

**OFFICIALS**

Dana Hennis, Chairman  
Bryan Clark, Vice Chairman  
Ginny Greger, Commissioner  
Jim Main, Commissioner  
Bobby Rossadillo, Commissioner

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



**Planning & Zoning Commission**  
**REGULAR MEETING AGENDA**  
**Tuesday, October 8, 2024, at 6:00 PM**

*For questions, please call Planning and Zoning at (208) 922-5274.*  
*ALL AGENDA ITEMS ARE ACTION ITEMS UNLESS OTHERWISE NOTED.*

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

**2. CONSENT AGENDA:**

*All items listed are routine and acted on with one (1) Motion by the Commission; there will be no separate discussion unless the Chairman, Commissioner, or Staff requests it be removed. Removed items will be placed under Business unless otherwise instructed.*

**A. Regular Commission Meeting Minutes Dated September 24, 2024**

*Potential Motion:*

- *Motion to Approve Consent agenda.*
- *Motion to Approve Consent agenda with amendments (i.e., correction to previous meeting minutes, etc.)*

**3. PUBLIC HEARINGS:**

**A. Case No. 24-05-AN (Annexation), 24-02-DA (Development Agreement) Kuna Mora Business Center – Doug Hanson, Planning & Zoning Director**

Applicant requests annexation with a development agreement for a M-1 (Light Industrial/Manufacturing) zone. The site is located at 5895 W Kuna Mora Road (SWC of W Kuna Mora Road and S Curtis Road) within Sec 6, T1N, R2E.

***Staff requests this item be tabled to a date certain.***

*Potential Motions:*

- *Motion to table Case No. 24-05-AN, 24-02-DA to a date certain.*

**B. Case No. 24-01-CPF (Combination Preliminary and Final Plat), 22-02-DA MOD (Development Agreement Modification) Lamp District – Doug Hanson, Planning & Zoning Director**

Applicant requests combination plat approval to consolidate six (6) lots into one (1). The applicant also requests a development agreement modification to dissolve the existing development agreement on the subject site. The site is located at the NEC of N Meridian Road and E Deer Flat Road within Sec 18, T2N, R1E.

*Potential Motions:*

- *Motion to recommend Approval/Conditional Approval/Denial of Case No. 24-01-CPF and with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

- C. Case No. 24-05-SUP (Special Use Permit), 24-13-DR (Design Review) J&M Solar - Troy Behunin, Senior Planner

Applicant requests Special Use Permit and Design Review approval to install and operate an Energy System, Production Solar Facility located at 680 S Swan Falls Road, Kuna, ID, 83634.

*Potential Motions:*

- *Motion to Approve/Conditionally Approve/Deny Case Nos. 24-05-SUP and 24-13-DR with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

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

- A. Case No. 24-20-DR (Design Review) Kuna Food Bank – Doug Hanson, Planning & Zoning Director

Applicant requests Design Review approval for 5,600 square foot commercial building, parking lot and landscaping located at 498 N Franklin Road; Section 23, Township 2 North, Range 1 West.

*Potential Motions:*

- *Motion to Approve/Conditionally Approve/Deny Case No. 24-20-DR with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

#### **5. UPDATES & REPORTS:**

#### **6. ADJOURNMENT:**

**OFFICIALS**

Dana Hennis, Chairman  
Bryan Clark, Vice Chairman  
Ginny Greger, Commissioner  
Jim Main, Commissioner  
Bobby Rossadillo, Commissioner

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



**Planning & Zoning Commission**  
**REGULAR MEETING**  
**MINUTES**

**Tuesday, September 24, 2024, at 6:00 PM**

*For questions, please call Planning and Zoning at (208) 922-5274.*  
*ALL AGENDA ITEMS ARE ACTION ITEMS UNLESS OTHERWISE NOTED.*

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

*(Timestamp 00:00:04)*

**Chairman Dana Hennis** Okay, thank you all for showing up for the regularly scheduled Planning and Zoning Commission meeting for Tuesday, September 24th, 2024. We'll go ahead and start with roll call.

**Planning & Zoning Director Doug Hanson** Chairman Dana Hennis.

**Chairman Dana Hennis** Present, finally.

**Planning & Zoning Director Doug Hanson** Commissioner Bryan Clark.

**Vice Chairman Bryan Clark** Present.

**Planning & Zoning Director Doug Hanson** Commissioner Ginny Greger...Commissioner Jim Main.

**Commissioner Jim Main** Present.

**Planning & Zoning Director Doug Hanson** Commissioner Bobby Rossadillo.

**COMMISSIONERS PRESENT**

Chairman Dana Hennis - Present  
Vice Chairman Bryan Clark - Present  
Commissioner Ginny Greger - Absent  
Commissioner Jim Main -Present  
Commissioner Bobby Rossadillo - Absent

**CITY STAFF PRESENT**

Doug Hanson, Planning and Zoning Director  
Maren Ericson, City Attorney

## 2. **CONSENT AGENDA:**

*All items listed are routine and acted on with one (1) Motion by the Commission; there will be no separate discussion unless the Chairman, Commissioner, or Staff requests it be removed. Removed items will be placed under Business unless otherwise instructed.*

*(Timestamp 00:00:31)*

### A. Regular Commission Meeting Minutes Dated September 10, 2024

*Potential Motion:*

- *Motion to Approve Consent agenda.*
- *Motion to Approve Consent agenda with amendments (i.e., correction to previous meeting minutes, etc.)*

**Chairman Dana Hennis** Thank you, and first up is the consent agenda.

**Vice Chairman Bryan Clark** Mr. Chairman, I move that we approve the consent agenda.

**Commissioner Jim Main** Second.

**Chairman Dana Hennis** Thank you, all in favor?

**All Commissioners** Aye.

**Chairman Dana Hennis** Any opposed? Nope, perfect, thank you.

*(Timestamp 00:00:35)*

**Motion To:** Approve the Consent Agenda

**Motion By:** Commissioner Jim Main

**Motion Seconded By:** Commissioner Bryan Clark

**Further Discussion:** None

**Voting Aye:** Commissioners Hennis, Clark, Main

**Voting Nay:** None

**Absent:** Commissioners Gerger, Rossadillo

**3-0-2**

### 3. PUBLIC HEARINGS:

(Timestamp 00:00:47)

#### A. Case No. 24-05-SUP (Special Use Permit) J&M Solar - Troy Behunin, Senior Planner

Applicant requests Special Use Permit approval in order to install and operate an Energy System, Production Solar Facility located at 680 S Swan Falls Road, Kuna, ID, 83634.

**Staff requests this item be tabled to the date certain of October 22, 2024, due to an on-site posting error.**

*Potential Motions:*

- *Motion to table to a date certain of October 22, 2024.*

**Chairman Dana Hennis** And so up first on the agenda tonight after that is the public hearings case #24-05-SUP, J&M solar. That appears, staff, that you would like...

**Planning & Zoning Director Doug Hanson** Yeah, so, Chairman Hennis, for the record, Doug Hanson, Kuna Planning and Zoning. Staff would actually request that this item be tabled to a date certain of October 8th, 2024, and staff will notice courtesy mailers to neighboring property owners of the change.

**Commissioner Jim Main** Mr. Chairman, I move that we table case #24-05-SUP for J&M solar to a date certain of October 22nd, 2024.

