan Gay	X		

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

**Call to Order and Roll Call**

Vice Chair Stephanie Wierschem called the meeting to order at **6:01pm**.

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**1. CONSENT AGENDA**

- a. Approval of Planning & Zoning Commission Meeting Minutes for June 24th, 2014
- b. Approval of **14-04-DR: Crimson Point Villas** – Multi-family commercial project  
- Findings of Fact and Conclusions of Law.

*Commissioner Gealy motioned to approve the consent agenda;  
Commissioner Hennis seconds, all aye and motioned carried 4-0.*

**2. NEW BUSINESS:**

- a. None

**3. PUBLIC HEARING**

- a. None

**4. DEPARTMENT REPORTS:**

- a. Wendy Howell, Planning & Zoning Director gave a briefing of building permits issued for the month of June: We issued a total of 40 permits for the month of June. Seven new homes, with a total square footage of seventeen thousand, five hundred ninety, one mechanical commercial, two remodels,

**CITY OF KUNA  
REGULAR PLANNING & ZONING COMMISSION**

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**MEETING MINUTES  
Tuesday, July 8th, 2014**

twenty-six mechanical permits, two fences, two patio covers, one siding and at the next meeting we have two annexations.

C/Hennis: Big property? Big lot size?

Wendy Howell: I'm not sure because I have not looked at them quite yet. I know they are on the next meeting though.

C/Hennis: Ok. Thank you.

**5. CHAIRMAN / COMMISSIONER DISCUSSION:**

a. None

**6. ADJOURNMENT:**

*Commissioner Hennis motions to adjourn at **6:05 pm**; Commissioner Gealy Seconds, all aye and motion carried 4-0.*

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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



# City of Kuna

## P&Z Staff Report

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

**To:** Planning and Zoning Commission

**File Numbers:** 14-01-ZC (Zone Change) Ridley's Family Markets

**Location:** 129 N. School Avenue, Kuna, Idaho

**Planner:** Troy Behunin, Senior Planner

**Hearing date:** July 22, 2014

**Applicant:** CJM, LLP  
Mark Ridley  
621 Washington St. South  
Twin Falls, Idaho 83301  
(208) 320-2070  
[mark@shopsridleys.com](mailto:mark@shopsridleys.com)

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- I. Proposed Findings of Fact
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### A. Course of Proceedings:

1. Kuna City Code 1-14-3 (KCC), states a Rezone is designated as a public hearing, with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

#### a. Notifications

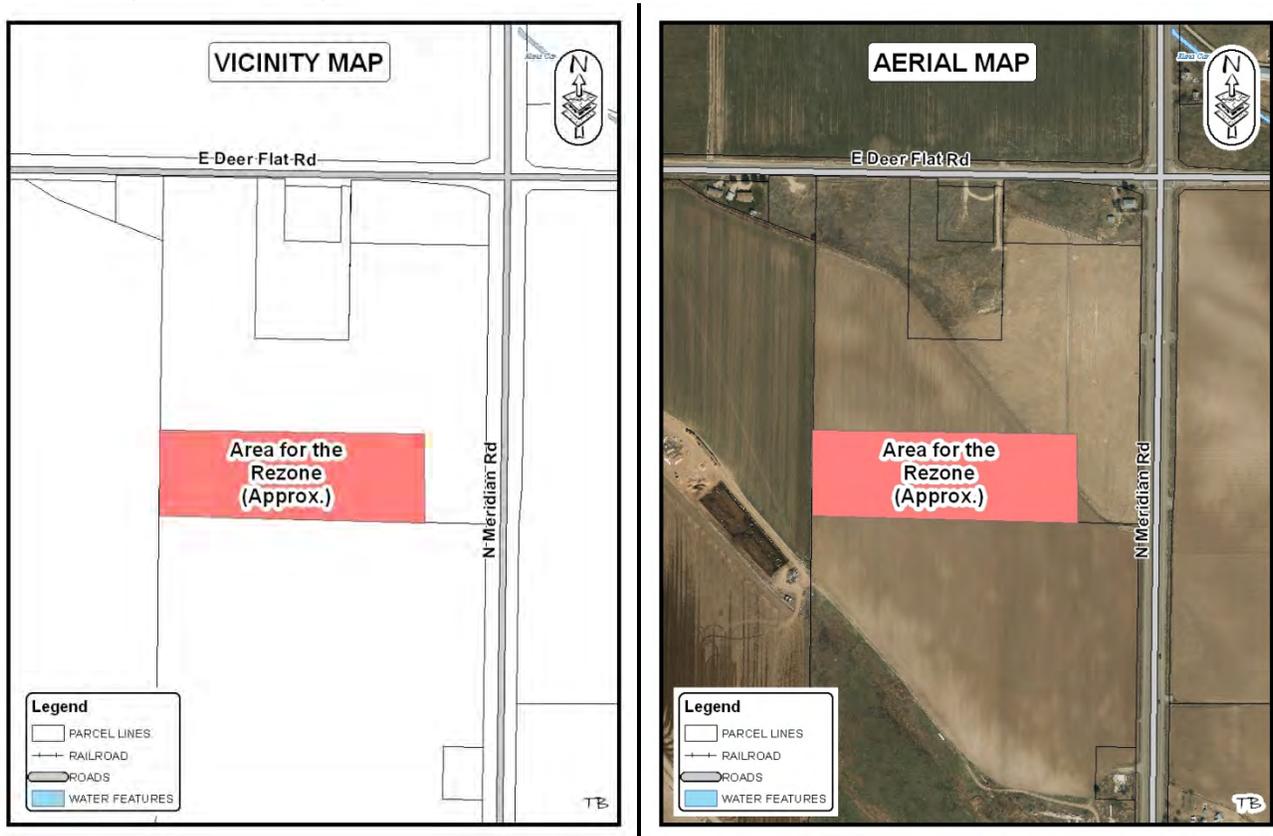
- |                            |                              |
|----------------------------|------------------------------|
| i. Neighborhood Meeting    | May 6, 2014 (Zero Attendees) |
| ii. Agency Comment Request | May 27, 2014                 |
| iii. 300' Property Owners  | July 7, 2014                 |
| iv. Kuna, Melba Newspaper  | July 2, 2014                 |
| v. Site Posted             | July 12, 2014                |
2. Case No. (14-01-ZC – Ridley's Family Markets Rezone), and the supplementary documents for this application are available for review in the Planning and Zoning Department. The public is invited to make arrangements for copies by calling (208) 922-5274, or visiting Planning and Zoning located at 763 W. Avalon Street, Kuna, Idaho, during normal business hours.

**B. Applicants Request:**

**1. Request:**

- Request by Mark Ridley (For CJM, LLP), for a rezone of approximately 7.98 acres located at the southwest corner (SWC) of Deer Flat Road and Highway 69. The is a request to change the current zoning, R-6 (Medium Density Residential) in the City, to C-1 (Neighborhood Business District) within the forth coming Merrill Family Center Commercial subdivision.

**C. Vicinity and Aerial Maps:**



**D. History:**

This site was farmed until the spring of 2013, when construction of a Ridley’s Market and Ace Hardware store began. The store(s) opened in December of 2013 and the property will soon be subdivided to encourage future commercial development on site, however it has not yet been recorded as of today.

The rezone of this part of the property is a condition of approval from earlier land use actions and CJM, LLP is seeking this rezone preparatory to attracting additional commercial business to the City. While there is not a committed party, this rezone will set the stage for commercial development, in the southwest corner of the CJM, LLP property.

**E. General Projects Facts:**

1. **Legal Description:** A legal description was included with the submitted request.
2. **Comprehensive Plan Designation:** The Future Land Use Map (FLU) identifies this site as Medium Density Residential.

3. **Surrounding Land Uses:**

<b>North</b>	RUT	Rural Urban Transition – Ada County
<b>South</b>	R-6	Medium Residential - Kuna City
<b>East</b>	RUT	Rural Urban Transition – Ada County
<b>West</b>	RUT	Rural Urban Transition – Ada County

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

- Parcel Size: 29.39 acres (Approximately)
- Zoning: Neighborhood Commercial District; (C-1)
- Parcel #: S1324110085

5. **Services:**

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

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

The site currently has a combined store, which houses Ridley’s Family Market, and Ace Hardware stores. Pads for future commercial are also available. The vegetation on site is typically associated with a parking lot and commercial business(s) on site.

7. **Transportation / Connectivity:**

The site has frontage along Highway 69 on the east side of the property, and Deer Flat Road on the north side. Future development will add another point of access on the west side.

8. **Environmental Issues:**

Staff is not aware of any environmental issues, health or safety conflicts. This site’s topography is generally flat.

9. **Comprehensive Future Land Use Map:**

The site is identified as Mixed–Use Commercial on Kuna’s Future Land Use Map (FLU). Staff views this proposed land use request to be consistent with the surrounding area land uses and approved FLU map designations.

10. **Agency Responses:**

The following agencies returned comments: City Engineer (Gordon Law, P.E.), Central District Health Department, Ada County Highway District (ACHD), Idaho Transportation Department and Boise Project Board of Control. The responding agency comments are included with this case file.

**Staff Analysis:**

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case # 13-02-ZC, subject to the recommended conditions of approval.

**F. Applicable Standards:**

1. City of Kuna Zoning Ordinance No. 230
2. City of Kuna Comprehensive Plan
3. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act

**G. Comprehensive Plan Analysis:**

The Kuna planning commission accepts the Comprehensive Plan components as described below:

1. The proposed zone change for the site is consistent with the following Comprehensive Plan components:

**GOALS AND POLICIES – Property Rights**

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

Policy 1: As part of a land use action review, the staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criterion established to determine the potential for property taking.

**GOALS AND POLICIES – Economic Development**

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

Policy 1.3: The City will develop a policy to provide incentives and/or assistance in order to competitively attract firms.

**GOALS AND POLICIES – Land Use**

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

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

Policy 2.3: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

**Proposed Findings of Fact:**

1. The site is physically suitable for a commercial use.
2. The commercial use is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
3. The commercial use is not likely to cause adverse public health problems.
4. The commercial use appears to be in compliance with all ordinances and laws of the City.
5. The commercial use appears to not be detrimental to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
6. The existing and proposed street and utility services in proximity to the site are suitable and adequate for commercial purposes.
7. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.

8. The Kuna Planning and Zoning Commission, has the authority to recommend this case be approved or denied, to City Council.
9. The neighborhood meeting was held and the public notice requirements were met.
10. The public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**Proposed Conclusions of Law:**

1. Based on the evidence contained in Case No. 14-01-ZC, Kuna Planning and Zoning Commission finds Case No. 14-01-ZC, complies with Kuna City Code.
2. Based on the evidence contained in Case No. 14-01-ZC, Kuna Planning and Zoning Commission finds Case No. 14-01-ZC, are consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**H. Proposed Recommendation by the Commission:**

Based on the facts outlined in staff's report and the public testimony presented at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends (*approval / denial*) for Case No. **14-01-ZC**, a rezone, request from CJM, LLP (Mark Ridley), (with or without) the following conditions of approval:

**Recommended Conditions of Approval:**

At the time of future development:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
  - a. The City Engineer shall approve the sewer hook-ups.
  - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
  - d. The *Boise-Kuna* Irrigation District shall approval any modifications to the existing irrigation system.
  - e. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District and Idaho Transportation Department. No public street construction may commence without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
  - 2.1- With future development and as necessary, dedicate right-of-way in sufficient amounts to follow City and ACHD standards and widths.
3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see **KCC 6-4-2-W**.
4. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
5. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation

surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation system of the City (KMID).

6. Future lighting within the site shall comply with Kuna City Code.
7. Future parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
8. Future fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted).
9. Future signage within the site shall comply with Kuna City Code.
10. Future required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
11. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
12. Any development will be subject to landscaping and building design reviews, among other land use applications as applicable, at time of future development.
13. Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
14. Developer/Owner/Applicant shall comply with all local, state and federal laws.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2014



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

**Commission & Council Review Application**

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

\*Please submit the appropriate checklist (s) with application

**Type of Review (check all that apply):**

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

For Office Use Only	
File Number (s)	14-01-2C
Project name	Ridleys REZONE
Date Received	
Date Accepted/Complete	
Cross Reference Files	
Commission Hearing Date	
City Council Hearing Date	

**Contact/Applicant Information**

Owners of Record: CJM LLP	Phone Number: 208-324-4633
Address: 621 Washington St S	E-Mail: Mark@shopridleys.ca
City, State, Zip: Twin Falls ID 83301	Fax #: 208-324-1190
Applicant (Developer): Rick Millap	Phone Number:
Address: 5755 Willow Lane	E-Mail: rick.millap@cutconsecorp.com
City, State, Zip: Lake Oswego OR 97035	Fax #: 503-699-1106
Engineer/Representative: Jeff Ward CCHA	Phone Number: 208-343-4635
Address: 200 Broad St	E-Mail: Jeff.ward@schgk.com
City, State, Zip: Boise ID 83702	Fax #: 208-343-1858

**Subject Property Information**

Site Address: 1403 N Meridian Road Kuna ID	
Site Location (Cross Streets): Deer Flat and Meridian Road	
Parcel Number (s): Par H 0085 center of NE 1/4 NE 1/4 S1324110085	
Section, Township, Range: SEC 24 2 N 1 W	
Property size: 12.35 Acres	
Current land use: Bare	Proposed land use: Commercial
Current zoning district: R-6	Proposed zoning district: C-1

RECEIVED

MAY 16 2014

CITY OF KUNA

**Project Description**

Project / subdivision name: Merrell Family Center

General description of proposed project / request: Rezone

Type of use proposed (check all that apply):

Residential \_\_\_\_\_

Commercial \_\_\_\_\_

Office \_\_\_\_\_

Industrial \_\_\_\_\_

Other \_\_\_\_\_

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

**Residential Project Summary (if applicable)**

Are there existing buildings?  Yes  No

Please describe the existing buildings: \_\_\_\_\_

Any existing buildings to remain?  Yes  No

Number of residential units: \_\_\_\_\_ Number of building lots: \_\_\_\_\_

Number of common and/or other lots: \_\_\_\_\_

Type of dwellings proposed:

Single-Family \_\_\_\_\_

Townhouses \_\_\_\_\_

Duplexes \_\_\_\_\_

Multi-Family \_\_\_\_\_

Other \_\_\_\_\_

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

Gross density (DU/acre-total property): \_\_\_\_\_ Net density (DU/acre-excluding roads): \_\_\_\_\_

Percentage of open space provided: \_\_\_\_\_ Acreage of open space: \_\_\_\_\_

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

**Non-Residential Project Summary (if applicable)**

Number of building lots: 5 Other lots: \_\_\_\_\_

Gross floor area square footage: 85296 Existing (if applicable): 55000

Hours of operation (days & hours): 6AM - 11 PM Building height: 22'

Total number of employees: \_\_\_\_\_ Max. number of employees at one time: \_\_\_\_\_

Number and ages of students/children: \_\_\_\_\_ Seating capacity: \_\_\_\_\_

Fencing type, size & location (proposed or existing to remain): \_\_\_\_\_

Proposed Parking:

a. Handicapped spaces: 11 Dimensions: 10x30

b. Total Parking spaces: 573 Dimensions: 10x20

c. Width of driveway aisle: 22'

Proposed Lighting: Per Permit Drawings

Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.): \_\_\_\_\_

Applicant's Signature: [Signature] Date: 4-6-14



*April 06, 2014*

City of Kuna

RE: Merrell Town Center Development

To Whom it May Concern:,

As a representative of CJM, LLP and Ridley's Family Markets, I am submitting for a re zoning of a portion of the current development from residential to commercial.

At the moment there are no conceptual plans we are able to share for this area but the intent is for the development to be used for commercial purposes and bringing more retail services to the community of Kuna.

A handwritten signature in black ink, appearing to read "Mark Ridley".

Mark Ridley  
Ridley's Family Markets-CJM LLP  
Cell 208-320-2070  
[mark@shopridleys.com](mailto:mark@shopridleys.com)

# VICINITY MAP

*Karna Co*



E-Deer Flat Rd

Area for the  
Rezone  
(Approx.)

N-Meridian Rd

**Legend**

- PARCEL LINES
- RAILROAD
- ROADS
- WATER FEATURES

TB

# AERIAL MAP

Karna Co



E Deer Flat Rd

Area for the  
Rezone  
(Approx.)

N Meridian Rd

## Legend

-  PARCEL LINES
-  RAILROAD
-  ROADS
-  WATER FEATURES

TB

**FOX Land Surveys, Inc.**

1515 South Shoshone St. Δ Boise Idaho Δ 83705 Δ 208-342-7957 Δ 208-342-7437 FAX

**REZONE DESCRIPTION**

**A PORTION OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 24,  
TOWNSHIP 2 NORTH, RANGE 1 WEST, BOISE MERIDIAN,  
CITY OF KUNA, ADA COUNTY, IDAHO**

A Portion of The Northeast ¼ of the Northeast ¼ of Section 24, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho, being more particularly described as follows;

1. **COMMENCING** at the found Aluminum Cap Monument marking the Northeast Corner of Section 24, from which the found Aluminum Cap Monument marking the East ¼ Corner thereof bears South 00°46'12" West, a distance of 2,649.29 feet;
2. thence along the easterly boundary of Section 24, South 00°46'12" West, a distance of 1324.65 feet to the north 1/16<sup>th</sup> Corner common to Sections 24 and 19;
3. thence along the north 1/16<sup>th</sup> line of section 24, North 88°36'31" West, a distance of 273.07 feet to its intersection with the current limits of R-6 Zoning as established in Ordinance 2009-12, the **TRUE POINT OF BEGINNING**;
4. thence continuing along the north 1/16<sup>th</sup> line, North 88°36'31" West, a distance of 1039.83 feet to a found 5/8 inch rebar with plastic cap stamped PLS "4998" marking the North-East 1/16<sup>th</sup> Corner of Section 24;
5. thence along the east 1/16<sup>th</sup> line of Section 24, North 00°39'34" East, a distance of 328.81 feet to its intersection with the current limits of R-6 Zoning as established in Ordinance 2009-12;
6. thence along said limits the following courses and distances:
7. South 89°13'48" East, a distance of 1040.41 feet;
8. South 00°46'12" West, a distance of 340.09 feet to the **POINT OF BEGINNING**.

Containing 347,856 square feet (7.985 acres), more or less.  
Any modification of this description shall render it void.  
Refer to the attached sketch titled "REZONE EXHIBIT".

