



KUNA PLANNING AND ZONING COMMISSION

Agenda for May 13, 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 Chairman Stephanie Wierschem
Commissioner Dana Hennis
Commissioner Cathy Gealy
Commissioner Joan Gay

2. CONSENT AGENDA

- a. Meeting Minutes for March 25, 2014

3. NEW BUSINESS:

- a. Keller and Associates requests approval of a new commercial building with accompanying parking lot, landscaping, signage and a drive-thru (previously approved 12-03-SUP) in an existing C-1 zone located within the Merrell Family Complex at the northwest intersection of Deer Flat Road and Highway 69, Kuna, Idaho.

4. PUBLIC HEARING

- a. Paul and Laura Zimmerman requests approval for annexation of approximately 28.5 acres into the City of Kuna as R-4 (Medium Density Residential) zone, creating Canberra Estates Subdivision (two-lots). The lots will be approximately 1.5 acres and 27 acres lot and located approximately ½ mile south from the Lake Hazel Road and Black Cat Road intersection.

5. DEPARTMENT REPORTS

- a. Summary of Assessor's Report

6. CHAIRMAN / COMMISSIONER DISCUSSION

7. ADJOURNMENT

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

**MEETING MINUTES
Tuesday, March 25, 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.*

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	x	Wendy Howell, Planning Director	x
Vice-Chairman Stephanie Wierschem		Troy Behunin, Planner II	<i>Not Present</i>
Commissioner Dana Hennis	x	Travis Jeffers, Planning Technician	x
Commissioner Cathy Gealy			
Commissioner Joan Gay	x		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

Chairman Young called the meeting to order at **6:02 pm**.

1. CONSENT AGENDA

- a. Meeting Minutes for February 25, 2014
- b. **13-010-SUP** (Special Use Permit) – **Carrie Anson** In-Home Salon Findings of Fact and Conclusions of Law.

Commissioner Hennis motioned to approve consent agenda; Commissioner Gay seconds, all aye and motioned carried 3-0.

2. OLD BUSINESS:

None

3. PUBLIC HEARING

None

4. DEPARTMENT REPORTS:

None

5. CHAIRMAN / COMMISSIONER DISCUSSION:

None

6. ADJOURNMENT:

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

**MEETING MINUTES
Tuesday, March 25, 2014**

*Commissioner Hennis motions to adjourn at **6:03pm**; Commissioner Gay Seconds, all aye and motion carried 3-0.*

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Travis Jeffers, Planner Technician
Kuna Planning and Zoning Department



City of Kuna

Design Review Staff Report

P.O. Box 13
Kuna, ID 83634
Phone: (208) 922-5274
Fax: (208) 922-5989
Kunacity.Id.gov

To: Planning and Zoning Commission; acting as P&Z and Design Review Committee

Case Numbers: 14-03-DR (Design Review)

Location: 1403 N. Meridian Road
Kuna, Idaho 83634

Planner: Troy Behunin, Senior Planner

Meeting Date: May 13, 2014

Applicant: **McDonalds USA, LLC**
Clint Cameron
12131 113 Ave. NE Ste 103
Kirkland, WA 98034
425.242.2498
Clint.cameron@us.mcd.com

Representative: **Keller Associates**
Stillman Norton
733 5th Street # D
Clarkston, WA 99403
snorton@kellerassociates.com

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- I. Proposed Decision by the Commission

A. Course of Proceedings:

1. Applicant proposes a new commercial building with accompanying parking lot, landscaping, signage and a drive-thru (previously approved 12-03-SUP) in an existing C-1 zone. According to Kuna City Code (KCC) Title 5, Chapter 4 (Design Review Overlay); all new commercial buildings landscaping, parking lot and signage are required to submit an application for review by the Design Review Committee (DRC). As a public meeting item, this action requires no formal public noticing actions.

a. Notifications

- i. Agenda

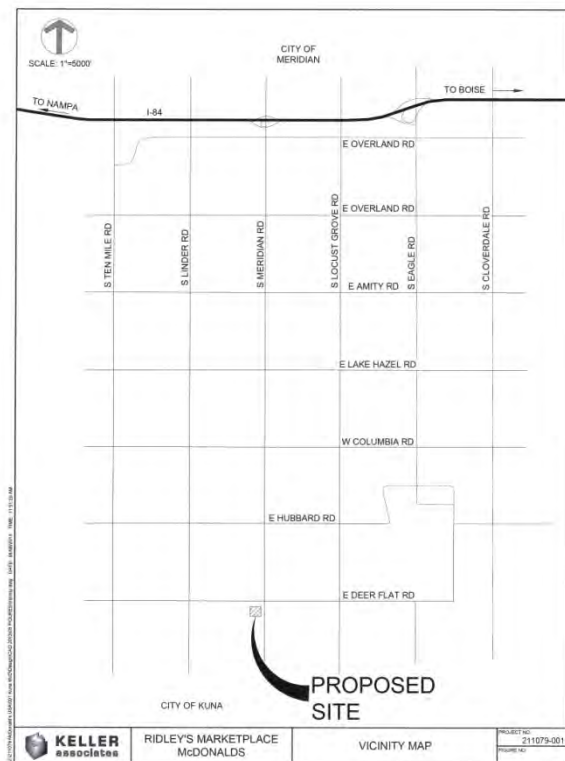
May 13, 2014

2. In accordance with KCC Title 5, Chapter 4, this application seeks DRC approval for a 3,833 square foot restaurant/store, parking lot, landscaping and accompanying signage.

B. Applicant Request:

1. The applicant requests approval from the DRC for a new 3,833 square foot restaurant, parking lot, landscaping and advertising signage on an approx. 1.32 acre site in the Profile Ridge subdivision, A.K.A. Ridley's Family Market.
2. The applicant has submitted all necessary documents and materials for review.

C. Vicinity Maps:



D. History:

The site is part of the Profile Ridge subdivision and was zoned for commercial uses in 2006. The site was farmed until early 2013, when construction began on the Ridley's Market. The restaurant is proposed to be placed in the southeast corner of the Ridley's Family Market development.

E. General Project Facts: Profile Ridge Subdivision, Ridley's Family Market Center – Kuna, Idaho.

1. **Comprehensive Plan Designation:** The Future Land Use map (FLU) approved by City Council, indicates the site is within a commercial designation. In accordance with KCC 5-3-2, staff views the request from McDonalds to be consistent with the FLU map as the applicant has applied for a DRC.
2. **Surrounding Land Use:**

Direction	Current Zoning	
North	C-1	Neighborhood Commercial – Kuna City
South	R-6	Medium Density Residential – Kuna City
East	RUT	Rural Urban Transition – Ada County
West	RUT	Rural Urban Transition – Ada County

3. **Parcel Size, Current Zoning, Parcel Number:** 29.39 Acres, C-1 (Neighborhood Comm.), APN: S1324110085

4. **Services:**

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

5. **Existing Structures, Vegetation and Natural Features:** The lot currently has Ridley's Market and Ace Hardware stores operating. There are additional pads intended for commercial development and this application will occupy one of those pads. There are no other buildings currently, however, the bulk of the parcel is already developed with parking, landscaping, lighting and some signage. The balance of the parcel is awaiting additional development applications which are anticipated to be forthcoming in the near future.

6. **Transportation / Connectivity:** Access to the site is from highway 69/Meridian and Deer Flat Roads.

7. **Environmental Issues:**

Staff is not aware of any environmental issues, health or safety conflict. This site's topography is generally flat and the bulk is already developed.

F. **Staff Analysis:**

Staffs review of the application revealed there was more than adequate parking assigned for this application. While it is important to provide the necessary number of stalls for customers, safety is also an important element to each application. Following the standard table listed in KCC 5-9-3, this project is only required to provide 23 spaces, including 2 handicapped spaces. This application proposes 42 total stalls. It is staffs view the seven stalls directly north of the East Profile Street entrance create a safety hazard for vehicles entering and exiting the Market Center and as such, should be removed and replaced with landscaping.

As the drive-thru is directly adjacent to Highway 69/Meridian Road, staff is aware that vehicle lights my cause unnecessary distraction to drivers on highway 69/Meridian Road. Staff would recommend a small landscape berm be placed between the drive-thru and that corridor. The height of which should be determined by the DRC.

Staff views this proposed use to be consistent with the neighboring uses and the approved FLU map designation. Staff forwards a recommendation of approval for case No. 14-03-DRC to the Design Review Committee.

G. **Applicable Standards:**

1. City of Kuna Zoning Ordinance No. 230.
2. City of Kuna Design Review Ordinance, 2011-08.
3. City of Kuna Comprehensive Plan.
4. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

H. **Comprehensive Plan Analysis:**

The Planning and Zoning Commission may accept the Comprehensive Plan components as described below.

1. The proposed Design Review for the site is 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 2.1: Assist in retaining or expanding sales opportunities in entertainment, sit-down restaurants, and neighborhood/convenience shopping categories. Encourage neighborhood and community-scale retail.

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.

GOALS AND POLICY – Transportation

Policy 1.1.2: Pedestrian and bicycle activities should be separate from automobiles road system – where possible.

Policy 3.2.1: Encourage developers to create mixed use developments that will reduce travel demand through trip capture.

Policy 3.2.2: Increase Kuna’s employment opportunities as a means of reducing commuter trips.

Policy 3.4.9: Assure that commercial ventures have a secondary means of roadway access.

Policy 3.4.10: Require shared driveway access where possible.

Policy 3.4.12: Promote ease of access to all portions of the City.

I. Proposed Decision by the Commission:

Note: This proposed motion is for approval or denial of this request. However, if the Design Review Committee wishes to approve or deny specific parts of the requests as detailed in the report, those changes must be specified.

Based on the facts outlined in staff’s report, the case file and discussion at the public meeting the Design Review Committee of Kuna, Idaho, hereby approves/denies Case No. 14-03-DRC, a Design Review request by McDonalds USA, with the following conditions of approval:

Conditions of Approval:

1. In the event the uses, the building or any other DRC elements for this application are enlarged, expanded or altered in anyway (even temporarily), the applicant shall seek an amendment to the approvals of this DRC.
2. Signage for the site shall comply with current Kuna City Code, as well as, obtain a sign permit prior to construction.
3. Applicant shall remove the seven parking stalls north of East Profile Street and replace with appropriate landscaping.
4. Applicant shall place a small landscape berm between drive-thru and highway 69/Meridian Road, height to be determined by the DRC.
5. The applicant shall follow all staff and appropriate agency recommendations.
6. The applicant shall comply with all Federal, State and Local Laws.

DATED: This 13th day of May, 2014.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Troy Behunin, Senior Planner
Kuna Planning and Zoning Department



KELLER
associates

Technical Memo

TO: Troy Behunin
FROM: Jeremy Wilson
DATE: April 8, 2014
SUBJECT: Ridley's Market McDonalds Design Review Application

Troy,

This letter is being submitted to support the other elements in the attached design review application for the Ridley's Market McDonalds Project. The project is located near the intersection of Deer Flat Road and Meridian Road at the southeastern corner of the Ridley's Market development. The property already has some improvements and is zoned for commercial development.

The project plans have been prepared in accordance with the requirements in the Design Review Application. Two 11x17 copies of the civil/site drawings have been included for review by the Planning and Zoning Department and the Engineering Department. In addition, three copies of the architectural drawings have been included in the required sizes.

The Ridley's Market McDonalds project will include a new 3,833 square foot building and various other improvements on a 1.32 acre site. There is an existing parking lot on the site that will receive new lighting, and improved pedestrian safety facilities. Landscaping will be installed parallel to Meridian Road, and in various other places on the site. New pedestrian amenities will include a walking path connecting to Meridian Road and a bike rack.

The project will also include improvements to the site utilities. There will be two sanitary sewer lines coming out of the building. There will be one standard line, and a grease line connected to two 1,000 gallon grease traps. Following the grease traps, the lines merge and eventually connect to the existing line on E Profile Street. The stormwater from the site will be routed to the existing system that was previously sized to include this property.

All requirements of the design review application are completed and included. Thank you for taking time to review this application. If you have any questions, or need additional information please feel free to contact our project manager, Stillman Norton at (509) 295-6095 or by email at stillman@kellerassociates.com.

Regards,

Jeremy Wilson, E.I.



SCALE: 1"=300'



J:\211079 McDonald's USA\001 Kuna McD\Design\CAD 2013\08 FIGURES\KMCDS AERIAL.dwg DATE: 04/08/2014 TIME: 11:51:18 AM



KELLER
associates

RIDLEY'S MARKETPLACE
McDONALDS

AERIAL MAP

PROJECT NO:	211079-001
FIGURE NO:	



SCALE: 1"=5000'

CITY OF
MERIDIAN

TO BOISE →

← TO NAMPA

I-84

E OVERLAND RD

E OVERLAND RD

S TEN MILE RD

S LINDER RD

S MERIDIAN RD

S LOCUST GROVE RD

E AMITY RD

S EAGLE RD

S CLOVERDALE RD

E LAKE HAZEL RD

W COLUMBIA RD

E HUBBARD RD

E DEER FLAT RD

CITY OF KUNA

**PROPOSED
SITE**



KELLER
associates

RIDLEY'S MARKETPLACE
McDONALDS

VICINITY MAP

PROJECT NO:
211079-001
FIGURE NO:



City of Kuna Design Review Application

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

FILE NO.: 14-03-DRC
CROSS REF.: RIDLEYS MARKET SUP (12-03-SUP) DRIVE-THRU.
FILES: _____

The City of Kuna has adopted a Design Review process whose purpose is to make Kuna a pleasant and comfortable place to live and work. This Design Review process is based on standards and guidelines found in the Design Review Ordinance No. 2007-02 and the Architecture and Site Design Booklet. Both of these documents can be found online (www.cityofkuna.com) or are picked up in the City's Planning and zoning department is located at 763 W Avalon, Kuna ID. Staff is glad to assist you with your application form.

The Design Review application applies to the following land use actions:

- ▶ Multi-family dwellings (3 or more)
- ▶ Commercial
- ▶ Industrial
- ▶ Institutional
- ▶ Office
- ▶ Common Area
- ▶ Subdivision Signage
- ▶ Proposed Conversions
- ▶ Proposed changes in land use and/or building use or exterior remodeling
- ▶ Exterior restoration, and enlargement or expansion of existing buildings, signs or sites.

Application Submittal Requirements

Applicant
Use

Staff
Use



Date of pre-application meeting :

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



A complete Design Review Application form

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



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



One (1) Vicinity Map (8 1/2" x 11") at 1" = 300' scale (or similar), label the location of the property and adjacent streets.



One 8 1/2" x 11" colored aerial photo depicting proposed site, street names, and surrounding area within five-hundred feet (500').



Copy of Deed; and, if the applicant is not the owner, an **original** notarized statement (affidavit of legal interest) from the owner (and all interested parties) stating the applicant is authorized to submit this application.





Detailed site, landscape, drainage plan, elevation and to scale. *(No smaller than 1"=30', unless otherwise approved.)*



One of each plan (site, landscape, drainage plan and elevations) is required to be submitted in the following plan sizes:

(1) 24" X 36" TO SCALE COPIES

(1) 11" X 17" REDUCTIONS

(1) 8 1/2" X 11" REDUCTIONS



Provide a color rendering and material sample board specifically noting where each color and material is to be located on the structure.



Note: Provide photo of the colored rendering and material samples board to City Staff electronically in a JPG or PDF format.

The Applicant is obligated to provide a site plan that graphically portrays the site and includes the following features:

Site Plan

Applicant
Use



North Arrow



To scale drawings



Property lines



Name of "Plan Preparer" with contact information



Name of project and date



Existing structures, identify those which are to be relocated or removed



On-site and adjoining streets, alleys, private drives and rights-of-way



Drainage location and method of on-site retention / detention



Location of public restrooms



Existing / proposed utility service and any above-ground utility structures and their location



Location and width of easements, canals and drainage ditches



Location and dimension of off-street parking



Locations and sizes of any loading area, docks, ramps and vehicle storage or service areas



Trash storage areas and exterior mechanical equipment, with proposed method of screening



Sign locations *(a separate sign application must be submitted with this application)*



On-site transportation circulation plan for motor vehicles, pedestrians and bicycles



Locations and uses of ALL open spaces



Locations, types and sizes of sound and visual buffers *(Note: all buffers must be located outside the public right-of-way)*



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



Locations of subdivision lines *(if applicable)*



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



Location of walls and fences and indication of their height and material of construction



Roofline and foundation plan of building, location on the site



Location and designations of all sidewalks



Location and designation of all rights-of-way and property lines

Staff
Use



Landscape and Streetscape Plan

The landscape and streetscape plans need to be drawn by the project architect, professional landscape architect, landscape designer, or qualified nurseryman for development's possessing more than twelve thousand (12,000) square feet of private land. The landscaped and streetscape plans must be colored. The Planning Director or City Forester may require the preparation of a landscape plan for smaller developments by one of the noted individuals if the lot(s) have unique attributes.

Applicant Use		Staff Use
☒	North Arrow	☐
☒	To scale drawings	☐
☒	Boundaries, property lines and dimensions	☐
☒	Name of "Plan Preparer" with contact information	☐
☒	Name of project and date	☐
☒	Type and location of all plant materials and other ground covers. <i>Please review the City's plant list and rely upon it to identify the site's planting strategy. Include botanical and common name, quantity, spacing and sizes of all proposed landscape materials at the time of planting, and at maturity. A list of acceptable trees is available upon request from City Planning Staff. If there are any questions, please contact the City Forester, Natalie Reeder, at 208.880.0953</i>	☐
☒	Existing vegetation identified by specific size. Identify those which are proposed to be relocated or removed.	☐
☒	Method of irrigation. <i>Note: All plant materials, except existing native plants not damaged during construction or xeriscape species shown not to require regular watering, shall be irrigated by underground sprinkler systems set on a timer in order to obtain proper watering duration and ease of maintenance.</i>	☐
☒	Location, description, materials, and cross-sections of special features, including berming, retaining walls, hedges, fences, fountains street/pathway furniture (benches, etc.), etc.	☐
☒	Sign locations <i>Note: A separate sign application must be submitted with this application</i>	☐
☒	Locations and uses for open spaces	☐
☒	Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle	☐
☒	Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles	☐
☒	Location and designations of all sidewalks	☐
☒	Engineered grading and drainage plans: A generalized drainage plan showing direction drainage with proposed on-site retention. Upon submission of building/construction plans for an approved design review application, a detailed site grading and drainage plan, prepared by a registered professional engineer (PE) shall be submitted to the City for review and approval by the City Engineer.	☐

Building Elevations

Applicant
Use



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

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



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



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

Note: Submit as 11"x17" reductions



Screening/treatment of mechanical equipment



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



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

Staff
Use



Lighting Plan

Applicant
Use



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



Types and wattage of all light fixtures

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



Placement of all light fixtures shown on elevations and landscaping plans

Staff
Use



Roof Plans

Applicant
Use



Size and location of all roof top mechanical units

Staff
Use



Design Review Application

Applicant: KELLER ASSOCIATES / STILLMAN NORTON Phone: 509-295-6095

☐ Owner

☒ Representative

Fax/Email: 509-295-6104

Applicant's Address: 733 5TH STREET #D CLARKSTON, WA

Zip: 99403

Owner: MCDONALDS USA / CLINT CAMERON Phone: 425-242-2413

Owner's Address: MCDONALDS USA LLC 12131 113TH AVE Email: 425-242-2498

NE SUITE #103 KIRKLAND, WA Zip: 98034

Represented By: (if different from above) SAME AS ABOVE Phone: _____

Address: _____ Email: _____

Zip: _____

Address of Property: _____

Distance from Major Cross Street: _____ Zip: _____
Street Name(s): _____

Please check the box that reflects the intent of the application

☒ BUILDING DESIGN REVIEW
SUBDIVISION / COMMON AREA LANDSCAPE

DESIGN REVIEW MODIFICATION
STAFF LEVEL APPLICATION

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

CONSTRUCTION OF A NEW MCDONALDS RESTAURANT AND ASSOCIATED IMPROVEMENTS.