**Planning & Zoning Director Doug Hanson** October 8th.

**Commissioner Jim Main** I'm sorry, October 8th, 2024.

**Vice Chairman Bryan Clark** Seconded.

**Chairman Dana Hennis** Thank you, all in favor?

**All Commissioners** Aye.

**Chairman Dana Hennis** Any opposed? Nope. Thank you.

(Timestamp 00:01:21)

**Motion To:** Table Case #24-05-SUP For J&M Solar To A Date Certain Of October 8<sup>th</sup>, 2024.

**Motion By:** Commissioner Jim Main

**Motion Seconded By:** Commissioner Bryan Clark

**Further Discussion:** None

**Voting Aye:** Commissioners Hennis, Clark, Main

**Voting Nay:** None

**Absent:** Commissioners Gerger, Rossadillo

**3-0-2**

#### 4. BUSINESS ITEMS:

(Timestamp 00:01:54)

#### B. Case No. 24-14-DR (Design Review) Panera – Doug Hanson, Planning & Zoning Director

Applicant requests Design Review approval for a two (2) tenant commercial building located near the NWC of N Meridian Road and E Deer Flat Road; Section 13, Township 2 North, Range 1 West.

##### *Potential Motions:*

- *Motion to Approve/Conditionally Approve/Deny Case No. 24-14-DR with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

**Chairman Dana Henni** Okay, and that does it for public hearings next item on the agenda is business items, so case #24-14-DR, Design Review for Panera, Mr. Hanson.

**Planning & Zoning Director Doug Hanson** Good evening, commissioners. For the record, Doug Hansen, Kuna Planning and Zoning 751 W 4th St. Kuna. The applicant is requesting to construct an approximately 6560 square foot, two-tenant, commercial building located on 1.26 acres located within the approved Paul Bunyan Commercial Subdivision located at the northwest corner of Meridian and Deer Flat Roads. Panera is identified as a user with the other tenant to be determined upon review staff finds the application to be in compliance with Kuna City Code, The Comprehensive Plan and Idaho Code. Staff recommends the Commission approve case #24-14-DR, with the applicant being subject to the conditions as listed in staff report, as well as any additional conditions imposed by the Commission. With that, I will stand by for any questions and the representative for the project is here this evening to answer any questions you might have, as well.

**Chairman Dana Hennis** Thank you. One question I had is it's... this building is just set up for the one drive through, correct? The other tenant will not be a drive-through at all?

**Planning & Zoning Director Doug Hanson** For the record. Doug Hanson, Kuna Planning and Zoning staff, that is correct.

**Chairman Dana Hennis** Okay, thank you.

**Chairman Dana Hennis** Any other Commission questions?

**Commissioner Jim Main** No.

**Chairman Dana Hennis** Thank you. Mr. Applicant, you would state your name and address for the record and you press on the bottom of the microphone to make it green.

**Jeff Lakes** Jeff Lakes, 1119 E State St. Eagle, ID 83616 with the architect for the building. Doug's gonna bring it up here. Your question was yes, it's a drive through, but only the one. The Panera tenant is the drive through. We are speaking to another tenant on the other side, but that will also be a single tenant, so it'll be a two-tenant building. I'm going in there. Just so, kind of give you a brief rundown of the building: stucco stone. The two entrance features are a nichiha panel. Would look nichiha panel. Panera's green and the other one is just a brown color. Black storefront. *Scroll down a little bit kind of.* There's some

variations there with the roofs and the parapets to give not such a flat look. Doors on the rear of the building for service entrances. And we'll stand for any questions.

**Chairman Dana Hennis** Commission do you have any questions?

**Commissioner Jim Main** Not at this time.

**Vice Chairman Bryan Clark** Just out of curiosity, do you have any idea how much of the parking area will be covered by canopy, tree canopy?

**Jeff Lakes** *Should be a site plan in there.*

**Planning & Zoning Director Doug Hanson** Yeah, I will pull that up.

**Jeff Lakes** Yeah.

**Vice Chairman Bryan Clark** Yeah, there's a landscape site plan. Just wondering if we know percentage wise, we're committing ourselves to.

**Jeff Lakes** Percentage wise. Yeah, I don't think I know what percentage of tree of tree canopy. But we do have all the islands have Landscaping is... you've probably seen in the landscape plan. There it is.

**Planning & Zoning Director Doug Hanson** Yeah. For the record, Doug Hansen, Kuna Planning and Zoning staff, we don't have an exact open space requirement for commercial design reviews. Yeah, just we have a required landscape buffer along the roadways and then landscape islands based off of the number of parking spaces provided.

**Vice Chairman Bryan Clark** Okay.

**Chairman Dana Hennis** Anything else? Not yet?

**Commissioner Jim Main** Sure, I assume that this building has parapets, so we aren't going to be able to see HVAC units on the roof?

**Jeff Lakes** Yes, Sir, it has parapets and you want they're all screened behind that parapet.

**Commissioner Jim Main** Okay, thank you.

**Vice Chairman Bryan Clark** Okay, I just I just found it. TAM did their due diligence on the landscape plan. They have a total percentage of 21.9% landscaped area.

**Jeff Lakes** We knew we hired good people.

**Vice Chairman Bryan Clark** Good guys over there. I know them.

**Chairman Dana Hennis** So I guess, the only... I'll bring it up prior to deliberations because we would, I'd probably be asking this of you any ways to come back up, but on the rear elevation there, because that's primarily going to be facing Meridian Rd., correct?

**Jeff Lakes** No, that is the South elevation.

**Chairman Dana Hennis** That would be the south...

**Jeff Lakes** The Meridian Rd. elevation would be the drive-through side.

**Vice Chairman Bryan Clark** East elevation.

**Jeff Lakes** The east elevation, correct.

**Chairman Dana Hennis** Okay, but then maybe that would be facing Deer Flat? Okay. Because it's an awfully expansive...

**Jeff Lakes** Yes, it will face deer flat until the there's two other sides to the there's one other side to the South until that guy builds.

**Chairman Dana Hennis** Okay.

**Jeff Lakes** Yeah, right there. So there still is a site there still is on that right there still in their pad to the South, the corner of Deer Flat and Meridian.

**Chairman Dana Hennis** Yeah, that's true. I'm just kind of wondering. I was looking at that as an awfully flat one-color face. If there is any sort of a differentiation we can put kind of in the middle?

**Chairman Dana Hennis** But I would also see... maybe that is a better iteration.

**Chairman Dana Hennis** That was just, that was just one of mine. I was a little concerned with that big flat face.

**Commissioner Jim Main** Yeah, it's going to be... It's going to have a building behind it. So, once it's built out, you're not really going to see that.

**Chairman Dana Hennis** Okay.

**Vice Chairman Bryan Clark** Plus, we also have the landscape buffer on that edge.

**Chairman Dana Hennis** That's true. We have a decent amount. Okay, well, that was probably your irrelevant for questions, so.

**Jeff Lakes** Perfect. Thank you. We like that question and we like the 2 answers to help solve it.

**Chairman Dana Hennis** That's what I have the smart ones for here.

**Commissioner Jim Main** So, I have a couple of questions about the site design. I assume J&M has looked at this as far as the trash; but looking at it, it looks like with the diagonal trash enclosure. They're going to have to run their truck in and then back it down the road to the first intersection to turn around.

**Jeff Lakes** So this main this is a main... This is a just a drive aisle through here. So they'll come in, grab it back, back out and move on. So there's no, this is just a quick, this is just a normal drive aisle as in a parking lot drive out, once this all gets built out. We have talked to them. They just come in, grab this back out to the drive aisle and keep going if we go to the full site plan.

**Commissioner Jim Main** So, this drive aisle is going to continue?

**Jeff Lakes** Yes, this will continue. They're still working on these two, and so this will continue and go, it actually gets punched through here. When that gets...

**Planning & Zoning Director Doug Hanson** And for the record, Commissioner Main, Doug Hanson, Kuna Planning and Zoning. J&M Sanitation did comment. Their comments are on page 40 of the overall packet.

**Commissioner Jim Main** So, as part of this project, the drive aisle will be paved on the, I guess that would be, the West side of the project?

**Jeff Lakes** Correct.

**Commissioner Jim Main** So the one the one question I have is, you basically have one exit out the West side of the parking lot onto that drive aisle. You have another drive out the South side, but it's part of this project nothing's paved beyond that... beyond the drive through lane.