Fox Land Surveys, Inc.  
Thomas A. Judge, Survey Manager, PLS 13934

**END OF DESCRIPTION**

TAJ:taj

W:\PROJECTS\2012\12-056-RIDLEYS-KUNAPROFILERIDGE.PR\PROJECT\FLSI\DOCS\DESCRIPTIONS\1256-REZONE-4-15-14.DOC



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MAY 16 2014

CITY OF KUNA

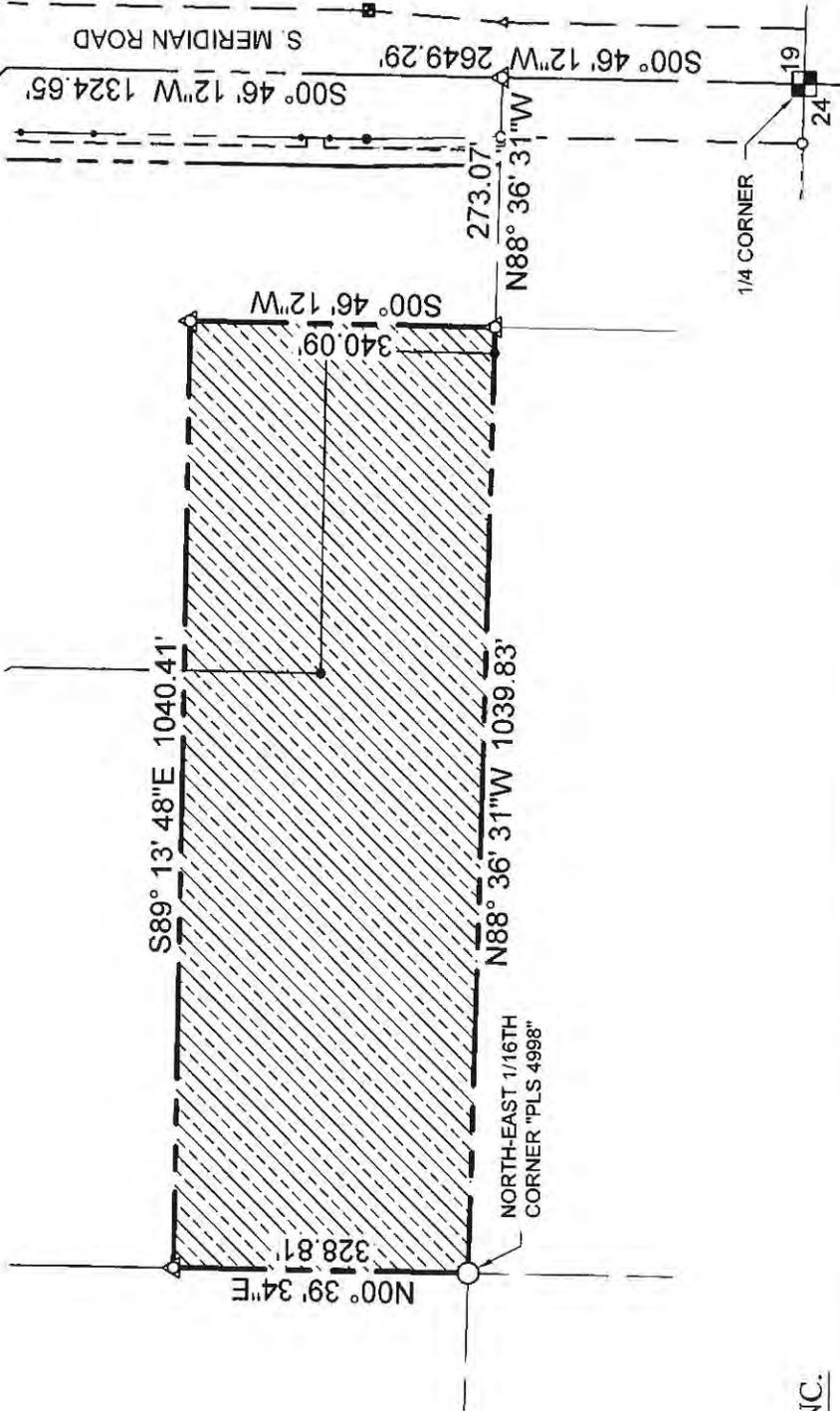
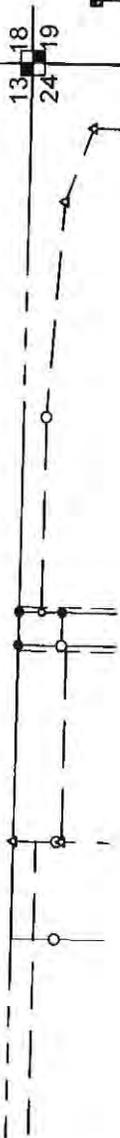


REZONE AREA

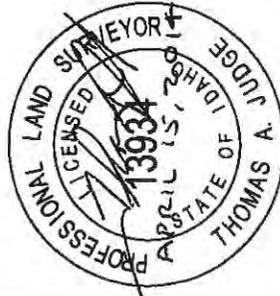
REZONE EXHIBIT

A PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24,  
TOWNSHIP 2 NORTH, RANGE 1 WEST, BOISE MERIDIAN  
CITY OF KUNA, ADA COUNTY, IDAHO

- - - EAST DEER FLAT ROAD



SCALE 1" = 200'



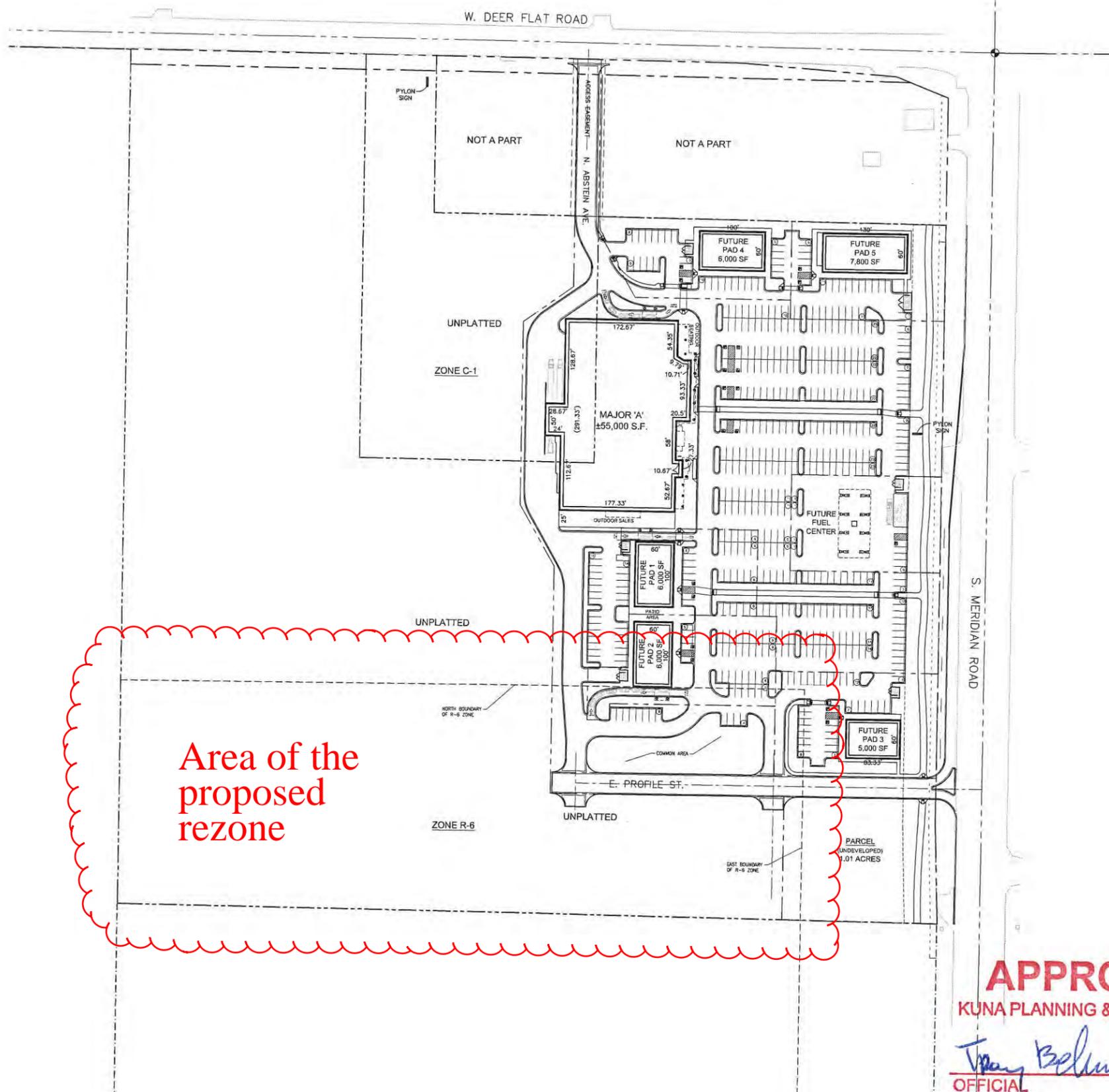
FOX LAND SURVEYS INC.

(208) 342-7957

xxxSKETCH.DWG

# PROFILE RIDGE

## (PHASE 2)



Area of the proposed rezone

- DRAWING INDEX**
- DRC COVER SHEET/OVERALL SITE PLAN
  - DRSP1 DESIGN REVIEW SITE PLAN (NORTH)
  - DRSP2 DESIGN REVIEW SITE PLAN (SOUTH)
  - L1.0 DESIGN REVIEW LANDSCAPE PLAN (WEST)
  - L2.0 DESIGN REVIEW LANDSCAPE PLAN (EAST)
  - DRDP1 DESIGN REVIEW DRAINAGE PLAN (NORTH)
  - DRDP2 DESIGN REVIEW DRAINAGE PLAN (SOUTH)
  - A4.0 EXTERIOR ELEVATIONS (COLOR)
  - A4.1 BUILDING SECTIONS
  - A2.5 ROOF PLAN
  - E1.1 SITE LIGHTING PLAN NORTH
  - E1.2 SITE LIGHTING PLAN SOUTH
  - E1.3 SITE LIGHTING PHOTOMETRICS PLAN
  - L3.0 LANDSCAPE PLAN (COLOR)

PARKING INFORMATION					
BUILDING AND AREA	SITE AREA	PARKING REQUIRED	PARKING PROVIDED	ACCESSIBLE REQUIRED	ACCESSIBLE PROVIDED
MAJOR 'A' ±55,000 S.F. 7.13 ACRES	310,496 S.F.	1/250 = 220	340	7	8
MAJOR 'A1' N/A	33,360 S.F. 0.77 ACRES	1/2 GAS PUMPS = 4	10	1	1
PAD 1 ±6,000 S.F.	25,856 S.F. 0.59 ACRES	1/250 = 24	32	2	2
PAD 2 ±6,000 S.F.	34,917 S.F. 0.80 ACRES	1/250 = 24	37	2	2
PAD 3 ±5,000 S.F.	39,417 S.F. 0.90 ACRES	1/250 = 20	33	2	2
PAD 4 ±6,000 S.F.	32,328 S.F. 0.74 ACRES	1/250 = 24	32	2	2
PAD 5 ±7,800 S.F.	34,362 S.F. 0.79 ACRES	1/300 = 26	29	2	2
ACCESS DRIVES	27,316 S.F. 0.63 ACRES	N/A	N/A	N/A	N/A
<b>TOTAL SITE AREA:</b>	<b>±538,051 S.F.</b> <b>±12.35 ACRES</b>	<b>TOTAL = 342</b>	<b>TOTAL = 513</b> <b>(= 150% OF REQ'D PARKING)</b>	<b>TOTAL = 18</b>	<b>TOTAL = 19</b>

**APPROVED**  
KUNA PLANNING & ZONING DEPT.

*Tracy Belme* **MAR 4, 2013**  
OFFICIAL DATE



**1 OVERALL SITE PLAN**  
SCALE: 1" = 100'  
0 50 100 200 300 400  
SCALE IN FEET

PRELIMINARY  
NOT FOR  
CONSTRUCTION

PATRICIA M. NOBBE, ARCHITECT  
C.W. MOORE PLAZA  
250 S. 5TH ST.  
BOISE, IDAHO  
PHONE: 208-343-4635 FAX: 208-343-1858  
http://www.cshqa.com

**PROFILE RIDGE PHASE 2**  
SWC DEER FLAT RD. & MERIDIAN RD. KUNA, ID

**CSHOA**



PROJECT 12148.000	DATE 11/30/12
DRAWN JT	CHECKED PN

REVISED

SHEET TITLE  
**COVER SHEET/  
OVERALL SITE  
PLAN**

SHEET

**DRC**

ORIGINAL SHEET SIZE  
24" x 36"



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

GORDON N. LAW  
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731  
Email: [gordon@cityofkuna.com](mailto:gordon@cityofkuna.com)

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## MEMORANDUM

TO: Director of Kuna Planning and Zoning

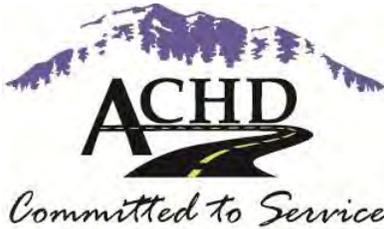
FROM: Gordon N. Law  
Kuna City Engineer

RE: Ridley's Rezone Request  
14-01-ZC

DATE: May 30, 2014

---

It does not appear there are issues relative to the above application that need review by the City Engineer. If this assumption is not correct, please notify me.



John S. Franden, President  
Mitchell A. Jaurena, Vice President  
Rebecca W. Arnold, Commissioner  
Sara M. Baker, Commissioner  
Jim D. Hansen, Commissioner

Date: June 11, 2014  
To: Mark Ridley, via e-mail  
CJM, LLP  
621 Washington St. South  
Twin Falls, ID 83301  
Subject: KUNA14-0004 / K14-01-ZC  
SWC of Deer Flat & Meridian  
Request for a rezone.

On November 7, 2007 the Ada County Highway District approved development applications (K07-04-S, K07-01-AN, K07-03-ZC, K07-03-DA) for Profile Ridge Subdivision. The conditions and requirements also apply to K14-01-ZC. The applicant may be required to update any existing non-compliant pedestrian improvements adjacent to the site to meet current ADA (Americans with Disabilities Act) requirements.

- The applicant shall be required to meet all of the ACHD Standard Conditions of Approval as well as all ACHD Policies and requirements that may apply as noted below.

If you have any questions or concerns please feel free to contact me at (208) 387-6335.

Sincerely,

Austin Miller  
Planning Review Intern  
Development Services

CC: Project File  
City of Kuna, via e-mail

## 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, 7203.6, 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.

## 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 of Highway Systems, 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.



*Committed to Service*

**Project/File:** **Profile Ridge Subdivision (K07-04-S, K07-01-AN, K07-03-ZC, K07-03-DA)**  
*This application is for annexation, rezone, preliminary plat, and development agreement for 159 (137) residential lots and 17 commercial lots (302,100sf commercial) on 75.08 acres.*

**Lead Agency:** City of Kuna

**Site address:** SW corner of Kuna-Meridian (SH-69) and Deer Flat roads

**Commission Approval:** November 7, 2007

*Consent Agenda Item*

*Update: The applicant submitted at Traffic Impact Study update on December 11, 2007, and a revised preliminary plat on January 15, 2008. Notes in red address these changes.*

**Applicant:** Red Cliff Development  
 2060 S. Eagle Road  
 Meridian, Idaho 83642

**Staff Contact:** Matt Edmond  
 Phone: 387-6187  
 E-mail: [medmond@achd.ada.id.us](mailto:medmond@achd.ada.id.us)

**Tech Review:** October 26, 2007

**Application Information:**  
 Acreage: 75.08  
 Current Zoning: RUT (Ada County); A (Kuna)  
 Residential Lots: 159  
 Commercial Lots: 17



## **A. Findings of Fact**

### **Existing Conditions**

1. **Site Information:** The site is currently agricultural.

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

Direction	Land Use	Zoning
North	Agricultural	RUT
South	Single-family residential	RUT
East	Agricultural, proposed Scoria mixed-use development	RUT, A (R-6, C-1 proposed)
West	Agricultural	RUT

3. **Existing Roadway Improvements and Right-of-Way Adjacent To and Near the Site**

- Deer Flat Road is currently improved with 2 traffic lanes, and no curb, gutter, or sidewalk inside of 72-feet of right-of-way abutting the site. Within 300-feet of SH-69, Deer Flat Road is improved to 3 traffic lanes

- Meridian Road (SH-69) is currently improved with 4 traffic lanes, a center turn lane, paved shoulders, and no curb, gutter, or sidewalk abutting the site. Right-of-way varies from 140-feet along the northern half of the site and 120-feet along the southern half. This is a state highway under Idaho Transportation Department (ITD) jurisdiction.
  - The intersection of Deer Flat and SH-69 was signalized this year.
  - Meadow View Street is currently improved with 2 travel lanes and no curb, gutter, or sidewalk in 50-feet of right of way. It aligns with the site’s southern boundary from the east, and was designated a collector by ACHD on 27 June 2007.
  - Kay Road is currently improved with 2 travel lanes and curb, gutter, and sidewalk on its west side in 44-feet of right-of-way.
  - Linder Road is currently improved with 2 travel lanes and detached sidewalk on portions of its west side in 50-to-80-feet of right-of-way.
4. **Existing Access:** Currently, the site has 3 defined access points to Deer Flat Road (approximately 125-feet, 570-feet, and 700-feet west of the near edge of the intersection with SH 69) and 5 defined access points onto SH 69 (approximately 100-feet, 580-feet, 1260-feet, 2220-feet, and 2500-feet south of the intersection with Deer Flat Road).
  5. **Site History:** ACHD has not previously reviewed this site for a development application.
  6. **Adjacent Development:** ACHD reviewed and approved (at the Commission level on 27 June 2007) an application for Scoria Subdivision, adjacent to the southeast portion of the site. Scoria is a proposed development of 4 commercial lots, 68 single-family lots, and 10 common lots on approximately 17.5 acres, located at the northeast corner of Meadow View and SH-69.

**Development Impacts**

7. **Trip Generation:** This development is estimated to generate an additional 12,031 (14,283) vehicle trips per day (1,084 (1,271) vehicles per hour during PM peak hour traffic) based on the submitted traffic impact study.
8. **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.
9. **Traffic Impact Study:** A traffic impact study was required with this application (see Findings for Consideration below).
10. **Impacted Roadways:**

Roadway	Frontage	Functional Classification	Traffic Count	Level of Service*	Speed Limit
Meridian Rd (SH-69)	2,600	Principal Arterial	7,230 south of Deer Flat 2/2007	Established by ITD	55 MPH
Deer Flat Rd	1,250	Minor Arterial	9,072 west of SH-69 4/05/2007	Better than "C"	35 MPH
Meadow View St	N/A	Collector	110 east of SH-69 7/26/2006	Better than "C"	35 MPH
Kay Road	N/A	Collector	2,641 south of Dear Flat 3/14/2006	Better than "C"	
Linder Road	N/A	Minor Arterial	5,924 south of Deer Flat 4/6/2006	Better than "C"	35 MPH

\*Acceptable level of service for State Highways is determined by ITD.  
 \*Acceptable level of service for two-lane minor arterials is "D" (14,000 VTD).  
 \*Acceptable level of service for two-lane collectors is "D" (9,500 VTD).

## 11. Capital Improvements Plan/Five Year Work Plan

Currently, Deer Flat Road is on the Five Year Work Plan to be widened from 2 lanes to 3 lanes between SH-69 and Linder Road in 2008; and the intersection of Deer Flat and Linder roads is in the Capital Improvement Plan to be signalized in 11-20 years.

## **B. Findings for Consideration**

### 1. Traffic Impact Study

**Executive Summary:** Below is an executive summary of the submitted traffic impact study prepared by Stanley Consultants. **The traffic impacts were evaluated based on the land uses and site access proposed in the preliminary site plan. The impacts were also evaluated without the proposed East Profile Street Right-in/Right-out access on Meridian Road. The traffic impact study update for Profile Ridge Subdivision concludes and recommends the following:**

- Profile Ridge is projected to generate an average daily traffic (ADT) of 13,116 (14,283) vehicles per day (vpd), an AM peak hour traffic of 397 (414) vehicles per hour (vph) and a PM peak hour traffic of 1,174 (1,271) vehicles per hour (vph).
- Approximately 11% (126 vph) (9%, 109 vph) of the generated trips are projected to be retained on site during the PM peak hour.
- The proposed commercial uses along Deer Flat Road and Meridian Road are projected to attract approximately 295 (319) vph pass-by traffic during PM peak hour.
- Site traffic is projected to have the following distribution patterns at build-out:
  - Residential Traffic
    - 52% having origins/destinations north of the site
    - 25% having origins/destinations south of the site
    - 20% having origins/destinations west of the site
    - 3% having origins/destinations east of the site
  - Commercial Traffic
    - 40% having origins/destinations north of the site
    - 31% having origins/destinations south of the site
    - 26% having origins/destinations west of the site
    - 3% having origins/destinations east of the site
- Background traffic within the study area was estimated by projecting the existing traffic counts at a 7.16% annual growth rate, which is based on City of Kuna population and household forecast as adopted in the City of Kuna Comprehensive Plan.
- **Traffic impacts were evaluated based on the preliminary site plan with and without the proposed East Profile Street Right-in/Right-out (RIRO) access on Meridian Road:**
  - **The site traffic patterns are not significantly different with and without the RIRO access on Meridian Road.**
  - **The site traffic impacts are slightly different with and without the RIO access on Meridian Road.**
    - **The roadway network within the study area is projected to function slightly better with the RIRO than without the RIRO based on traffic simulation.**
    - **Existing and proposed intersections are projected to operate at about the same Level of Service (LOS) and need the same improvements with and without the RIRO access.**
    - **The average speed on Deer Flat Road segment between Meridian Road and Linder is approximately two mph faster on the westbound direction with the RIRO access than without the RIRO access.**

- The average speed on Meridian Road segment between Dear Flat Road and Meadowview Road is approximately two mph slower on the southbound direction with the RIRO access than without the RIRO access.
- Deer Flat Road & Linder Road intersection is projected to operate as follows during the PM peak hour flow with existing lane configuration and unsignalized intersection control:
  - 2006 Existing : LOS B
  - 2011 Background : LOS D
  - 2011 Background + Site : LOS F (with and without RIRO access)
- Deer Flat Road and Meridian Road intersection is projected to operate as follows during the PM peak hour with existing lane configuration and signalized intersection control:
  - 2006 Existing : LOS B
  - 2011 Background : LOS C
  - 2011 Background + Site : LOS C (with and without RIRO access)
- At build-out year 2011, Meridian Road, Deer Flat Road, and Linder Road are projected to have sufficient capacity to accommodate the traffic growth and site traffic with the existing number of lanes.
- Deer Flat Road is included in ACHD's FYWP to be widened to three lanes from Meridian Road to Ten Mile Road by 2008, and would provide additional capacity and safety adjacent to the site.
- The Deer Flat Road and Linder Road intersection is projected to need improvements to mitigate site traffic impacts:
  - The intersection is projected to meet warrants for a traffic signal under 2011 total traffic conditions.
  - Ada County Highway District (ACHD) is planning to signalize the intersection within the next 11 to 20 years.
  - The intersection is projected to operate at LOS B under 2011 PM peak hour total traffic if signalized.
- The proposed Commercial Access on Deer Flat Road is located approximately 600 feet west of Meridian Road:
  - 477 (496) vph are projected to use the access during the PM peak hour with RIRO access.
  - 561 vph are projected to use the access during the PM peak hour without the RIRO access.
  - The westbound approach is projected to need a left-turn lane at build-out, which could be accommodated by the ACHD planned improvement on Deer Flat Road.
  - The eastbound approach is not projected to warrant a right-turn lane at build-out.
  - The proposed northbound approach is projected to need a separate left-turn lane and a right-turn lane.
  - Northbound left-turn traffic from the site is projected to operate at LOS D during the PM peak hour with RIRO access and LOS E without RIRO access.
  - Traffic on Deer Flat Road is projected to operate with minimal delay.
- The proposed North Chappelle Avenue on Deer Flat Road is located approximately ¼ mile west of Meridian Road.
  - 305 (318) vph are projected to use the access during the PM peak hour with the RIRO access.
  - 323 vph are projected to use the access during the PM peak hour without the RIRO access.
  - The westbound approach is projected to need a left-turn lane at build-out, which could be accommodated by the ACHD planned improvement on Deer Flat Road.
  - The eastbound approach is not projected to warrant a right-turn lane at build-out.