1. Dimension of Property: 247.5' X 231.8'
2. Current Land Use(s): PARTIALLY DEVELOPED COMMERCIAL
3. What are the land uses of the adjoining properties?
- North: RIDLEY'S FAMILY MARKET
- South: UNDEVELOPED AGRICULTURAL LAND
- East: MERIDIAN ROAD
- West: RIDLEY'S FAMILY MARKET
4. Is the project intended to be phased, if so what is the phasing time period? PROJECT NOT PHASED
- Please explain: N/A

5. The number and use(s) of all structures: 1 RESTAURANT BUILDING, 1 TRASH ENCLOSURE WITH DRY STORAGE AREA.

6. Building heights: 18'-9 1/2" Number of stories: 1

The height and width relationship of new structures shall be compatible and consistent with the architectural character of the area and proposed use.

Note: The maximum building height for each zoning district is as follows:

L-O: 35'	C-2: 60'	CBD: 80'	M-2: 60'	P: 60'
C-1: 35'	C-3: 60'	M-1: 60'	M-3: 60'	

7. What is the percentage of building space on the lot when compared to the total lot area? 6.68%
8. Exterior building materials & colors: *(Note: This section must be completed in compliance with the City of Kuna Ordinance No. 2007-21A (as amended); found online at www.cityofkuna.com under the City Code.*

MATERIAL

COLOR

Roof: PARAPET AND TPO ROOFING / WHITE

Walls: *(State percentage of wall coverage for each type of building material below for each frontage wall) If there is not adequate space to identify the various building materials and applications, please list them on the attached sheet of this application. Please attach photos to support application types.*

SEE ATTACHED EXHIBIT, 11X17 AZ.0 & AZ.1

- % of Wood application: N/A /
- % EIFS: N/A /
- (Exterior Insulation Finish System)*
- % Masonry: (STONE) SEE ATTACHED /
- % Face Block: N/A /
- % Stucco: SEE ATTACHED /
- & other material(s): (METAL) SEE ATTACHED /
- List all other materials: N/A
- Windows/Doors: SEE ATTACHED /
- (Type of window frames & styles / doors & styles, material)*
- Soffits and fascia material: (LANDPIES) SEE ATTACHED
- Trim, etc.: N/A /

- Other: N/A / _____
9. Please identify Mechanical Units: TRANE R.T.U.
 Type/Height: HEIGHT: 4'-9" MAX
 Proposed Screening Method: PARAPET SCREENED ROOF EQUIPMENT
10. Please identify trash enclosure: (size, location, screening & construction materials) 20' X 27'4" TRASH
ENCLOSURE WITH DRY STORAGE AREA. CONSTRUCTED WITH CMU BLOCKS, WITH DRY STUCK FINISH.
11. Are there any irrigation ditches/canals on or adjacent to the property? YES
 If yes, what is the name of the irrigation or drainage provider? _____
12. Fencing: (Please provide information about new fencing material as well as any exiting fencing material)
NO FENCING
 Type: N/A
 Size: N/A
 Location: N/A
 (Please note that the City has height limitations of fencing material and requires a fence permit to be obtained prior to installation)
13. Proposed method of On-site Drainage Retention/Detention:
STORMWATER WILL BE ROUTED INTO EXISTING SEEPAGE BEDS PREVIOUSLY SIZED TO INCLUDE THIS PROPERTY
14. Percentage of Site Devoted to Building Coverage: 6.68%
 % of Site Devoted to Landscaping: 24.2% Square Footage: 13907.5 FT²
 (Including landscaped rights-of-way)
 % of Site that is Hard Surface: 75.8% Square Footage: 43456.0 FT²
 (Paving, driveways, walkways, etc.)
 % of Site Devoted to other uses: N/A
 Describe: N/A
 % of landscaping within the parking lot (landscaped islands, etc.): 18.3% OF THE
LANDSCAPING IS IN THE PARKING LOT AREA.
15. For details, please provide dimensions of landscaped areas within public rights-of-way:
NONE FOR THIS PROJECT
16. Are there any existing trees of 4" or greater in caliper on the property? (Please provide the information on the site plans.)
 If yes, what type, size and the general location? (The City's goal is to preserve existing tree with greater than a four inch (4") caliper whenever possible):
No
17. Dock Loading Facilities:
 Number of docking facilities and their location: N/A
 Method of screening: N/A
18. Pedestrian Amenities: (bike racks, receptacles, drinking fountains, benches, etc.) PEDESTRIAN ACCESS ROUTE
FROM MERIDIAN ROAD, ONE BIKE RACK THAT CAN STORE 3-4 BIKES
19. Setbacks of the proposed building from property lines:

Front 132.38 -feet Rear 71.00 -feet N-Side 103.10 -feet S-Side 41.53 -feet

20. Parking requirements: 5 SPACES PER 1000 FT² OF BUILDING

Total Number of Parking Spaces: 42 Width and Length of Spaces: 9' x 20'

Total Number of Compact Spaces 8'x17': 0

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

IF THE PLANNING DIRECTOR OR DESIGNEE, THE DESIGN REVIEW BOARD AND/OR THE CITY COUNCIL DETERMINE THAT ADDITIONAL AND/OR REVISED INFORMATION IS NEEDED, AND/OR IF OTHER UNFORESEEN CIRCUMSTANCES ARISE, ANY DATES OUTLINED FOR PROCESSING MAY BE RECHEDULED BY THE CITY. APPLICANT/REPRESENTATIVE MUST ATTEND THE DESIGN REVIEW BOARD MEETING/PLANNING AND ZONING MEETINGS.

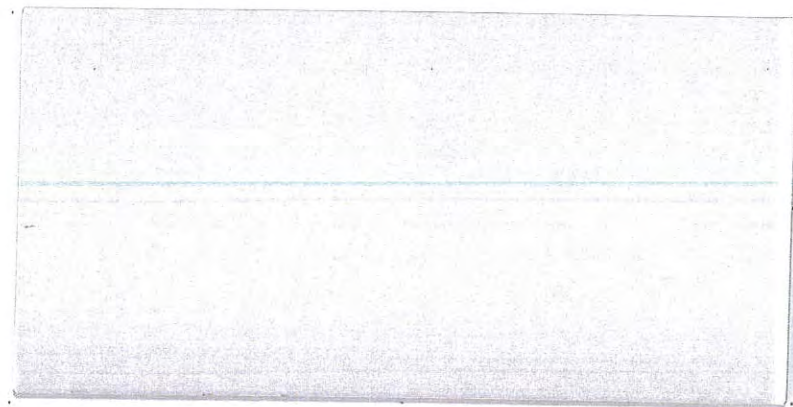
The Ada County Highway District may also conduct public meetings regarding this application. If you have questions about the meeting date or the traffic that this development may generate or the impact of that traffic on streets in the area, please contact the Ada County Highway District at 208.387.6170. In order to expedite your request, please have ready the file number indicated in this notice.

Signature of Applicant [Signature] Date 4/8/2014

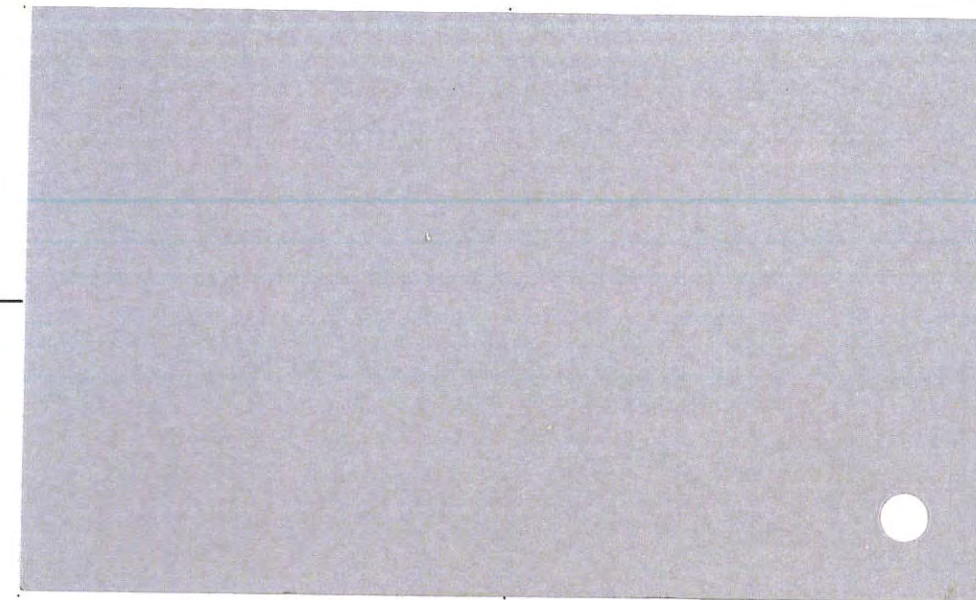
City staff comments: _____

Signature of receipt by City Staff _____ Date _____

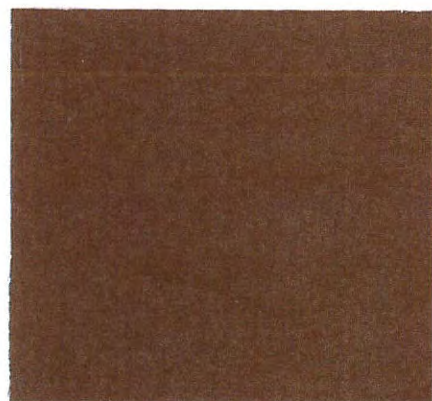
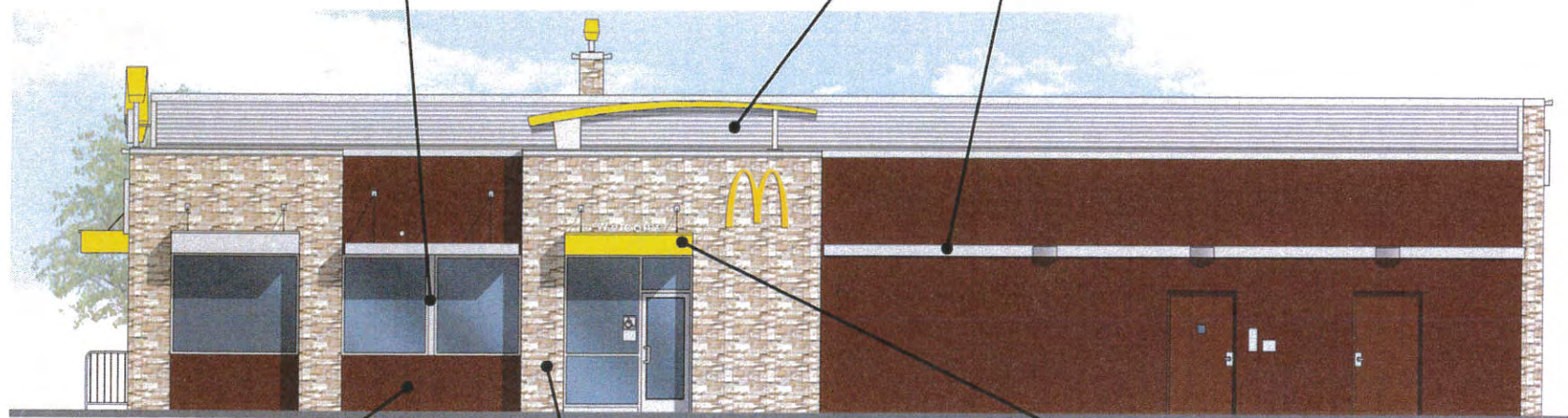
FOR ADDITIONAL INFORMATION:
(Please list page number and item in reference)



ALUMINUM MULLIONS (PREFINISHED)



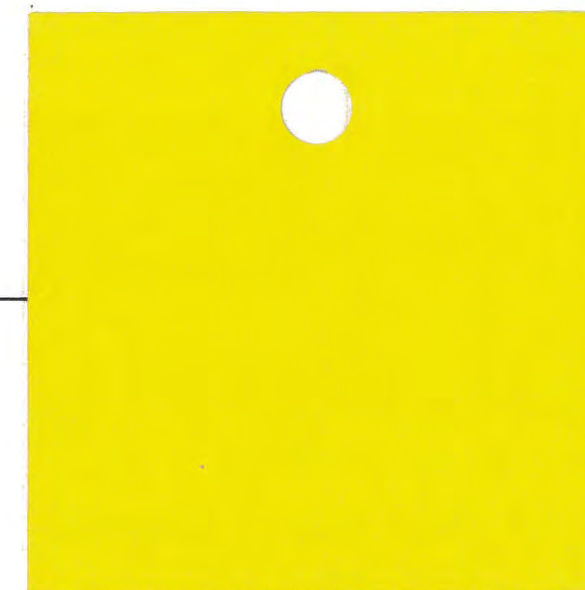
ALUMINUM TRELLIS AND CORRUGATED
METAL METAL-ERA
"CITY SCAPE" (PREFINISHED)



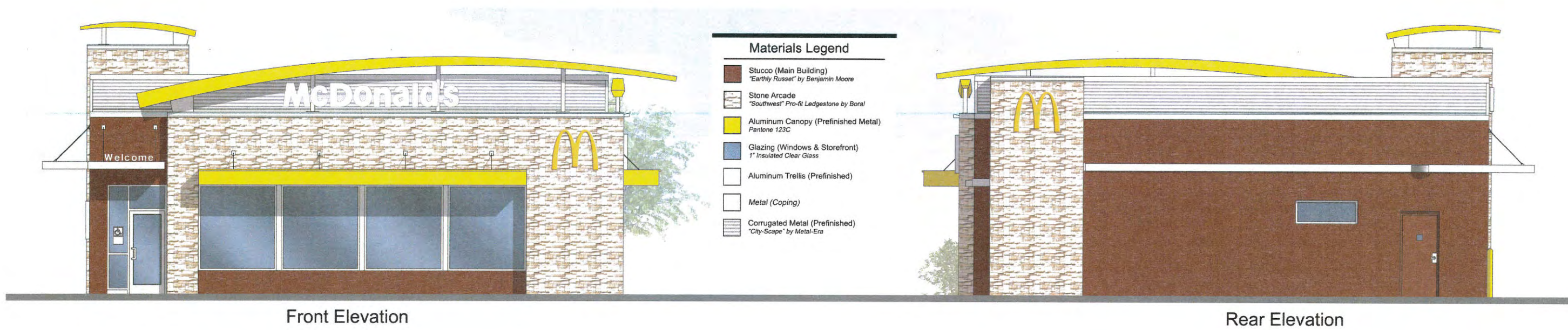
STUCCO (MAIN BUILDING)
BENJAMIN MOORE BM-2173-10
"EARTHLY RUSSET"



STONE ARCADE
PRO-FIT LEDGESTONE BY BORAL
"SOUTHWEST"



ALUMINUM CANOPY
(PREFINISHED METAL)
PANTONE 109C





McDonald's

DEER FLAT RD & MERIDIAN - KUNA, ID

SIGN PROGRAM BOOK

Customer:	McDONALD'S	Date:	03/27/14	Prepared By:	ISU	Eng:	X
Location:	KUNA, ID	File Name:	127921 - DEER FLAT RD & MERIDIAN, KUNA, ID - PROGRAM BOOK	Note: Data input was not the exact data being or getting the drawing. All data used are PMS or the above CHX equivalent. If these colors are incorrect, please provide the correct PMS number and a revision to the drawing will be made.			
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VICINITY MAP
NTS

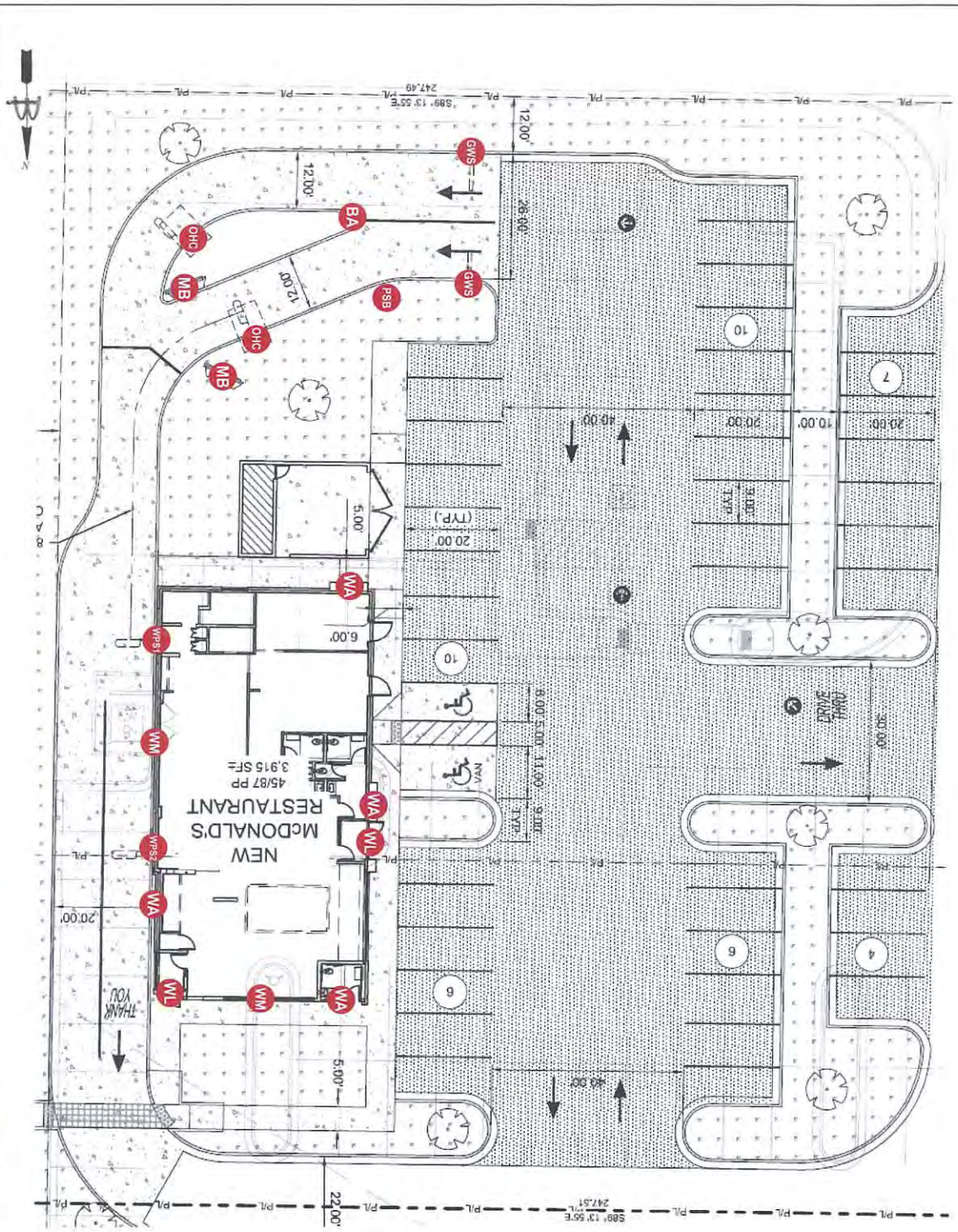


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Location:	KUNA, ID	Eng:	X
File Name:	127921 - DEER FLAT RD & MERIDIAN, KUNA, ID - PROGRAM BOOK		

Note: Color images may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are necessary, please provide the correct PMS number and a swatch to this drawing will be made.