**Jeff Lakes** That's right. That's under that other property. So that will be a cross access once they come in for their building.

**Commissioner Jim Main** So, is there any way you could actually pave access from the drive aisle to the drive through to where that second access would be usable?

**Jeff Lakes** That's probably something we can workout with that owner. That's been a... that's a sold property...

**Commissioner Jim Main** Right, I understand that.

**Jeff Lakes** Right, We can certainly look into that connecting here to here.

**Commissioner Jim Main** It's just looking Yeah. And it's just looking at it as a sole entry and exit, including the access in the drive aisle or the drive through exiting the drive through and all the parking, and they're all focusing on one, one in and out access point. I think we need to at least put a temporary pavement section in to be able to utilize that South access.

**Vice Chairman Bryan Clark** And just point of clarification, Jim, are you talking...So just beyond the entrance into the drive through, you're proposing or requesting additional paving?

**Commissioner Jim Main** I'm just... what I'm looking at is a 24-foot-wide section that would go from the drive aisle to the east, just past the entry into the parking lot.

**Vice Chairman Bryan Clark** Yeah, okay. Just to provide for a second point, secondary point of access just localized to that...

**Commissioner Jim Main** Right.

**Vice Chairman Bryan Clark** Main access driveway.

**Chairman Dana Hennis** Any further questions for the applicant?

**Commissioner Jim Main** I don't have any.

**Vice Chairman Bryan Clark** I'm good.

**Chairman Dana Hennis** Thank you, Sir.

**Jeff Lakes** Thank you.

**Vice Chairman Bryan Clark** And just a point of fact, Sir, this is a Panera Bread, not an *In-and-Out*.

*[Laughter]*

**Chairman Dana Hennis** We need a lot more in and...access at that point from our experience, yeah.

**Vice Chairman Bryan Clark** It's just his phraseology. It was just humorous.

**Chairman Dana Hennis** I mean, All in all, I think. The product is going to be good. I normally the stores are built well and are kept up well, so I'm not anticipating anything but a good looking area here and it seems like that landscaping is more than adequate for our minimum standards. It looks really nice. It's got quite a bit of coverage, so. You know what I was concerned with that one backside that's just kind of big and bland, I think. Like you said, as it gets built out, it will get absorbed and the trees hopefully will absorb it as well.

**Vice Chairman Bryan Clark** And how big is that landscape before on that edge? I didn't catch that dimension. One second. Sorry, I'm looking up the details for you.

**Chairman Dana Hennis** Yeah, I mean, we've got big trees along that side.

**Vice Chairman Bryan Clark** As 12-foot access and then the median. Oh, looks like it's about an 8 or...8-to-10-foot Median. 4 1/2-foot parking landscape buffer on their side, Okay, looks like probably about 9-foot. Yeah, that's all [*unclear*] Okay.

**Chairman Dana Hennis** It seems pretty straightforward, so if there's no further questions from the Commissioners, I'd stand for a motion.

**Vice Chairman Bryan Clark** Mr. Commissioner, Mr. Chairman, I move to approve case #24-14-DR with conditions as outlined in the staff report, with the addendum, we would like to request the additional access to the South from the private drive to the drive-through.

**Chairman Dana Hennis** At least a temporary.

**Vice Chairman Bryan Clark** at least a temporary.

**Commissioner Jim Main** Second.

**Chairman Dana Hennis** Thank you all in favor?

**All Commissioners** Aye.

**Chairman Dana Hennis** Any opposed? No. Thank you, Motion passes.

*(Timestamp 00:13:53)*

**Motion To:** Approve Case #24-14-DR With Conditions As Outlined In The Staff Report, With The Additional Request To Provide A Secondary Access (Temporary Or Permanent) Access To The South In Proximity Of The Drive-Through

**Motion By:** Commissioner Jim Main

**Motion Seconded By:** Commissioner Bryan Clark

**Further Discussion:** None

**Voting Aye:** Commissioners Hennis, Clark, Main

**Voting Nay:** None

**Absent:** Commissioners Gerger, Rossadillo

**3-0-2**

**5. UPDATES & REPORTS:**

*(Timestamp 00:14:33)*

**Chairman Dana Hennis** And that appears to be all I have on my agenda. Is there any updates or reports from staff?

**Planning & Zoning Director Doug Hanson** For the record, Doug Hanson, Kuna Planning and Zoning. That is it for this evening.

**Chairman Dana Hennis** Thank you.

**6. ADJOURNMENT:**

*(Timestamp 00:14:45)*

**Vice Chairman Bryan Clark** Mr. Chairman, I move that we adjourn.

**Commissioner Jim Main** Second.

**Chairman Dana Hennis** All in favor?

**All Commissioners** Aye.

*(Timestamp 00:14:45)*

**Motion To:** Adjourn

**Motion By:** Commissioner Bryan Clark

**Motion Seconded By:** Commissioner Jim main

**Further Discussion:** None

**Voting Aye:** Commissioners Hennis, Clark, Main

**Voting Nay:** None

**Absent:** Commissioners Gerger, Rossadillo

**3-0-2**

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Dana Hennis, Chairman

ATTEST:

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Doug Hanson, Director

*Minutes prepared by Garrett Michaelson, Deputy City Clerk.*

**CASE NO. 24-01-CPF (COMBINATION PRELIMINARY  
AND FINAL PLAT) & 22-02-DA MOD (DEVELOPMENT  
AGREEMENT MODIFICATION)**

**LAMP DISTRICT**

**Planner: Doug Hanson**

**[dhanson@kunaid.gov](mailto:dhanson@kunaid.gov)**

**208-287-1771**

**ALL APPLICATION MATERIALS: [24-01-CPF, 22-02-  
DA MOD LAMP DISTRICT](#)**

**If you require assistance accessing the application materials through the link provided above or would like to review the application materials in person at City Hall please contact the assigned planner.**



CITY OF KUNA:  
P&Z COMMISSION  
STAFF REPORT

## City of Kuna P&Z Commission Staff Report

Entitlements Requested:	Subdivision	Rezone	Annexation	Special Use	Planned Unit Development	Development Agreement	Other
<b>Title:</b>	Lamp District	<b>Application Number:</b>		24-01-CPF, 22-02-DA MOD			
<b>Date:</b>	10/08/2024	<b>Staff Contact:</b>		Doug Hanson			
<b>Owner(s):</b>	Miriam LLC, Japeth LLC	<b>Owner Contact:</b>		<a href="mailto:dclegg@springcreekenterprise.net">dclegg@springcreekenterprise.net</a>			
<b>Applicant:</b>	Penelope Contantikes, Riley Planning Services	<b>Applicant Contact:</b>		<a href="mailto:penelope@rileyplanning.com">penelope@rileyplanning.com</a>			

**Purpose**  
 Applicant requests combination plat approval to consolidate six (6) lots into one (1). The applicant also requests a development agreement modification to dissolve the existing development agreement on the subject site. The site is located at the NEC of N Meridian Road and E Deer Flat Road within Sec 18, T2N, R1E.