- The proposed northbound approach is projected to need a separate left-turn lane and a right-turn lane.
- Northbound left-turn traffic from the site is projected to operate at LOS C during PM peak hour **with and without the RIRO access.**
- Traffic on Deer Flat Road is projected to operate with minimal delay.
- The proposed East Meadowview Road on Meridian Road is located and aligned with the existing approach approximately ½ mile south of Deer Flat Road:
  - 230 (232) vph are projected to use the access during PM peak hour **with the RIRO access.**
  - 230 (283) vph are projected to use the access during PM peak hour **without the RIRO access.**
  - The southbound approach is projected to warrant a right-turn lane at build-out.
  - The existing two-way left-turn lane on Meridian Road would accommodate left-turn traffic into the site.
  - The proposed eastbound approach is projected to need one shared lane.
  - Install signs and pavement striping **on Meridian Road.**
  - Install lighting **at the access point.**
  - Ensure stopping sight distance is at least 495 feet.
  - Northbound left-turn traffic from the site is projected to operate at LOS C during PM peak hour.
  - **Eastbound traffic from the site is projected to operate at LOS C during the PM peak hour with and without the RIRO access.**
  - Traffic on Meridian Road is projected to operate with minimal delay.
- The proposed East Profile Street RIRO access on Meridian Road is located approximately 1,100 feet south of Deer Flat Road:
  - 130 (121) vph are projected to use access during PM peak hour.
  - The southbound approach is projected to warrant a right-turn lane at build-out.
  - Install signs and pavement striping **on Meridian Road.**
  - Install lighting **at the access point.**
  - Ensure stopping site distance is at least 495 feet.
  - Eastbound right-turn traffic from the site is projected to operate **at LOS B during the PM peak hour.**
  - **Traffic on Meridian Road is expected to operate with minimal delay.**
- The proposed internal roadways include alleys, local roads, and collector streets
  - The proposed North Chappelle Avenue **is projected to carry 3,645 vpd** adjacent to the commercial area and should be classified as a collector street.
  - The proposed North Abstein Avenue **is projected to carry over 1,000 vpd and** should be classified as a collector street.
  - The proposed East Profile Street is projected to carry over 1,000 vpd **east of North Abstein Avenue and should be classified as a collector street and less than 1,000 vpd west of North Abstein Avenue and should be classified as a local road.**
  - East Meadowview Road is projected to carry **approximately 2,660 vpd** and should be classified as a collector street.
  - All other proposed roadways and alleys in the residential neighborhoods are projected to carry less than 1,000 vpd and should be classified as local roads.
- Sidewalks should be constructed along the site frontage on Meridian Road and Deer Flat Road for pedestrian safety and school route connectivity.
- Bike lanes should be provided on Meridian Road and Deer Flat Road along the site frontage and within the site to accommodate future pedestrians and bicyclists.

- The City of Kuna is planning to have bike/pedestrian paths on Meridian Road and Deer Flat Road. Provisions should be considered on Meridian Road and Deer Flat Road adjacent to the site to accommodate this future bike/pedestrian path.
- At horizon year 2025, the following right-of-way needs may be considered for long-range transportation planning purposes based on a 7.16% annual traffic growth:
  - 7 lanes on Meridian Road north of Deer Flat Road
  - 4 lanes on Deer Flat Road west of Meridian Road
  - 3 lanes on Linder Road south of Deer Flat Road
  - Additional right-of-way may be needed at the intersections for turning lanes and traffic signals

**Staff Comment:** ACHD Traffic Services Staff has analyzed the submitted traffic impact study and determined the following:

- State Highway 69 is a class IV highway with access restrictions at the half mile. Staff recommends that access be granted onto SH-69 at East Meadow View Street (formerly South Driveway), and at East Profile Street (formerly North Driveway), pending approval by City of Kuna and ITD.
- The growth rate for background traffic (7.16%) is likely too high, especially when used for 2026 horizon year traffic.
- Signal control at the intersection of Deer Flat and Linder will likely not be warranted by 2011. It is currently listed on the Capital Improvement Plan to be signalized in 11-20 years.
- North Chappelle Avenue should both be classified as a commercial street where adjacent to commercial uses and as a residential collector where adjacent to residential uses.
- East Meadow View Street should both be classified as a residential collector.

## 2. Meridian Road (SH-69)

**ITD:** This road is under the jurisdiction of ITD. The applicant, the City of Kuna, and ITD should work together to determine if additional right-of-way or improvements are necessary on SH-69, and the appropriate access of East Meadow View Street and East Profile Street onto SH-69.

**Staff Comment:** Per the traffic impact study, at site build-out the following improvements are recommended: right turn lanes are warranted on the southbound approaches of SH-69 to East Profile Street and East Meadow View Street.

## 3. Deer Flat Road

**Right-of-Way Policy:** District policy requires 96-feet of right-of-way on arterial roadways (Figure 72-F1B). This right-of-way allows for the construction of a 5-lane roadway with curb, gutter, 5-foot concrete detached sidewalks and bike lanes.

**Sidewalk Policy:** District policy requires 7-foot wide attached (or 5-foot detached) concrete sidewalk on all collector roadways and arterial roadways (7204.7.2).

**Applicant Proposal:** The applicant has proposed to dedicate 48-feet of right-of-way from the centerline of Deer Flat Road and construct an 8-foot detached concrete sidewalk along Deer Flat Road 41-feet from the centerline. In accordance with the Traffic Impact Study findings, the applicant has not proposed to construct right-turn lanes from Deer Flat Road eastbound into the site's two proposed access points from Deer Flat Road.

**Staff Recommendation:** Staff recommends that the applicant dedicate 48-feet of right-of-way from the centerline of Deer Flat Road and construct a detached concrete sidewalk a minimum of 5-feet in width and no closer than 41-feet from the centerline of Deer Flat Road. The applicant should provide a sidewalk and utilities easement for any portion of the sidewalk that lies outside the right-of-way. Due to the fact that Deer Flat Road only has one eastbound travel lane, staff

recommends that the applicant construct right-turn lanes on the eastbound approaches from Deer Flat Road onto Chappelle Avenue and the commercial drive.

#### 4. Access

**Access Policy:** District policy 7207.8 states that direct access to arterials and collectors is normally restricted. The developer shall try to use combined access points. If the developer can show that the use of a combined access point to a collector or arterial street is impractical, the District may consider direct access points. Access points for proposed developments at intersections should be located as far from the intersection as practical, and in no case closer than as illustrated on Figure 72-F4, unless a waiver for the access point has been approved by the District Commission.

**Offset Policy:** District policy 7204.11.6, requires local roadways to align or offset a minimum of 300-feet from an arterial roadway (measured centerline to centerline).

**Applicant Proposal:** The applicant has proposed to construct four access points from the site onto arterial roadways. The applicant has proposed to construct North Chappelle Avenue as a full-access street onto Deer Flat Road approximately  $\frac{1}{4}$  mile west of SH-69 and a commercial drive as a full access drive onto Deer Flat Road, approximately 600-feet west of SH-69. The applicant has proposed to construct East Profile Street as a **Right-in Only** access street from SH-69 approximately 1,100-feet south of Deer Flat Road and East Meadow View Street as a full access street onto SH-69 abutting the south property line (approximately  $\frac{1}{2}$  mile south of Deer Flat Road).

**Staff Recommendation:** The applicant's proposal for access onto Deer Flat Road meets District policy and should be approved with this application. The applicant should coordinate access of East Profile Street and East Meadow View Street onto SH-69 with ITD. If East Profile Street is approved for a **Right-in Only** access onto SH-69 (Meridian Road), District staff recommends that it be constructed as a driveway and not a public street.

#### 5. East Meadow View Street (formerly South Driveway)

**Residential Collector Policy:** District policy 72-F1A, 7202.3.2 and 7202.3.5, requires that residential collectors be constructed as 36-foot street sections with curb, gutter and 5-foot wide concrete sidewalks with no front-on housing. The access restrictions for these street segments should be stated on the final plat. Unless otherwise noted, parking should be prohibited on these street segments. Coordinate the signage Program with District staff.

**District One-Half Street Policy:** District policy 7203.4.2 states "if a proposed development abuts an unpaved street or streets the developer shall construct one-half of the full street improvements, including curb, gutter and concrete sidewalk plus additional pavement widening beyond the centerline established for the street to provide a minimum 24-foot wide paved surface. A 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff shall be constructed on the unimproved side. This street section shall be constructed within a minimum 40-foot right-of-way."

**Stub Street Policy:** District policy 7203.5.1 states that the street design in a proposed development shall cause no undue hardship to adjoining property. An adequate and convenient access to adjoining property for use in future development may be required. If a street ends at the development boundary, it shall meet the requirements of sub section 7205, "non-continuous streets." District policy 7205.5 states that stub streets will be required to provide intra-neighborhood circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7204.5, 7204.6 and 7204.7, except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

**Driveways/Access:** District policy 7207.8 states that direct access to arterials and collectors is normally restricted. The developer shall try to use combined access points. If the developer

can show that the use of a combined access point to a collector or arterial street is impractical, the District may consider direct access points. Access points for proposed developments at intersections should be located as far from the intersection as practical, and in no case closer than as illustrated on Figure 72-F4, unless a waiver for the access point has been approved by the District Commission. District policy 72-F4 (1) and 72-F4 (2), requires driveways located on collector streets to offset a controlled and/or uncontrolled intersection a minimum of 150-feet (measured near edge to near edge).

**Applicant Proposal:** The applicant has proposed to construct Meadow View Street from SH-69 to the west property line abutting the south property line as a one-half street section consisting of 24-feet of pavement with curb, gutter, and sidewalk on the north side, all within 40-feet of right-of-way. The applicant has proposed to take a driveway access to commercial lots abutting SH-69 approximately 250-feet west of the near edge of SH-69.

**Staff Recommendation:** The applicant's proposal for East Meadow View Street meets District policy and should be approved with this application. The road will need to shift to the north as it approaches the site's west property line, due to the fact that beyond the west property line to the south of the ½ mile, there is already an existing urban subdivision that could not continue the construction of this roadway. The roadway will have to be completed to Kay Avenue as the property to the west of this site develops.

The applicant should construct this road with 24-feet of pavement, vertical curb, gutter, and 5-foot attached sidewalk on the north side and a 3-foot gravel shoulder and adequately sized drainage swale on the south side. The applicant should also install a sign at the west terminus of the street section stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE." East Meadow View Street should be classified as a residential collector its entire length, with front-on housing and on-street parking restricted.

During the technical review meeting between District staff, the applicant, and the City of Kuna, the applicant discussed the possibility of the District allowing a right-in ONLY driveway on East Meadow View Street to serve the future commercial lots along Meridian Road (SH 69). The City of Kuna is requiring any intersection or direct access to East Meadow View Street be located further to the west than originally proposed (to be located 660-feet west of Meridian Road). The proposed lots along North Abstein Avenue and Meridian Road (SH 69) are identified as conceptual commercial lots, but could ultimately be developed as multi-family lots. District staff is supportive of the applicant's proposal for a right-in ONLY commercial driveway on East Meadow View Street to provide access to the lots on Block 16, contingent upon their development as commercial uses and upon the approval of the City of Kuna. The land uses of the lots adjacent to Meridian Road and North Abstein Avenue will have to be approved through the conditional use process, and the District and the City of Kuna will have additional opportunities to review this portion of the development.

## 6. North Chappelle Avenue (formerly West Driveway): Commercial Portion

**Commercial Street Policy:** District policy requires 54-feet of right-of-way on industrial/commercial roadways (Figure 72-F1B). This right-of-way allows for the construction of a 3-lane roadway with curb, gutter and 5-foot wide concrete sidewalks.

**District One-Half Street Policy:** District policy 7203.4.2 states "if a proposed development abuts an unpaved street or streets the developer shall construct one-half of the full street improvements, including curb, gutter and concrete sidewalk plus additional pavement widening beyond the centerline established for the street to provide a minimum 24-feet wide paved surface. A 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff shall be constructed on the unimproved side. This street section shall be constructed within a minimum 40-foot right-of-way."

**Applicant's Proposal:** The applicant has proposed to construct North Chappelle Avenue as a commercial half-street section in 40-feet of right-of-way abutting the west property line for

approximately 1,000-feet south from Deer Flat Road. The applicant has proposed to classify this portion as a collector street.

The applicant's revised site plan continues to show North Chappelle Avenue as a complete 29-foot street section inside 42-feet of right-of-way.

**Staff Recommendation:** The applicant's proposal for the commercial portion of North Chappelle Avenue meets District policy and should be approved with this application.

The applicant should construct the portion of North Chappelle Avenue adjacent the commercial lots as a half-street section, to be completed as a full commercial street when the properties to the west develop.

## 7. North Chappelle Avenue (formerly West Driveway): Residential Portion

**Reduced Local Street Policy:** District policy 7240.4.3 allows a developer to construct a local urban residential street with a reduced width of 29-feet from back-of-curb to back-of-curb with curb, gutter and sidewalk. Policy requires Fire Department approval from use of reduced street sections and restricts parking on reduced street sections.

**Stub Street Policy:** District policy 7203.5.1 states that the street design in a proposed development shall cause no undue hardship to adjoining property. An adequate and convenient access to adjoining property for use in future development may be required. If a street ends at the development boundary, it shall meet the requirements of sub section 7205, "non-continuous streets." District policy 7205.5 states that stub streets will be required to provide intra-neighborhood circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7204.5, 7204.6 and 7204.7, except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

**Traffic Calming:** District policy 7202.2.6 states that the design of local street systems should discourage excessive speeds by using curvilinear alignment and/or breaks in the street system.

**Applicant's Proposal:** The applicant has proposed to construct North Chappelle Avenue as a full local street (36-foot street section within 50-feet of right-of-way) abutting the west property line within the residential portion of the site. North Chappelle will "bow" completely into the site approximately 1,000 feet and 2,000 feet south of Deer Flat Road to provide traffic calming. North Chappelle Avenue will terminate at the south property line as a stub street. The applicant has proposed to classify the residential portion of North Chappelle Avenue as a local street.

The applicant's revised site plan shows North Chappelle Avenue as a complete 29-foot street section inside 42-feet of right-of-way.

**Staff Recommendation:** The applicant's proposal for the residential portion of North Chappelle Avenue meets District policy and should be approved with this application. Additionally, the applicant should install signs at the south terminus of North Chappelle Avenue stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

The residential portion of North Chappelle Avenue is projected to carry 565 vpd at build-out. The applicant's proposal to construct North Chappelle Avenue as a reduced-width residential street meets District policy. Parking may be restricted along this street by the Kuna Fire Department, or as future conditions may warrant.

## 8. North Abstein Avenue

**Local Street Policy:** District policy 7204.4.1 and Figure 72-F1A requires 50-feet of right-of-way on local streets. This right-of-way allows for the construction of a 2-lane roadway with curb, gutter and 5-foot wide concrete sidewalks.

**Commercial Street Policy:** District policy requires 54-feet of right-of-way on industrial/commercial roadways (Figure 72-F1B). This right-of-way allows for the construction of a 3-lane roadway with curb, gutter and 5-foot wide concrete sidewalks.

**Applicant Proposal:** The applicant has proposed to construct North Abstein Avenue as a 36-foot street section with curb, gutter, and sidewalk inside of 50-feet of right-of-way.

**Staff Recommendation:** Staff recommends a modification of policy to allow the applicant to construct North Abstein Avenue as proposed and not as a commercial street section (40-foot section within 54-feet of right-of-way). This recommendation is due to the fact that North Abstein Avenue will only abut commercial lots on the east side, and that residential lots on the west side will be alley-loaded. Staff also recommends that on-street parking be prohibited on the east (commercial) side.

The City of Kuna has indicated that they will require the applicant to shift the proposed intersection of Abstein Avenue with Meadow View Drive to be located no closer than 660-feet from Meridian Road (SH 69), measured centerline to centerline.

The applicant has proposed to realign North Abstein Avenue in accordance with a request from the City of Kuna to offset the nearest intersection on East Meadowview Road from Meridian Road by at least 600-feet.

## 9. Internal Streets

**Right-of-Way Policy:** District policy 7204.4.1 and Figure 72-F1A requires 50-feet of right-of-way on local streets. This right-of-way allows for the construction of a 2-lane roadway with curb, gutter and 5-foot wide concrete sidewalks.

**Stub Street Policy:** District policy 7203.5.1 states that the street design in a proposed development shall cause no undue hardship to adjoining property. An adequate and convenient access to adjoining property for use in future development may be required. If a street ends at the development boundary, it shall meet the requirements of sub section 7205, "non-continuous streets." District policy 7205.5 states that stub streets will be required to provide intra-neighborhood circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7204.5, 7204.6 and 7204.7, except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

**Applicant's Proposal:** The applicant has proposed to construct all internal streets not previously discussed as local streets consisting of 36-foot street section with curb, gutter, and 5-foot attached sidewalk inside 50-feet of right-of-way. The applicant has proposed to classify all internal roads not previously discussed as local streets. The applicant has proposed to construct one stub street in addition to North Chappelle Avenue and East Meadow View Street: East Porter Street, approximately 660-feet north of the south property line.

**Staff Recommendation:** The applicant's proposal for internal streets meets District policy and should be approved with this application. Additionally, the applicant should install signs at the terminus of each street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE." The District reserves the right to require the extension of Landmark, Rainbow, or Hennessy Streets to the west with future development, as it will control contiguous right-of-way to the west property line.

## 10. Alleys

**Access:** Access is allowed to and from a fully improved alley (District policy 7204.10.2). Parking shall be designed so the minimum clear distance from the back of the parking stall to the opposite side of the alley is 22 feet for perpendicular parking. An access to an alley shall be located a minimum of 25 feet from the nearest public street.

**Pavement:** District Policy 7204.10.1 states if the proposed development is not a single family detached residence and it takes access from an alley, the developer will be required to pave the entire width of the right-of-way from the nearest public street to and abutting the development.

**Applicant Proposal:** The applicant has proposed to construct four 25-foot wide alleys; each paved its full width, to provide rear-load access to Blocks 4, 6, 8, and 11.

The applicant's revised site plan calls for alignment of 3 alleys, between blocks 4 and 5, 9 and 10, and 13 and 14, respectively.

**Staff Recommendation:** District staff recommends that the applicant construct the alleys to a maximum width of 20-feet. Additionally, the applicant should align the alleys abutting Blocks 4 and 11 with Stibinite Way or offset them a minimum of 50-feet.

The applicant's revised proposal meets District policy.

## 11. Tree Planters

**Tree Planter Policy:** The District's Tree Planter Width Interim Policy prohibits all trees in planters less than 8-feet in width. policy requires a minimum planter width of 8-feet for class II trees. The policy also requires Class I and Class III trees to provide a minimum planter width of 10-feet.

## 12. Other Access

SH-69 is classified as a principal arterial and Deer Flat Road is classified as a minor arterial. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways and should be noted on the final plat.