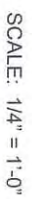
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- GWS SINGLE ARM GATEWAY (QTY 2)
- OHC ORDER HERE CANOPY (QTY 2)
- MB MENU BOARD (QTY 2)
- PSB PRE-SELL BOARD
- BA ANY LANE BOLLARD
- WP32 WINDOW POSITION SIGN 1
- WP32 WINDOW POSITION SIGN 2
- WM 24" WORDMARK (QTY 2)
- WA WALL ARCH (QTY 4)
- WL WELCOME LETTERS (QTY 2)

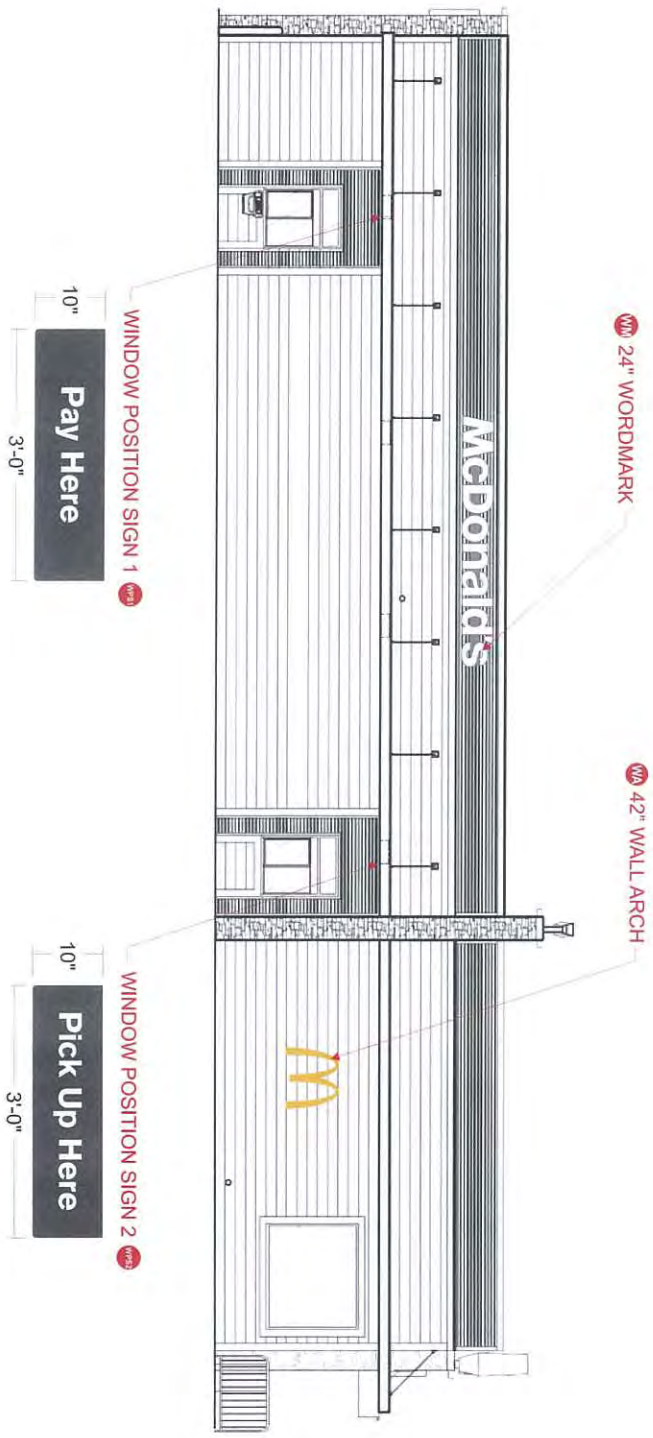
42" WALL ARCH



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Watertown, SD 57201-0210
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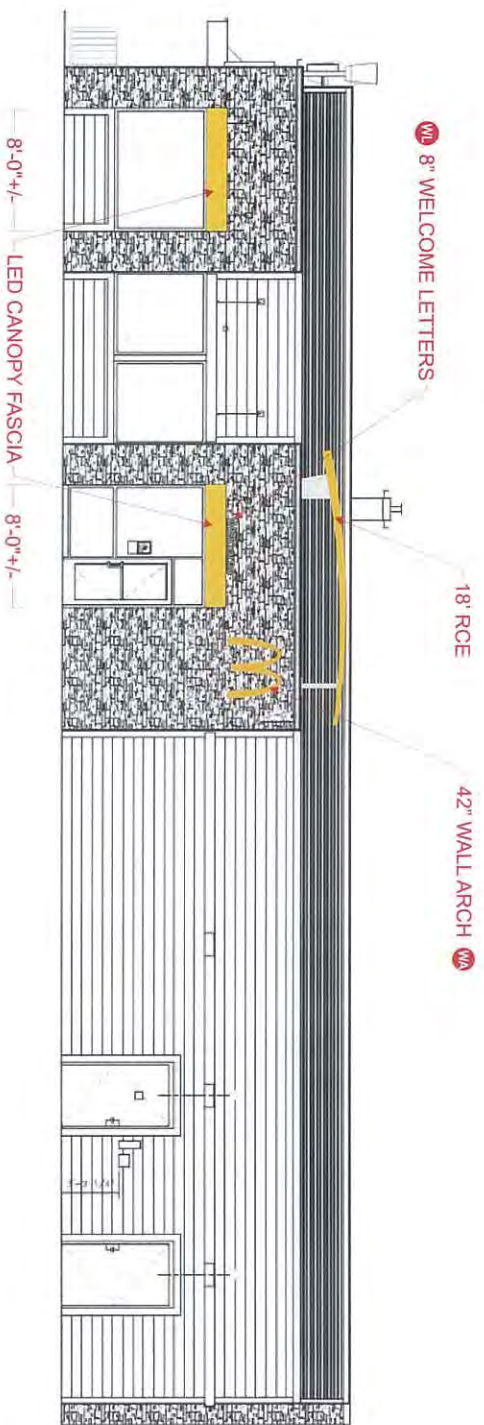
DRIVE-THRU ELEVATION



SCALE: 1/8" = 1'-0"

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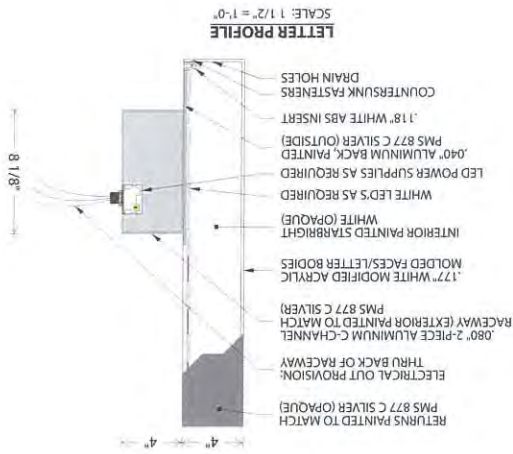
NON DRIVE-THRU ELEVATION



SCALE: 1/8" = 1'-0"

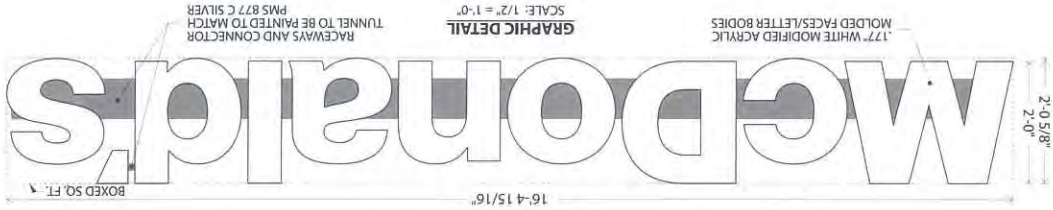
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		Exg:	X
Note: Orders require you not to cancel them (except in the event of printing this drawing). If orders need to be RFS or the basic CMR equivalent, it does not mean it cannot please provide the correct RFS and add a revision to this drawing will be made.			
		DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Waberton, SD 57021-0210	
SIGN MAKERS IMAGE BUILDERS		1 (800) 843-3888 - www.persona-inc.com	

Customer: KUNA, ID Location: McDonald's Date: 03/27/14 File Name: 127921 - DEER FLAT RD & MERIDIAN, KUNA, ID - PROGRAM BOOK Prepared By: ISU	Notes: <i>Notes: Colors may not be exact when viewing or printing this drawing. Colors used in this drawing will be made.</i> Eng:	SIGN MAKERS IMAGE BUILDERS Watertown, SD 57201-0210 (800) 645-5858 • www.personasign.com PO Box 210 700 2nd Street Southwest DISTRIBUTED BY SIGN UP COMPANY
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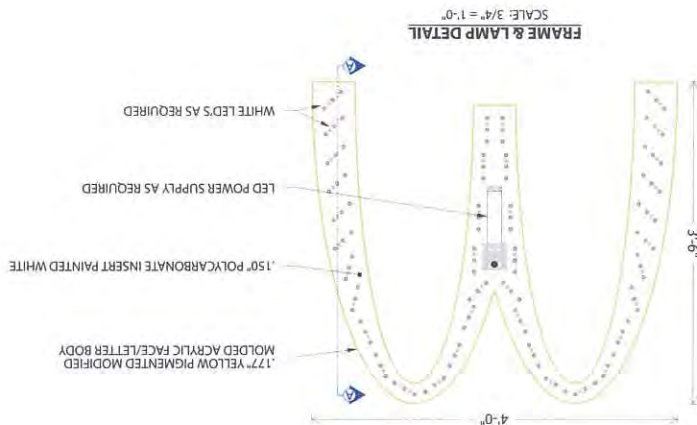
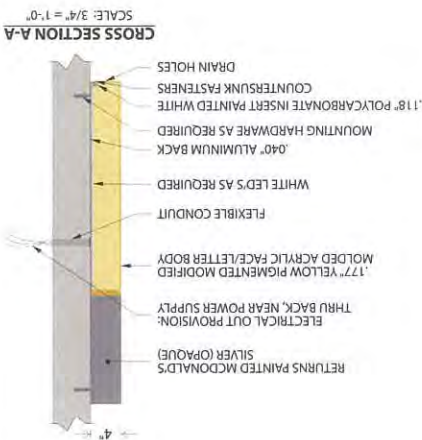


NOTES:

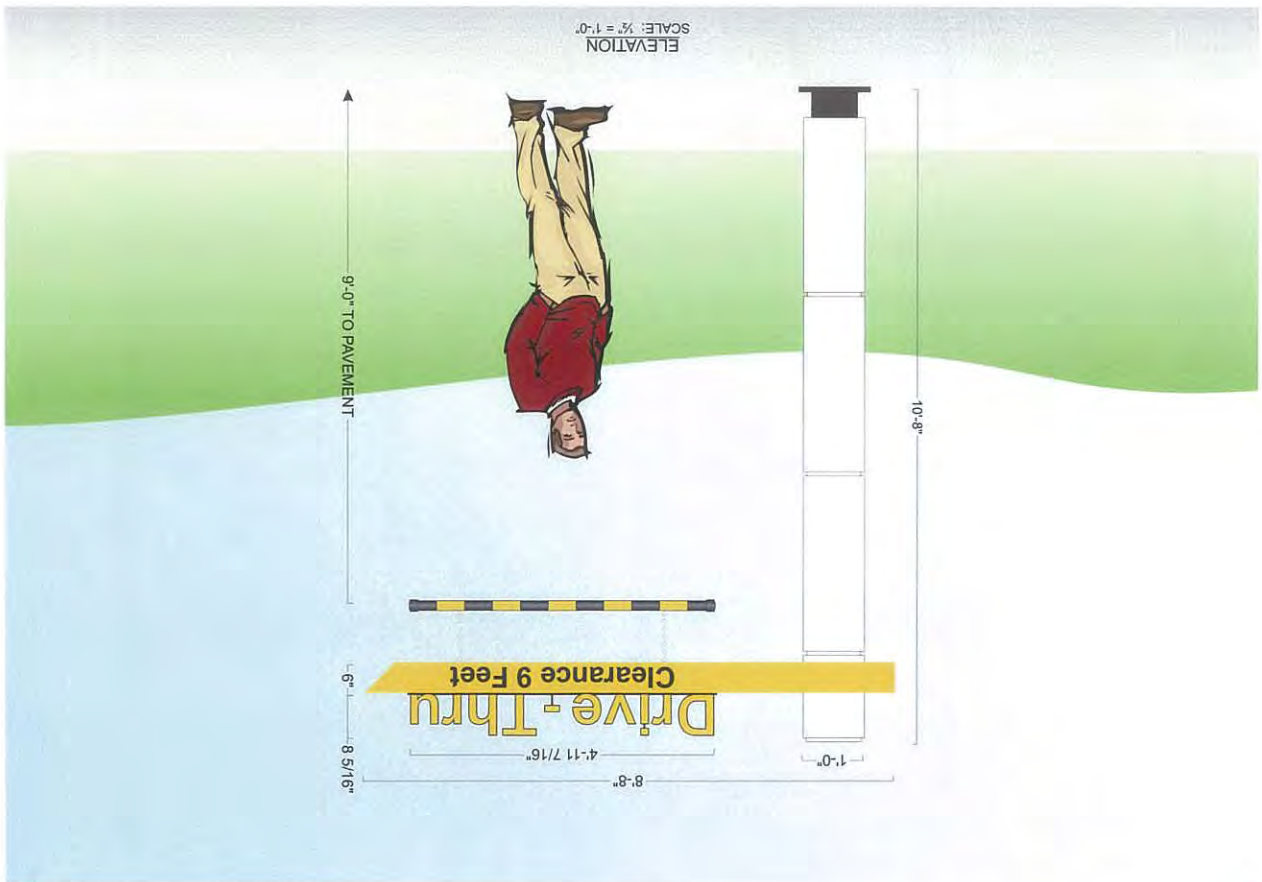
.177" MOLDED WHITE MODIFIED ACRYLIC LETTER BODIES
 INSTALLED ON ALUMINUM BACKS
 .118" WHITE ABS INSERTS
 EXTERIOR FINISH: MATCH PMS 877 C SILVER (OPAQUE);
 BACKS PAINTED PMS 877 C SILVER
 INTERIOR FINISH: STARBRIGHT WHITE (OPAQUE)
 LETTER BODIES REMOVABLE FOR SERVICE ACCESS
 ACCESS PANEL BEHIND LETTER "H" FOR RACEWAY ACCESS
 U.L. APPROVED
 ELECTRICAL: 250 AMP, 120 VOLTS
 SQUARE FOOTAGE:
 BOXED = 33.38
 ACTUAL = 19.53

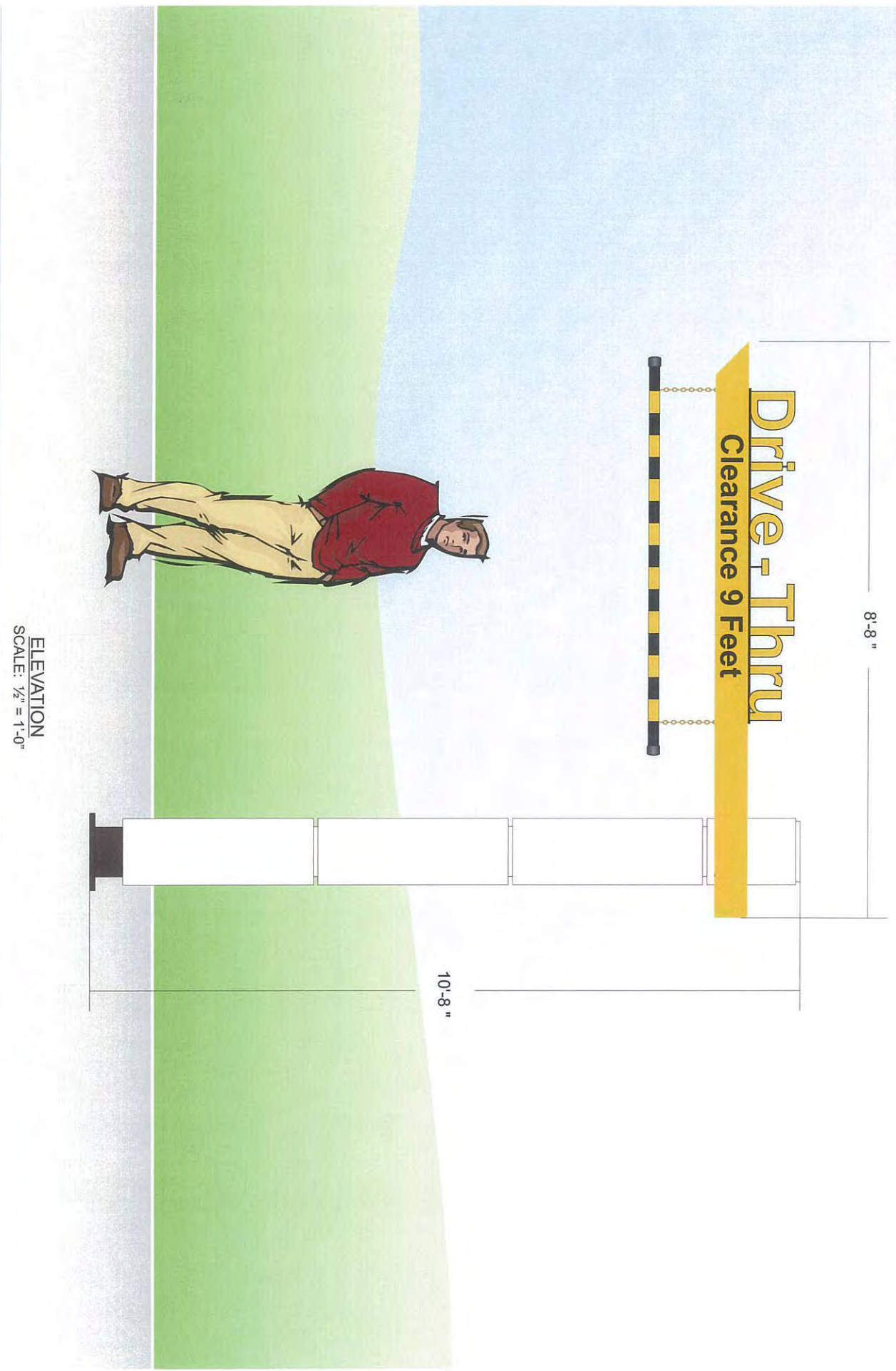


FRAME DETAIL:
 DESIGN FACTOR: TBD
 .177" FORMED YELLOW PIGMENTED (PMS 123 C) MODIFIED ACRYLIC FACE/LETTER BODY
 EXTERIOR FINISH: PAINTED MCDONALD'S SILVER (OPAQUE)
 INTERIOR FINISH: PAINTED STARBRIGHT WHITE (OPAQUE)
 .118" POLYCARBONATE INSERT PAINTED STARBRIGHT WHITE
 .040" ALUMINUM BACK
 LETTER BODY REMOVABLE FOR SERVICE ACCESS
 U.L. APPROVED
 ELECTRICAL: 0.85 AMP, 120 VOLTS
 SQUARE FOOTAGE:
 BOXED = 14.00
 ACTUAL = 4.90