Statement of Fact	
<b>Parcel Number(s):</b>	R528530500, R8528531000, R8528531500, R8528532000, S1418336332, S1418336401
<b>Future Land Use Map Designation:</b>	Commercial and Mixed Use
<b>Existing Land Use:</b>	Ag grazing
<b>Current Zoning:</b>	C-2
<b>Proposed Zoning:</b>	C-2
<b>Development Area:</b>	33.99 acres
<b>Adjacent Zoning Districts:</b>	<b>North:</b> RUT (Rural Urban Transition), R-4 (Medium Residential); <b>East:</b> R-4 (Medium Density Residential); <b>South:</b> C-2 (Area Commercial, R-6 (Medium Density Residential); <b>West:</b> C-2 (Area Commercial)
<b>Adjacent Street(s) Existing &amp; Proposed:</b>	<b>North:</b> N/A; <b>East:</b> E Manly Street (Existing), E Trophy Street (Existing); <b>South:</b> E Deer Flat Road (Existing); <b>West:</b> N Meridian Road
<b>Internal Street(s) Existing &amp; Proposed:</b>	N/A
<b>Adjacent Bike/Pedestrian Facilities:</b>	N/A
<b>Adjacent Parks:</b>	N/A
<b>Land Dedication Requirements:</b>	N/A

**Comprehensive Plan and Future Land Use Map Analysis**  
 The Comprehensive Plan identifies the subject property as Commercial and Mixed Use. The existing C-2 zone is viewed as a compatible zoning district within the Commercial Land Use Designation. The site is located along the SH 69/Meridian Road corridor and is identified within the comp plan as an entryway corridor. Commercial uses permitted in the C-2 zone will add to a well-planned regional commercial center that provides employment and services (Goal 3.C.1).

### Staff Analysis

The Lamp District annexation, rezone and development agreement was approved by the City Council on December 6, 2022. The applicant requests combination plat approval to consolidate six (6) lots into one (1). The applicant also requests a development agreement modification to dissolve the existing development agreement.

ACHD was notified of the application but has not provided comment. ACHD comments from the original application have been included within the application materials. No street improvements are proposed at this time. ITD has no concerns with the proposed modifications, a TIS will be required once development is proposed.

Upon staff review the proposed application meets the requirements of Idaho Code and Kuna City Code.

### Recommended Conditions of Approval

#### Standard Conditions

1. The Developer/Owner/Applicant 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 connections.
  - b. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - c. 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."
  - d. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Rural Fire District are required.
  - e. The Kuna Municipal Irrigation System (KMIS) and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
  - f. Approval from Ada County Highway District (ACHD) shall be obtained, and Impact Fees must be paid prior to issuance of any building permit(s).
  - g. All public rights-of-way shall be dedicated and constructed to the standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
2. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 5-9-4.
3. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
4. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
5. It is the responsibility of the Developer or his Engineer to coordinate and design for the stricter requirement between agencies and the City of Kuna standards for the entire development
6. The Developer/Owner/Applicant, and/or any future assigns having an interest in the subject property, shall

fully comply with all Conditions of development as approved by the City Council, or seek amending them through Public Hearing processes.

7. Developer/Owner/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
8. Developer/Owner/Applicant shall comply with all local, state, and federal laws.

June 20, 2024

Mayor Stear & City of Kuna City Council  
Kuna P&Z Commission  
c/o City of Kuna Planning & Zoning Department  
171 W. 4<sup>th</sup> Street  
Kuna, ID 83643

**RE:            LAMP DISTRICT COMBINED PRELIMINARY / FINAL PLAT  
DEVELOPMENT AGREEMENT MODIFICATION  
NE CORNER OF DEER FLAT & MERIDIAN RD**

Dear City of Kuna:

On behalf of the property owner, Miriam LLC and Japheth LLC, please accept the attached applications for the Lamp District Subdivision Combined Preliminary & Final Plat, and Development Agreement Modification. The subject is the combined 6 parcels totaling 33.99 acres located at the northeast corner of Deer Flat Road and Meridian Road / ID 69 in Kuna. The subject site has previously been annexed and zoned in two separate applications and has an overall zoning designation of C-2.

The purpose of these requests to 'clean up' the site in conjunction with the relocation and tiling of the Kuna Canal, remove old non-functioning easements, and to create a clean canvas for future development through future development application(s). The Development Agreement Modification application is to remove the existing DA altogether as the site development will not proceed as conceptually proposed.

Retention of the existing residence- not dependent on municipal services for sewer and waters, is requested as a condition of approval. The residence provides a level of security for the site and a point of contact should there be an issue including grazing activities on the site.

A pre-application conference was held with City of Kuna Planning and Zoning staff on April 25, 2024. Important discussion items included purpose of the proposed platting as a single lot, release of easements, temporary retention of the existing occupied residence, canal relocation, future ROW depiction on the plat, the existing DA, and submittal materials needed. A neighborhood meeting was held on May 22, 2024.

Public utility easements are depicted on the plats. Future ROW needs for ACHD and ITD have been identified and provided, and pedestrian facilities will be constructed with actual development of the site in the future. Some of the customary submittals for platting through the City of Kuna are not relevant for the proposed consolidation of lots. With future applications to development of the site the following submittals will be prepared and submit with future applications:

- Common lots;
- Geotechnical evaluation (hydrology and soils);
- A landscape plan;
- Updated Traffic Impact Study;
- Engineering construction drawings; and
- CCR's.

The property owner and project team is excited to take this first step to position the subject site for future uses that will benefit the City of Kuna and its resident, and look forward to working with the City staff towards that end. Approval of the Lamp District Preliminary Plat and Final Plat is respectfully requested.