## C. Site Specific Conditions of Approval

1. Dedicate 48-feet of right-of-way from the centerline of Deer Flat Road abutting the parcel. The right-of-way purchase and sale agreement and deed must be completed and signed by the applicant prior to scheduling the final plat for signature by the ACHD Commission or prior to issuance of a building permit (or other required permits), whichever occurs first. Allow up to 30 business days to process the right-of-way dedication after receipt of all requested material. The District will purchase the right-of-way which is in addition to existing right-of-way from available Corridor Preservation Funds.
2. Construct a detached concrete sidewalk, a minimum of 5-feet in width and no closer than 41-feet from the centerline of Deer Flat Road along the entire site frontage. Provide a sidewalk and utility easement for any portion of sidewalk that lies outside the right-of-way. Ensure that this sidewalk connects to current or future sidewalk improvements abutting the site along SH-69.
3. Construct East Meadow View Street as a half-street section abutting the length of the south property line within 40-feet of right-of-way, consisting of 24-feet of pavement with vertical curb, gutter, and attached 5-foot sidewalk along the north side and a 3-foot gravel shoulder and adequately sized drainage swale along the south side. Shift the roadway completely into the site (36-foot street section within 50-feet of right-of-way) before it reaches the west property line and allow for the connection of this section with future streets to the west and south. Install a sign at the west terminus of Meadow View Street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
4. Construct North Chappelle Avenue along the commercial portion of the site (approximately 1000-feet south from Deer Flat Road) as one half of a 40-foot commercial-street section abutting the west property line within 40-feet of right-of-way, consisting of 24-feet of pavement with vertical curb, gutter, and attached 5-foot sidewalk along the east side and a 3-foot gravel shoulder and adequately sized drainage swale along the west side.
5. Construct North Chappelle Avenue, abutting the residential portion of the site, as a complete 29-foot street section with vertical curb, gutter, and attached 5-foot sidewalk on each side of the

roadway within 42-feet of right-of-way all the way to the south property line. Allow for the connection of this section with future streets to the south. Install a sign at the south terminus of North Chappelle Avenue stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

6. Construct North Abstein Avenue as a 36-foot street section, with vertical curb, gutter, and attached 5-foot concrete sidewalks on both sides of the roadway within 50-feet of right-of-way.
7. With the exceptions of East Meadow View Street, North Chappelle Avenue, and North Abstein Avenue listed above, construct all internal streets as local residential 36-foot street sections, with rolled curb, gutter, and attached 5-foot concrete sidewalks on both sides of the roadway within 50-feet of right-of-way. Install a sign at the west terminus of East Porter Street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
8. Construct 3 paved alleys, 20-feet in width as proposed in the revised site plan. .
9. Direct lot access to Deer Flat Road (minor arterial), SH-69 (principal arterial) and East Meadow View Street (residential collector) is prohibited and should be noted on the final plat.
10. Only commercial lots will have direct access to Abstein Avenue. Direct lot access to Abstein Avenue from residential lots is prohibited and should be noted on the final plat.
11. Comply with requirements of ITD and City of Kuna for the SH-69 frontage. Submit to the District a letter from ITD regarding said requirements prior to District approval of the final plat or issuance of a building permit (or other required permits), whichever occurs first. Contact the District III Traffic Engineer at 334-8340.
12. Comply with all Standard Conditions of Approval.

## **D. Standard Conditions of Approval**

1. Any existing irrigation facilities shall be relocated outside of the right-of-way.
2. Private sewer or water systems are prohibited from being located within any ACHD roadway or right-of-way.
3. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
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. Comply with the District's Tree Planter Width Interim Policy.
6. 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.
7. All design and construction shall be in accordance with the Ada County Highway District Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Ordinances unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
8. The applicant shall submit revised plans for staff approval, prior to issuance of building permit (or other required permits), which incorporates any required design changes.
9. Construction, use and property development shall be in conformance with all applicable requirements of the Ada County Highway District prior to District approval for occupancy.
10. Payment of applicable road impact fees is required prior to building construction. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.

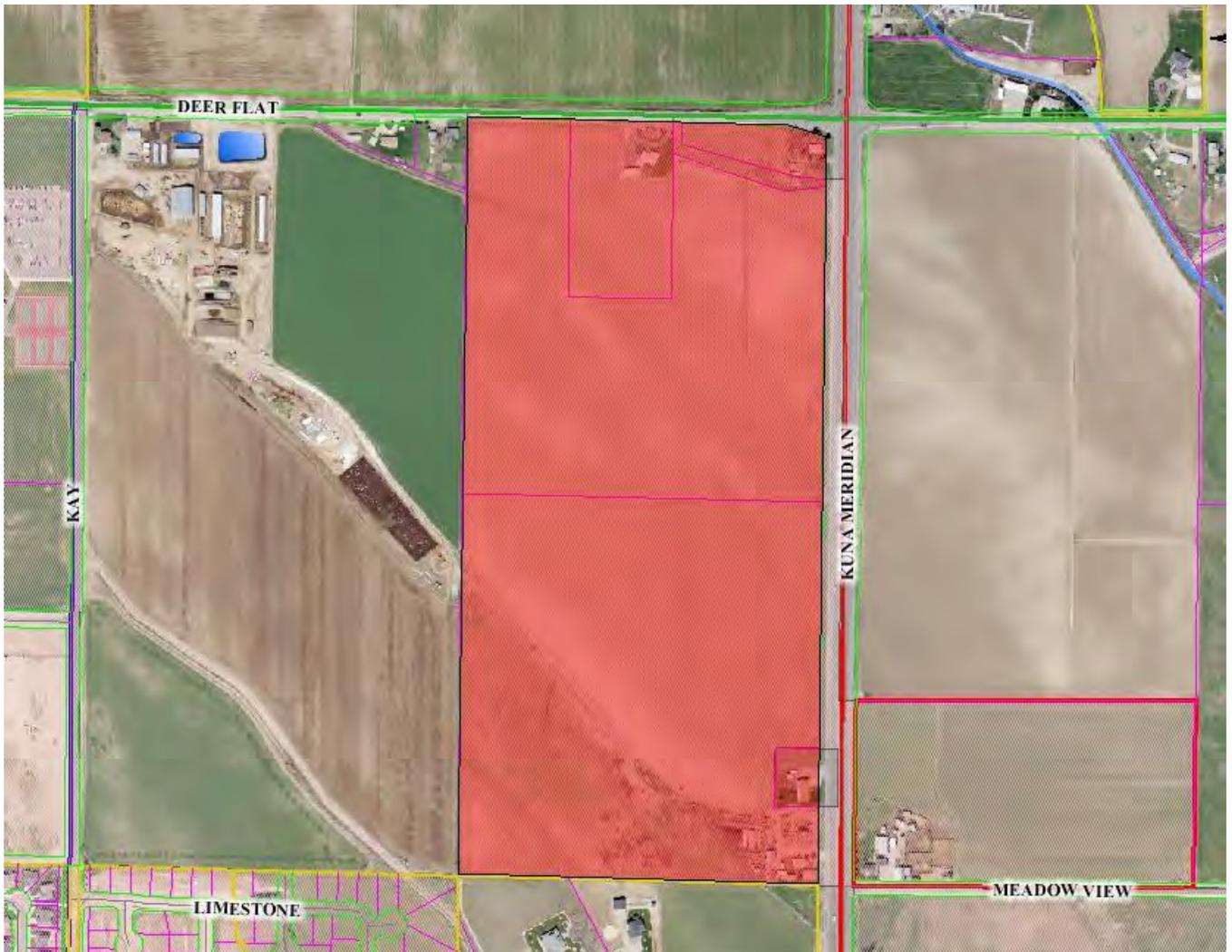
11. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to 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.
12. 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 the Ada County Highway District. The burden shall be upon the applicant to obtain written confirmation of any change from the Ada County Highway District.
13. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the Highway District of its intent to change the planned use of the subject property unless a waiver/variance of said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

## **E. 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.

## **Attachments**

1. Vicinity Map
2. Site Plan
3. Internal Traffic Distribution
4. Utility Coordinating Council
5. Development Process Checklist
6. Request for Reconsideration Guidelines







**RICHARD DURRANT**  
CHAIRMAN OF THE BOARD

**GRAHAM PATERSON**  
VICE CHAIRMAN OF THE BOARD

**TIMOTHY M. PAGE**  
PROJECT MANAGER

**ROBERT D. CARTER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

**JERRI FLOYD**  
ASSISTANT SECRETARY-  
TREASURER

## BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD  
BOISE, IDAHO 83705-3155

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

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

30 May 2014

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

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

RE: CJM,LLP-Mark Ridley  
SWC of W. Deer Flat Rd. and Meridian Rd.  
Boise-Kuna Irrigation District  
Kuna Lateral 128+40  
Sec. 24, T2N, R1W, BM.

**14-01-ZC**

BK-381A1, BK-381A3

Troy Behunin:

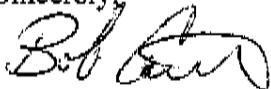
The Boise Project has no objection to the request for Rezone as there are no Project facilities located on the above-mentioned property; however it does in fact possess a valid water right.

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

Whereas this development is in its preliminary stages, Boise Project Board of Control reserves the right to review plans and require changes when our easements and/or facilities are affected by unknown factors.

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

Sincerely,



Bob Carter  
Assistant Project Manager- BPBC

bdc/bc

cc: Phil Comegys      Watermaster, Div; 2 BPBC  
    Lauren Boehlke     Secretary – Treasurer, BKID  
    File

*"To improve the health of our communities by identifying sustainable solutions to community health issues, developing partnerships for implementation of strategies, and demonstrating our success through measurement of outcomes."*

14-0440

June 13, 2014

Christopher D. Rich  
Ada County Recorder  
200 West Front Street  
Boise, ID 83702

RECEIVED

JUN 18 2014

KUNA CITY CLERK

RE: Merrell Family Center Subdivision No. 1

Dear Mr. Rich:

Central District Health Department has reviewed and does approve the final plat for this subdivision for central water and central sewer facilities. Final approval was given June 13, 2014.

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on a review by a Qualified Licensed Professional Engineer (QLPE) representing City of Kuna and the QLPE approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water extensions or sewer extensions were constructed. Building construction can be allowed with appropriate building permits if drinking water extensions or sewer extensions have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities then sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.

*Serving Valley, Elmore, Boise, and Ada Counties*

Ada / Boise County Office  
707 N. Armstrong Pl.  
Boise, ID 83704  
Enviro. Health: 327-7499  
Reproductive Health: 327-7400  
Immunizations: 327-7450  
Senior Nutrition: 327-7460  
WIC: 327-7488  
FAX: 327-8500

Elmore County Office  
520 E. 8th St. North  
Mountain Home, ID 83647  
Enviro. Health: 587-9225  
Family Health: 587-4407  
WIC: 587-4409  
FAX: 587-3521

Valley County Office  
703 N. 1st St.  
McCall, ID 83638  
Ph: 634-7194  
FAX: 634-2174

If you have any questions, please call 327-8517.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori Badigian". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Lori Badigian, R.E.H.S.  
Senior Environmental Health Specialist

cc: CJM, LLLP  
CSHQA  
City of Kuna

LB:bk



May 29, 2014

Troy Behunin  
City of Kuna  
P.O. Box 13,  
Kuna, Idaho 83634 **VIA EMAIL**

**Re: 14-01-ZC – ITD Review Comments**

Dear Mr. Behunin:

The Idaho Transportation Department (ITD) has received the May 27, 2014 transmittal for the zone change for the expanding commercial project west of SH-69 (Meridian Road) and south of Deer Flat Road. ITD has the following review comments:

- State Highway 69 currently carries less than 9,000 vehicle trips per day adjacent to the project site. This is far below the capacity of the roadway. The abutting segments of SH-69 have sufficient capacity to accommodate the site-generated traffic volumes.
- ITD has sufficient right-of-way for the SH-69 corridor to accommodate current long range corridor planning. No additional right-of-way is anticipated from this application.
- ITD controls SH-69 and the intersection with Deer Flat Road. This intersection has sufficient capacity to accommodate the long range traffic forecasts.
- The project site has one permitted approach on SH-69. The conditions of approval included the requirement that this would be the only site access to SH-69.
- A traffic study was originally submitted for this project in 2007. The original traffic data is far out of date and the proposed rezone will increase the amount of site-generated traffic. An updated traffic analysis is not required for the this rezone, but any development application may require an updated traffic analysis.

ITD has the following suggestions for project development:

1. Comply with ITD policies for the previously approved approach location on SH-69.
2. Comply with ITD policies concerning curb, gutter and sidewalk outside the public right-of-way.
3. Comply with ITD policies concerning roadway lighting.
4. Comply with ITD policies concerning outdoor advertising.

ITD has the following requirements for approval of this rezone application:

---

1. None.

If you have any questions, you may contact Shona Tonkin at 334.8341 or me at 334-8521.

Sincerely,

A handwritten signature in blue ink that reads "Dave Szplett". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Dave Szplett  
Right of Way Manager  
[dave.szplett@itd.idaho.gov](mailto:dave.szplett@itd.idaho.gov)



# City of Kuna

## P&Z Staff Report

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

**To:** Planning and Zoning Commission

**Case Number(s):** 14-02-AN (Annexation) 14-03-DA (Development Agreement) and 14-01-LS (Lot Split)  
*Kirkpatrick Annexation*

**Location:** 2021 W. Ardell Road  
Kuna, Idaho 83634

**Planner:** Troy Behunin, Senior Planner

**Hearing Date:** July 22, 2014

**Applicant:** Mark and Yvonne Kirkpatrick  
2021 W. Ardell Road  
Kuna, Idaho 83634  
208.922.1942  
[ymkirk@gmail.com](mailto:ymkirk@gmail.com)

### Table of Contents:

- A. Course Proceedings
- B. Applicants Request
- C. Vicinity and Aerial Maps
- D. History
- E. General Project Facts
- F. Staff Analysis
- G. Applicable Standards
- H. Comprehensive Plan Analysis
- I. Proposed Findings of Fact
- J. Proposed Conclusions of Law
- K. Proposed Decision by the Commission

### A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states annexation and a development agreement is designated as a public hearing, with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

#### a. Notifications

- |                           |                                       |
|---------------------------|---------------------------------------|
| i. Neighborhood Meeting   | February 20, 2014 (3 people attended) |
| ii. Agencies              | March 27, 2014                        |
| iii. 300' Property Owners | July 7 2014                           |
| iv. Kuna, Melba Newspaper | July 2, 2014                          |
| v. Site Posted            | July 12, 2014                         |

### B. Applicants Request:

#### 1. Request:

Applicant requests approval to annex approximately 6.8 acres into the City limits and to split the existing parcel into two parcels. Applicant requests the Agriculture zone (Ag) for parcel one (approx.

1.3 acres), where the applicant will continue to grow crops and live. Applicant seeks an R-6 (Medium Density) zone for parcel two (approx. 5.5 acres) and hopes to attract a subdivision developer in the future. Until such time, it is anticipated the two will continue enjoying its existing agricultural uses, just in the City limits. Applicant is aware a development agreement will be recorded to guide all future development.

**C. Vicinity and Aerial Maps:**



**D. History:** The parcel is adjacent to the City limits and is currently zoned RUT (Rural Urban Transition) and contains a home, out buildings and the majority of the lands are currently farmed. This parcel has historically been farmed.

**E. General Projects Facts:**

1. **Comprehensive Plan Designation:** The Future Land Use Map (FLU) identifies this site as Medium Density Residential. Staff views this land use request to be consistent with the approved FLU map.

2. **Surrounding Land Uses:**

<b>North</b>	RR	Rural Residential – Ada County
<b>South</b>	R-3	Low Density Residential – Kuna City
<b>East</b>	RUT	Rural Urban Transition – Ada County
<b>West</b>	R-6	Medium Density Residential – Kuna City

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

- Approx. 6.8 total acres

- RUT, Rural Urban Transition
- Parcel # - S1315427807

4. **Services:**

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

5. **Existing Structures, Vegetation and Natural Features:** Currently there is a home where the applicant lives and a couple of out buildings. The site has been used for agriculture activities and it is anticipated it will continue its historic uses on both parcels, until the larger parcel is developed in the future.
6. **Transportation / Connectivity:** The existing access for the parcel is off Ardell Road. This site will be required to provide connections to existing stubs when development occurs along with a possible connection to Ardell Road for the future subdivision.
7. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts. This site’s topography is generally flat.
8. **Agency Responses:** The following agencies returned comments: City Engineer (Gordon Law, P.E.), Central District Health Department, Ada County Highway District (ACHD), Department of Environmental Quality (DEQ) and Boise Project Board of Control. The responding agency comments are included as exhibits with this case file.

F. **Staff Analysis:**

This site is located near the southwest corner (SWC) of Ten Mile & Ardell Roads and near Crimson Point North and Crimson Point Subdivisions. Applicant requests to annex into the City and split the parcel into two. Parcel one will be approx. 1.3 acres in size and an existing residence will remain on it which will rely on a septic tank & well for now. The remaining 5.5 acres has been historically farmed and it is anticipated those uses will continue. In the future, those 5.5 acres will likely be developed into a subdivision.

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and Kuna Comprehensive Plan; and forwards a recommendation of approval for Case #'s 14-02-AN, 14-03-DA and 14-01-LS, subject to the recommended conditions of approval.

G. **Applicable Standards:**

1. City of Kuna Zoning Ordinance No. 230, 546 and 570,
2. City of Kuna Subdivision Ordinance No. 2012-18, Title 5 Zoning Regulations,
3. City of Kuna Comprehensive Plan and Future Land Use Map,
4. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

H. **Comprehensive Plan Analysis:**

The Kuna Planning and Zoning Commission, accepts the Comprehensive Plan components as described below.

1. The proposed applications for this site are consistent with the following Comprehensive Plan components:

**GOALS AND POLICY – Property Rights**

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

Policy 1: As part of a land use action review, the staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criterion established to determine the potential for property taking.

**GOALS AND POLICY – Economic Development**

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

Policy 1.3: The City will develop a policy to provide incentives and/or assistance in order to competitively attract firms.

**GOALS AND POLICY – Land Use**

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

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

Policy 2.3: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

**I. Proposed Findings of Fact:**

1. This request appears to be in compliance with all ordinances and laws of the City and appears to be consistent with Kuna City Code (KCC).
2. The use appears to meet the general objectives of Kuna’s Comprehensive Plan.
3. The site is physically suitable for a subdivision.
4. The annexation and subdivision uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. The annexation application is not likely to cause adverse public health problems.
6. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
7. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.
8. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.
9. Based on the evidence contained in Case No.s 14-02-AN, 14-03-DA and 14-01-LS, this proposal appears to comply with the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map (FLU).
10. The Planning and Zoning Commission has the authority to recommend approval or denial for these applications.
11. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**J. Proposed Conclusions of Law:**

1. Based on the evidence contained in Case No.s 14-02-AN and 14-03-DA, the Kuna Planning and Zoning Commission finds Case No.s 14-02-AN and 14-03-DA comply with Kuna City Code.
2. Based on the evidence contained in Case No.s 14-02-AN and 14-03-DA, the Kuna Planning and Zoning Commission finds Case No.s 14-02-AN and 14-03-DA, are consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**K. Proposed Decision by the Planning and Zoning Commission:**

*Note: This proposed motion is for approval or denial of this request. However, if the Commission wishes to approve or deny specific parts of the request as detailed in this report, they must be specified.*

Based on the facts outlined in staff's report and the public testimony at the public hearing the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval/denial* of Case No.s 14-02-AN, 14-03-DA and 14-01-LS, a request for annexation and development agreement from Mark And Yvonne Kirkpatrick, with the following conditions of approval:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
  - a. The City Engineer shall approve the sewer hook-ups.
  - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
  - d. The *Boise-Kuna* Irrigation District shall approval any modifications to the existing irrigation system.
  - e. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District and Idaho Transportation Department. No public street construction may be commenced without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
  - 2.1- With future development and as necessary, dedicate right-of-way in sufficient amounts to follow City and ACHD standards and widths.
3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see **KCC 6-4-2-W**.
4. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
5. Future lighting within the site shall comply with Kuna City Code as stated in KCC 5-9-5-B.
6. Future parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
7. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise).
8. Future signage within the site shall comply with Kuna City Code (A sign permit is required prior to sign construction).

9. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
10. Submit a petition to the City (if necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation system of the City (KMID).
11. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Council, or seek amending them through public hearing processes.
12. The applicant's future landscape plan shall be considered a binding site plan, or as modified by the Commission through DRC.
13. Any future development is subject to landscaping design review, among other land use applications as applicable, at time of development. The entire site will also be subject to the same.
14. Applicant shall follow all staff, City engineer and other agency recommended requirements as applicable.
15. Developer shall comply with all local, state and federal laws.