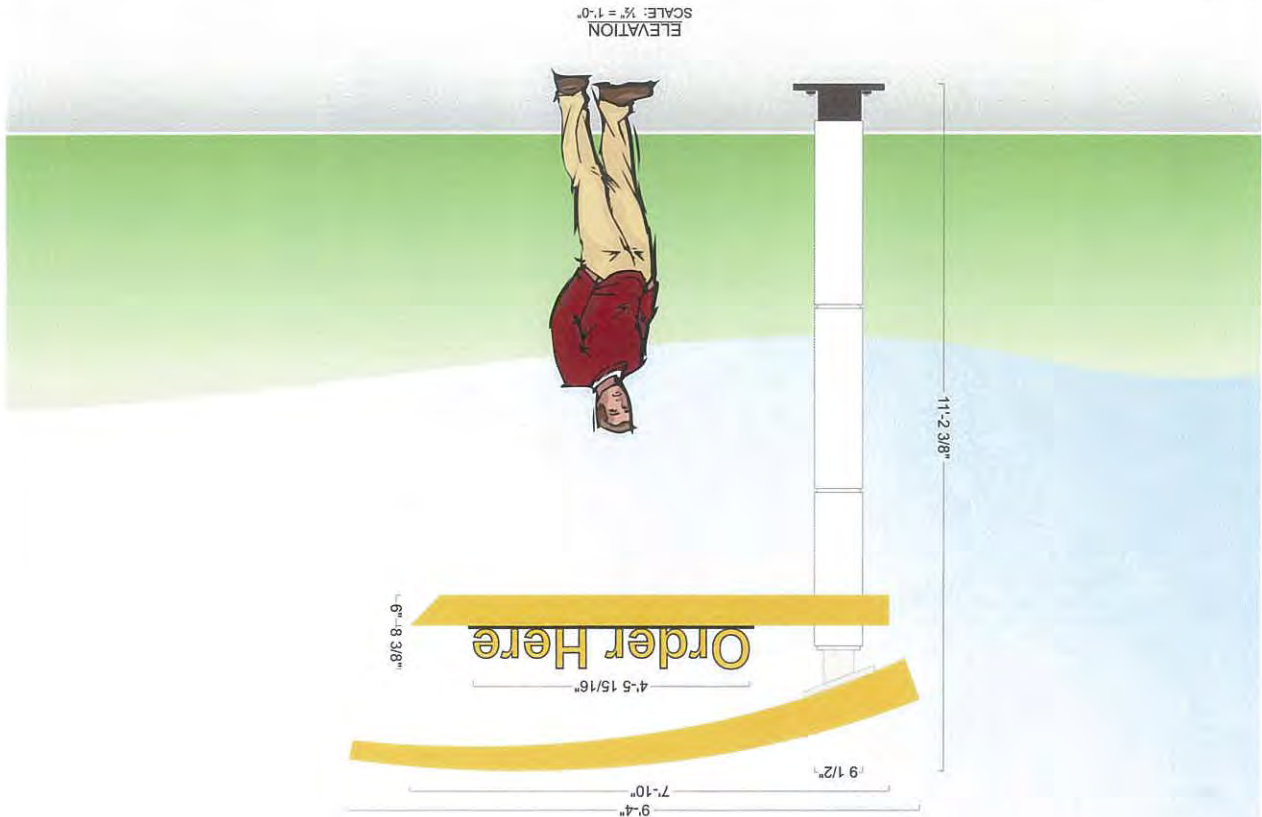
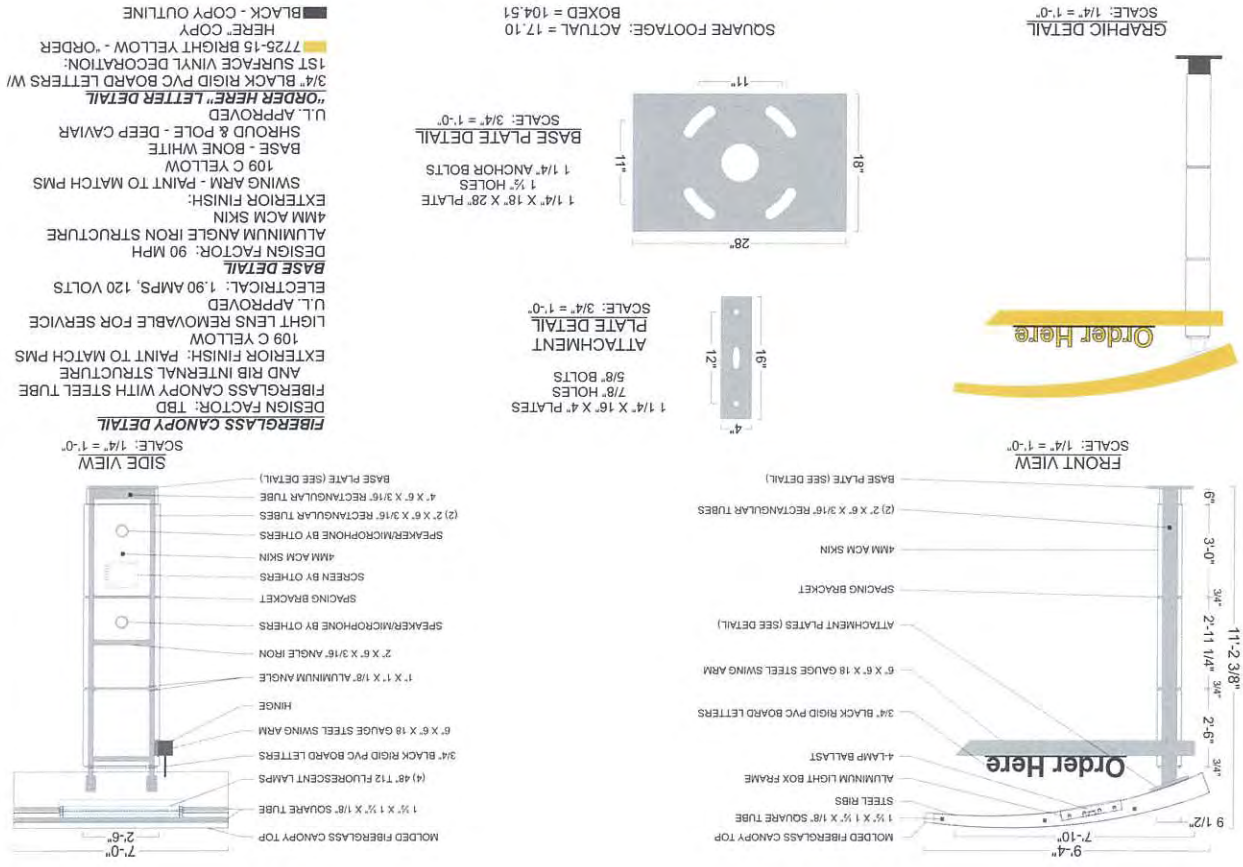


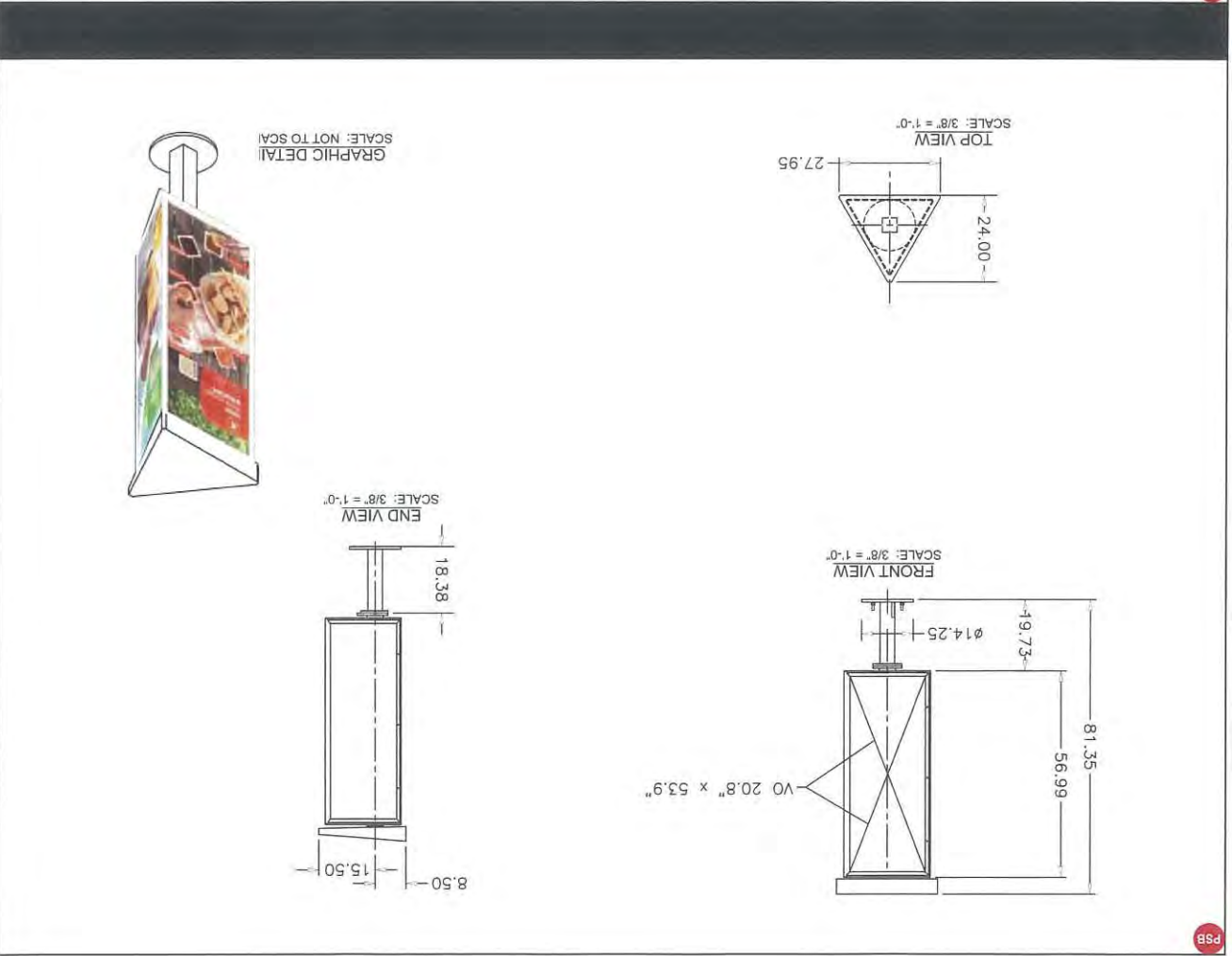
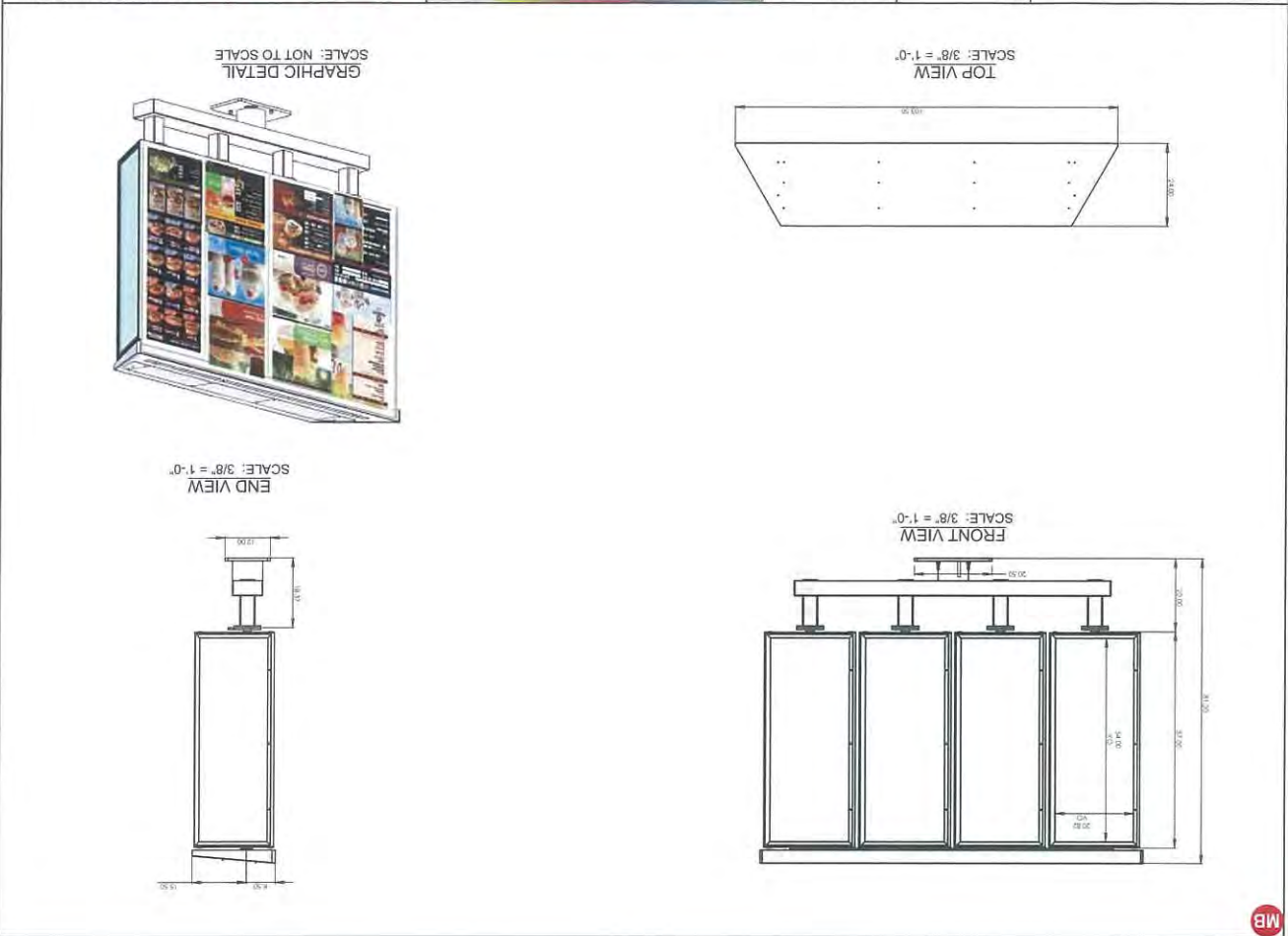
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Prepared By:	ISU	Date:	03/27/14
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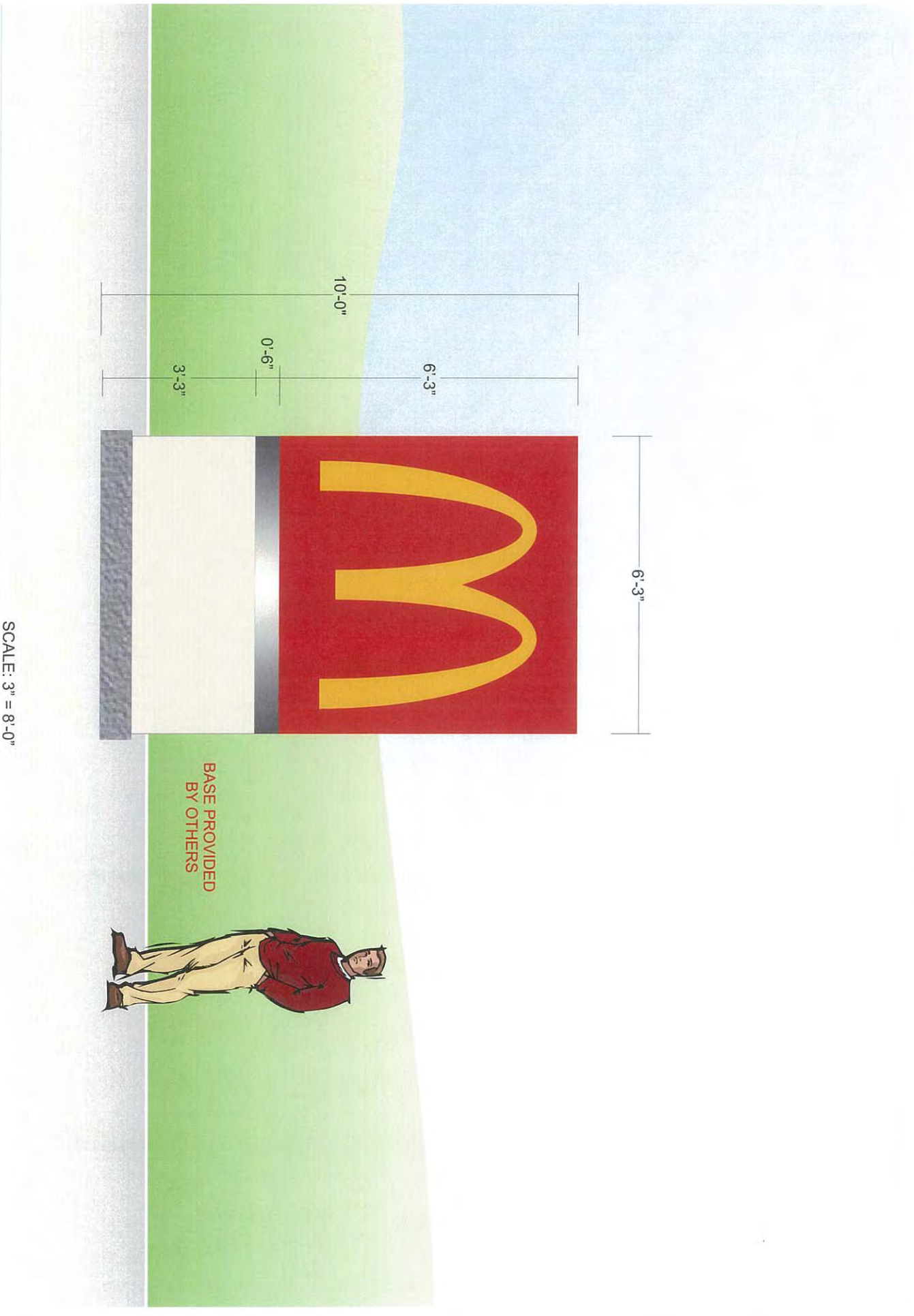
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Customer: KUNNA, ID
 Date: 03/27/14
 Prepared By: ISU
 File Name: 127921 - DEER FLAT RD & MERIDIAN, KUNNA, ID - PROGRAM BOOK





SCALE: 3" = 8'-0"

Customer:	Date:		Prepared By:	Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS number and a revision to this drawing will be made.	Eng:
	03/27/14		ISU		
Location:					
	File Name:				
KUNA, ID	127921 - DEER FLAT RD & MERIDIAN, KUNA, ID - PROGRAM BOOK				-
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GRAPHIC DETAIL
SCALE: 3/8" = 1'-0"

ARCH, SHROUD & LEG = 10.79
ARCH & SHROUD = 10.01
ACTUAL-
BOXED- 52.01
SQUARE FOOTAGE:
LEG AND SHROUD
FINISH) EXPOSED SUPPORT
MCDONALD'S SILVER (GLOSS
PMS 109 YELLOW - ARCH
EXTERIOR FINISH:
FIBERGLASS ARCH SHELL
DESIGN FACTOR: 90 MPH
FRAME DETAIL

END VIEW
SCALE: 3/8" = 1'-0"

FRONT

1/8"

14"

8"

12'-10 3/4"

6"

13 1/2"

2'-7 1/16"

5 3/8"

7 15/16"

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

2'-10 5/8"

6 15/16"

18'-0 5/16"

2 15/16"

FIBERGLASS ARCH

MOUNTING PLATES

BENT-UP ALUMINUM SHROUD

4" X 4" X 3/16" SQUARE TUBES

BASE PLATES

GRAPHIC DETAIL
SCALE: 1/2" = 1'-0"