Best regards,

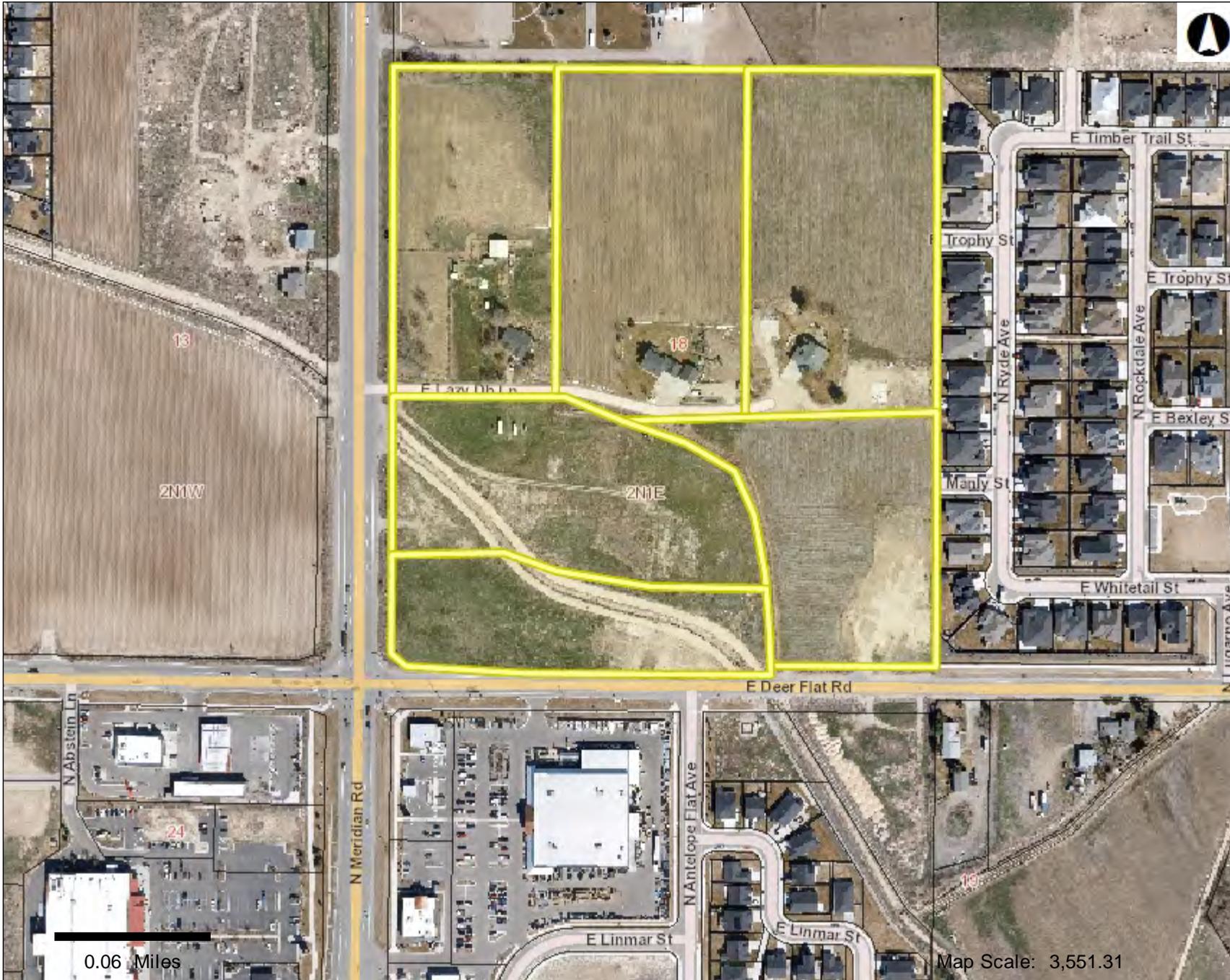
**RILEY PLANNING SERVICES LLC**

*P. CONSTANTIKES*

Penelope Constantikes  
Principal

# Ada County Assessor

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



### Legend

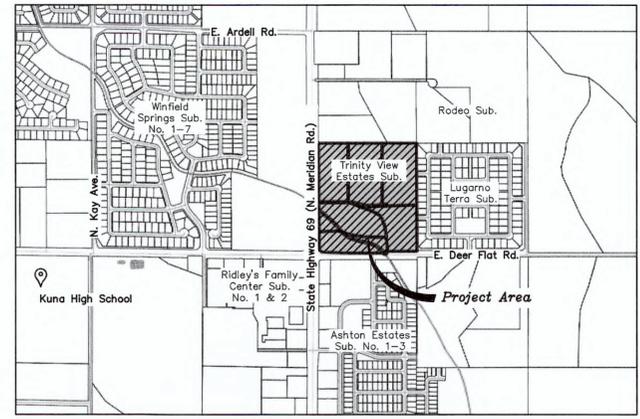
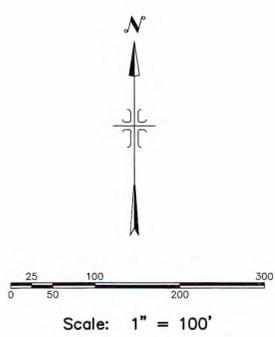
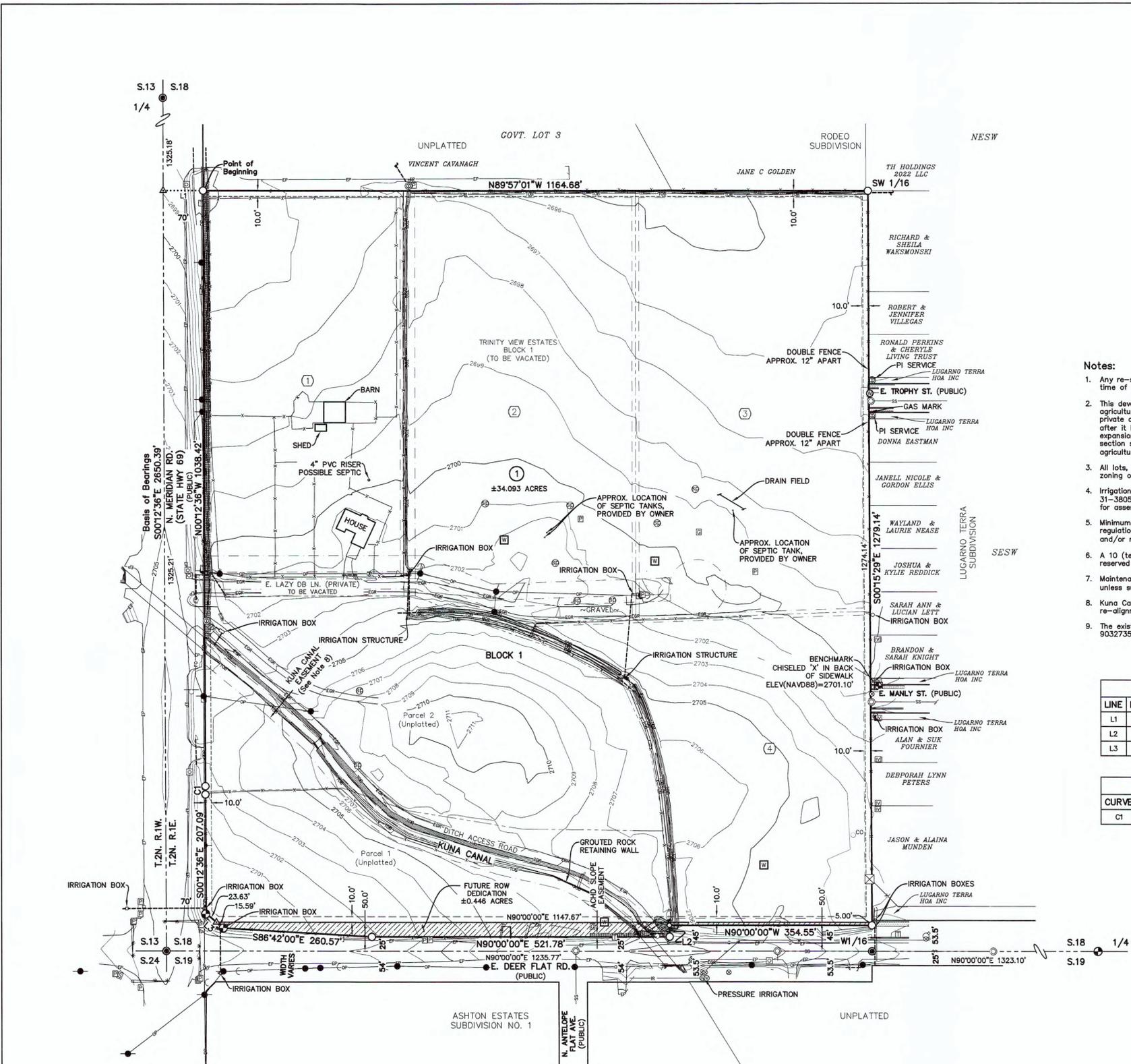
- + Railroad
- Roads (2,000 - 4,000 s)
  - <all other values>
  - Interstate
  - Ramp
  - Principal Arterial
  - Collector
  - Minor Arterial
  - Local
  - Parks
  - Alley
  - Driveway
- Parks
- Townships
- Sections
- Condos
- Parcels

raster.DBO.AdaOrthos:

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

raster.DBO.AdaOrthos:

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



- Notes:**
- Any re-subdivision of this plat shall comply with the applicable zoning regulations in effect at the time of re-subdivision.
  - This development recognizes Idaho Code Section 22-4503, Right To Farm Act, which states: "No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed. The provisions of this section shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof."
  - All lots, parcels and tract sizes shall meet dimensional standards established in the applicable zoning ordinance or as specifically approved.
  - Irrigation water will be provided by the City of Kuna in compliance with Idaho code section 31-3805(1)(b). All lots within this subdivision will be entitled to water rights, and will be obligated for assessments from the City of Kuna.
  - Minimum building setbacks shall be in accordance with the applicable zoning and subdivision regulations at the time of issuance of individual building permits, or as specifically approved and/or required, or as shown on this plat.
  - A 10 (ten) foot permanent easement for public utilities, irrigation and lot drainage shall be reserved adjacent to the exterior boundary of Lot 1, Block 1.
  - Maintenance of any irrigation, drainage pipe or ditch crossing is the responsibility of the lot owner unless such responsibility is assumed by an irrigation/drainage district.
  - Kuna Canal Easement shall be relocated based on plans prepared by Kimley-Horn for the re-alignment of the Kuna Canal.
  - The existing easements as shown on the plat of Trinity View Estates Subdivision, Instrument No. 9032735, Instrument No. 9034166 and Instrument No. 94088612 are to be vacated.