DATED this \_\_\_\_ day of 2014,



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

**Commission & Council Review Application**

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

\*Please submit the appropriate checklist (s) with application

For Office Use Only	
File Number (s)	14-02-AN, 14-03-Da, 14-01-LS
Project name	Kirkpatrick Annex
Date Received	
Date Accepted/ Complete	
Cross Reference Files	
Commission Hearing Date	22 July 2014
City Council Hearing Date	

**Type of Review (check all that apply):**

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

**Contact/Applicant Information**

Owners of Record: <u>MARK &amp; YVONNE KIRKPATRICK</u>	Phone Number: <u>208-922-1942</u>
Address: <u>2021 W ARDELL</u>	E-Mail: <u>ymkirk@gmail.com</u>
City, State, Zip: <u>KUNA ID 83634</u>	Fax #: _____
Applicant (Developer): _____	Phone Number: _____
Address: _____	E-Mail: _____
City, State, Zip: _____	Fax #: _____
Engineer/Representative: _____	Phone Number: _____
Address: _____	E-Mail: _____
City, State, Zip: _____	Fax #: _____

**Subject Property Information**

Site Address: <u>2021 W ARDELL KUNA ID 83634</u>
Site Location (Cross Streets): <u>W ARDELL &amp; N MCCLURE LANE</u>
Parcel Number (s): <u>S1315427807</u>
Section, Township, Range: <u>2N1W15</u>
Property size: <u>6.8 acres</u>
Current land use: <u>Residential/Agriculture</u> Proposed land use: <u>No change</u>
Current zoning district: <u>RUT</u> Proposed zoning district: _____

**Project Description**

Project / subdivision name: LUCERNE ACRES

General description of proposed project / request: PROPERTY SPLIT AND REZONE OF ALFALFA FIELD

Type of use proposed (check all that apply):

Residential HOUSE AS AGRICULTURAL, FIELD AS R6

Commercial \_\_\_\_\_

Office \_\_\_\_\_

Industrial \_\_\_\_\_

Other \_\_\_\_\_

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

**Residential Project Summary (if applicable)**

Are there existing buildings?  Yes  No

Please describe the existing buildings: HOUSE, GARDEN SHED, MACHINE SHED

Any existing buildings to remain?  Yes  No

Number of residential units: \_\_\_\_\_ Number of building lots: \_\_\_\_\_

Number of common and/or other lots: \_\_\_\_\_

Type of dwellings proposed:

Single-Family \_\_\_\_\_

Townhouses \_\_\_\_\_

Duplexes \_\_\_\_\_

Multi-Family \_\_\_\_\_

Other \_\_\_\_\_

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

Gross density (DU/acre-total property): \_\_\_\_\_ Net density (DU/acre-excluding roads): \_\_\_\_\_

Percentage of open space provided: \_\_\_\_\_ Acreage of open space: \_\_\_\_\_

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

**Non-Residential Project Summary (if applicable)**

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

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

Hours of operation (days & hours): \_\_\_\_\_ Building height: \_\_\_\_\_

Total number of employees: \_\_\_\_\_ Max. number of employees at one time: \_\_\_\_\_

Number and ages of students/children: \_\_\_\_\_ Seating capacity: \_\_\_\_\_

Fencing type, size & location (proposed or existing to remain): \_\_\_\_\_

Proposed Parking:

a. Handicapped spaces: \_\_\_\_\_ Dimensions: \_\_\_\_\_

b. Total Parking spaces: \_\_\_\_\_ Dimensions: \_\_\_\_\_

c. Width of driveway aisle: \_\_\_\_\_

Proposed Lighting: \_\_\_\_\_

Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.): \_\_\_\_\_

Applicant's Signature: *Jim Kirkpatrick* Date: Mar 5, 2014

*Mark A. Kirkpatrick* *J MAR 2014*

## Statement for Annexation and Rezone of 2021 W Ardell, Kuna

The rural characteristic of our residence has changed with the residential area of the city of Kuna bordering our property on two fronts. We have become the border between rural and residential Kuna.

For us to keep our land a saleable entity, we would like to plan the following changes to our property:

1. Annexation to become part of the city of Kuna.
2. Split our property at 2021 W Ardell Rd. into 2 lots.
3. Zone the smaller parcel with the house as Agricultural in keeping with the larger residences East and Northeast of our house.
4. Rezone the present Alfalfa field as R6, so that future development may continue out from both Crimson Point and Crimson Point North.

Until the Alfalfa field might be sold to a developer, we plan to retain the field in its present use of hay production. The smaller parcel with the house would remain as a large residential block of land with its present land use.

The closest subdivisions of Crimson Point and Crimson Point North presently have streets that can be extended into the Alfalfa field. Future development of this tract probably would extend from the South and West as this is the location of the nearest utilities.

We respectfully request annexation into the City of Kuna and also request the afore mentioned property split and zoning changes.



# AERIAL MAP

RECEIVED

FEB 24 2014

CITY OF KUNA

Teed Lateral

W Ardell Rd

SUBJECT

N McClure Ln

N Rosedust Dr

N Mauve Ave

W Crenshaw St

N Ten Mile Rd

W Melon Dr

## Legend

-  SUBJECT
-  PARCEL LINES
-  ROADS
-  WATER FEATURES



# VICINITY MAP

RECEIVED  
FEB 24 2014  
CITY OF KUNA

SUBJECT



**Legend**

-  SUBJECT
-  PARCEL LINES
-  ROADS
-  WATER FEATURES

TJ

FEB 24 2014

CITY OF KUNA



# City of Kuna AFFIDAVIT OF LEGAL INTEREST

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

Phone: (208) 922-5274  
Fax: (208) 922-5989  
Web: www.cityofkuna.com

State of Idaho )  
                          ) ss.  
County of Ada )

I, MARK & YVONNE KIRKPATRICK, 2021 W ARDELL  
Name Address  
KUNA, IDAHO 83634  
City State Zip Code

being first duly sworn upon oath, depose and say:

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

A That I am the record owner of the property described on the attached, and I grant my permission to N/A \_\_\_\_\_  
Name Address

to submit the accompanying application pertaining to that property.

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

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

Dated this 19th day of February, 2014

ymkirkpatrick Mark & Yvonne  
Signature

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

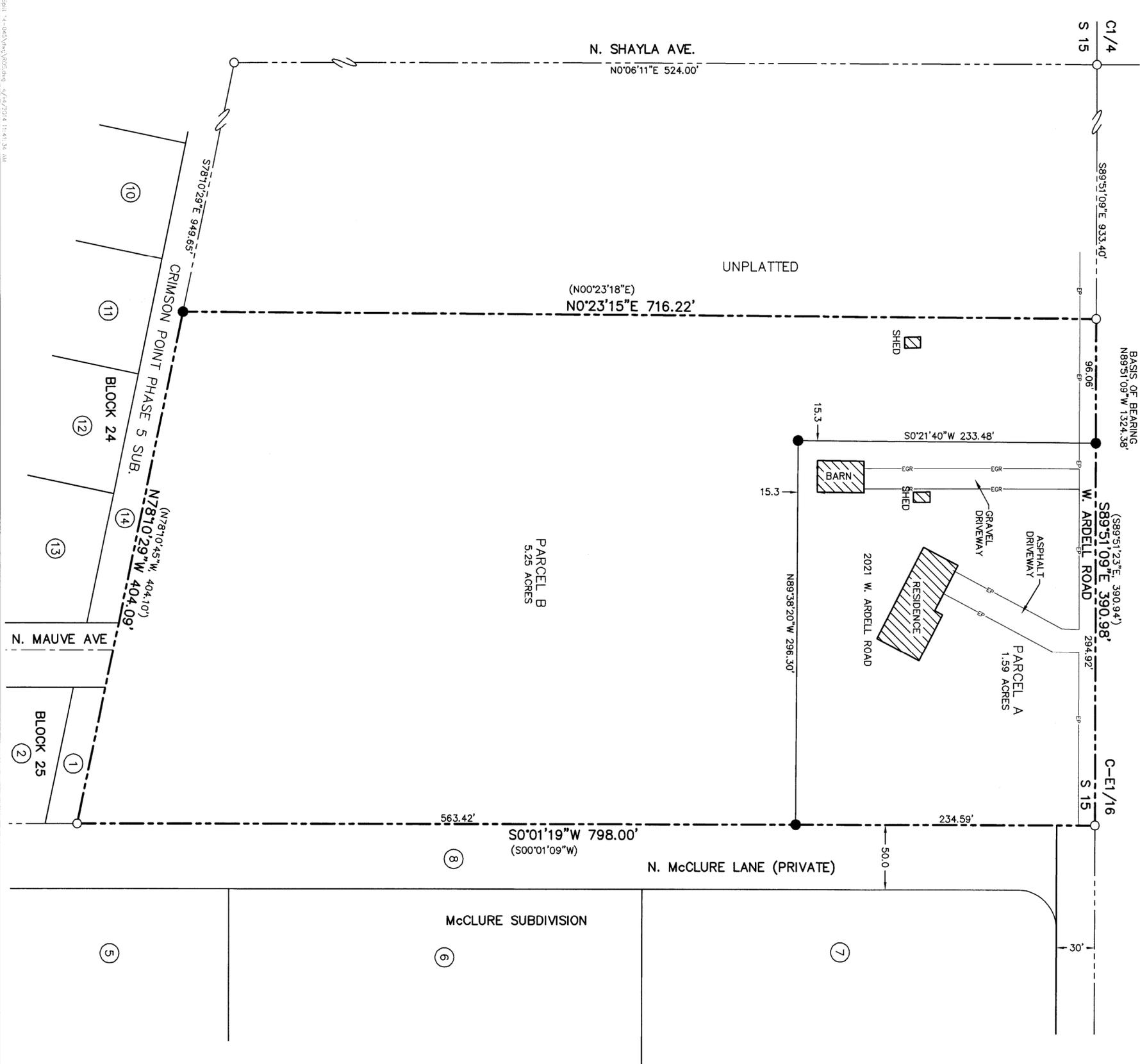
Susan L. Oswald  
Notary Public for Idaho  
Residing at: Meridian, Id  
My commission expires: 4/26/2018





SCALE: 1" = 60'

PROPERTY LINE ADJUSTMENT RECORD OF SURVEY FOR  
**MARK KIRKPATRICK**  
 LOCATED IN THE NW 1/4 OF THE SE 1/4 SECTION 15,  
 T.2N., R.1W., B.M., KUNA, ADA COUNTY, IDAHO  
 2014



**LEGEND**

- FOUND 5/8" IRON PIN
- SET 5/8" IRON PIN WITH CAP
- PROPERTY BOUNDARY LINE
- PARCEL LINE
- SECTION LINE
- RIGHT-OF-WAY LINE
- CENTERLINE
- EDGE OF GRAVEL ROAD
- EADE OF PAVEMENT
- ⑦ LOT NO.

**APPROVAL OF OWNERS**

I, THE OWNER OF SUBJECT PROPERTY, HEREBY APPROVE OF THIS ONE TIME DIVISION SURVEY.

MARK A. KIRKPATRICK

**ACKNOWLEDGMENT**

STATE OF IDAHO )  
 COUNTY OF ADA ) S.S.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, BEFORE ME,

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARK A. KIRKPATRICK, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC, STATE OF IDAHO  
 RESIDING IN BOISE, IDAHO

**CERTIFICATE OF LAND SURVEYOR**

I, GREGORY G. CARTER, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS.



GREGORY G. CARTER, PLS

LICENSE NO. 7729

**COUNTY RECORDER'S CERTIFICATE**

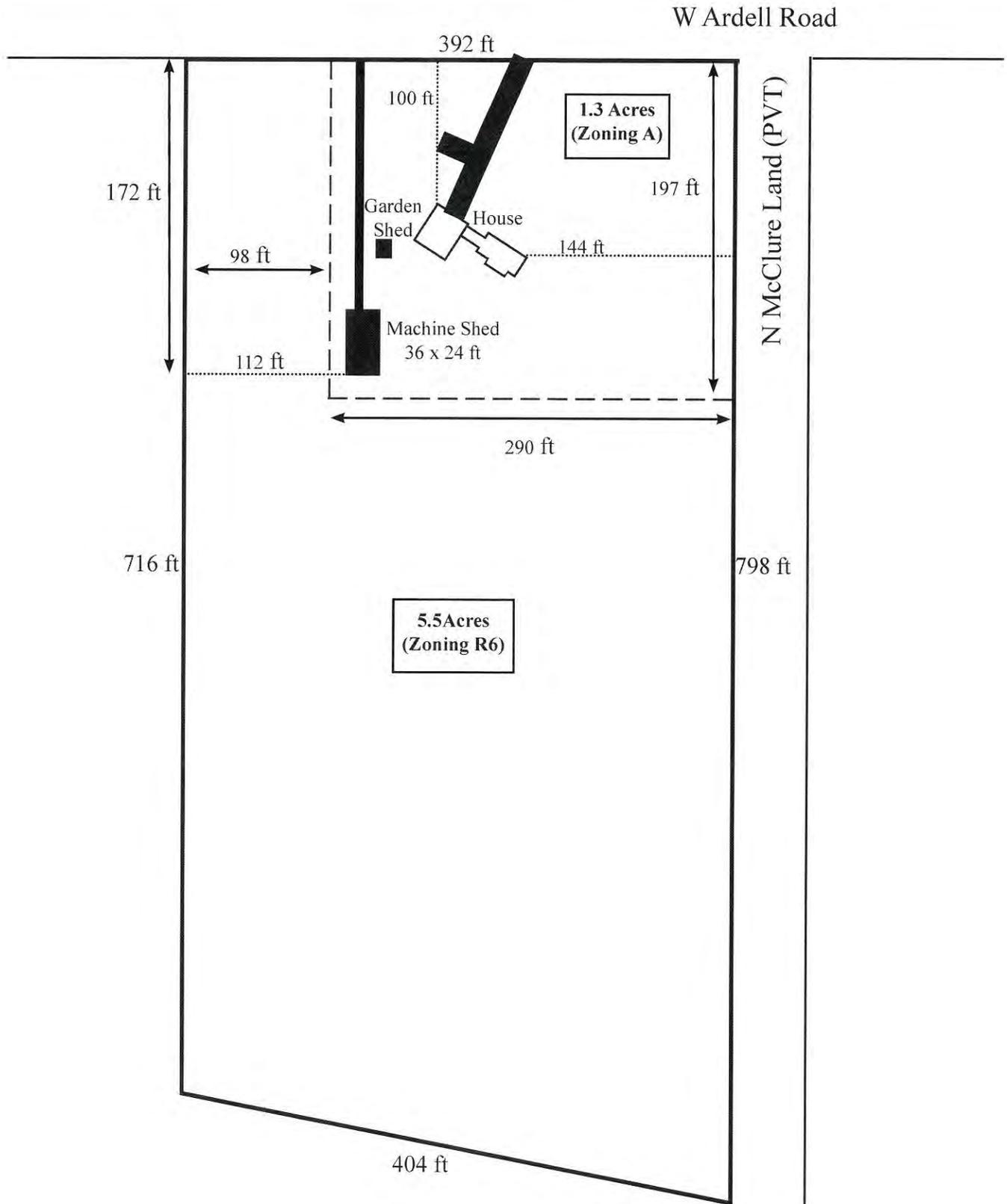
INST. NO. \_\_\_\_\_  
 STATE OF IDAHO, COUNTY OF ADA, ss.  
 FILED FOR RECORD AT THE REQUEST OF \_\_\_\_\_ MARK A. KIRKPATRICK  
 \_\_\_\_\_ MIN. PAST \_\_\_\_\_ O'CLOCK, M. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014  
 CHRISTOPHER RICH, RECORDER  
 BY \_\_\_\_\_ DEPUTY  
 FEE \$ \_\_\_\_\_

RECORDING INDEX NUMBER: 214-15-2-4-0-00-000

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

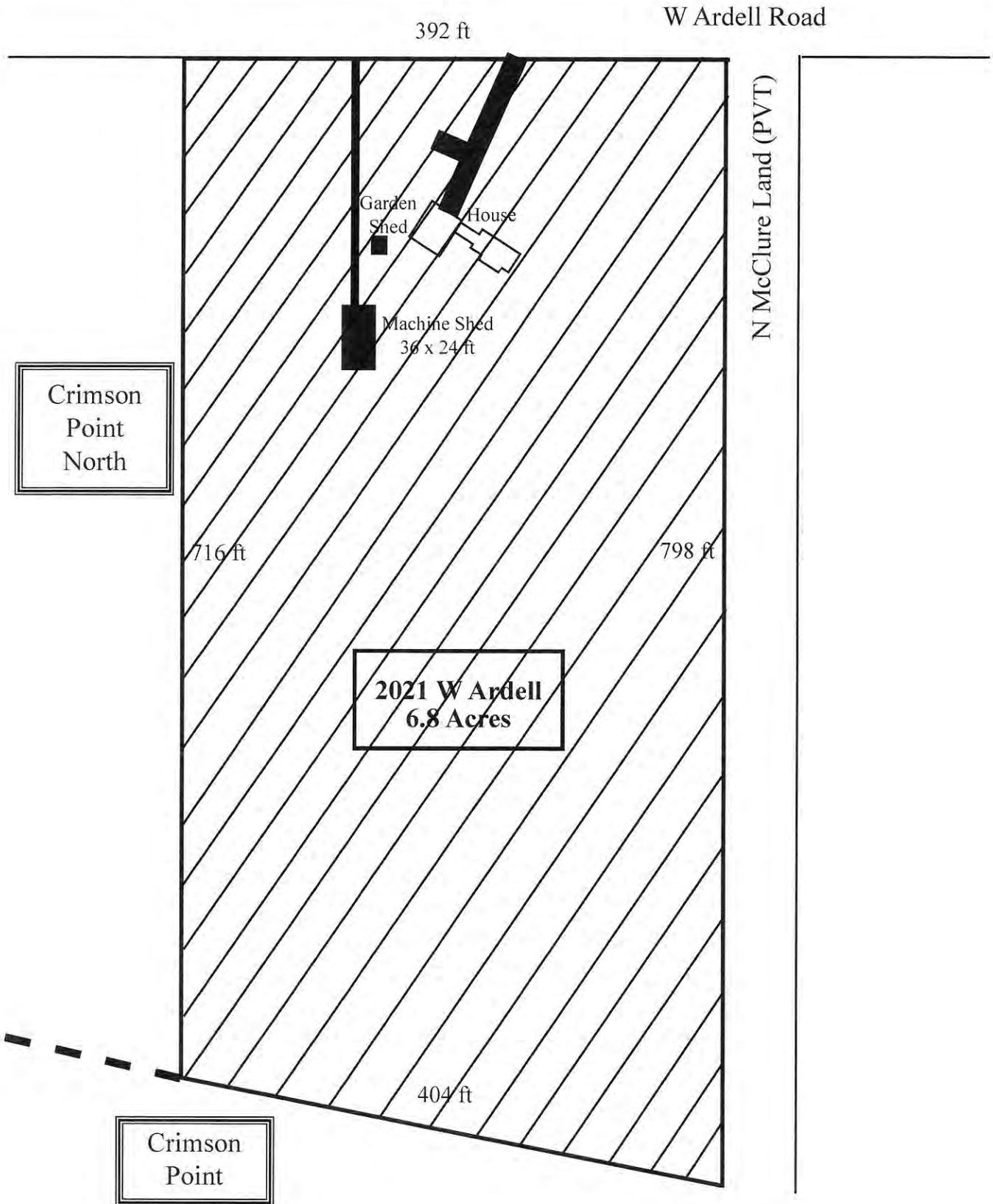
Mark and Yvonne Kirkpatrick  
2021 W Ardell  
Kuna ID 83634

Scale 1 inch = 100 ft



Mark and Yvonne Kirkpatrick  
2021 W Ardell  
Kuna ID 83634

Scale 1 inch = 100 ft





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

GORDON N. LAW  
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731  
Email: [gordon@cityofkuna.com](mailto:gordon@cityofkuna.com)

---

## MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Gordon N. Law  
Kuna City Engineer

RE: Kirkpatrick – 2021 W. Ardell Rd.  
Annexation and Rezone  
14-02-AN, 14-03-DA, 14-01-LS

DATE: June 5, 2014

---

The City Engineer has reviewed the annexation, development agreement and lot split request of the above applicant dated March 27, 2014. It is noted that general development plans are provided in the application describing the applicant's intent to ultimately sell off a portion of the property for development. The existing home and contiguous property is to be retained as a residence. It is therefore the recommendation of the City Engineer that the development agreement and other conditions be crafted in a manner to preserve the ability of both the applicant and City to reopen the agreement at a later date to provide and allow for more specific development possibilities in the future.

The comments below are generally directed toward the parcel intended for future development. Accordingly, the City Engineer provides the following comments:

### 1. Sanitary Sewer Needs

- a) The City has sufficient sewer treatment capacity to serve this site. The Sewer Master Plan for disposal of wastewater from this area proposes discharge into Crimson Point Lift Station for ultimate treatment at the North Wastewater Treatment facility. This site is not presently connected to the city system and would be subject to connection fees for the demand of the ultimate connected load as provided in the City's Standard Table.
- b) This property was not included in Local Improvement District 2006-1 and has no reserved connections. Treatment capacity may be secured for this site only from those who have reserved capacity or from capacity not reserved and upon payment of appropriate fees.
- c) The existing homestead appears to be served by its own septic tank and drain field. The city does have a sewer main to the south boundary of the parcel in Mauve Drive and will

have a second sewer main to the west boundary of the parcel in Henna Street. This will adequately serve the future sewer needs of the developed parcel.

- d) The City Engineer recommends the continued utilization of the site facilities as long as the existing use is maintained and the site system remains viable. If the site system fails or the use of the property is changed or expanded, the City Engineer recommends connection to City facilities.
- e) The sewer mains serving this site discharge to the North Sewer Treatment Plant which has sufficient capacity to serve this site. When connecting to the sewer system, the applicant will need to abide by any relevant sewer reimbursement policies and agreements and any relevant connection fees.
- f) For any connected load, it is recommended this application be conditioned to conform to the sewer master plan.
- g) At the time of platting, City Code (6-4-2O) requires connection to the City sewer system for all sanitary sewer needs.
- h) For assistance in locating existing facilities and understanding issues associated with connection, please contact the City Engineer at 287-1727.