ARCH, SHROUD & LEG = 5.53
ARCH & SHROUD = 5.02
ACTUAL-
BOXED- 18.30
SQUARE FOOTAGE:
SUPPORT LEG AND SHROUD
MCDONALD'S SILVER (GLOSS FINISH) EXPOSED
PMS 109 YELLOW - ARCH
EXTERIOR FINISH:
FIBERGLASS ARCH SHELL
DESIGN FACTOR: 90 MPH
FRAME DETAIL

END VIEW
SCALE: 3/4" = 1'-0"

1/4"

14"

7 13/16"

5 13/16"

1'-11 3/16"

6'-6 3/4"

10"

4"

8"

1'-0"

CONSTRUCTION DETAIL
SCALE: 3/4" = 1'-0"

1'-10 5/16"

2 1/2"

9'-10 1/8"

FIBERGLASS ARCH

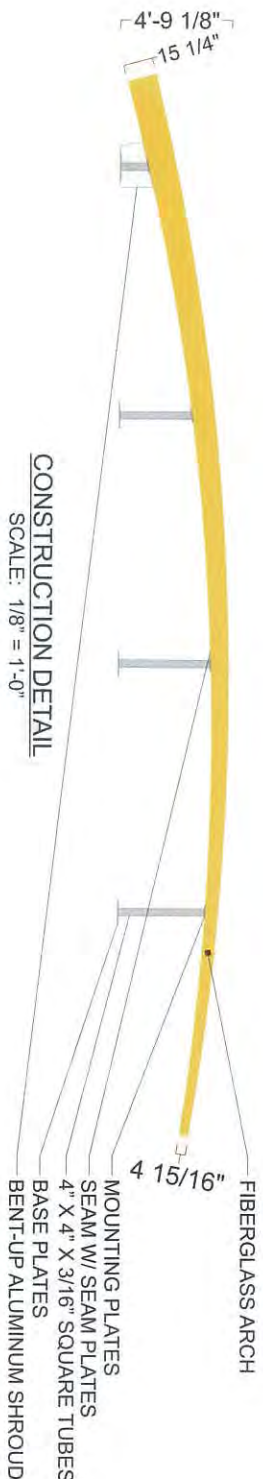
MOUNTING PLATES

BENT-UP ALUMINUM SHROUD

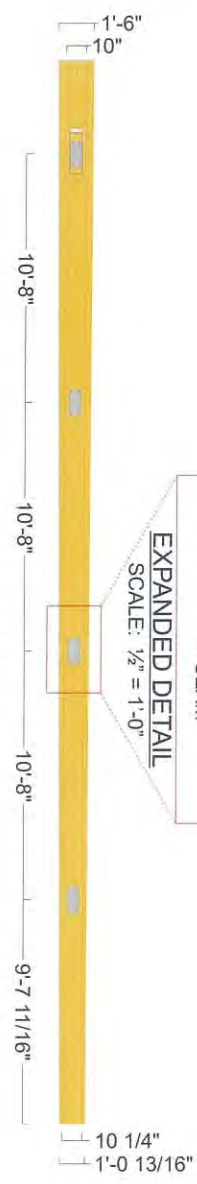
4" X 4" X 3/16" SQUARE TUBE

BASE PLATES

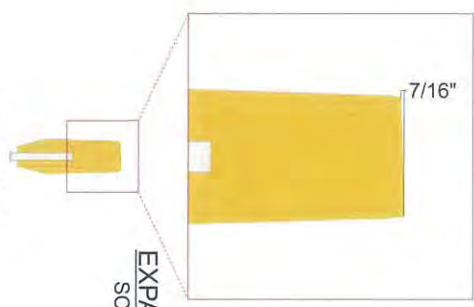
24'-9 9/16" 45'-7 1/2" 20'-9 7/8"



CONSTRUCTION DETAIL
SCALE: 1/8" = 1'-0"



BOTTOM VIEW
SCALE: 1/8" = 1'-0"



END VIEW
SCALE: 1/8" = 1'-0"



* SEE "RCE TIE BACK" DRAWING
GRAPHIC DETAIL
SCALE: 1/8" = 1'-0"

Customer:	MCDONALD'S		Date:	03/27/14	Prepared By:	ISU
Location:	KUNA, ID		File Name:	127921 - DEER FLAT RD & MERIDIAN, KUNA, ID - PROGRAM BOOK		
				Eng:	-	
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FRAME DETAIL
DESIGN FACTOR: 90 MPH
FIBERGLASS ARCH SHELL
EXTERIOR FINISH:
PMS 109 YELLOW - ARCH
MCDONALD'S SILVER (GLOSS FINISH) -
EXPOSED SUPPORT LEGS AND
SHROUD
SQUARE FOOTAGE:
BOXED- 217.19
ACTUAL-
ARCH & SHROUD = 40.74
ARCH, SHROUD & LEGS = 44.32



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): **14-03-AN** (Annexation) **14-02-DA** (Develop Agreement) and **14-01-CP** (Combination Plat)
Canberra Estates Subdivision

Location: 7326 S. Black Cat Road
Nampa, Idaho 83687

Planner: Troy Behunin, Senior Planner

Hearing Date: May 13, 2014

Applicant: **Todd and Laura Zimmerman**
7206 Lima Drive
Nampa, ID 83687
208.465.6141
Zimtod@aol.com

Consultant: **Idaho Survey** - Greg Carter
1540 E. Water Tower St. Ste. 150
Meridian, ID 83642
208.846.8570
gcarter@idahosurvey.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

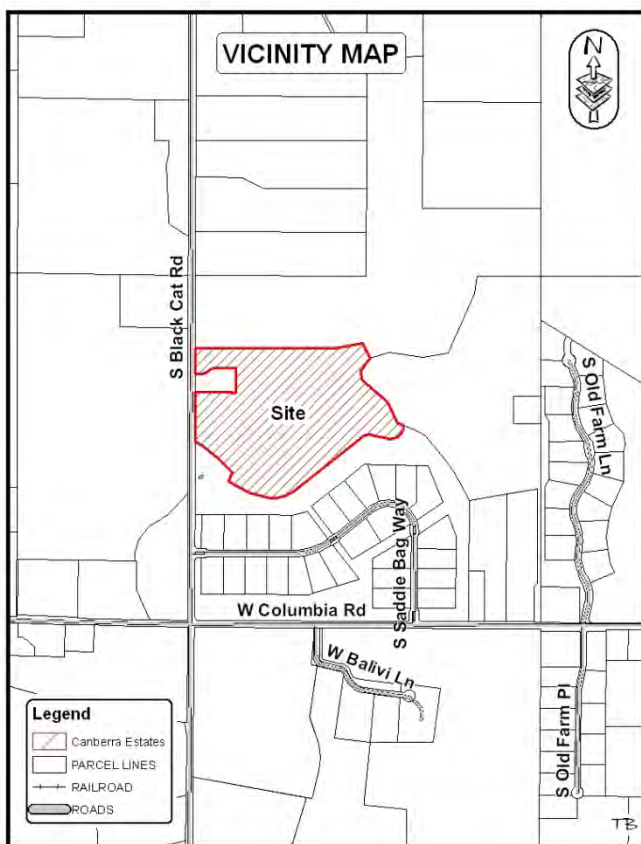
- | | |
|---------------------------|--------------------------------------|
| i. Neighborhood Meeting | February 1, 2014 (6 people attended) |
| ii. Agencies | March 11, 2014 |
| iii. 300' Property Owners | April 25, 2014 |
| iv. Kuna, Melba Newspaper | April 23, 2014 |
| v. Site Posted | April 26, 2014 |

B. Applicants Request:

1. Request:

Applicant requests approval to annex approximately 28.5 acres into the City limits and create a two lot subdivision (Canberra Estates). The two lots would be subdivided in such a way to create an approx. 1.5 acre and 27 acre lot. The applicant is specifically pursuing this annexation request as a way to create a lot sufficient in size to place a single residence (and accompanying septic system and well) on his land. The applicant seeks an R-4 (Medium Density Residential) zone for this lot. The remaining approx. 27 acres will be developed as a subdivision (and rezoned) in the future when sewer and potable water are within a reasonable and economical distance to the site or development requires they be provided. Until such time, it is anticipated the 27 acres will continue enjoying its existing agricultural uses in a City Ag zone. Applicant is aware a development agreement will be recorded to guide all future development.

C. Vicinity and Aerial Maps:



D. History: The lands in this application are part of an existing County subdivision. Therefore, this application is a re-plat of *Saddle Ridge Estates* Subdivision (Inst. 100038156 – Bk. 80, Pg. 8606). The property is adjacent to the City limits and is currently zoned RR (Rural Residential) and contains a large horse barn 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 Low Density Residential. Staff views this land use request to be consistent with the approved FLU map.

2. **Surrounding Land Uses:**

North	RR	Rural Residential – Ada County
South	RR	Rural Residential – Ada County
East	RR	Rural Residential – Ada County
West	A	Agricultural – Kuna City

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

- Approx. 28.4 total acres
- RR, Rural Residential
- Parcel # - R7686240322

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 large barn being used for agricultural and large animal purposes. The site has been used for agriculture activities and it is anticipated it will continue its historic uses on the approx. 27 acre lot.

6. **Transportation / Connectivity:** The applicant proposes driveway access to Black Cat Road for the 1.5 acre to be placed just north of the existing access for the adjacent out-parcel. This application also proposes a separate access to Black Cat Road in connection with future development of the remaining 27 acres.

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, the Idaho Transportation Department (ITD), Ada County Highway District (ACHD), Kuna Fire District and Nampa Meridian Irrigation District. The responding agency comments are included as exhibits with this case file. The following agencies did not send in comments; Kuna Police Department, Kuna School District, Ada County Planning and Zoning, Idaho Power, J&M Sanitation, and the US Post Office.

F. **Staff Analysis:**

This site is located near the northeast corner (NEC) of Black Cat and Columbia Roads and is within the Saddle Ridge Subdivision. The applicant proposes to annex into the City and create a two lot subdivision. Lot one will be approx. 1.5 acre in size and a single residence will be placed on it which will rely on a septic tank & well since City services are a considerable distance away from the site. The remaining 27 acres has been historically farmed and it is anticipated those uses will continue. When City services are closer, or nearby development requires those services in the future, the remaining 27 acres will likely be further divided and developed into a subdivision.

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 #'s 14-03-AN, 14-02-DA and 14-01-CP, 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 14-03-AN, 14-02-DA and 14-01-CP, 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 14-03-AN, 14-02-DA and 14-01-CP, the Kuna Planning and Zoning Commission finds Case No.s 14-03-AN, 14-02-DA and 14-01-CP comply with Kuna City Code.
2. Based on the evidence contained in Case No.s 14-03-AN, 14-02-DA and 14-01-CP, the Kuna Planning and Zoning Commission finds Case No.s 14-03-AN, 14-02-DA and 14-01-CP, 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 14-03-AN, 14-02-DA and 14-01-CP, a special use permit, design review and sign request from the Lete Family Revocable Trust, 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 *Nampa & Meridian* 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 Commission, 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 ___th day of ___, 2014.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Troy Behunin, Senior Planner
Kuna Planning and Zoning Department

RECEIVED

FEB 21 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)	14-03-AN 14-02-DEV. AG.
Project name	CANBERRA ESTATES
Date Received	2.21.2014
Date Accepted/ Complete	3.11.2014
Cross Reference Files	
Commission Hearing Date	
City Council Hearing Date	

14-01-CP

COMBO PLAT

Contact/Applicant Information

Owners of Record: <u>TODD & LAURA ZIMMERMAN</u>	Phone Number: <u>208-954-1556</u>
Address: <u>7206 LIMA DRIVE</u>	E-Mail: <u>zimtod@aol.com</u>
City, State, Zip: <u>NAMPA, ID. 83687</u>	Fax #: _____
Applicant (Developer): <u>TODD ZIMMERMAN</u>	Phone Number: <u>208-954-1556</u>
Address: <u>7206 LIMA DRIVE</u>	E-Mail: <u>zimtod@aol.com</u>
City, State, Zip: <u>NAMPA, ID. 83687</u>	Fax #: _____
Engineer/Representative: <u>GREG CARTER</u>	Phone Number: <u>846-8570</u>
Address: <u>1450 E. WATER TOWER ST., STE. 150</u>	E-Mail: <u>gcarter@idaho-survey.com</u>
City, State, Zip: <u>MERIDIAN, ID. 83642</u>	Fax #: _____

Subject Property Information

Site Address: <u>7326 S. BLACK CAT ROAD, NAMPA, ID. 83687</u>	
Site Location (Cross Streets): <u>COLUMBIA</u>	
Parcel Number (s): <u>R 7686240322</u>	
Section, Township, Range: <u>S3, T2N, R1W</u>	
Property size: <u>28.5 ACRES</u>	
Current land use: <u>AGRICULTURE</u>	Proposed land use: <u>BLDG. LOT. / AG FOR REST</u>
Current zoning district: <u>RR</u>	Proposed zoning district: <u>R-4</u>

VICINITY MAP



S Black Cat Rd



Site

S Old Farm Ln

W Columbia Rd

S Saddle Bag Way

W Balivi Ln

S Old Farm Pl

Legend

-  Canberra Estates
-  PARCEL LINES
-  RAILROAD
-  ROADS

TB

AERIAL MAP



S Black Cat Rd

Site

W Saddle Ridge Dr

W Columbia Rd

S Saddle Bag Way

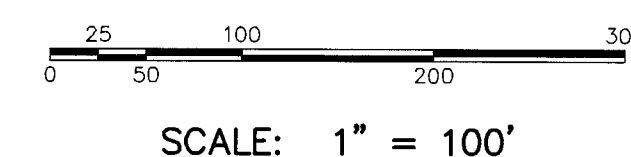
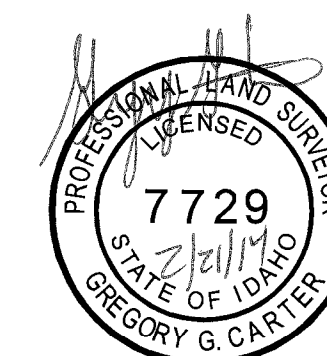
TB

	FOUND BRASS CAP MONUMENT
	CALCULATED POINT
— — — — —	PROPERTY BOUNDARY LINE
—————	LOT LINE
———	SECTION LINE
- - - - -	EASEMENT LINE
	LOT NO.
—————	OVERHEAD POWER LINE
—————	EDGE OF PAVEMENT

1. LOT 1, BLOCK 1 SHALL HAVE A SEPTIC SYSTEM.
2. LOT 1, BLOCK 1 SHALL HAVE A DOMESTIC WATER WELL.
3. STORM WATER RUNOFF WILL BE COLLECTED AND/OR DETAINED ON SITE.
4. ALL LOT WILL HAVE PERMANENT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENTS AS SHOWN.
5. MINIMUM BUILDING SETBACK LINE SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE.
6. LOT 1 WILL BE A SINGLE FAMILY RESIDENTIAL LOT. LOT 2 WILL REMAIN A NON-BUILDABLE LOT UNTIL CITY WATER AND SEWER SERVICES BECOME AVAILABLE.
7. PROJECT BOUNDARY IS AGRICULTURAL GROUND WITH NO SIGNIFICANT TREES OR PLANT COVER.
8. NO STREET IMPROVEMENTS ARE PLANNED WITH THIS DEVELOPMENT.

TOTAL ACERAGE = 28.50Ac.
RESIDENTIAL LOT 1.17 ACRES
OPEN SPACE LOT 27.33 Ac.
CURRENT ZONING RR (ADA COUNTY)
TOTAL LOTS 2
IRRIGATION DISTRICT:
NAMPA-MERIDIAN IRRIGATION DISTRICT
SCHOOL DISTRICT:
KUNA SCHOOLS #3
FIRE PROTECTION:
KUNA FIRE DISTRICT

OWNER
TODD ZIMMERMAN
7206 LIMA DR,
NAMPA ID. 83687
(678)710-2410



THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH IDAHO SURVEY GROUP, INC.

5			
4			
3			
2			
1			
NO.	REVISIONS	BY	DATE



**IDAHO
SURVEY
GROUP, P.C.**

1450 E. WATERTOWER ST.
SUITE 130
MERIDIAN, IDAHO 83642
PH. (208) 846-8570
FAX (208) 884-5399

CANBERRA ESTATES SUBDIVISION

PRELIMINARY PLAT

LOCATED IN THE SW ¼ OF SECTION 3, T.2N., R.1W.,
B.M., KUNA, ADA COUNTY, IDAHO

DRAWN: GGC	CHECKED: GGC	JOB NO.
DATE: 2/14/14	DATE: 2/21/14	14-015
		SHEET NO. 1

PLAT SHOWING

T.2N., R.1W., B.M.

2014



BLOCK 1

LINE TABLE

CURVE TABLE

NOTES:

DEVELOPER:

Nampa, Idaho

IDAHO

SURVEY

GROUP, P.C.

SHEET 1 OF 3

1450 E. WATERTOWER ST

SUITE 130
MERIDIAN IDAHO 83642

MERIDIAN, IDAHO 83642
 BH (309) 946 9E70

FH. (208) 840-6370
FAX (208) 884-5399

PLAT SHOWING

CANBERRA ESTATES SUBDIVISION

CERTIFICATE OF OWNERS

Know all men by these presents: That Todd Zimmerman a married man, as his sole and separate property, is the owner of the property described as follows:

A re-subdivision of a portion of Lots 18 and 19, Block 2 of Saddle Ridge Estates Subdivision, as filed in Book 80 of Plats at Pages 8606 through 8010, records of Ada County, Idaho located the SW 1/4 of Section 3, Township 2 North, Range 1 West, Boise Meridian, Kuna, Ada County, Idaho more particularly described as follows:

Commencing at an aluminum cap monument marking the W1/4 corner of said Section 3 from which the SW corner of said Section 3 bears South 00°06'52" East, 2646.54 feet; Thence along the West boundary line of said Section 3 South 00°06'52" East, 547.76 feet; Thence leaving said West boundary line North 89°51'20" East, 30.00 feet to the **REAL POINT OF BEGINNING**;

Thence continuing North 89°51'20" East, 1,060.15 feet; Thence North 78°27'00" East, 213.12 feet; Thence South 27°18'00" East, 128.61 feet to a point on the exterior boundary line of said Lot 19;

Thence along said exterior boundary line the following 12 courses:

Thence South 38°10'43" West, 116.57 feet; Thence South 04°39'32" East, 70.32 feet; Thence South 48°28'52" East, 260.83 feet; Thence South 27°45'00" East, 174.17 feet; Thence South 68°00'05" East, 46.21 feet;

Thence 181.57 feet along the arc of a non-tangent curve to the right having a radius of 95.00 feet, a central angle of 109°30'26" and a long chord which bears South 47°49'31" West, 155.17 feet;

Thence North 77°25'16" West, 126.69 feet;

Thence 76.04 feet along the arc of a non-tangent curve to the left having a radius of 85.00 feet, a central angle of

51°15'15" and a long chord which bears South 76°57'08" West, 73.53 feet;

Thence South 51°19'32" West, 644.80 feet;

Thence 262.74 feet along the arc of a non-tangent curve to the right having a radius of 285.00 feet, a central angle of 52°49'15" and a long chord which bears South 77°43'48" West, 253.53 feet;

Thence North 75°51'34" West, 102.45 feet; Thence North 61°01'58" West, 190.82 feet; Thence leaving said exterior boundary line North 28°58'54" East, 75.00 feet; Thence North 46°33'59" West, 177.90 feet; Thence North

52°16'19" West, 123.77 feet; Thence North 58°48'08" West, 71.27 feet to a point on the East right-of-way line of S. Black Cat Road;

Thence along said East right-of-way line North 00°06'52" West, 372.14 feet to the SW corner of Parcel B as shown on Record of Survey No. 8875, recorded as Instrument No. 110114522, Records of Ada County, Idaho;

Thence along the exterior boundary line of said Parcel B the following 7 courses:

Thence North 89°53'08" East, 310.00 feet; Thence North 00°06'52" West, 182.93 feet; Thence North 89°26'30" West, 133.30 feet; Thence South 87°38'05" West, 38.04 feet;

Thence 24.52 feet along the arc of a non-tangent curve to the left having a radius of 66.13 feet, a central angle of 21°14'48", and a long chord which bears South 79°34'46" West, a distance of 24.38 feet;

Thence South 52°33'02" West, 49.24 feet;

Thence 24.24 feet along the arc of a non-tangent curve to the right having a radius of 38.48 feet, a central angle of 36°05'44", and a long chord which bears South 70°05'27" West, a distance of 23.84 feet;

Thence North 88°41'42" West, 53.14 feet to a point on the East right-of-way line of S. Black Cat Road; Thence

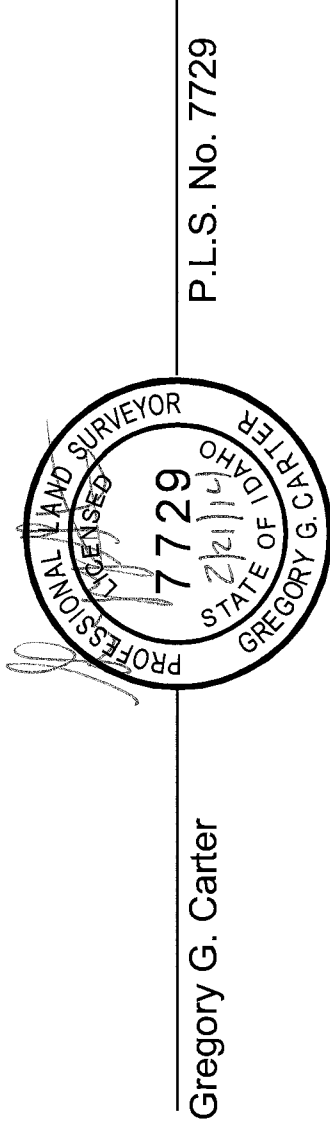
along said East right-of-way line North 00°06'52" West, 192.83 feet to the **REAL POINT OF BEGINNING**. Containing 28.50 acres, more or less.