LINE TABLE		
LINE	LENGTH	BEARING
L1	70.00	S89°57'01"E
L2	20.01	S02°07'13"E
L3	39.22	N5°06'18"W

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD DIST.	CHORD BRG.	DELTA
C1	57365.78	14.48	14.48	N00°12'10"W	0°00'52"

**Legend**

○	Found 1/2" Iron Pin	—	Subdivision Boundary Line
○	Found 5/8" Iron Pin	- - -	Section Line
⊙	Found Brass Cap Monument	- · - · -	Right-of-Way Line
⊙	Found Aluminum Cap Monument	- · - · -	Proposed Easement Line (See Note 6)
⊙	Set Bench Mark	- · - · -	Parcel/Lot Line to be Vacated
⊙	Calculated Point, Nothing Found or Set	- · - · -	Tie Line
①	Proposed Lot Number	- · - · -	Easement Line to be Vacated (See Note 9)
①	Existing Lot Number to be Vacated	- · - · -	Adjacent Lot Line
⊙	Gas Valve	- · - · -	Fence
⊙	Power Pole	- · - · -	Edge of Gravel Road
⊙	Guy Wire Anchor	- · - · -	Edge of Pavement
⊙	Power Transformer	- · - · -	Sanitary Sewer Line
⊙	Power Meter	- · - · -	Subsurface Pipe
⊙	Telephone Junction Box	- · - · -	Gas Line
⊙	Area Light	- · - · -	Fiber Optics Line
⊙	Traffic Signal Box	- · - · -	Overhead Power Line
⊙	Street Light	- · - · -	Domestic Water Line
⊙	Traffic Signal Arm	- · - · -	Irrigation Line
⊙	Traffic Sign	- · - · -	Bottom of Ditch
⊙	Mail Box	- · - · -	Top of Bank
⊙	Water Valve	- · - · -	Curb, Gutter and Sidewalk
⊙	Water Manhole	- · - · -	Future Right-of-Way Dedication Area
⊙	Fire Hydrant	- · - · -	Easement Area as Noted
⊙	Water Well	- · - · -	
⊙	Irrigation Control Valve Box	- · - · -	
⊙	Pressure Irrigation Valve	- · - · -	
⊙	Irrigation Manhole	- · - · -	
⊙	Water Spigot	- · - · -	
⊙	Sanitary Sewer Manhole	- · - · -	
⊙	Clean Out	- · - · -	



**Utility Warning**  
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, LLC

**Property Owners**  
Japheth, LLC & Miriam, LLC  
Douglas Clegg  
715 Blue Spruce Rd.  
Alpine, UT 84004  
dblegster@coableone.net

**Property Addresses**  
1898, 1804, & 1920 E. Lazy DB Ln.  
1900 & 1928 E. Deer Flat Rd.  
1800 N. Meridian Rd.  
Kuna, ID 83634

**Civil Engineer**  
Kimley-Horn  
Abby Hahn  
1100 W. Idaho St., Suite 210  
Boise, ID 83702  
208-917-4977  
Abby.Hahn@kimley-horn.com

**Surveyor**  
Idaho Survey Group  
Cody M. McCammon  
9955 W. Emerald St.  
Boise, ID 83704  
Phone: (208) 846-8570  
codym@idahosurvey.com

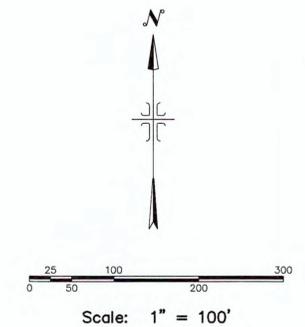
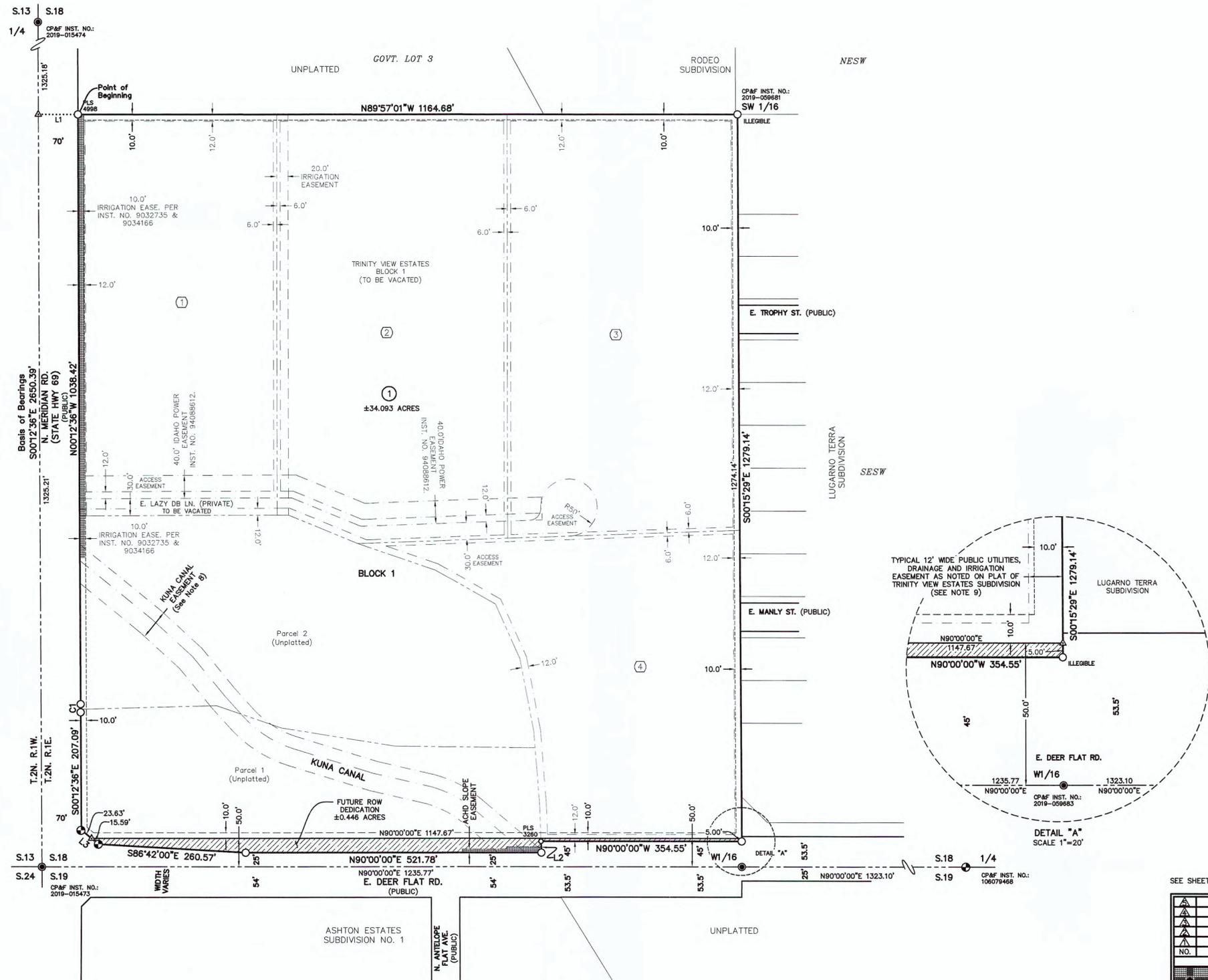
**Development Features**  
Acreage:  
Total = 33.99 Acres  
Total Lots = 1  
Buildable Lots = 1  
Common Lots = 0  
Average Lot Size = 33.99 Acres