## **2. Potable Water Needs**

- a) The City has sufficient potable water supply to serve this site but the site is not presently connected to the City potable water system. This site is planned for connection to the city water system and would be subject to connection fees for any future connections as provided in the City's Standard Table.
- b) The nearest water mains are located in W Ardell Road, Mauve Drive and Henna Street. When connecting to the water system, the applicant will need to abide by any relevant water reimbursement policies and agreements and any relevant connection fees.
- c) The existing homestead appears to be served by its own well. Accordingly, the City Engineer recommends the continued utilization of the site facilities as long as the existing use is maintained and the site system remains viable. If the site system fails or the use of the property is changed or expanded, the City Engineer recommends connection to City facilities.
- d) At the time of platting specific recommendations of note are as follows:
  - 1. City Code (6-4-2X) requires connection to the City water system for all potable water needs.
  - 2. For any connected load, it is recommended this application be conditioned to conform to the water master plan.
  - 3. Improvements necessary to provide adequate fire protection as required by Kuna Fire District will be required of the development.
- e) For assistance in locating existing facilities, please contact the City Engineer at 287-1727.
- f) The City Engineer concludes redundancy of water source to the development site is provided by existing facilities.

## **3. Pressure Irrigation**

- a) The property's irrigation needs are presently served by its own well and the Boise-Kuna Irrigation District. Until development occurs, it is recommended the site facilities and surface water rights continue to serve these needs.
- b) At the time of platting, Irrigation supply capacity is available for this site upon payment of appropriate fees. Specific recommendations of note are as follows:

1. Relying on drinking water for irrigation purposes is contrary to City Code (6-4-2I) and the public interest and is not accounted for in the approved Water Master Plan. It is recommended this project be conditioned to require connection and annexation to the City Pressure Irrigation system at the time of development.
  2. For any connected load, it is recommended this application be conditioned to conform to the Pressure Irrigation Master Plan. The Master Plan designates the providing of a 12-inch trunk line in the Ardell frontage to this property. When connecting to the pressure irrigation system, the applicant will need to abide by any relevant reimbursement policies and agreements and any relevant connection fees.
  3. It is further recommended that annexation into the municipal irrigation district and pooling of water rights is a requirement at the time of final platting.
  4. It is recommended that conformity with approved City PI standards is required, including the providing of adequately sized internal loop lines.
  5. It is recommended ten foot easements for irrigation lines are required to facilitate extension and operation of the city's pressure irrigation system.
- c) The city has pressure irrigation facilities in the vicinity. The nearest facilities include a 12-inch trunk line in Ardell at the northwest corner of the applicant's property and smaller mains in easements adjacent to the property on the west and south sides.

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

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

- a) Please 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) If impervious area is increased, please provide a storm water disposal plan acceptable to the City Engineer which accounts for the increased storm water drainage. Please provide detail drawings of drainage facilities for review.
- c) Any increase in quantity or rate of runoff or decrease in quality of runoff from the site compared to historical conditions must be detained, treated and released at rates no greater than historical amounts.
- d) If offsite disposal of storm water in excess of historical rates or conditions is proposed, or disposed at locations different than provided historically, the approval of the affected entities is required.

#### **5. General**

- a) With the addition of this property into the corporate limits of Kuna and its potential connection to water and irrigation services, this property will be placing demand not only on constructed facilities but on water rights provided by others. It is the reasonable expectation, in return, that this property transfer to the City at time of connection any conveyable water rights by deed and "Change of Ownership" form from IDWR. The domestic water right associated solely with a residence and ½ acre or less is not conveyable. The water right held in trust by an irrigation district is also not conveyable.
- b) A plan approval letter will be required if this project affects any local irrigation districts.
- c) Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties.
- d) State the vertical datum used for elevations on all drawings.

- e) Provide engineering certification on all final engineering drawings.

## 6. Inspection Fees

The following is not required until development occurs which involves the construction of public facilities such as water, sewer and pressure irrigation mains:

An inspection fee will be required for City inspection of the construction of any **public** water, sewer and irrigation facility associated with this development. The developer will still require a qualified responsible engineer to do sufficient inspection to justly certify to DEQ the project was completed in accordance with approved plans and specifications and to provide accurate as-built drawings to the City. The developer's engineer and the City's inspector are permitted to coordinate inspections as much as possible. The current inspection fee is \$1.00 per lineal foot of sewer, water and pressure irrigation pipe and payment is due and payable prior to City's approval of final construction plans. **If no public water, sewer and irrigation construction work is done, no fees are required.**

## 7. Right-of-Way

The subject property fronts on its north side on a quarter-section line major collector street (Ardell). The following conditions are related to these classified streets and are generally applicable at the time of development such as platting:

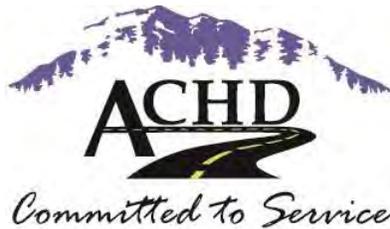
- a) Sufficient half right-of-way on the quarter line and section line for the classified streets should be provided pursuant to City and ACHD standards.
- b) It is recommended approaches onto the classified street complies with ACHD approach policies.
- c) It is recommended sidewalk, curb and gutter, street widening and any related storm drainage facilities, consistent with city code and policies, are provided at the time of land-use change or re-development.

## 8. As-Built Drawings

As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the developer's engineer. The city may help track changes, but will not be responsible for the finished product. As-built drawings will be required before occupancy or final plat approval is granted. **If no public facilities are constructed, no as-built drawings are required.**

## 9. Property Description

- a) The applicant provided a copy of a record of survey of the subject parcel.



John S. Franden, President  
Mitchell A. Jaurena, Vice President  
Rebecca W. Arnold, Commissioner  
Sara M. Baker, Commissioner  
Jim D. Hansen, Commissioner

Date: June 10, 2014

To: Mark Yvonne Kirkpatrick  
2021 W. Ardell Road  
Kuna, ID 83634

Subject: KUNA14-0003/K14-03-DA/K14-01-LS  
2021 W. Ardell Road  
Residential/Agricultural Lot Split.

In response to your request for comment, the Ada County Highway District (ACHD) staff has reviewed the submitted application and site plan for the item referenced above. It has been determined that ACHD has no site specific conditions of approval at this time.

- **Policy – These policies may be applied to future development of this site**

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

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

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

**Street Section and Right-of-Way Policy:** District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 50-feet wide and that the standard street section shall be 36-feet (back-of-curb to back-of-curb). The District will consider the utilization of a street width less than 36-feet with written fire department approval.

**Standard Urban Local Street—36-foot to 33-foot Street Section and Right-of-way Policy:** District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

The District will also consider the utilization of a street width less than 36-feet with written fire department approval. Most often this width is a 33-foot street section (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size.

**Continuation of Streets Policy:** District Policy 7207.2.4 states that an existing street, or a street in an approved preliminary plat, which ends at a boundary of a proposed development

shall be extended in that development. The extension shall include provisions for continuation of storm drainage facilities. Benefits of connectivity include but are not limited to the following:

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

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

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

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

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

**Half Street Policy:** District Policy 7207.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

- **Staff Comments/Recommendations:**

*This application is for a rezone only. Listed below are some of the 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.*

Ardell Road is classified as an collector roadway in the Master Street Map. In accordance with District Policies 7206.5 and 7206.5.2, the applicant should construct Ardell Road to ACHD standards for a collector street in a residential area (abutting the site). The applicant should be required to construct Ardell Road as ½ of a 36 foot street section with

curb, gutter and 5 foot wide attached sidewalk abutting the site plus an additional 12 feet of pavement widening beyond the ultimate centerline of the road. The applicant should provide a permanent right-of-way easement for sidewalk 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.

Consistent with District Policy 7207.2.4, the applicant should be required to extend stub streets Henna Street and Mauve Avenue into the future development and access the site through Crimson Point Subdivision in order to increase internal connectivity throughout the neighborhoods.

**General:**

A traffic impact fee may be assessed by ACHD and will be due prior to issuance of a building permit. Please contact ACHD Planning and Development Services at 387-6170 for information regarding impact fees.

Plans must be submitted to the ACHD Development Review Department prior to final approval.

Prior to the construction or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.) a permit or license agreement must be obtained from ACHD.

Prior to the construction or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.) a permit to work in the right-of-way must be obtained through ACHD Construction Services. For questions regarding the permitting process, please contact Construction Services at 387-6280.

The applicant shall also be required to meet the applicable ACHD Standard Conditions of Approval as well as ACHD Policies and requirements that may apply as noted below.

**Please review the Applicant's Responsibilities and Development Process Checklist below.**

If you have any questions, please feel free to contact me at (208) 387-6218.

Sincerely,

Lauren Watsek  
Planner I  
Development Services  
CC: Project file,  
City of Kuna

## 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, 7203.6, 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, ISPMC 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.

## 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 of Highway Systems, 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.

**RICHARD DURRANT**  
CHAIRMAN OF THE BOARD

**GRAHAM PATERSON**  
VICE CHAIRMAN OF THE BOARD

**TIMOTHY M. PAGE**  
PROJECT MANAGER

**ROBERT D. CARTER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

**JERRI FLOYD**  
ASSISTANT SECRETARY-  
TREASURER

## BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD  
BOISE, IDAHO 83703-3155

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

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

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

30 May 2014

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

RE: Mark & Yvonne Kirkpatrick  
2021 W. Ardell Rd.  
Boise-Kuna Irrigation District  
Teed Lateral Lateral 242+20  
Sec. 15, T2N, R1W, BM.

**14-02-AN, 14-03-DA, 14-01-LS**

**BK-287 B**

Troy Behunin:

The Boise Project has no objections to the Annexation, Development Agreement or Lot Split as there are no Project facilities located on the above-mentioned property; however it does in fact possess a valid water right.

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

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

Sincerely,



Bob Carter  
Assistant Project Manager- BPBC

bdc/bc

cc: Phil Comegys Watermaster, Div; 2 BPBC  
Lauren Boehlke Secretary – Treasurer, BKID  
File



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

- ACZ
Boise
Eagle
Garden City
Kuna
Meridian
Star

Rezone # 14-02-AN/14-03-DA/14-01-SALS

Conditional Use #

Preliminary / Final / Short Plat

Sect. 15

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

RECEIVED
JUN 18 2014
KUNA CITY CLERK

14. Reviewed By: [Signature] Date: 6/16/14



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

## *DEQ Response to Request for Environmental Comment*

Date: 06/05/2014  
Agency Requesting Comments: City of Kuna Planning and Zoning  
Date Request Received: 5/28/2014  
Applicant/Description: Annexation of approximately 6.8 acres into city limits

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

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

### **1. Air Quality**

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

*For questions, contact David Luft, Air Quality Manager, at 373-0550.*

- *IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.*

*For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.*

### **2. Wastewater and Recycled Water**

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

*All projects for construction or modification of wastewater systems require*

*preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.*

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

*For questions, contact Todd Crutcher, Engineering Manager, at 373-0550.*

### **3. Drinking Water**

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

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

- *DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at <http://www.deq.idaho.gov/water-quality/drinking-water.aspx>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.*
- *If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.*
- *DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.*
- *DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

*For questions, contact Todd Crutcher, Engineering Manager at 373-0550.*

### **4. Surface Water**

- *A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.*

- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at: <http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

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

#### **5. Hazardous Waste And Ground Water Contamination**

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).

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

- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or

*disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method.”*

*For questions, contact Aaron Scheff, Waste & Remediation Manager, at 373-0550.*

**6. Additional Notes**

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

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

Sincerely,

***Danielle Robbins***

Danielle Robbins  
[danielle.robbins@deq.idaho.gov](mailto:danielle.robbins@deq.idaho.gov)  
Boise Regional Office  
Idaho Department of Environmental Quality

C: File # 1961

**MARK AND YVONNE KIRKPATRICK; ANNEXATION &  
DEVELOPMENT AGREEMENT**  
(CAR06-00054)

**RECITALS**

THIS DEVELOPMENT AGREEMENT "**Agreement**" is entered into this \_\_\_ day of \_\_\_\_\_, 2014, by and between the **City of Kuna**, an Idaho municipal corporation "**City**", and **Mark and Yvonne Kirkpatrick**, whose address is **2021 W. Ardell Road, Kuna, Idaho 83634**, as "**Owner**", of the property described herein: S1315427807, and hereafter referred to as "**Developer**".

- A. Developer owns certain property "**Property**" located in Ada County, an approximately 6.8 acre parcel of land (**S1315427807**) located at 2021 W, Ardell Road, Kuna, Idaho and more particularly described in Exhibit A, attached hereto. Developer has applied to split the property into two parcels consisting of 1.3 acres and 5.5 acres, approximately. This agreement will control the 5.5 acres and the 1.3 acres will not be controlled by this Agreement.
- B. Developer has applied to the City to annex the property into the City and rezone the parcel, in order to enter the City corporate limits with said property. Developer has submitted an application (**Case No. 14-02-AN, 14-03-DA and 14-01-LS**) to annex real property into the city of Kuna and split the property. Parcel one will have an Agricultural Zone (approximately 1.3 acres) and the remaining approximate 5.5 acres will be zoned R-6 (Medium Residential Density).
- C. City and Developer desire to enter into this Agreement, which shall be recorded in the Office of the Ada County Recorder and shall take effect on the date last executed below.
- D. Pursuant to Idaho Code Section 67-6511A and Kuna City Code, Title 5, Chapter 14, City has the authority to conditionally rezone the Property and to enter into this Development Agreement for the purpose of allowing, by Agreement, annexation of said parcel for a specific purpose or use which is appropriate in the area, and this Agreement contains the conditions required of the owner by the City. This Agreement supersedes any conflicting terms and/or conditions in prior agreements or staff reports concerning the land as to obligations between the parties to this Agreement. This Agreement complies with all Kuna Idaho Municipal Code Title 5 zoning regulations and Title 6 subdivision regulations as they are applicable to these land use actions.
- E. The Kuna Planning and Zoning Commission and City Council have independently held public hearings on these land use matters as prescribed by law and have approved the application in accordance with the Findings of Fact, Conclusions of Law and Order of Decision set forth in its approval, and all such conditions are included in this Agreement. This Agreement is made pursuant to and in accordance with the provisions of Idaho Code Section 67-6511A and Kuna City Code Title 5 and Title 6.
- F. The uses(s) allowed through this conditional annexation and rezone are those that are permitted or specially permitted, by way of a special use permit, in the Agricultural (Ag.) and R-6

(Medium Residential Density) zones; or those agreed to, provided they are not in conflict with City code. It should be noted, the Agriculture zone shall allow for the existing agricultural uses to remain. In the event the property, and/or the uses on it, expand or enlarge - any nonconforming uses shall cease; thus, triggering necessary land use processes to bring the property into conforming status under Kuna City code. At time of future development, the City and Developer shall amend this Agreement to provide and allow for more aggressive development possibilities if necessary.

- G. The Order of Decision of the Council for the annexation and land use zone classification, including all conditions of approval, is hereby made a part of this Agreement. In the event there is a discrepancy or conflict, the stricter condition shall apply unless specifically stated otherwise in this Development Agreement.

### **AGREEMENT**

**NOW, THEREFORE**, in consideration of the mutual promises, covenants, and agreements stated herein, and for other consideration, the sufficiency of which is hereby acknowledged, City and Developer agree as follows:

#### **1. ZONING ORDINANCE AMENDMENT.**

- 1.1: The City will adopt an ordinance amending the Kuna Zoning Ordinance to change the zone for the 1.3 acres to Agriculture and R-6 (Medium Residential Density) zone for approximately 5.5 acres. The Ordinance will become effective after its passage, approval, and publication and the execution of the Agreement. It is possible this Agreement could be modified to accommodate the Developer's future land use plans when they are known, based on the uses and development plans at that time.

#### **2. PERMITTED USES.**

- 2.1: **Development According to the Conceptual Site Plan.** Upon development, developer agrees to provide a Conceptual Land Use Site Plan which shall be relied upon and considered a binding site plan. Substantial (as determined by the Director of planning services) modifications to the Conceptual Site Plan shall require the approval of the Kuna City Planning and Zoning Commission and City Council through public hearing processes. However, minor site plan modifications may be approved administratively. The Director of planning services will determine if a change is of minor significance or necessitates legislative review.
- 2.2: **Uses.** Generally speaking, the Property is approved for the uses typically associated with Agriculture zone for the 1.3 acre parcel and R-6 zone for the 5.5 acres.
- 2.3: **Modification of Allowed Uses.** The uses permitted within this Agreement shall not be modified without complying with the notice and hearing provisions of Idaho Code § 67-6509, provided, however, any specially permitted use(s) in the Agricultural and /or R-6 Zones may be permitted on the Property through issuance of a Special Use Permit.

### 3. CONDITIONS ON DEVELOPMENT.

The following conditions shall apply to the approximate 5.5 acres in the event of future development, expansion or enlargement, as determined by the Director of planning services:

- 3.1: **Bicycle Parking Spaces.** Developer shall provide a minimum of 15 bicycle parking spaces over the property in common lot(s).
- 3.2: **Building Permits.** Developer shall obtain a building permit before construction of any facilities. Developer shall comply with the R-6 zone's Height and Area Performance Standards found in Kuna City Code (KCC), in place at time of development.
- 3.3: **Construction Etiquette.** Developer shall post and maintain a "rules and regulation sign" at the entryways to the site until construction is complete. The signs are intended for the subcontractors performing the work and should include: (1) no dogs permitted; (2) no loud music permitted; (3) no alcohol or drugs permitted; (4) no profane or abusive language permitted; (5) dispose of personal trash and site debris; (6) clean up any mud and/or dirt that is deposited from the construction site onto the public street; (7) install temporary construction fence to keep debris from blowing off site; (8) no burning of construction or other debris on the property; (9) keep a watering truck on site and employed as necessary to keep dust under control; (10) Site construction shall be limited to the hours of 7:00 am to 7:00 pm daily.
- 3.4: **Curbs, Gutters, Sidewalks and Storm-Water Conveyances.** The use of drainage swales for storm water conveyance in lieu of curb and gutter is prohibited unless it's necessary to preserve a historical drainage right that would be impeded by the swale's removal and such action is determined by the City engineer. There shall be no mixing of irrigation drainage water and road runoff water. All construction shall be in accordance with Idaho Standards for Public Construction Work (ISPCW) or other standards established by the City engineer.
- 3.5: **Design Review.**
  - 3.5.1: Design review is required for any proposed new landscaping, parking, entrance, monument(s), common area and/or signage use.
  - 3.5.2: Commercial buildings and their compositions are subject to design review pursuant to requirements in the Kuna City Code relative to usage of materials, woods, entrances, window arrangement and other considerations.
  - 3.5.3: Any materials employed in the construction of commercial fencing, wall and trash enclosures are subject to design review and/or J&M Sanitations review.
  - 3.5.4: Any fencing and/or wall materials employed in the development are subject to design review pursuant to requirements in the Kuna City Code.
- 3.6: **Driveways and other Approaches.**

- 3.6.1: Developer agrees future commercial areas and entrances to the site are subject to the Design Review Standards pursuant to requirements in the Kuna City Code.
- 3.6.2: All curb returns throughout any future project shall be constructed with *28-foot minimum curb return radius*.
- 3.7: **Engineering Calculations/Drawings/Plans/Reports.**
- 3.7.1: At the time of construction, developer shall obtain a letter from the City engineer recommending engineering approval of construction drawings, drainage and storm-water plans.
- 3.7.2: At the time of construction plan submittal, developer shall provide the City engineer with fire flow, water distribution and wastewater calculations and acquire all necessary permits and pay all associated fees. The City engineer will review the water modeling results and provide comments or corrections.
- 3.7.3: At the time of construction plan submittal, a geotechnical report (if required) is subject to the City engineer's review and corrections.
- 3.8: **Federal, State, Local and Special Purpose Standards.** Developer shall comply with all applicable federal, state, local and special purpose standards as they apply to the Property's development.
- 3.9: **Fencing.** Developer shall construct and place fencing on site according to the City's zoning standards. Developer shall use the approved type of fencing allowed by City code and obtain a fence permit as outlined in City code.
- 3.10: **Fire.**
- 3.10.1: **Hydrants and Water Mains.** Adequate fire protection shall be required in accordance with the appropriate fire district standards. Developer shall meet the requirements of the Kuna Rural Fire District.
- 3.10.2: **Fire Safety.** Developer shall address fire safety compliance to the Kuna Rural Fire District and City building inspector's satisfaction. The site landscaping shall be designed and maintained to provide fire protection around the building perimeters. The internal roads shall be designed to allow Kuna Rural Fire District access to each building. Developer will place fire hydrants on the property in locations determined by the Kuna Fire Marshall. Fire related signage shall be installed with guidance from the Kuna Fire Marshall. The water model results are to be reviewed and approved by the Kuna Rural Fire District.
- 3.11: **Grading Plan.** Developer shall provide a grading plan identifying how the Subject Property will be graded and contoured. The grading plan shall be reviewed and approved by the City engineer for its compliance with City standards.

**3.12: Irrigation.**

3.12.1: Developer shall comply with Idaho Code §31-3805 relating to irrigation water use. Irrigation/drainage waters shall not be impeded by on-site construction. Developer shall comply with lawful requirements of the Boise Project Board of Control.