It is the intention of the undersigned to hereby include the above described property in this plat. The easements as shown on this plat are not dedicated to the public. However, the right to use said easements is hereby perpetually reserved for public utilities and such other uses as designated within this plat, and no permanent structures are to be erected within the lines of said easements. The individual lots described in this plat will not be served by any water system common to one (1) or more of the lots but will be served by individual wells.

Todd Zimmerman

CERTIFICATE OF SURVEYOR

I, Gregory G. Carter, do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this plat as described in the "Certificate of Owners" was drawn from an actual survey made on the ground under my direct supervision and accurately represents the points platted thereon, and is in conformity with the State of Idaho Code relating to plats and surveys.



Gregory G. Carter

P.L.S. No. 7729

ACKNOWLEDGMENT

State of Idaho)

) s.s.

County of Ada)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry M. Hess, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

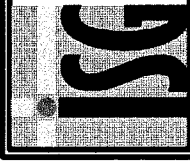
In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My commission expires _____

Notary Public for Idaho

Residing in _____, Idaho

DEVELOPER:
TODD ZIMMERMAN
NAMPÁ, IDAHO



IDAHO
SURVEY
GROUP, P.C.

1450 E. WATERTOWER ST.
SUITE 130
MERIDIAN, IDAHO 83642
PH. (208) 846-8570
FAX (208) 884-5399

PLAT SHOWING

CERTIFICATE OF COUNTY SURVEYOR

I, the undersigned, County Surveyor in and for Ada County, Idaho, do hereby certify that I have checked this plat and that it complies with the State of Idaho Code relating to plats and surveys.

County Surveyor

The foregoing plat was accepted and approved by the Board of Ada County Highway District Commissioners on

I, the undersigned, County Treasurer in and for the County of Ada, State of Idaho, per the requirements of I.C.50-1308 do hereby certify that any and all current and/or delinquent county property taxes for the property included in this subdivision have been paid in full. This certification is valid for the next thirty (30) days only.

County Treasurer

I, Gordon Law, the City Engineer in and for the City of Kuna, Ada County, Idaho, on this day _____, hereby approve this plat..

Date _____

COUNTY RECORDER'S CERTIFICATE

State of Idaho)
) s.s.
County of Ada)

I hereby certify that this instrument was filed for record at the request of _____ at _____ Minute _____ past _____ O'clock _____ M. on this _____ day of _____, 20____, in Book _____ of plats _____ Pages _____

Instrument No.

Ex-Officio Recorder



1450 E. WATERTOWER ST.
SUITE 130
MERIDIAN, IDAHO 83642
PH. (208) 846-8570
FAX (208) 884-5399

DESCRIPTION FOR
CANBERRA ESTATES SUBDIVISION

A re-subdivision of a portion of Lots 18 and 19, Block 2 of Saddle Ridge Estates Subdivision, as filed in Book 80 of Plats at Pages 8606 through 8010, records of Ada County, Idaho located the SW 1/4 of Section 3, Township 2 North, Range 1 West, Boise Meridian, Kuna, Ada County, Idaho more particularly described as follows:

Commencing at an aluminum cap monument marking the W1/4 corner of said Section 3 from which the SW corner of said Section 3 bears South 00°06'52" East, 2646.54 feet;

Thence along the West boundary line of said Section 3 South 00°06'52" East, 547.76 feet;

Thence leaving said West boundary line North 89°51'20" East, 30.00 feet to the **REAL POINT OF BEGINNING**;

Thence continuing North 89°51'20" East, 1,060.15 feet;

Thence North 78°27'00" East, 213.12 feet;

Thence South 27°18'00" East, 128.61 feet to a point on the exterior boundary line of said Lot 19;

Thence along said exterior boundary line the following 12 courses:

Thence South 38°10'43" West, 116.57 feet;

Thence South 04°39'32" East, 70.32 feet;

Thence South 48°28'52" East, 260.83 feet;

Thence South 27°45'00" East, 174.17 feet;

Thence South 68°00'05" East, 46.21 feet;

Thence 181.57 feet along the arc of a non-tangent curve to the right having a radius of 95.00 feet, a central angle of 109°30'26" and a long chord which bears South 47°49'31" West, 155.17 feet;

Thence North 77°25'16" West, 126.69 feet;

Thence 76.04 feet along the arc of a non-tangent curve to the left having a radius of 85.00 feet, a central angle of 51°15'15" and a long chord which bears South 76°57'08" West, 73.53 feet;

Thence South 51°19'32" West, 644.80 feet;

Thence 262.74 feet along the arc of a non-tangent curve to the right having a

radius of 285.00 feet, a central angle of $52^{\circ}49'15''$ and a long chord which bears South $77^{\circ}43'48''$ West, 253.53 feet;

Thence North $75^{\circ}51'34''$ West, 102.45 feet;

Thence North $61^{\circ}01'58''$ West, 190.82 feet;

Thence leaving said exterior boundary line North $28^{\circ}58'54''$ East, 75.00 feet;

Thence North $46^{\circ}33'59''$ West, 177.90 feet;

Thence North $52^{\circ}16'19''$ West, 123.77 feet;

Thence North $58^{\circ}48'08''$ West, 71.27 feet to a point on the East right-of-way line of S. Black Cat Road;

Thence along said East right-of-way line North $00^{\circ}06'52''$ West, 372.14 feet to the SW corner of Parcel B as shown on Record of Survey No. 8875, recorded as Instrument No. 110114522, Records of Ada County, Idaho;

Thence along the exterior boundary line of said Parcel B the following 7 courses:

Thence North $89^{\circ}53'08''$ East, 310.00 feet;

Thence North $00^{\circ}06'52''$ West, 182.93 feet;

Thence North $89^{\circ}26'30''$ West, 133.30 feet;

Thence South $87^{\circ}38'05''$ West, 38.04 feet;

Thence 24.52 feet along the arc of a non-tangent curve to the left having a radius of 66.13 feet, a central angle of $21^{\circ}14'48''$, and a long chord which bears South $79^{\circ}34'46''$ West, a distance of 24.38 feet;

Thence South $52^{\circ}33'02''$ West, 49.24 feet;

Thence 24.24 feet along the arc of a non-tangent curve to the right having a radius of 38.48 feet, a central angle of $36^{\circ}05'44''$, and a long chord which bears South $70^{\circ}05'27''$ West, a distance of 23.84 feet;

Thence North $88^{\circ}41'42''$ West, 53.14 feet to a point on the East right-of-way line of S. Black Cat Road;

Thence along said East right-of-way line North $00^{\circ}06'52''$ West, 192.83 feet to the **REAL POINT OF BEGINNING**. Containing 28.50 acres, more or less.



ANNEXATION DESCRIPTION FOR
CANBERRA ESTATES SUBDIVISION

A re-subdivision of a portion of Lots 18 and 19, Block 2 of Saddle Ridge Estates Subdivision, as filed in Book 80 of Plats at Pages 8606 through 8010, records of Ada County, Idaho located the SW 1/4 of Section 3, Township 2 North, Range 1 West, Boise Meridian, Kuna, Ada County, Idaho more particularly described as follows:

Commencing at an aluminum cap monument marking the W1/4 Corner of said Section 3 from which the SW corner of said Section 3 bears South 00°06'52" East, 2646.54 feet;

Thence along the West boundary line of said Section 3 South 00°06'52" East, 547.76 feet to the **REAL POINT OF BEGINNING**;

Thence leaving said West boundary line North 89°51'20" East, 1090.15 feet;

Thence North 78°27'00" East, 213.12 feet;

Thence South 27°18'00" East, 128.61 feet to a point on the exterior boundary line of said Lot 19;

Thence along said exterior boundary line the following 12 courses:

Thence South 38°10'43" West, 116.57 feet;

Thence South 04°39'32" East, 70.32 feet;

Thence South 48°28'52" East, 260.83 feet;

Thence South 27°45'00" East, 174.17 feet;

Thence South 68°00'05" East, 46.21 feet;

Thence 181.57 feet along the arc of a non-tangent curve to the right having a radius of 95.00 feet, a central angle of 109°30'26" and a long chord which bears South 47°49'31" West, 155.17 feet;

Thence North 77°25'16" West, 126.69 feet;

Thence 76.04 feet along the arc of a non-tangent curve to the left having a radius of 85.00 feet, a central angle of 51°15'15" and a long chord which bears South 76°57'08" West, 73.53 feet;

Thence South 51°19'32" West, 644.80 feet;

Thence 262.74 feet along the arc of a non-tangent curve to the right having a radius of 285.00 feet, a central angle of 52°49'15" and a long chord which bears South 77°43'48" West, 253.53 feet;

Thence North 75°51'34" West, 102.45 feet;

Thence North 61°01'58" West, 190.82 feet;

Thence leaving said exterior boundary line North 28°58'54" East, 75.00 feet;

Thence North 46°33'59" West, 177.90 feet;

Thence North 52°16'19" West, 123.77 feet;

Thence North 58°48'08" West, 71.27 feet to a point on the East right-of-way line of S. Black Cat Road;

Thence leaving said East right-of-way line South 89°53'08" West, 30.00 feet to a point on the West boundary line of said Section 3;

Thence along said West boundary line North 00°06'52" West, 372.14 feet;

Thence leaving said West boundary line North 89°53'08" East, 30.00 feet to the SE corner of Parcel B as shown on Record of Survey No. 8875, recorded as Instrument No. 110114522, Records of Ada County, Idaho;

Thence along the exterior boundary line of said Parcel B the following 7 courses:

Thence North 89°53'08" East, 310.00 feet;

Thence North 00°06'52" West, 182.93 feet;

Thence North 89°26'30" West, 133.30 feet;

Thence South 87°38'05" West, 38.04 feet;

Thence 24.52 feet along the arc of a non-tangent curve to the left having a radius of 66.13 feet, a central angle of 21°14'48", and a long chord which bears South 79°34'46" West, a distance of 24.38 feet;

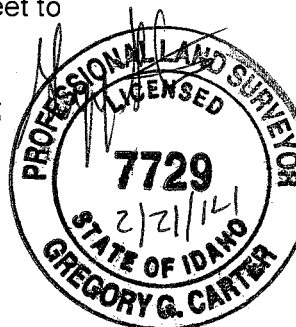
Thence South 52°33'02" West, 49.24 feet;

Thence 24.24 feet along the arc of a non-tangent curve to the right having a radius of 38.48 feet, a central angle of 36°05'44", and a long chord which bears South 70°05'27" West, a distance of 23.84 feet;

Thence North 88°41'42" West, 53.14 feet to a point on the East right-of-way line of S. Black Cat Road;

Thence leaving said East right-of-way line South 89°53'08" West, 30.00 feet to a point on the West boundary line of said Section 3;

Thence along said West boundary line North 00°06'52" West, 192.81 feet;
REAL POINT OF BEGINNING. Containing 28.89 acres, more or less.





CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.cityofkuna.com

GORDON N. LAW
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731

Email: gordon@cityofkuna.com

MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Gordon N. Law
Kuna City Engineer

RE: Canberra Estates Subdivision
PUD; Rezone; Preliminary Plat; Development Agreement
14-03-AN, 14-01-CP; 14-02-DA

DATE: March 25, 2014

The City Engineer has reviewed the Annexation, Preliminary Plat and Development Agreement request of the above applicant dated March 11, 2014. The parcel is a portion of two platted lots in Saddle Ridge Estates Subdivision (recorded in Ada County May 18, 2000). It is noted that the request and application do provide a detailed narrative description or plan for development of the site and comments will be structured accordingly.

1. Sanitary Sewer System

- a) The City has sufficient sewer treatment capacity to serve this site. The wastewater from this area presently is planned for treatment in the north treatment facility. This site is not connected to the city system and would be subject to connection fees for any future connections 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 sewer master plan contemplates service to this site through a future lift station. The nearest force main (12-inch) is located in Ten Mile Road 1.5 miles east of the site. Specific recommendations of note are as follows:
 - 1) City Code (6-4-2O) requires connection to the City sewer system for all sanitary sewer needs. The preliminary plat proposes a two-lot subdivision. One lot, 1.5 acres in size, is to be developed as a residential lot connected to private septic and well. The second lot would be farmed (and not developed) until public sewer and water service was economically available and the lot was re-platted. It is recommended the buildable lot be served with a **temporary** private septic system

meaning that at the time second lot is re-platted the buildable lot is connected to the public sewer system.

- 2) The proposed subdivision is in a nitrate priority area. Septic tanks and drain fields are identified as contributors to nitrate levels in groundwater. There are some site treatment and disposal system technologies which minimize the contribution of nitrate to groundwater and the City Engineer recommends one of them be used for the buildable lot.
- 3) The City Engineer recommends the applicant's request for development restrictions on the second lot be approved and incorporated into a Development Agreement as outlined in Note 1.c.1.
- 4) For any connected load, it is recommended this application be conditioned to conform to the sewer master plan.
- d) For assistance in locating existing facilities and understanding issues associated with the Master Plan and connection, please contact the City Engineer.

2. Potable Water System

- 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 main (6-inch) is located in W Saddle Ridge Drive 900 feet south of the proposed subdivision.
- c) 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. The preliminary plat proposes a two-lot subdivision. One lot, 1.5 acres in size, is to be developed as a residential lot connected to private septic and well. The second lot would be farmed (and not developed) until public sewer and water service was economically available and the lot was re-platted. It is recommended the buildable lot be served with a **temporary** private well, meaning that at the time second lot is re-platted the buildable lot is connected to the public water system.
 - 2) For any connected load, it is recommended this application be conditioned to conform to the water master plan.
 - 3) With the proposed subdivision located in a nitrate priority area, the well could be at risk for excessive nitrate levels at some point in the future. This situation further suggests that reliance on drinking water from a private well should only be temporary.
- d) 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 and understanding issues associated with connection, please contact the City Engineer.
- f) Please maintain adequate separation between potable water service lines and all non-potable water lines (storm drains, sewer services, etc.).

3. Pressure Irrigation

- a) The applicant's buildable lot is not proposed for connection to the City pressure irrigation system until development of the second lot as noted above. The nearest

pressure main is located at the corner of Mason Creek and Ten Mile Roads, approximately 1.8 miles from the site.

- b) It is recommended by the City Engineer that connection to the City pressure irrigation system not be required until development of the second lot and that this condition be incorporated into the Development Agreement.

4. Grading, Gravity Irrigation, Drainage

- a) Runoff from public right-of-way is regulated by ACHD. Plans are required to conform to agency standards.
- b) Exclusive of public right-of-way, any increase in quantity or rate of runoff or decrease in quality of runoff compared to historical conditions must be detained, treated and released at rates no greater than historical amounts. In the alternative, offsite disposal of storm water in excess of historical rates or conditions of disposal at locations different than provided historically, approval of the operating entity is required. The City of Kuna relies on the ACHD Stormwater Policy Manual to establish the requirements for design of the private disposal system.
- c) **All upstream drainage rights and downstream water delivery rights are to be preserved as a condition of development.**

5. General

At the time of, or prior to redevelopment:

- a) Plan approvals and license agreements from any affected irrigation District will be required.
- b) The City reserves the right of prior approval to all agreements involving the applicant (or its successors) and the irrigation or drainage district related to the property of this application and any attempt to abandon surface water rights.
- c) Verify that existing and proposed elevations match sufficiently at property boundaries to not impose a slope burden on adjacent properties.
- d) State the vertical datum used for elevations on any plans.
- e) Provide engineering certification on all final engineering drawings.

6. Inspection Fees

An inspection fee will not be required because no **public** water, sewer and irrigation construction work is associated with this development.

7. Right-of-Way

Sufficient full and half right-of-way on section and quarter lines for arterial and collector streets shall be provided and developed pursuant to City, ITD and ACHD standards. In this instance, the site fronts on one classified street (Black Cat). The recommendations of the City Engineer are as follows:

- a) Provide deeded half-width right-of-way for Black Cat frontage (48 feet) consistent with the City's adopted functional classification map. The right-of-way must be deeded before platting to comply with the City's short plat regulations.
- b) Residential Easements – City Code (6-3-8) requires the providing of 10-foot front and back lot line easements and side-lot easements, as necessary. The documents

submitted with the application do not address residential area easements and the City Engineer recommends the City Code is observed, including as a minimum 10-foot boundary, 10-foot front and back and 5-foot side lot easements.

- c) Curb and Gutter – City Code (6-4-2C) requires the installation of curb and gutter: The City Engineer recommends compliance with City Code at the re-platting of the second lot and that the condition be incorporated in the Development Agreement.
- d) Street Drainage – The application does not address facilities for handling storm drainage from local streets. The City Engineer recommends compliance with ACHD policies.
- e) Sidewalk - City Code (6-4-2Q) requires the installation of sidewalk on all local and classified streets. The documents submitted with the application do not address this issue. The City Engineer recommends compliance with City Code at the re-platting of the second lot and that the condition be incorporated in the Development Agreement.

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 are not required as a condition of final platting unless there is public facility construction.

9. Property Description

- a) A metes and bounds description prepared by a licensed surveyor is provided with the application.



April 30, 2014

City of Kuna
PO Box 13
Kuna ID 83634

ORGANIZED 1904

Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH
FAX #208-463-0092

NAMPA, IDAHO 83651-4395
nmid.org

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

RECEIVED

MAY 07 2014

KUNA CITY CLERK

RE: 14-03-AN, 14-02 DA, 14-01-CP/Canberra Estates/Zimmerman Annexation

Dear Planning & Zoning Commission:

Nampa & Meridian Irrigation District (NMID) requires that a Land Use Change Application be filed, for review, prior to final platting. Please contact Suzy Hewlett at 466-7861 for further information.