**Current Zoning:**  
C-2 - Area Commercial

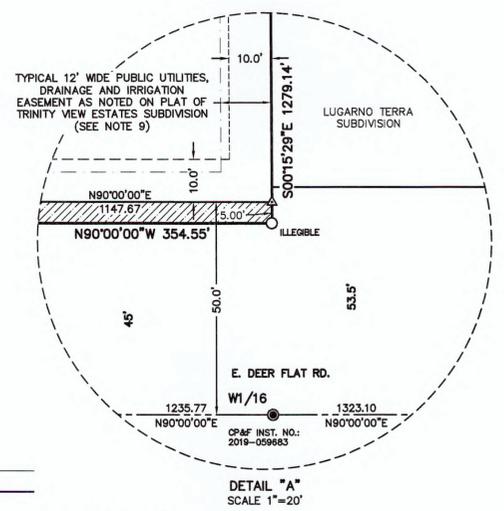
**Services**  
Sanitary Sewer—City of Kuna  
Potable Water—City of Kuna  
Irrigation District—Boise Kuna Irrigation District,  
New York Irrigation District  
Fire Protection—Kuna Rural Fire District  
School District—Kuna School District No.3

**Site Benchmark**  
TBM#1  
Chiseled 'X' at Back of Sidewalk  
on Northerly Side of E. Manly St.  
Elev (NAVD88)=2701.20'

NO.		REVISIONS		BY		DATE	
<b>IDAHO SURVEY GROUP, LLC</b>							
9955 W. EMERALD ST. BOISE, IDAHO 83704 PH. (208) 846-8570 FAX (208) 884-5399 WWW.IDAHOSURVEY.COM							
<h2>Lamp District Subdivision</h2> <h3>Preliminary Plat</h3> <p>Situated in Government Lot 4 of Section 18, T.2N., R.1E., B.M., City of Kuna, Ada County, Idaho.</p>							
Drawn:	EJD	Checked:	CMM	Job No.	23-202		Sheet No.
Date:	8/21/2023	Date:	8/21/2023			1 of 2	



- Legend**
- Found 1/2" Iron Pin, as Noted
  - Found 5/8" Iron Pin, "PLS 11779" or as Noted
  - Found Brass Cap Monument
  - Found Aluminum Cap Monument
  - △ Calculated Point, Nothing Found or Set
  - ① Proposed Lot Number
  - ① Existing Lot Number to be Vacated
  - Subdivision Boundary Line
  - Section Line
  - Right-of-Way Line
  - Easement Line (See Note 6)
  - Parcel/Lot Line to be Vacated
  - Tie Line
  - Easement Line to be Vacated (See Note 9)
  - Adjacent Lot Line
  - ▨ Future Right-of-Way Dedication Area
  - ▨ Easement Area as Noted



SEE SHEET 1 FOR NOTES, LINE & CURVE TABLES

REVISIONS			
NO.	REVISIONS	BY	DATE

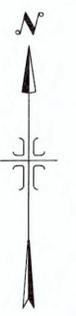
	<b>IDAHO SURVEY GROUP, LLC</b> 9955 W. EMERALD ST. BOISE, IDAHO 83704 PH. (208) 846-8570 FAX (208) 884-5399 WWW.IDAHOSURVEY.COM		
	<b>Lamp District Subdivision</b> Preliminary Plat Situated in Government Lot 4 of Section 18, T.2N., R.1E., B.M., City of Kuna, Ada County, Idaho.		
Drawn: EJD Date: 8/21/2023	Checked: CMM Date: 8/21/2023	Job No. 23-202	Sheet No. <b>2 of 2</b>

**Utility Warning**  
 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, LLC  
 P:\Lamp District Sub 23-202\dwg\PrePlat.dwg 8/21/2023 12:29:59 PM

# Plat Showing Lamp District Subdivision

A Re-Plat of Trinity View Estates Subdivision and an unplatted portion of Government Lot 4 of Section 18, Township 2 North, Range 1 East, Boise Meridian, City of Kuna, Ada County, Idaho.  
2024



Scale: 1" = 100'

### Legend

- Found 1/2" Iron Pin, as Noted
- Found 5/8" Iron Pin, "PLS 11779" or as Noted
- ⊕ Found Brass Cap Monument
- ⊙ Found Aluminum Cap Monument
- ⊕ Found 5/8" Iron Pin, with Illegible Cap, Set Aluminum Cap, "ISG PLS 11779"
- Set 5/8" x 24" Iron Pin with Plastic Cap, "ISG PLS 11779"
- △ Calculated Point, Nothing Found or Set
- ① Lot Number
- Subdivision Boundary Line
- - - Section Line
- Right-of-Way Line
- - - Easement Line (See Note 5)
- ..... Survey Tie Line
- - - Adjacent Subdivision Boundary and Right-of-Way Line
- ▨ Irrigation Lateral Easement (See Note 8)
- ▨ Kuna Canal Easement (See Note 7)

### Notes:

1. Any re-subdivision of this plat shall comply with the applicable zoning regulations in effect at the time of resubdivision.
2. This development recognizes Idaho Code Section 22-4503, Right To Farm Act, which states: "No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed. The provisions of this section shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof."
3. Irrigation water will be provided by the City of Kuna in compliance with Idaho code section 31-3805(1)(b). All lots within this subdivision will be entitled to water rights, and will be obligated for assessments from the City of Kuna.
4. Minimum building setbacks shall be in accordance with the applicable zoning and subdivision regulations at the time of issuance of individual building permits, or as specifically approved and/or required, or as shown on this plat.
5. A 10 (ten) foot permanent easement for public utilities, pressure irrigation and lot drainage is hereby reserved adjacent to the Subdivision boundary line.
6. Maintenance of any irrigation, drainage pipe or ditch crossing is the responsibility of the lot owner unless such responsibility is assumed by an irrigation/drainage district.
7. Kuna Canal Easement Instrument Number \_\_\_\_\_
8. Irrigation Lateral Easement Instrument Number \_\_\_\_\_
9. Pursuant to I.C. 50-1306A(5). The easements as shown on the plat of Trinity View Estates Subdivision as filed in Book 64 of Plats at Pages 6476 and 6468, records of Ada County, Idaho are hereby vacated and replatted as shown.
10. Power Line Easement Instrument No. 94088612 has been released. See Instrument No. 2024-
11. I.T.D Permanent Easement - Instrument No.'s 9032735 and 9034166.
12. Lots shall not be reduced in size without prior approval from the health authority.

### Surveyor's Narrative:

The purpose of this survey is to subdivide the property shown hereon. The property is a portion of unplatted lands as depicted on Record of Survey No. 2474, Record of Survey No. 12604 and all of Trinity View Estates Subdivision as filed in Book 64 of Plats at Pages 6467 and 6468, records of Ada County, Idaho. The existing monuments recovered per the above mention Record of Survey's, Plat and Section corners are in substantial agreement and were held as controlling corners for this subdivision.

### Reference Documents:

- ROS No.s: 676, 1336, 2474, 5985, 6019, 7118, 11160, 11662, 11677, 12604, 12952 & 13474.
- Trinity View Estates Sub., Bk. 64, Pg. 6467-6468.
- Rodeo Sub. Bk. 72, Pg. 7413-7414.
- Ashton Estates Sub. No. 1, Bk. 114, Pg. 17055-17059.
- Lugarno Terra Sub., Bk. 117, Pg. 17783-17789.