3.12.2: At time of Construction Plans submittal, Developer shall provide the City engineer an irrigation plan for review and approval; if Developer uses the City irrigation utility, developer shall acquire all permits and inspections necessary to connect the commercial facility's irrigation system to the City irrigation utility; construct the irrigation system to the City's pressurized irrigation standards; and construct any off-site improvements necessary to connect into the City's water utility.

3.12.3: The use of potable water from the City utility shall not be employed for landscape irrigation purposes.

**3.13: Land Use Requirements.**

3.13.1: Developer shall comply with the City's land use requirements for residential zone development or, as modified by this Agreement.

3.13.2: Uses other than those existing at time of annexation, permitted, or specially permitted in the Agriculture and R-6 zones shall not be introduced on the property without further land use review or approvals.

3.13.3: Developer shall meet all requirements set forth in the City's zoning ordinance or, as modified by this Agreement.

**3.14: Landscape.**

3.14.1: Future site improvements will be subject to the City's landscape ordinance and design review processes depending on scope (note: the design review standards may differ from the City's landscape ordinance). An underground irrigation source shall be required for all of the site's landscape elements in accordance with the provisions of **KCC 5-17-11**. The use of potable water for landscape irrigation purposes is prohibited.

3.14.2: At time of development, Developer shall prepare for City review, a detailed landscape plan using native or suitable plants. The landscape plan is subject to the City's design review process. The landscape plan shall call out the method(s) of re-vegetating common open space and the periphery areas disturbed during any construction activities. The property's entire landscape scheme shall consist of organic materials. Accordingly, no hard-scape (*or gravel or rock*) materials shall be used for landscape purposes.

3.14.3: Employ vegetative buffers and landscape berming techniques along the property boundaries to minimize adverse land use impacts [compatibility issues]

with the adjoining neighbors. The landscape and buffer techniques shall be detailed in a landscape plan.

3.14.4: At time of development, developer shall submit landscape plans to the City forester for review and approval.

3.14.5: Any future landscape plan shall follow the landscape requirements and guidelines contained within KCC, which will be considered a binding site plan.

3.14.6: At time of development, developer shall place a landscape buffer along Ardell Road a minimum width of 20 feet from the property line in accordance with KCC.

**3.15: Outdoor Lighting.**

3.15.1: Future on-site lighting shall be designed and installed to minimize fugitive light and glare and installed so it does not unduly intrude on adjoining properties pursuant to requirements in the current Kuna City Code (KCC).

3.15.2: A lighting plan shall be submitted to the City director of planning services for review and approval in accordance with current KCC.

3.15.3: The future site lighting plan shall follow the provisions of current KCC.

**3.16: Parking and Loading Standards.**

3.16.1: On-site parking shall be installed in accordance with current City parking standards.

3.16.2: At time of development, Developer shall design and construct the parking area(s) according to the approved plans. The parking lot circulation pattern shall be designed so the patrons enter and exit the parking lot in a forward motion consistent with the provisions of current KCC.

3.16.3: Developer shall pave the area allocated for parking purposes with an approved asphalt material. The parking lot construction and methods of storm drainage mitigation are subject to the City engineer's review and approval. Parking spaces shall be designed where the motorist can enter and exit the spaces without obstruction.

3.16.4: Developer shall provide a site plan graphically demonstrating the method of onsite traffic circulation, parking lot placement and loading facility location and satisfy onsite parking space requirements.

3.16.5: The site's traffic circulation pattern and parking placement are subject to the Director of planning services review, consistent with the other provisions of this Agreement.

- 3.17: **Permits and Applicable Fees.** Developer shall acquire all permits and pay all applicable fees.
- 3.18: **Plat Map/Deed.** In the event of a lot line adjustment lot split, or subdivision, developer shall provide City a recorded record of survey and deed, or recorded plat for the property changes.
- 3.19: **Roads/Ada County Highway District.**
- 3.19.1: Developer shall comply with City and ACHD road improvement requirements.
- 3.19.2: Developer shall provide additional rights-of-way and/or easements necessary for utility and road widening purposes as required by the City and other agencies with jurisdiction. Developer shall record these easements with the Ada County Recorder's Office.
- 3.19.3: At time of development, Developer shall dedicate additional rights-of-way (ROW) along Ardell Road (a mid-mile Class Road) in accordance with City and ACHD ROW and classified roadway standards.
- 3.20: **Sanitary Sewer.**
- 3.20.1: Developer shall connect the Property to the City's sanitary sewer system according to City standards; provide the development's sanitary sewer design to the City engineer for review and approval; acquire all of the permits and inspections necessary to connect to the City's sewer utility; construct the sewer system to City standards and construct offsite improvements necessary to connect to the City's sewer utility.
- 3.20.2: in the event of development, Developer shall abandon and dismantle any onsite septic tank system and its component parts, according to City and Central District Health standards. The dismantling of a septic system requires collapsing and removing the lid, backfilling and compaction of the fill area.
- 3.21: **Sidewalks and Pathways.**
- 3.21.1: In accordance with KCC 6-4-2-Q, developer shall provide eight foot (8'), detached concrete sidewalks along the Columbia Roads frontage. The detached concrete sidewalks shall be minimum eight feet (8') in width. All sidewalks shall be built in accordance with the American with Disabilities Act (**ADA**) accessibility guidelines, as well as to ACHD and City engineer standards and specifications. The accompanying landscape strip shall be minimum eight feet (8') in width and include an irrigation system reliant upon a non-potable water source. Columbia Road at this location is designated as a Minor Arterial. The landscaping elements shall consist solely of organic materials. Developer shall provide a public easement for any sidewalk placed outside public rights-of-way. The placement of the sidewalk outside the public rights-of-way requires City approval. Sidewalks constructed as part of a curb cut installation shall be designed to

accommodate the additional loading impacts placed upon it by the weight of the vehicle.

3.21.2: Developer shall be responsible for snow removal along the sidewalks so they are pedestrian accessible within twenty-four hours of a snow event.

**3.22: Signage.**

3.22.1: No signs shall be placed on fences, buildings, or other structures unless approved through the City's design review process. Developer shall be in compliance with all signage requirements in place at the time developer seeks a sign permit.

3.22.2: All site signage and monument placement is subject to the City's design review process to include building identification signage. If site signage or monuments are lighted, they must be designed according to the City's outdoor lighting standards.

3.22.3: Temporary signage placed on the Property's fences, buildings, or other structures for advertising or promotion purposes shall be according to the City's signage placement provisions.

3.23: **Site Plans.** At the time developer applies for a building permit, developer shall provide an overall site/landscape plan, which shall be considered a binding site plan for purposes of the land use application.

**3.24: Storm-water and Drainage.**

3.24.1: The Property is subject to the City's storm-water and drainage standards at time of development. Stormwater impacts resultant from the development shall be mitigated in accordance with the City's storm water management policy. The engineer of record shall provide storm-water calculations, which comply with the City's storm-water policy requirements. The discharge of storm-water or drainage offsite requires written approval from the City and other agencies responsible for receiving the fugitive storm-waters.

3.24.2: Developer shall provide the City engineer with a storm-water management plan and a drainage design plan showing how drainage flows from impervious surfaces will be addressed in compliance with the City's drainage management guidelines. The drainage design plan shall also provide an erosion control plan for a 100-year event and shall depict all proposed site grading.

3.24.3: The City engineer shall approve a surface drainage run-off plan, which has been recommended by Central District Health Department (CDHD). The plan should be designed and constructed in conformance with standards contained in "Catalog for Best Management Practices for Idaho Cities and Counties".

- 3.24.4: Developer shall not construct, grade, fill, clear or excavate the Property until the City engineer approves the storm water management plan and the drainage design plan. The drainage design plan shall include all proposed site grading.
- 3.24.5: Storm drainage and/or street runoff must be retained onsite.
- 3.24.6: Design the surface drainage system to minimize “ponding” issues to reduce mosquito breeding problems.
- 3.25: **Street and Alleys.**
- 3.25.1: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the City and ACHD. Street functionality shall be determined according to the City’s Functional Classified Road Map. Widths for rights-of-way shall be according to the street typologies identified in current KCC, or ACHD’s standards, which ever standard is more stringent.
- 3.25.2: Developer shall enter into a license agreement with the transportation authority for landscape maintenance within the public rights-of-way, where applicable.
- 3.26: **Street Name and Other Street Traffic Signs.** Traffic signage shall be constructed and installed at appropriate street locations in accordance with ACHD and City standards as applicable.
- 3.27: **Trash Enclosures/Solid Waste.** The site’s solid waste disposal strategy is subject to design review. Developer shall provide an enclosed or a sight obscuring structure(s) for all trash collection containers. The design shall be approved by the City and J&M Sanitation services.
- 3.28: **Trees.**
- 3.28.1: Developer shall retain mature trees with diameters exceeding six-inches (6”) (if any exist), unless their removal is approved by City staff prior to their removal.
- 3.28.2: Developer shall provide a tree replacement strategy to compensate for tree removal, which provides no net tree loss (in terms of overall tree diameter reductions). Developer’s tree removal and replanting strategy is subject to the City arborist and Design Review Committee’s approval. Developer shall show the tree planting strategy and method of planting on the landscape plan(s) and provide for a year-round variety of trees that are compatible with the area.
- 3.29: **Underground Storage Tanks, Utilities, Wells or Septic Systems.**
- 3.29.1: Developer shall disconnect any onsite well(s) and septic systems and cap or remove them according to City and Health District standards.
- 3.29.2: If discontinued or impaired underground storage tanks are discovered during construction, they shall be removed or abandoned in accordance with federal, state and local agency requirements.

3.30: **Underground Utilities.**

3.30.1: Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services.

3.30.2: All public utilities shall be placed underground if possible. A utility easement of sufficient width as determined by the City engineer shall be placed around the exterior subdivision boundary for utility and drainage easement purpose. Utilities that cannot be placed underground are subject to the City's design review process.

3.31: **Water.**

3.31.1: Developer shall connect the property to the City's water system at time of development. Developer shall provide the development's potable water design to the City engineer for review and possible corrections. Developer shall acquire all permits and inspections necessary to connect into the City's potable water utility.

3.31.2: The potable water lines, meter locations and potable waterline valves shall be reviewed by the City public works staff and constructed and placed according to City standards. Potable water lines are to be looped through the property. Developer is responsible for constructing any off-site improvements necessary to connect into the City's potable water utility.

3.32: **Water Rights.** Water rights appurtenant to a tract of land shall be dedicated to the City in sufficient water quantities to offset the development's potential water demands as determined by the City engineer. The land's water rights shall not be sold, abandoned or transferred outside the City or Area of City Impact (ACI). All water rights must be transferred to Kuna City through the adoption of a water rights annexation ordinance.

3.32.2: It shall be the responsibility of the developer to secure irrigation water rights prior to the Kuna Municipal Irrigation District (KMID) allowing you to connect to the pressure irrigation (PI) system.

3.33: **Weeds.** Developer assumes responsibility for the control and removal of noxious weeds if present on the property until the development of the site is complete.

**4. DEFAULT, REMEDIES.**

4.1: **Default.** If Developer fails to comply with the terms of this Agreement within forty-five (45) days after written notice from the other party specifying the particulars of such failure, the complaining party may, without prejudice to any other rights or remedies, cure such default, enjoin such violation or otherwise enforce the commitments contained in this Agreement in any manner allowed by law; provided, however, if any failure to comply cannot with diligence be cured within such 45 day period, if the defaulting party shall commence to cure the same within such 45 day period and thereafter shall pursue the curing of same with diligence and continuity, then the time allowed to cure such failure may be extended for a period not to exceed 180 days.

- 4.2: **Consent to Rezone on Uncured Default.** In addition to other remedies set forth herein, if Developer fails to cure any material default within 120 days after written notice from City specifying the particulars of such material default, such failure shall be deemed consent to City to rezone the use to a suitable zone as determined by the City Council, pursuant to the requirements of applicable law.
- 4.3: **Waiver; Forbearance.** A waiver or forbearance by one party of any default by the other party of any one or more of the covenants or conditions hereof shall apply solely to the breach and breaches waived and shall not bar any other rights or remedies of the party or apply to any subsequent breach of other or future covenants and conditions.

## 5. ATTORNEY FEES.

- 5.1: In the event of any controversy, claim or legal action being filed or instituted between the parties to this Agreement to enforce the terms and conditions of this Agreement or arising from the breach of any provision hereof, the prevailing party will be entitled to receive from the other party reasonable attorney fees, expenses, and costs incurred by the prevailing party, including fees and costs on any appeal. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

## 6. RECORDATION, EFFECTIVE DATE, AND BINDING EFFECT.

- 6.1: **Recordation.** After approval and execution by City through its authorized agents, City shall record this Agreement, including all exhibits, against the Property in the real property records of Ada County, Idaho and provide Developer with a recorded copy of this Agreement.
- 6.2: **Effective Date.** This Agreement shall become effective upon the formal adoption and final publication of the zoning.
- 6.3: **Binding Effect; Assignment.** This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, successors, assigns and personal representatives, including the City's governing authority and their successors in office. This Agreement shall run with the land and be binding on the owner of the Property, each subsequent owner and each other person acquiring an interest in the Property. Nothing herein shall in any way prevent sale or alienation of the Property, except that any sale or alienation shall be subject to the provisions hereof and any successor owner or owners shall be both benefited and bound by the conditions and restrictions herein expressed.
- 6.4: **Recordation of Termination.** Upon Developer's completion of all of its obligations under this Agreement, City shall provide developer, upon request, recordable evidence of City's concurrence that Developer's obligations under this Agreement have been completed.

## 7. GENERAL PROVISIONS.

- 7.1: **Incorporation of Recitals.** The recitals above and the exhibits referred to in this Agreement and attached hereto are incorporated into the Agreement as if set out in full

in the body of the Agreement. In the event of a conflict between any exhibit and the body of this Agreement, the Agreement shall control unless otherwise noted.

7.2: **Amendments.** Any alteration or change to this Agreement shall be made only after complying with the notice and hearing provision of Idaho Code Section §67-6509, as required by Kuna City Code, Title 5, Chapter 14.

7.2.1 It is anticipated this Agreement will be amended for time to time to accommodate the Developers development pursuits.

7.3: **Interpretation.** In construing this Agreement, feminine or neuter pronouns shall be substituted for those masculine in form and vice versa, plural terms shall be substituted for singular and singular for plural in any place in which the context so requires, and the word "including" shall be construed as if the words "but not limited to" appear immediately thereafter. The headings contained in this Agreement are for reference purposes only and shall not be construed or interpreted so as to limit or define the intent or the scope of any part of this Agreement. This Agreement shall not be construed more strictly against one party than against another merely by virtue of the fact that it may have been prepared by one of the parties, it being acknowledged that both parties have substantially and materially contributed to the preparation thereof. This Agreement and all rights and obligations of the parties shall be governed, construed, and interpreted under and pursuant to the laws of the state of Idaho.

7.4: **Final Agreement; Modifications.** This Agreement sets forth all promises, inducements, agreements, conditions and understandings between developer and City relative to the subject matter hereof and there are no promises, agreements, conditions or understanding, oral or written, express or implied, between developer and City, other than as are stated herein. This Agreement contains all conditions required by the City and supersedes conditions specified in City staff reports and any conflicting terms and conditions in prior development agreements concerning the land as to obligations between the parties to this Agreement. Except as herein otherwise provided, no subsequent alteration, amendment, changes or additions to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by them or their successors in interest or their assigns, and pursuant, with respect to City, to a duly adopted ordinance or resolution of City.

7.5: **Notices.** All notice between the parties shall be deemed received when personally delivered or when deposited in the United States mail postage prepaid, registered or certified, with return receipt requested, or sent by telegram or mail-o-gram or by recognized courier delivery (e.g., Federal Express, Airborne, Burlington), addressed to the parties, as the case may be, at the address set forth below or at such other addresses as the parties may subsequently designate by written notice given in the manner provided in this Section:

**To City:** City of Kuna  
Attn: Mayor of the City of Kuna  
P.O. Box 13  
Kuna, ID 83634

**To Developer:** Mark And Yvonne Kirkpatrick  
2021 W. Ardell Road  
Kuna, ID 83634

Either party shall give notice to the other party of any change of such party's address for the purpose of this section by giving written notice of such change to the other party in the manner herein provided.

- 7.5: **Time of the Essence.** The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the party so failing to perform.
- 7.6: **Severability.** If any term or provision of this Agreement shall, to any extent be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforceable to the fullest extent permitted by law; and it is the intention of the parties hereto that if any provision of this Agreement is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, the provision shall have the meaning which renders it valid.

[end of text; signatures to follow]

The parties have executed this Agreement as of the date first set forth above.

**"City"**

CITY OF KUNA, an Idaho municipal corporation

By: \_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
City Clerk

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

**“Developer”**

Mark Kirkpatrick

By: \_\_\_\_\_

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

**“Developer”**

Yvonne Kirkpatrick

By: \_\_\_\_\_

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

**City:**

State of Idaho )

: ss

County of Ada )

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

And who personally appeared before me \_\_\_\_\_

(SEAL)

Notary Public: \_\_\_\_\_

My Commission Expires on: \_\_\_\_\_

**Developer:**

State of Idaho )

: ss

County of Ada )

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

And who personally appeared before me \_\_\_\_\_

(SEAL)

Notary Public: \_\_\_\_\_

My Commission Expires on: \_\_\_\_\_

**Developer:**

State of Idaho )

: ss

County of Ada )

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

And who personally appeared before me \_\_\_\_\_

(SEAL)

Notary Public: \_\_\_\_\_

My Commission Expires on: \_\_\_\_\_



# City of Kuna

## P&Z Staff Report

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

**To:** Planning and Zoning Commission

**Case Number(s):** 14-04-AN (Annexation)  
*Ben Bernier Annexation*

**Location:** 452 S. Swan Falls Rd.  
Kuna, ID 83634

**Planner:** Troy Behunin, Senior Planner

**Hearing Date:** July 22, 2014

**Applicant:** **Ben Bernier**  
452 S. Swan Falls Rd.  
Kuna, ID 83634  
208.571.3780  
[sks2bu77@gmail.com](mailto:sks2bu77@gmail.com)

### Table of Contents:

- A. Course Proceedings
- B. Applicants Request
- C. Vicinity and Aerial Maps
- D. History
- E. General Project Facts
- F. Staff Analysis
- G. Applicable Standards
- H. Comprehensive Plan Analysis
- I. Proposed Findings of Fact
- J. Proposed Conclusions of Law
- K. Proposed Decision by the Commission

### A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states annexation into City limits is designated as a public hearing, with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

#### a. Notifications

- |                           |                                       |
|---------------------------|---------------------------------------|
| i. Neighborhood Meeting   | March 28, 2014 (Zero people attended) |
| ii. Agencies              | May 28, 2014                          |
| iii. 300' Property Owners | July 7 2014                           |
| iv. Kuna, Melba Newspaper | July 2, 2014                          |
| v. Site Posted            | July 12, 2014                         |

### B. Applicants Request:

#### 1. Request:

- Applicant is requesting annexation of an approximately 1.6 acre parcel into the City of Kuna with an R-4 (Medium Density Residential District) zoning designation from its current Ada County zoning of R1

(Estate Residential). Applicant is relying on the category "A" annexation process as noted in Idaho Statute §50-222. The category "A" annexation is available for annexations where all private landowners, subject to annexation, raise no objection to the annexation process.

**C. Vicinity and Aerial Maps:**



**D. History:** The parcel is adjacent to the City limits and is currently zoned R1 (Estate Residential) and contains a residence and two out buildings.

**E. General Projects Facts:**

1. **Comprehensive Plan Designation:** The Future Land Use Map (FLU) identifies this site as Medium Density Residential. Staff views this land use request to be consistent with the approved FLU map.

2. **Surrounding Land Uses:**

<b>North</b>	L-O	Limited Office – Ada County
<b>South</b>	R1	Estate Residential – Kuna City
<b>East</b>	R1	Estate Residential – Ada County
<b>West</b>	R-6, Ag	Medium Density Residential, Agriculture – Kuna City

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

- Approx. 1.6 acres
- R1, Estate Residential
- Parcel # - S1325233780

4. **Services:**

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

5. **Existing Structures, Vegetation and Natural Features:** Currently there is a residence where the applicant lives and two out buildings. Existing vegetation is similar to typical residential parcels.

6. **Transportation/Connectivity:** The existing access for the parcel is off S. Swan Falls Road. This application does not seek additional or alternative access.

7. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts. This site’s topography is generally flat.

8. **Agency Responses:** The following agencies returned comments: City Engineer (Gordon Law, P.E.), Central District Health Department and Boise Project Board of Control. The responding agency comments are included as exhibits with this case file.

**F. Staff Analysis:**

This site is located near the southeast corner (SEC) of Swan Falls & Stagecoach Roads. Applicant requests to annex into the City limits. There is an existing residence which will rely on a septic tank & well for now.

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and Kuna Comprehensive Plan; and forwards a recommendation of approval for Case #'s 14-02-AN, 14-03-DA and 14-01-LS, subject to the recommended conditions of approval.