All laterals and waste ways must be protected. The District's Burke Lateral borders on the east & south side of this proposed project. The District's easement for the Burke Lateral at this location is a minimum of seventy-five feet (75'), thirty-five feet (35') left and forty feet (40') right of the centerline (facing downstream).

This easement must be protected. Any encroachment without a signed License Agreement and approved plan before any construction is started is unacceptable.

All municipal surface drainage must be retained on site. If any municipal surface drainage leaves the site, the Nampa & Meridian Irrigation District (NMID) must review drainage plans.

Sincerely,

Greg G. Curtis
Water Superintendent
Nampa & Meridian Irrigation District
GGC/dbg

PC: Office/File



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

RECEIVED

MAY 07 2014

KUNA CITY CLERK

Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH
FAX #208-463-0092

NAMPA, IDAHO 83651-4395
nmid.org

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

05 May 2014

Todd and Laura Zimmerman
7206 Lima Dr.
Nampa, ID 83687

RE: Land Use Change Application – Canberra Estates
Please note the District now requires three (3) sets of plans

Dear Mr. and Mrs. Zimmerman:

Enclosed please find a Land Use Change Application for your use to file with the Irrigation District for its review on the above-referenced development. If this development is under a "rush" to be finalized, I would recommend that you submit a **cashier's check, money order or cash as payment** of the fees in order to speed the process up. If you submit a company or personal check, it must clear the bank before processing the application.

Should this development be planning a pressure urban irrigation system that will be owned, operated and maintained by the Irrigation District, I strongly urge you to coordinate with Greg G. Curtis, Water Superintendent for the Irrigation District, concerning the installation of the pressure system. Enclosed is a questionnaire that you must fill out and return in order to initiate the process of contractual agreements between the owner or developer and the Irrigation District for the ownership, operation and maintenance of the pressure urban irrigation system.

If you have any questions concerning this matter, please feel free to call on me at the District's office, or Greg G. Curtis, at the District's shop.

Sincerely,



Suzette G. Hewlett, Asst. Secretary/Treasurer
NAMPA & MERIDIAN IRRIGATION DISTRICT

SGH/cmg

cc: File
Water Superintendent
City of Kuna, P.O. Box 13 Kuna, ID 83634
Greg Carter, Idaho Survey 1450 E. Watertower Dr. Ste 150 Meridian, ID 83642

enc.

COPY

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



IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 8028
Boise, ID 83707-2028

(208) 334-8300
itd.idaho.gov

March 18, 2014

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

VIA EMAIL

Re: 14-03-AN 14-01-CP and 14-02-DA for the Zimmerman Annexation

The Idaho Transportation Department has reviewed the referenced annexation, combination plat and development agreement applications for the Zimmerman property east of Black Cat Road. ITD has the following comments:

- 1) ITD has no objection to the requested applications. The project generates very few additional vehicle trips and this site does not require access to the State Highway System.

If you have any questions, you may contact Ms Shona Tonkin at 334.8341 or me at 334-8377.

Sincerely,

A handwritten signature in blue ink that reads 'Dave B Szplett'. The signature is fluid and cursive, with the first name 'Dave' and last name 'Szplett' clearly legible.

Dave Szplett
Development Services Manager
dave.szplett@itd.idaho.gov



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

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

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

Conditional Use # _____

Preliminary / Final / Short Plat _____

Canberra Estates

RECEIVED

MAR 17

KUNA CITY CLERK

- ☐ 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.
- ☒ 14. An application for subdivision with individual sewage & full engineering report required

Reviewed By: Low Baef

Date: 3/14/14



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

Date: April 22, 2014

To: Todd and Laura Zimmerman (sent via email)
7206 Lima Drive
Nampa, ID 83687

Subject: Canberra Estates (K14-03-AN/K14-01-CP/K14-02-DA)
7326 Black Cat Road

On April 22, 2014 the Ada County Highway District Staff acted on your application for the above referenced project. The attached report lists site-specific requirements, conditions of approval and street improvements, which are required.

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

Sincerely,

Lauren Watsek
Planner I
Development Services
Ada County Highway District

CC: Project file
City of Kuna (sent via email)



Project/File: **Canberra Estates (K14-03-AN/K14-01-CP/K14-02-DA)**
The applicant is requesting development agreement, annexation, and preliminary/final plat approvals for a 2 lot subdivision on 28.5 acres.

Lead Agency: City of Kuna

Site address: 7326 Black Cat Road

Staff Approval: April 22, 2014

Applicant: Todd and Laura Zimmerman
7206 Lima Drive
Nampa, ID 83687

Staff Contact: Lauren Watsek
Phone: 387-6218
E-mail: lwatsek@achdidaho.org



A. Findings of Fact

- Description of Application:** The applicant is requesting approval to annex approximately 28.5 acres into the Kuna City limits with a zoning designation of R-4. The applicant's request includes a development agreement and a combination preliminary/final plat for 1 residential lot and 1 agricultural lot subdivision. There is an existing shop on the proposed Lot 1.

- Description of Adjacent Surrounding Area:**

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

- Site History:** ACHD has not previously reviewed this site for a development application.
- Adjacent Development:** The following developments are pending or underway in the vicinity of the site:
 - Ironhorse Subdivision, located east of the site, is in various stages of development.
- Transit:** Transit services are not available to serve this site.
- 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.

7. Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):

There are currently no roadways, bridges or intersections in the general vicinity of the project that are currently in the Five Year Work Program or the District's Capital Improvement Plan (CIP).

B. Traffic Findings for Consideration

1. **Trip Generation:** This development is estimated to generate 10 additional vehicle trips per day, 1 additional vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition.
2. **Condition of Area Roadways**
Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Existing Plus Project
Black Cat Road	567 feet	Minor Arterial	67	Better than "D"	Better than "D"

* Acceptable level of service for a two-lane minor arterial is "D" (550 VPH).

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

- The average daily traffic count for Black Cat Road north of Columbia Road was 1,048 on August 15, 2012.

C. Findings for Consideration

1. Black Cat Road

- a. **Existing Conditions:** Black Cat Road is improved with 2 travel lanes (22 feet of pavement), and no curb, gutter or sidewalk abutting the site. There is 54 feet of right-of-way for Black Cat Road (30 feet from centerline).

- b. **Policy:**

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

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

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

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

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

Sidewalk Policy: District Policy 7205.5.7 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all arterial streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased

safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

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

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

- c. **Applicant Proposal:** The applicant is not proposing to make any improvements to Black Cat Road abutting the site.
- d. **Staff Comments/Recommendations:** Black Cat Road is a minor arterial roadway that is planned to be constructed as 3 lanes in the future. In accordance with District Policy, the applicant should be required to dedicate 35 feet of right-of-way from the centerline of Black Cat Road and construct a 5-foot wide concrete sidewalk. Because this plat includes only one single family dwelling (less than 10 trips per day) and the City of Kuna is waiving frontage improvements with this application until such time that the Agricultural lot redevelops, no frontage improvements should be required with this development application.

2. Driveways

2.1 Black Cat Road

- a. **Existing Conditions:** There are no driveways constructed from the site onto Black Cat Road.

- b. **Policy**

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

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

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

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7205.4.8, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7205.4.8.

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

- c. **Applicant's Proposal:** The applicant is proposing to construct one driveway to access the 1.17 acre parcel onto Black Cat Road located at the south property line of Lot 1 (adjacent to the existing driveway for 7440 S. Black Cat Rd.). The applicant has contacted staff and

indicated the proposed driveway location will be included on the final plat. Access to Lot 2 will be determined with a future development application.

- d. Staff Comments/Recommendations:** The applicant's proposal does not meet District Successive Driveway Policy because the driveway location is less than 425 feet from the existing driveway for the residence at 7440 S. Black Cat Road. However, staff recommends a modification of policy to allow the driveway to be located as proposed due to the fact that Lot 1 has approximately 190 feet of frontage on Black Cat Road and regardless of where the proposed driveway is placed it would not meet District Policy. The applicant should be required to pave the driveway its entire width with pavement tapers, and 30 feet into the site beyond the edge of pavement of Black Cat Road.

Prior to construction of the driveway on Black Cat Road, the applicant's contractor should apply for an Approach Permit through ACHD Permits.

3. Other Access

Black Cat Road is classified as a minor arterial roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.

D. Site Specific Conditions of Approval

1. Dedicate 35 feet of right-of-way from the centerline of Black Cat Road abutting Lot 1.
2. Construct one driveway to access Lot 1, located at the south property line of the lot (adjacent to the existing driveway for 7440 S. Black Cat Rd.). Pave the driveway its full width with pavement tapers and at least 30 feet into the site beyond the edge of pavement.
3. Prior to construction of the driveway on Black Cat Road, the applicant's contractor should apply for an Approach Permit through ACHD Permits.
4. Payment of impacts fees are due prior to issuance of a building permit.
5. Comply with all Standard Conditions of Approval.

E. Standard Conditions of Approval

1. All irrigation facilities shall be relocated outside of the ACHD right-of-way.
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business

days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.

8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

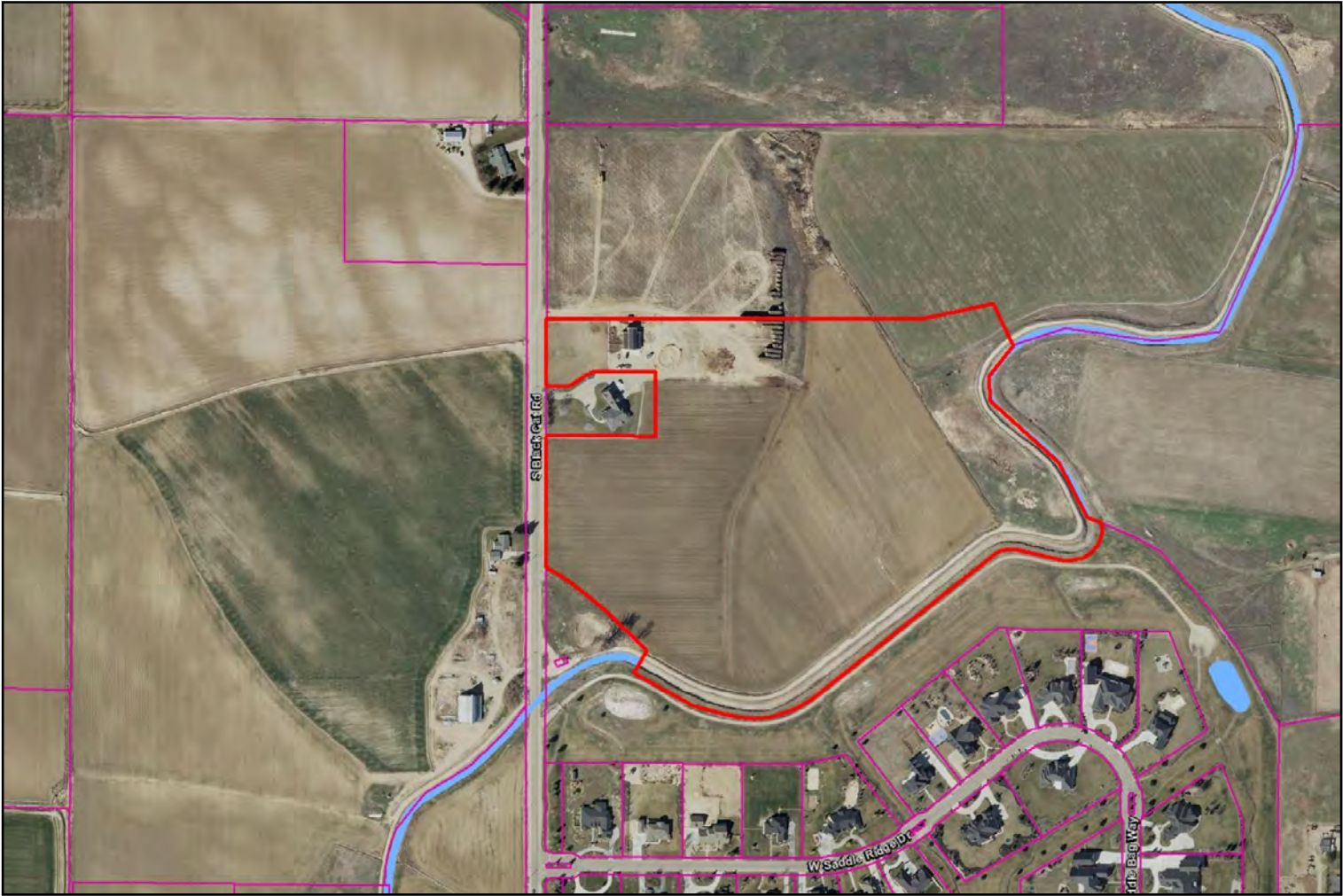
F. Conclusions of Law

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

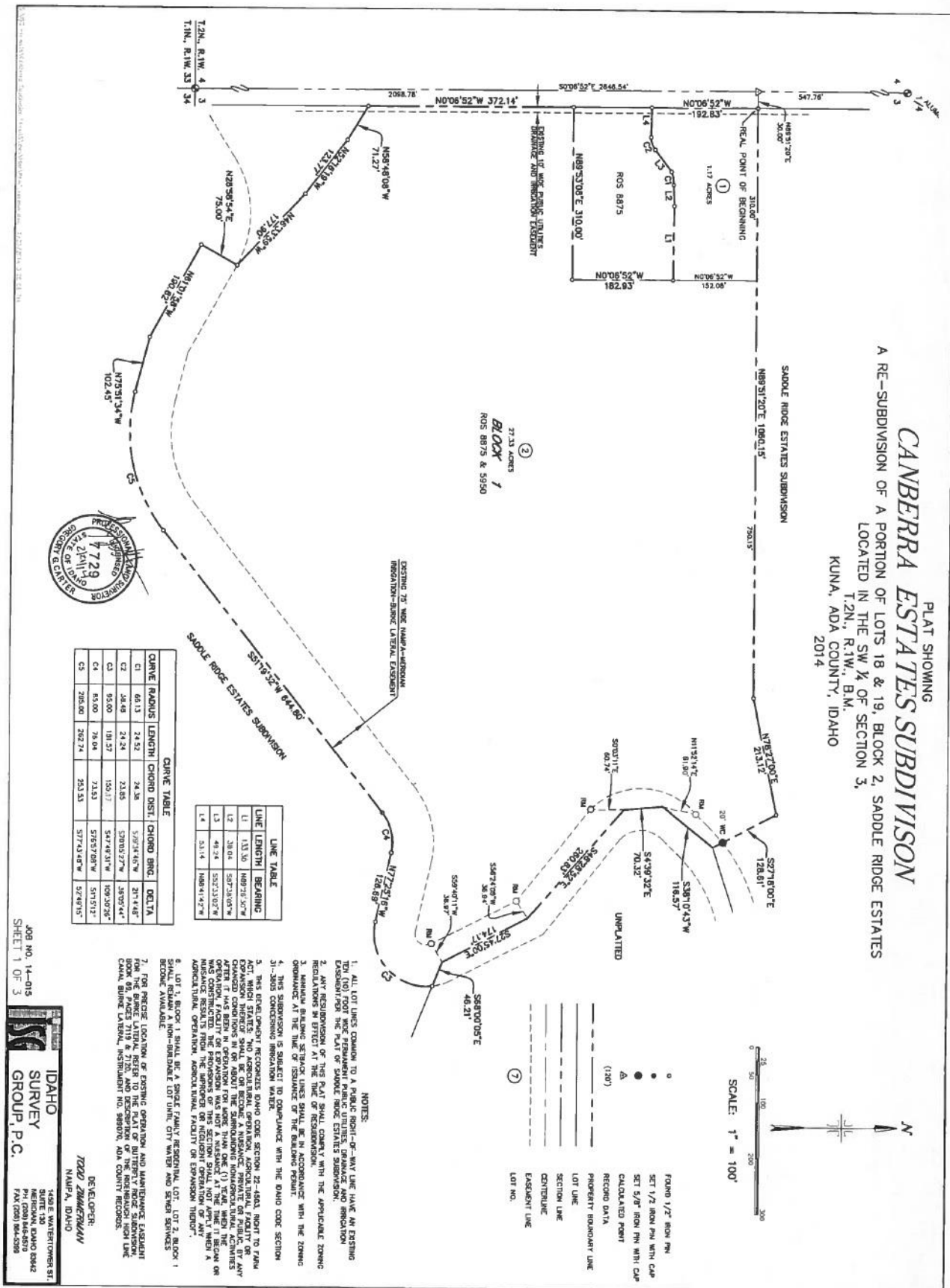
G. Attachments

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

VICINITY MAP



SITE PLAN



Ada County Utility Coordinating Council

Developer/Local Improvement District Right of Way Improvements Guideline Request

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

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

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

Development Process Checklist

Items Completed to Date:

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

Items to be completed by Applicant:

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

DID YOU REMEMBER:

Construction (Non-Subdivisions)

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

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

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

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

Construction (Subdivisions)

☐ **Sediment & Erosion Submittal**

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

☐ **Idaho Power Company**

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

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

Request for Reconsideration of Commission Action

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

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

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

- b. The request must be in writing and delivered to the Secretary of the Highway District no later than 3:00 p.m. on the day prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.
- c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.
- d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.
- e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.
- f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.

Letter of Intent
Annexation into Kuna City Limits
subdivision into 2 Lots
create Canberra Estates

February 20, 2014

City of Kuna
PO Box 13
Kuna, Id. 83634
Attn. Planning & Zoning Department

RE: 7326 Black Cat Road owned by Todd Zimmerman and Laura Zimmerman

Dear Mr. Behumin,

It is our intent to be Annexed into the City of Kuna and create a subdivision named Canberra Estates with 2 lots as follows:

- 7326 Black Cat Road together with the shop and surrounding 1.5 acres approx. would be one building lot to allow for the construction of a home. This lot would be allowed the use of an individual well and individual septic system to meet Central District Health guidelines and inspections for a building permit.
- The remaining 27 acres would be the second lot and it would continue to have an agricultural use. R-4 would be our zoning choice at this time to allow for a balanced use in the future when the City of Kuna Sewer and Water become available for connections. This lot could only be further subdivided and developed when the City of Kuna Sewer and Water connections become available and can be made. We understand that a full subdivision process would need to be done at that time to meet City of Kuna guidelines and create a buildable subdivision with the appropriate overlay of lots, open space, streets, and etc.

- We would like to submit for approval both the Preliminary Plat and Final Plat of Canberra Estates to create the 2 lot Subdivision.

Please accept this letter as our intent and request to accomplish Annexation into the City of Kuna, create a 2 lot subdivision named Canberra Estates, and obtain the approval to allow 7326 Black Cat Road to become a building lot for a new home. Thanks for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd Zimmerman", with a long horizontal flourish extending to the right.

Todd Zimmerman

FEB 21 2014

CITY OF KUNA

Notice of Neighborhood Meeting
For Annexation into Kuna City Limits and
division into 2 Lots

Todd Zimmerman
208-954-1556
zimtod@aol.com

January 20, 2014

Dear Property Owner:

I have requested an annexation of approximately 28.5 acres into the Kuna City Limits for the property my wife and I own on Black Cat Road. The request is to allow the division of said acres into 2 lots as follows:

- The shop at 7326 Black Cat Road together with the surrounding 1.5 acres approx. will be one building lot to allow the construction of a home.
- The 27 acres that will remain in an agricultural use would be zoned R-4 to make up the second lot.

To accomplish this, we are required to prepare a Preliminary Plat and submit a subdivision name. We have reserved the name of "Canberra Estates" with Ada County for the 2 lot subdivision.