**G. Applicable Standards:**

1. City of Kuna Zoning Ordinance No. 230, 546 and 570,
2. City of Kuna Subdivision Ordinance No. 2012-18, Title 5 Zoning Regulations,
3. City of Kuna Comprehensive Plan and Future Land Use Map,
4. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

## **H. Comprehensive Plan Analysis:**

The Kuna Planning and Zoning Commission, accepts the Comprehensive Plan components as described below.

1. The proposed applications for this site are consistent with the following Comprehensive Plan components:

### **GOALS AND POLICY – Property Rights**

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

Policy 1: As part of a land use action review, the staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criterion established to determine the potential for property taking.

### **GOALS AND POLICY – Economic Development**

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

Policy 1.3: The City will develop a policy to provide incentives and/or assistance in order to competitively attract firms.

### **GOALS AND POLICY – Land Use**

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

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

Policy 2.3: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

## **I. Proposed Findings of Fact:**

1. This request appears to be in compliance with all ordinances and laws of the City and appears to be consistent with Kuna City Code (KCC).
2. The use appears to meet the general objectives of Kuna’s Comprehensive Plan.
3. The site is physically suitable for a subdivision.
4. The annexation and subdivision uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. The annexation application is not likely to cause adverse public health problems.
6. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
7. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.
8. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.
9. Based on the evidence contained in Case No. 14-04-AN, this proposal appears to comply with the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map (FLU).
10. The Planning and Zoning Commission has the authority to recommend approval or denial for these applications.

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

**J. Proposed Conclusions of Law:**

1. Based on the evidence contained in Case No. 14-04-AN the Kuna Planning and Zoning Commission finds Case No. 14-04-AN complies with Kuna City Code.
2. Based on the evidence contained in Case No. 14-04-AN, the Kuna Planning and Zoning Commission finds Case No. 14-04-AN, is consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**K. Proposed Decision by the Planning and Zoning Commission:**

*Note: This proposed motion is for approval or denial of this request. However, if the Commission wishes to approve or deny specific parts of the request as detailed in this report, they must be specified.*

Based on the facts outlined in staff's report and the public testimony at the public hearing the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval/denial* of Case No. 14-04-AN, a request for annexation from Ben Bernier, with the following conditions of approval:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage and development plans. All site improvements are prohibited prior to approval of the following agencies:
  - a. The City Engineer shall approve the sewer hook-ups.
  - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
  - d. The *Boise-Kuna* Irrigation District shall approve any modifications to the existing irrigation system.
  - e. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District and Idaho Transportation Department. No public street construction may be commenced without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
  - 2.1- With future development and as necessary, dedicate right-of-way in sufficient amounts to follow City and ACHD standards and widths.
3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see **KCC 6-4-2-W**.
4. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
5. In the event of future development, lighting within the site shall comply with Kuna City Code as stated in KCC 5-9-5-B.
6. In the event of future development, parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).

7. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise).
8. In the event of future development, future signage within the site shall comply with Kuna City Code (A sign permit is required prior to sign construction).
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 approved by the public entities owning the property.
10. Submit a petition to the City (if necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation system of the City (KMID).
11. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Council, or seek amendment to them through public hearing processes.
12. In the event of future development, the applicant's landscape plan shall be considered a binding site plan, or as modified by the Commission through DRC.
13. Any future development is subject to landscaping design review, among other land use applications as applicable, at time of development. The entire site will also be subject to the same.
14. Applicant shall follow all staff, City engineer and other agency recommended requirements as applicable.
15. Developer shall comply with all local, state and federal laws.

DATED this \_\_\_\_ day of 2014,

RECEIVED

MAK 3 1 2014

CITY OF KUNA



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

Commission & Council Review Application

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

\*Please submit the appropriate checklist (s) with application

Type of Review (check all that apply):

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

Table with 2 columns: Field Name, Value. Fields include File Number (1464-AN), Project name (B. BERNIER ANNEX), Date Received (MARCH 31, 2014), Cross Reference Files (N/A).

Contact/Applicant Information

Form with fields for Owners of Record, Applicant (Developer), and Engineer/Representative, including address, phone number, and email.

Subject Property Information

Form with fields for Site Address, Site Location, Parcel Number, Property size, Current and Proposed land use, and Current and Proposed zoning district.

**Project Description**

Project / subdivision name: Ben Bernier Annex INTO city OF Kunz

General description of proposed project / request: Annex into city limits

Type of use proposed (check all that apply):

Residential \_\_\_\_\_

Commercial \_\_\_\_\_

Office \_\_\_\_\_

Industrial \_\_\_\_\_

Other \_\_\_\_\_

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

**Residential Project Summary (if applicable)**

Are there existing buildings?  Yes  No

Please describe the existing buildings: single Family Home

Any existing buildings to remain?  Yes  No

Number of residential units: 1 Number of building lots: 1

Number of common and/or other lots: 0

Type of dwellings proposed:

Single-Family existing

Townhouses \_\_\_\_\_

Duplexes \_\_\_\_\_

Multi-Family \_\_\_\_\_

Other \_\_\_\_\_

Minimum Square footage of structure (s): 1500 SQ/FT

Gross density (DU/acre-total property): \_\_\_\_\_ Net density (DU/acre-excluding roads): \_\_\_\_\_

Percentage of open space provided: \_\_\_\_\_ Acreage of open space: \_\_\_\_\_

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

**Non-Residential Project Summary (if applicable)**

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

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

Hours of operation (days & hours): \_\_\_\_\_ Building height: \_\_\_\_\_

Total number of employees: \_\_\_\_\_ Max. number of employees at one time: \_\_\_\_\_

Number and ages of students/children: \_\_\_\_\_ Seating capacity: \_\_\_\_\_

Fencing type, size & location (proposed or existing to remain): \_\_\_\_\_

Proposed Parking: a. Handicapped spaces: \_\_\_\_\_ Dimensions: \_\_\_\_\_

b. Total Parking spaces: \_\_\_\_\_ Dimensions: \_\_\_\_\_

c. Width of driveway aisle: \_\_\_\_\_

Proposed Lighting: \_\_\_\_\_

Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.): \_\_\_\_\_

Applicant's Signature: [Signature] Date: 17 mar 14

RECEIVED

MAR 31 2014

CITY OF KUNA

March 19 2014  
City Of Kuna  
763 W. Avalon  
Kuna, ID 83634

Dear Mayor and Council:

**RE: Ben Bernier Property Annexation – Letter of intent**

Please consider this request for annexation of the property located at 452 S. Swan Falls Road, into the City of Kuna. The property is approximately 1.6 acres in size. The property is currently zoned as R-1 and the intent is to zone the property to an R-4 zoning. The Property has one existing dwelling, where I reside currently, and I have no further plans to add separate dwellings at this time.

City water is currently connected to the dwelling and city sewer is not available at this time. Connection to city sewer will not be a required condition of annexation at this time because the home has an established working septic system.

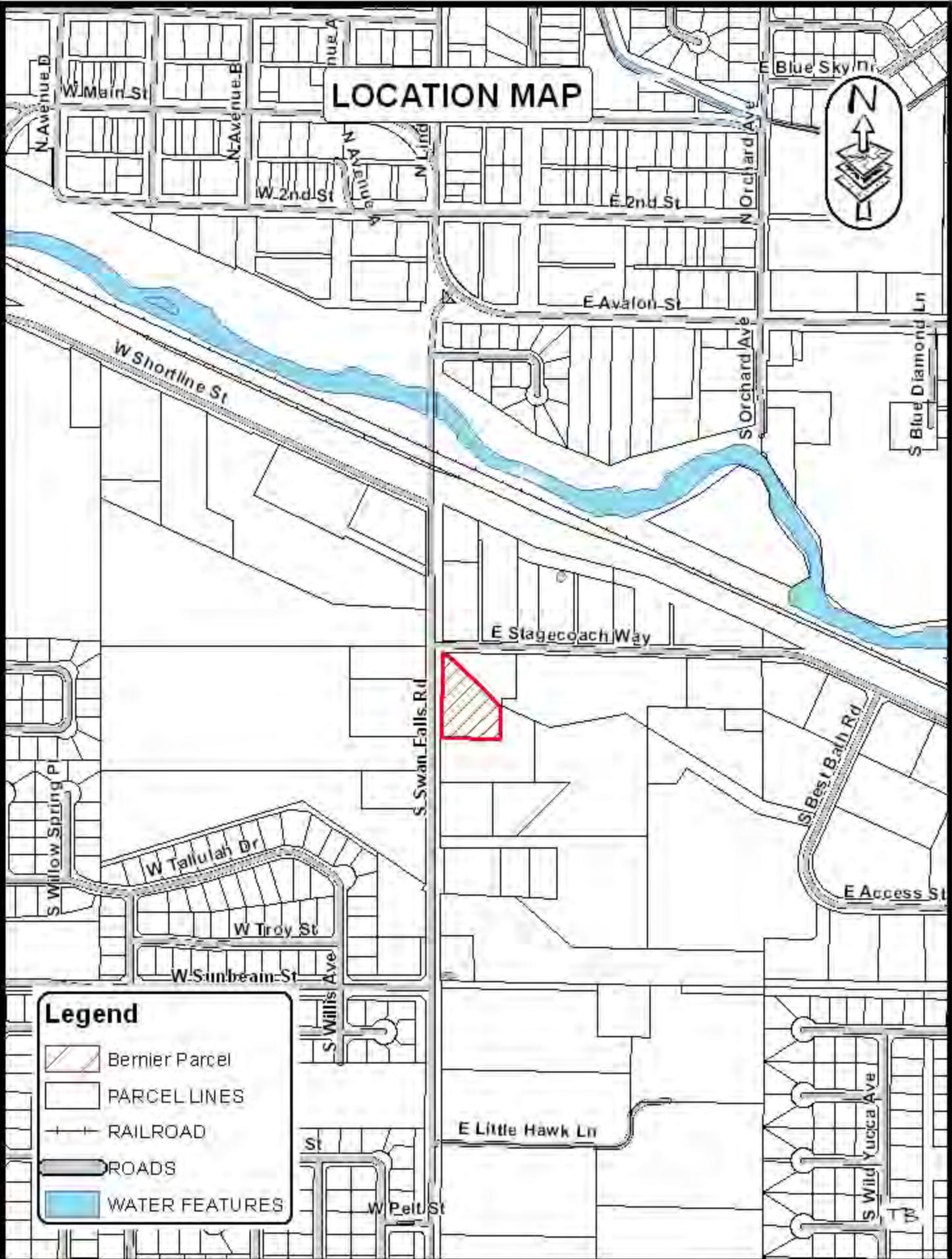
Thank you for your consideration on this application. I look forward to working with you and your staff, being more of a part of this great City of Kuna and would like to request approval of this annexation. Please contact me if you should have any questions regarding this request.

Sincerely,



Ben Bernier  
452 S. Swan Falls Road  
Kuna, ID 83634

# LOCATION MAP



## Legend

-  Bernier Parcel
-  PARCEL LINES
-  RAILROAD
-  ROADS
-  WATER FEATURES

AERIAL MAP



**E Stagecoach Way**

**S Swan Falls Rd**



TB





IDAHO  
SURVEY  
GROUP

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MAR 31 2014

CITY OF KUNA

1450 East Watertower St.  
Suite 130  
Meridian, Idaho 83642

Phone (208) 846-8570  
Fax (208) 884-5399

Job No. 14-041

March 19, 2014

**ANNEXATION DESCRIPTION FOR  
BENJAMIN BERNIER PROPERTY**

A parcel of land located in the SW 1/4 of the NW 1/4 of Section 25, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho being more particularly described as follows:

Commencing at the NW corner of the SW 1/4 of the NW 1/4 of said Section 25 (N1/16 corner) from which the W 1/4 corner of said Section 25 bears South 00°00'00" West, 1331.38 feet;

Thence along the West boundary line of said Section 25 South 00°00'00" West, 2.00 feet to the **REAL POINT OF BEGINNING**;

Thence continuing along said West boundary line South 00°00'00" West, 358.00 feet;

Thence leaving said West boundary line South 87°45'45" East, 270.63 feet;

Thence North 01°27'42" East, 126.51 feet to a point on the centerline of the South Railroad Canal;

Thence along said centerline the following 4 courses:

Thence North 42°41'27" West, 111.56 feet;

Thence North 46°28'00" West, 145.92 feet;

Thence North 54°14'57" West, 80.28 feet;

Thence North 64°52'54" West, 29.90 feet to the **REAL POINT OF BEGINNING**.  
Containing 1.60 acres, more or less.

This description was written from data of record and not verified with a survey on the ground.

Prepared by:  
Idaho Survey Group, P.C.



Gregory G. Carter, P.L.S.



IDAHO  
SURVEY  
GROUP

RECEIVED

MAR 31 2014

CITY OF KUNA

1450 East Watertower St.  
Suite 130  
Meridian, Idaho 83642

Phone (208) 846-8570  
Fax (208) 884-5399

Job No. 14-041

March 19, 2014

**CLOSURE SHEET FOR  
BENJAMIN BERNIER PROPERTY  
ANNEXATION**

**Section Tie**

Course: S 00°00'00" W Length: 2.00 to RPOB

Course: S 00°00'00" W Length: 358.00'

Course: S 87°45'45" W Length: 270.63'

Course: S 01°27'42" E Length: 126.51'

Course: N 42°41'27" W Length: 111.56'

Course: N 46°28'00" W Length: 145.92'

Course: N 54°14'57" W Length: 80.28'

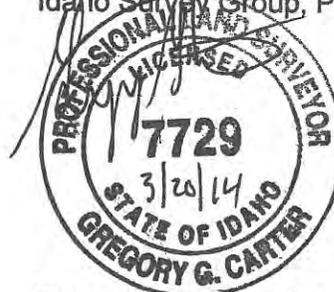
Course: N 64°52'54" W Length: 29.90'

Area: 69868.69 1.60 acres

Error of Closure: 0.000 Course: S 90-00-00 E

Precision: 1: 1122805210.45

Prepared by:  
Idaho Survey Group, P.C.



Gregory G. Carter, P.L.S.

RECEIVED  
 MAR 31 2014  
 CITY OF KUNA



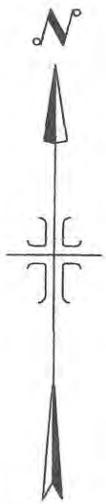
BENJAMIN BERNIER  
 452 S. SWAN FALLS ROAD  
 1.60 ACRES

ROS 64

☪ SOUTH RAILROAD CANAL

BASIS OF BEARING  
 S0°00'00\"/>

1/4  
 S 26 S 25



SCALE: 1" = 60'

S:\ISG Projects\452 Swan Falls Rd Annexation 14-041\dwg\exhibit.dwg 3/19/2014 3:49:45 PM

**ISG** IDAHO SURVEY GROUP, P.C.  
 1450 E. WATERTOWER ST.  
 SUITE 130  
 MERIDIAN, IDAHO 83642  
 (208) 848-8570

ANNEXATION EXHIBIT FOR  
**BENJAMIN BERNIER**

LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 25, T.2N., R.1W., B.M.,  
 ADA COUNTY, IDAHO

JOB NO. 14-041
SHEET NO 1
DWG. DATE 3/19/2014

RECEIVED

MAR 31 2014

CITY OF KUNA

EXHIBIT "A"

195806

That portion of the following described property lying South of the Southerly boundary of the South Railroad Canal, described as follows:

Beginning at the Northwest corner of the SW 1/4 of the NW 1/4 of Section 25, Township 2 North, Range 1 West, Boise-Meridian, Ada County, Idaho; thence South 360 feet along the West boundary of the aforesaid Section 25; thence East 270 feet; thence North 150 feet; thence East 65 feet; thence North 210 feet to the North boundary of the aforesaid SW 1/4 of the NW 1/4; thence West 335 feet along the aforesaid North boundary to the POINT OF BEGINNING.



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

GORDON N. LAW  
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731  
Email: [gordon@cityofkuna.com](mailto:gordon@cityofkuna.com)

---

## MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Gordon N. Law  
Kuna City Engineer

RE: Ben Bernier – 452 S. Swan Falls Road  
Annexation and Rezone  
14-04-AN, 14-03-DA, 14-01-LS

DATE: June 6, 2014

---

The City Engineer has reviewed the annexation request of the above applicant dated May 28, 2014. It is noted that the site is occupied by a single family residence and that no development plans are provided. The City Engineer's comments will be abbreviated and will assume that any development beyond the present use would require a new application and opportunity to comment appropriately at that time. Accordingly, the City Engineer provides the following comments:

### 1. Sanitary Sewer Needs

- a) The City has sufficient sewer treatment capacity to serve this site. The Sewer Master Plan for disposal of wastewater from this area proposes discharge into Ten Mile Lift Station for ultimate treatment at the South Wastewater Treatment facility. This site is not presently connected to the city system and would be subject to connection fees for the demand of the ultimate connected load as provided in the City's Standard Table.
- b) This property was not included in Local Improvement District 2006-1 and has no reserved connections. Treatment capacity may be secured for this site only from those who have reserved capacity or from capacity not reserved and upon payment of appropriate fees.
- c) The existing homestead appears to be served by its own septic tank and drain field. The city does not have a sewer main in the vicinity deep enough to serve this parcel.
- d) The City Engineer recommends the continued utilization of the site facilities as long as the existing use is maintained and the site system remains viable.
- e) For assistance in locating existing facilities and understanding issues associated with connection, please contact the City Engineer at 287-1727.

### 2. Potable Water Needs

- a) This site is connected to the City Water system. No further comments are pertinent.

**3. Pressure Irrigation**

- a) The property's irrigation needs are presently served by City water and the Boise-Kuna Irrigation District. Until development occurs, it is recommended the site facilities and surface water rights continue to serve these needs.
- b) The closest city pressure irrigation facilities are located 950 feet south of the site in Sunbeam Street.

**4. Grading and Storm Drainage (Not Applicable)**

**5. General (Not Applicable)**

**6. Inspection Fees (Not Applicable)**

**7. Right-of-Way**

The subject property fronts on its west side on a section line minor arterial street (Swan Falls). The following conditions are related to these classified streets and are **generally applicable at the time of development** such as platting:

- a) Sufficient half right-of-way on the quarter line and section line for the classified streets should be provided pursuant to City and ACHD standards.
- b) It is recommended approaches onto the classified street complies with ACHD approach policies.
- c) It is recommended sidewalk, curb and gutter, street widening and any related storm drainage facilities, consistent with city code and policies, are provided at the time of land-use change or re-development.

**8. As-Built Drawings (Not Applicable)**

**9. Property Description**

- a) The applicant provided a metes and bounds description of the subject parcel.

**RICHARD DURRANT**  
CHAIRMAN OF THE BOARD

**GRAHAM PATERSON**  
VICE CHAIRMAN OF THE BOARD

**TIMOTHY M. PAGE**  
PROJECT MANAGER

**ROBERT D. CARTER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

**JERRI FLOYD**  
ASSISTANT SECRETARY-  
TREASURER

# BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD  
BOISE, IDAHO 83705-3155

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

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

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

12 June 2014

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

RE: Ben Bernier **14-04-AN**  
452 S Swan Falls Rd.  
Boise-Kuna Irrigation District **BK-389 A**  
S. Railroad Lateral 166+30  
Sec. 25, T2N, R1W, BM.

**RECEIVED**

**JUN 18 2014**

**KUNA CITY CLERK**

Troy Behunin:

The Boise Project has no objection to the annexation request for the above-mentioned property; however, it does lie next to a Federal Facility, the S. Railroad Lateral. Any future development or changes to this property should be aware of the following comments.

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

The Boise Project Board of Control is contracted to operate and maintain this lateral. We assert this federal easement 20 feet both directions of the lateral's centerline. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

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

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

If the irrigation system will be incorporated into the City of Kuna's pressure system, we will require confirmation from both the City of Kuna and the Boise-Kuna Irrigation District prior to review and approval of an irrigation plan by Boise Project Board of Control.

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

Sincerely,

A handwritten signature in black ink that reads "Bob Carter". The signature is fluid and cursive, with the first name "Bob" being larger and more prominent than the last name "Carter".

Bob Carter  
Assistant Project Manager, BPBC

bdc/bc

cc: Dan Sheirbon Watermaster, Div; 3 BPBC  
Lauren Boehlke Secretary – Treasurer, BKID  
File



**CENTRAL DISTRICT HEALTH DEPARTMENT**  
**Environmental Health Division**

Return to:

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

Rezone # 14-01-AN

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

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

Sect. 25

- 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
  - waste flow characteristics
  - bedrock from original grade
  - other \_\_\_\_\_
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approval from appropriate entities are submitted, we can approve this proposal for:
  - central sewage
  - community sewage system
  - community water well
  - interim sewage
  - central water
  - individual sewage
  - individual water
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - central sewage
  - community sewage system
  - community water
  - sewage dry lines
  - central 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
  - swimming pools or spas
  - child care center
  - beverage establishment
  - grocery store
- 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

RECEIVED

JUN 18 2014

KUNA CITY CLERK

14. \_\_\_\_\_ Reviewed By: \_\_\_\_\_  
 \_\_\_\_\_ Date: 6/16/14