You are invited to attend a Neighborhood Meeting I am holding in my shop located at 7326 Black Cat Road on Saturday, February 1, 2014 at 10:00 am. I will have information on hand to allow your review of the (2) lots being created, and be available to answer any questions you may have.

Sincerely,

Todd Zimmerman

Neighborhood Meeting Minutes
For Annexation into Kuna City Limits and
division into 2 Lots
Canberra Estates

February 1, 2014

Applicant: Todd Zimmerman and Laura Zimmerman

Attendees: Bill Assendrup, Carmen Assendrup, Buzz Copple, Zane Robertson (Saddle Ridge Homeowners Assoc.), Kent Wells, and Janeal Wells

Items of discussion:

- Annexation into the City of Kuna with preliminary & final plat subdivision named Canberra Estates creating 2 Lots.
- 7326 Black Cat Road together with the surrounding 1.5 acres approx. will be one building lot to allow the construction of a home. This lot will be allowed use of an individual well and individual septic system to meet Central District Health guidelines and inspections.
 - General discussion and thoughts were that the buildable lot of approx. 1.5 acres with the shop would be agreeable.
- The 27 acres that remain will still have an agricultural use, but will receive R-4 zoning for future use to make up the second lot. This lot could only be further subdivided and developed in the future if the City of Kuna Sewer and Water connections become available and can be made. A full subdivision process would need to be done at that time to meet City of Kuna guidelines.
 - General discussion and thoughts were that 4 homes per acre would be too high of density.
- Applicants explained that infrastructure and City of Kuna services could not support 1 acre lots, and that 3 homes per acre was the desired future plan, but that could be

several years down the road. R-4 zoning was requested since R-3 zoning is not an offered option.

- General thoughts were that 3 homes per acre would be better than 4 homes per acre.
- Applicants explained that an average of 90% of the lots with in the City of Kuna are zoned R-6.
- Applicants further explained that the subdivision process to further develop the 27 acres would strike a balance between lot size, open space, storm water drainage areas, access streets, and etc. As of now, the land will continue to be farmed

Prepared by:


Todd Zimmerman

FEB 21 2014

CITY OF KUNA



Neighborhood Meeting Certification

CITY OF KUNA PLANNING & ZONING * 763 W. Avalon, Kuna, Idaho, 83634 * www.cityofkuna.com * (208) 922-5274 * Fax: (208) 922-5989

GENERAL INFORMATION:

You must conduct a neighborhood meeting prior to application for variance, conditional use, zoning ordinance map amendment, expansion or extension of a nonconforming use, and/or a subdivision. Please see Section 8-7A-3 of the Kuna City Code or ask one of our planners for more information on neighborhood meetings.

The meeting must be held either on a weekend between 10 a.m. and 7 p.m., or a weekday between 6 p.m. and 8 p.m. Meetings cannot be conducted on holidays, holiday weekends, or the day before or after a holiday or holiday weekend. The meeting must be held at one of the following locations:

- The Subject Property;
- The nearest available public meeting place (Examples include fire stations, libraries and community centers);
- An office space within a 1-mile radius of the subject property.

The meeting cannot take place more than 6 months prior to acceptance of the application and the application will not be accepted before the neighborhood meeting is conducted. You are required to send written notification of your meeting, allowing a reasonable amount of time before your meeting for property owners to plan to attend. Contacting and/or meeting individually with residents will not fulfill Neighborhood Meeting requirements.

You may request a list of the people you need to invite to the neighborhood meeting from our department. This list includes property owners within 300 feet of the subject property. Once you have held your neighborhood meeting, please complete this certification form and include it with your application.

Please Note: The neighborhood meeting must be conducted in one location for attendance by all neighboring residents. Contacting and/or meeting individually with residents does not comply with the neighborhood meeting requirements.

Please include a copy of the sign-in sheet for your neighborhood meeting, so we have written record of who attended your meeting and the letter of intent sent to each recipient. In addition, provide any concerns that may have been addressed by individuals that attended the meeting.

Description of proposed project: 2 LOT SUBDIVISION (CANBERRA ESTATES)
 Date and time of neighborhood meeting: FEBRUARY 1, 2014 10:00 A.M.
 Location of neighborhood meeting: SHOP @ 7326 S. BLACK CAT ROAD

SITE INFORMATION:

Location: Quarter: SW Section: 3 Township: 2N Range: 1W Total Acres: 28.5
 Subdivision Name: SADDLE RIDGE ESTATES
 Site Address: 7326 S. BLACK CAT ROAD Lot: 18419 Block: 2
NAMPA, ID. 83687 Tax Parcel Number(s): _____

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

CURRENT PROPERTY OWNER:

Name: TODD & LAURA ZIMMERMAN
 Address: 7206 LIMA DRIVE City: NAMPA State: ID. Zip: 83687

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

Name: TODD ZIMMERMAN Business (if applicable): 208-954-1556
 Address: 7206 LIMA DRIVE City: NAMPA State: ID. Zip: 83687

PROPOSED USE:

Application Type

Annexation

Re-zone

Subdivision (Sketch Plat and/or Prelim. Plat)

Special Use

Variance

Expansion of Extension of a Nonconforming Use

Zoning Ordinance Map Amendment

Brief Description

INTO THE CITY OF KUNA

B-4

YES SKETCH PLAT + ARIAL PHOTO

APPLICANT:

Name: TODD ZIMMERMAN

Address: 7206 LIMA DRIVE

City: NAMPA

State: ID.

Zip: 83687

Telephone: 208-954-1556

Fax: _____

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accord with Section 8-7A-3 of the Kuna City Code.



Signature: (Applicant)

Date 2/1/2014

SIGN IN SHEET

PROJECT NAME: CANBERRA ESTATES

Date: FEBRUARY 1, 2014

	Name	Address	Zip	Phone
1	Kent Wells	7440 So Black Ct	83687	208 899-0345
2	Carmen Assendrup	4744 W. Saddle Ridge	83687	208 893 5027
3	Bill Assendrup			bill@assendrup.com
4	ZANE ROBERTSON	4617 W. SADDLE RIDGE	83687	409-2283
5	SADDLE RIDGE HOME OWNERS			409-2283
6	Buzz Cottle	4551 W. Saddle Ridge Dr.	83687	888-1915
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RECEIVED

FEB 21 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

Annexation Checklist

Annexation requires public hearings with both the Planning & Zoning Commission and City Council. Public hearing signs will be required to be posted by the applicant for both meetings. Sign posting regulations are available online.

Project name: _____ <u>CANBERRA ESTATES</u>	Applicant: <u>TODD ZIMMERMAN</u>
--	----------------------------------

All applications are required to contain one copy of the following:

Applicant (✓)	Description	Staff (✓)
✓	Completed and signed Commission & Council Review Application.	
✓	Letter of Intent indicating reasons for proposed annexation and the availability of public services. If reason for annexation is development, also submit a conceptual plan.	
✓	Vicinity map drawn to scale, showing the location of the subject property. Map shall contain the following information: Shaded area showing the annexation property, Street names and names of surrounding subdivisions.	
✓	Legal description of the annexation area: Include a metes & bounds description to the section line of all adjacent roadways stamped & signed by a registered professional land surveyor with a calculated closure sheet & a map showing the boundaries of the legal description.	
✓	Recorded warranty deed for the property.	
✓	Proof of ownership—A copy of your deed <u>and</u> Affidavit of Legal Interest (All parties involved)	
✓	Development Agreement & Development Agreement Checklist	
✓	Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application).	
✓	Commitment of Property Posting form signed by the applicant/agent.	

Note: Only one copy of the above items need to be submitted when applying for multiple applications.

This application shall not be considered complete (nor will a Public Hearing be set) until staff has received all required information. Once the application is deemed complete, staff will notify the applicant of the scheduled hearing date, fees due, additional copies needed, etc.

FEB 21 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

• Development Agreement Checklist

A Development Agreement requires a public hearing with the Planning & Zoning Commission and the City Council. A public hearing sign will be required to be posted by the applicant for both meetings. Development Agreements are required to accompany annexation and/or rezone applications. Sign posting regulations and a Development Agreement template are available online.

Project name: <i>CANBERRA ESTATES</i>	Applicant: <i>TODD ZIMMERMAN</i>
---	--

All applications are required to contain one copy of the following:

Applicant (✓)	Description	Staff (✓)
	Completed and signed Commission & Council Review Application.	
	The proposed Development Agreement shall include the following information: ◇ The specific use or uses of the parcel for which the development agreement is sought. ◇ The allowed or conditional use in the conditional zone for which application has been made. ◇ A concept plan of the project to be developed on the parcel. The concept plan shall include a description of the density allowed or sought and maximum height, size and location of any structures on the property. ◇ The time required to begin the use on the property. ◇ A statement by the owner of the parcel that failure to comply with the commitments in the development agreement shall be deemed consent to rezone the use to the preexisting zone or, in the case of an initial zone at annexation, a zone deemed appropriate by the council. ◇ Any other matter mutually agreeable to the parties.	
	Commitment of Property Posting form signed by the applicant/agent.	
	Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application).	
	Affidavit of Legal interest (All parties involved)	

Note: Only one copy of the above items need to be submitted when applying for multiple applications.

This application shall not be considered complete (nor will a Public Hearing be set) until staff has received all required information. Once the application is deemed complete, staff will notify the applicant of the scheduled hearing date, fees due, additional copies needed, etc.

FEB 21 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

Preliminary Plat Checklist

Preliminary Plats require public hearings with both the Planning & Zoning Commission and City Council. Public hearing signs will be required to be posted by the applicant for both meetings. Sign posting regulations are available online.

Project name: **CANBERRA ESTATES** Applicant: **TODD ZIMMERMAN**

All applications are required to contain one copy of the following:

Applicant (✓)	Description	Staff (✓)
✓	Completed and signed Commission & Council Review Application.	
✓	Vicinity map showing relationship of the proposed plat to the surrounding area with a 2-mile radius. 8.5 x 11	
DEFER	Homeowner's maintenance agreement for the care of landscaped common areas.	
✓	Legal description of the preliminary plat area: Include a metes & bounds description to the section line of all adjacent roadways stamped & signed by a registered professional land surveyor with a calculated closure sheet & a map showing the boundaries of the legal description.	
✓	Proof of ownership—A copy of your deed <u>and</u> Affidavit of Legal Interest (for all interested parties involved).	
✓	Letter of Intent indicating reasons and details for preliminary plat.	
✓	Commitment of Property Posting form signed by the applicant/agent. ONLINE	
N/A	If preliminary plat includes 100 lots or more, please submit a traffic impact study. If preliminary plat includes 50 lots or more, please submit an estimate of tax revenue generation and an estimate of the public service costs to provide adequate service to the development.	
✓	A letter from Ada County Engineer with the Subdivision Name reservation. ANY name change(s) needs to be submitted and approved by the Planning & Zoning Director and Ada County Engineer.	
N/A	Phasing Plan	
N/A	Include Large Scale Development Requirements. KCC 6-5-4 N/A	
N/A	Landscape Plan— (in color) N/A	
✓	Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application).	
✓	8 1/2 x 11 proposed preliminary plat.	
✓	Preliminary plat drawing on 24x36 quality paper drawn to scale of 1 to 100' or more. The following information shall be contained on the preliminary plat: ◇ Topography at two foot (2') intervals ◇ Land uses (location, layout, types & dimensions): residential, commercial & industrial land uses. ◇ Street right-of-ways: dimensions of right-of-way dedication for all roadways, street sections, improvements, etc. ◇ Easements/common space: utility easements, parks, community spaces ◇ Lots: layout and dimensions of lots ◇ Preliminary improvement drawing: show water, sewer, drainage, electricity, irrigation, telephone, natural gas, proposed street lighting, proposed street names, proposed subdivision name, fire hydrant placement, storm water disposal, underground utilities, and sidewalks..	

Note: Only one copy of the above items need to be submitted when applying for multiple applications. This application shall not be considered complete (nor will a Public Hearing be set) until Staff has received all required information. Once the application is deemed complete, Staff will notify the applicant of the scheduled hearing date, fees due, additional copies needed, etc.

FEB 21 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

Final Plat Checklist

A final plat application does not require a public hearing. It will be placed on the City Council agenda as a regular agenda item.

Project name: **CANBERRA ESTATES**

Applicant:

TODD ZIMMERMAN

All applications are required to contain one copy of the following:

Applicant (✓)	Description	Staff (✓)
✓	Completed and signed Commission & Council Review Application.	
✓	All pages of the proposed Final Plat.	
N/A	Approved final engineering construction drawings for streets, water, sewer, sidewalks, pressure irrigation and other public improvements.	
N/A	Approved Findings of Fact, Conclusions of Law for Preliminary Plat	
✓	Proof of current ownership of the real property included in the proposed final plat and written consent of the record owners of the final plat (Affidavit of Legal Interest) for all interested parties involved.	
	Such other information as deemed necessary to establish whether or not all proper parties have signed and/or approved said final plat.	
N/A	A statement of conformance with the following information: ◇ The approved preliminary plat and meeting all requirements or conditions. ◇ The acceptable engineering practices and local standards.	
✓	Any proposed restrictive covenants and/or deed restrictions, and homeowners' association documents.	
✓	The final plat shall include and be in compliance with all items required under title 50, chapter 13 of the Idaho Code.	

Note: Only one copy of the above items need to be submitted when applying for multiple applications.

This application shall not be considered complete (nor will a meeting date be set) until staff has received all required information. Once the application is deemed complete, staff will notify the applicant of the scheduled hearing date, fees due, additional copies needed, etc.

Project Description

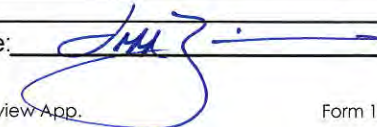
Project / subdivision name:	CANBERRA ESTATES
General description of proposed project / request:	1.5 ACRE LOT W/BUILDING PERMIT + 27 ACRE LOT TO REMAIN AG USE WITH R-4 ZONING
Type of use proposed (check all that apply):	
☒ Residential	1.5 ACRE LOT W/BUILDING PERMIT
☐ Commercial	
☐ Office	
☐ Industrial	
☒ Other	AG USE W/R-4 ZONING
Amenities provided with this development (if applicable):	

Residential Project Summary (if applicable)

Are there existing buildings?	☒ Yes ☐ No
Please describe the existing buildings:	AG SHOP
Any existing buildings to remain?	☒ Yes ☐ No
Number of residential units:	
Number of building lots:	1 (1.5 ACRE)
Number of common and/or other lots:	1 (27 ACRE)
Type of dwellings proposed:	
☒ Single-Family	FOR 1.5 ACRE LOT.
☐ Townhouses	
☐ Duplexes	
☐ Multi-Family	
☐ Other	
Minimum Square footage of structure (s):	2,000 SQ.FT.
Gross density (DU/acre-total property):	1.5
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) N/A

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:  Date: 2/15/2014

N.

Proposed lot 1 with
lot line in red. 7326
Blackcat Rd.

Proposed lot 2
approx. 27 acres
asking for R-4
zoning, but will
remain AG use
until services
become available
in future.

ZIMMERMAN TODD B
S BLACK CAT RD
Parcel No R7686240322

Wells-7440 Black Cat Rd.

RECEIVED
FEB 21 2014
CITY OF KUNA

SADDLE RIDGE ESTATES

BLACK CAT

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

City Clerk
City of Kuna
P.O. Box 13
Kuna, ID 83634

MAY 13, 2014

For Recording Purposes
Do Not Write Above This Line

**TODD AND LAURA ZIMMERMAN – CANBERRA ESTATES SUB; ANNEXATION & SUBDIVISION
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 **Todd and Laura Zimmerman**, whose address is **7206 Lima Drive, Nampa, Idaho 83687**, as "**Owner**", of the property described herein: R7686240322, and hereafter referred to as "**Developer**".

- A. Developer owns certain property ("**Property**") located in Ada County, particularly, an approximately 28.49 acre parcel of land (**R7686240322**) located at 7326 South Black Cat Road, in Nampa, Idaho and more particularly described on Exhibit A, attached hereto.
- B. The Developer has applied to the City to rezone the above mentioned parcel, in order to enter the City corporate limits with said property.
- C. In particular, the Developer has submitted an application (**Case No. 14-03-AN, 14-02-DA and 14-01-CP**) to annex the parcel into the city of Kuna with an R-4 (Medium Residential Density) zone for the approximately 1.5 acre lot and Agriculture for the remaining 28 acres. This Agreement concerns the annexation, zone change and potential development of said Property.
- D. 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.
- E. City, pursuant to Idaho Code Section 67-6511A and Kuna City Code, Title 5, Chapter 14, has the authority to conditionally rezone the Property and to enter into a 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 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.
- F. 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.

- G. The uses(s) allowed through this conditional annexation are those that are permitted or specially permitted, by way of a special use permit, in the R-4 (Medium Residential Density) zone and Agriculture zone; 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.
- H. 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 rezone the Property to R-4 (Medium Residential Density) zone for the approximately 1.5 acre lot and Agriculture for the remaining 28 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. The Ordinance will become effective after its passage, approval, publication and the execution of this Agreement.

2. PERMITTED USES.

- 2.1: **Development According to the Conceptual Site Plan.** Developer agrees to modify this development agreement through public hearing processes and follow City code at the time in the event of future development. In the event of future 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 an R-4 and Agriculture zones.
- 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 R-4 and /or Agriculture 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 Property in the event of future development, expansion or enlargement, as determined by the Director of planning services:

- 3.1: **Bicycle Spaces.** Developer shall provide a minimum of 15 bicycle parking spaces over the parcel in common lot(s).
- 3.2: **Building Permits.** Developer shall acquire a building permit before construction of any facilities. Developer shall comply with the R-4 zone's height and area performance standards found in Kuna City Code (KCC) 5-3-3, 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 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 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 the time of future construction plan submittal, Developer shall provide the City engineer an irrigation plan for review and approval; if Developer uses the City water utility, developer shall acquire all permits and inspections necessary to connect the commercial facility's irrigation system to the City water 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 commercial 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 R-4 and Agriculture 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). The irrigation plan is subject to City engineer review and approval. 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 future 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 future 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 5-17-1 through 25, which will be considered a binding site plan.

3.14.6: At time of future development, developer shall place a landscape buffer along Black Cat Road a minimum width of 20 feet from the property line in accordance with KCC 5-17-13-B, 3.

3.15: Outdoor Lighting.

3.15.1: 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 Kuna City Code.

3.15.2: A lighting plan shall be submitted to the City director of planning services for review and approval in accordance with KCC 6-4-2-T.

3.15.3: The site lighting plan shall follow the provisions of KCC 6-4-2-T, and 5-9-5-B.

3.16: Parking and Loading Standards.

3.16.1: The Property's parking areas shall be installed in accordance with City parking standards (KCC 5-9-1 through 5).

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 KCC 5-9-2(G).

3.16.3: The 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 future development, developer shall dedicate additional rights-of-way along Columbia Road and for a mid-mile Road to the west 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 future 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 24 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 KCC 6-3-4-A through D, or ACHD's standards, whichever 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 water utility.

3.31.2: The water lines, meter locations and waterline valves shall be reviewed by the City public works staff and constructed and placed according to City standards. 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 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 KMID allowing you to connect to the 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 forty-five (45) day period, if the defaulting party shall commence to cure the same within such forty-five (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, developer shall record this Agreement, including all exhibits, against the Property in the real property records of Ada County, Idaho and provide City 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: Todd and Laura Zimmerman
7206 Lima Drive
Nampa, ID 83687

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”

Todd Zimmerman

By:_____

Date:_____

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”

Laura Zimmerman

By:_____

Date:_____

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: _____

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: _____