### Easement Line Table

Line	Bearing	Length
E1	N41°00'11"W	91.43'
E2	N49°41'54"W	98.65'
E3	N00°12'36"W	35.45'
E4	S89°47'23"W	15.11'
E5	N45°00'00"W	30.95'

### Line Table

Line	Bearing	Length
L1	N50°06'18"W	23.63'
L2	S89°57'01"E	70.00'
L3	N00°14'34"W	50.00'

### Curve Table

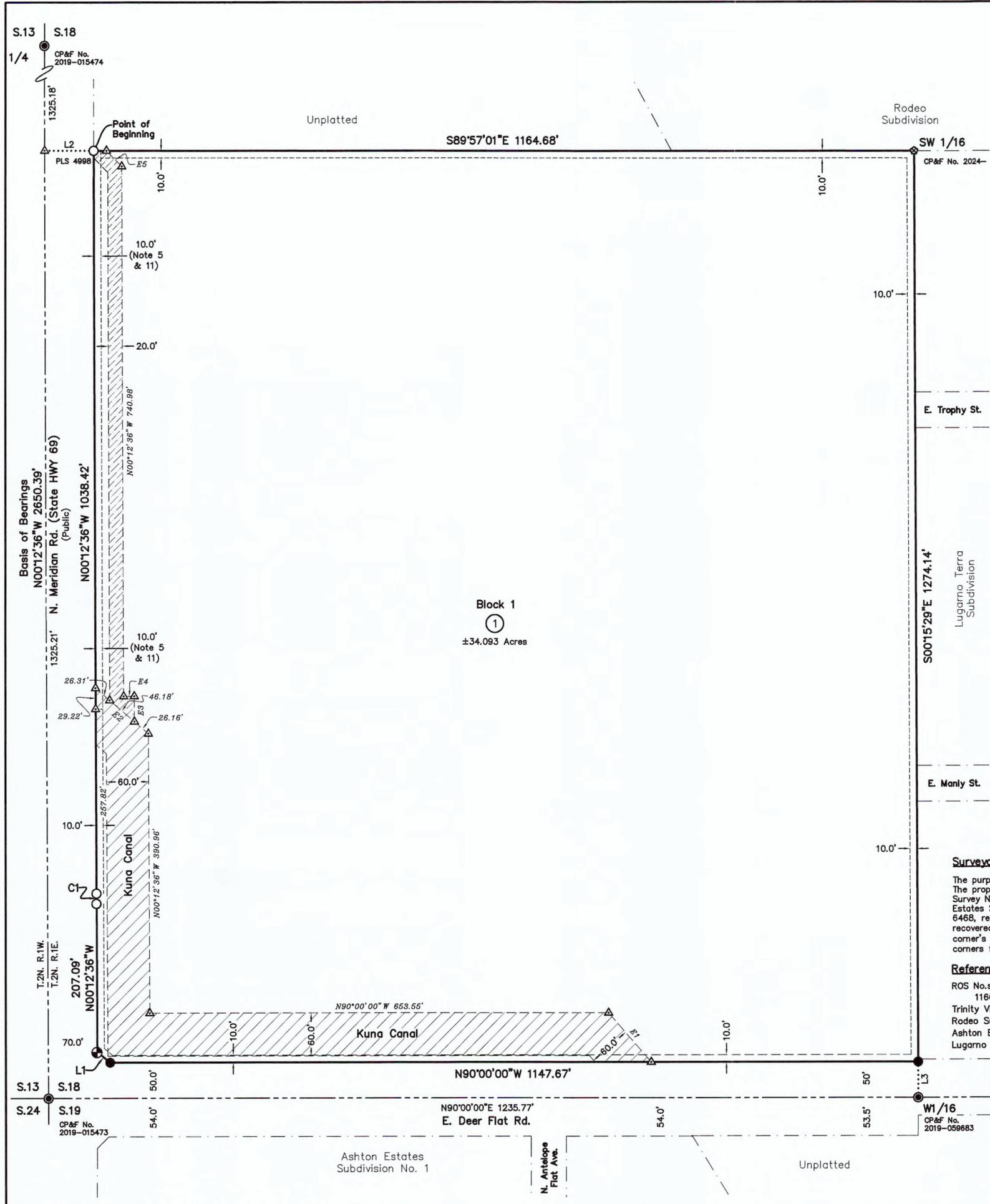
Curve	Length	Radius	Delta	Chord Bearing	Chord Length
C1	14.48'	57365.78'	0°00'52"	N00°12'10"W	14.48'



Book

Page

ISG IDAHO SURVEY GROUP, LLC  
9955 W. EMERALD ST. BOISE, IDAHO 83704 (208) 846-8570 WWW.IDAHOSURVEY.COM



# Lamp District Subdivision

## Certificate Of Owners

Know all men by these presents: that Japheth LLC, an Idaho limited liability company and Miriam LLC are the Owners of the Property described as follows:

A Re-Plat of Trinity Estates Subdivision as filed in Book 64 of Plats at Pages 6467 and 6468, records of Ada County, Idaho and an unplatted portion of Government Lot 4 of Section 18, Township 2 North, Range 1 East, Boise Meridian, City of Kuna, Ada County, Idaho, more particularly described as follows:

Commencing at the Section corner common to said Sections 13 and 24, T.2N., R.1W., B.M., and Sections 18 and 19, T.2N., R.1E., B.M., from which the 1/4 corner common to said Sections 13 and 18, bears North 00°12'36" West, 2,650.39 feet; thence on the west boundary line of said Section 18, North 00°12'36" West, 1,325.21 feet to the north boundary line of said Government Lot 4; thence leaving said west boundary line and on said north boundary line, South 89°57'01" East, 70.00 feet to the Northwest corner of said Trinity View Estates Subdivision and the POINT OF BEGINNING;

thence continuing on said north boundary line, coincident with the north boundary line of said Trinity View Estates Subdivision, South 89°57'01" East, 1164.68 feet to the Northeast corner of said Trinity View Estates Subdivision, coincident with the Northwest corner of Lugarno Terra Subdivision as filed in Book 117 of Plats at Pages 17783 through 17789, records of Ada County, Idaho;

thence on the east boundary line of said Trinity View Estates Subdivision, coincident with the west boundary line of Lugarno Terra Subdivision, South 00°15'29" East, 1274.14 feet to the north right-of-way line of E. Deer Flat Road; thence leaving said east boundary line and on said north right-of-way line, South 90°00'00" West, 1147.67 feet to the easterly right-of-way line of N. Meridian Road;

thence leaving said north right-of-way line and on said easterly right-of-way line the following four (4) courses and distances:

- North 50°06'18" West, 23.63 feet;
- North 00°12'36" West, 207.09 feet;
- 14.48 feet on the arc of a curve to the left having a radius of 57365.78 feet, a central angle of 00°00'52" and a long chord which bears North 00°12'10" West, 14.48 feet;
- North 00°12'36" West, 1038.42 feet to the POINT OF BEGINNING.

Containing 34.093 acres, more or less.

It is the intention of the undersigned to hereby include the above described property in this plat. The easements indicated on said plat are not dedicated to the public. However, the right to use said easements is perpetually reserved for public utilities and for such other uses as designated hereon, no permanent structure other than for such utility purposes or such other uses are to be erected within the limits of said easements. All lots in this plat will be eligible to receive water service from an existing City of Kuna main line located adjacent to the subject Subdivision, and the City of Kuna has agreed in writing to serve all the lots in this Subdivision.

Japheth, LLC an Idaho limited liability company

\_\_\_\_\_  
Douglas B. Clegg – Manager

Miriam, LLC an Idaho limited liability company

\_\_\_\_\_  
Douglas B. Clegg – Manager

## Acknowledgment

State of Idaho }  
County of \_\_\_\_\_ } s.s.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a notary public in and for said State, personally appeared Douglas B. Clegg, known or identified to me to be the manager of Japheth, LLC, the Idaho Limited Liability Company or the person who executed the instrument on behalf of said Limited Liability Company, and acknowledged to me that Japheth, LLC 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, State of Idaho

Residing In \_\_\_\_\_, Idaho

## Acknowledgment

State of Idaho }  
County of \_\_\_\_\_ } s.s.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a notary public in and for said State, personally appeared Douglas B. Clegg, known or identified to me to be the manager of Miriam, LLC, the Idaho Limited Liability Company or the person who executed the instrument on behalf of said Limited Liability Company, and acknowledged to me that Miriam, LLC 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

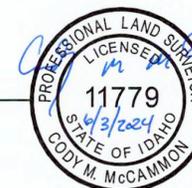
\_\_\_\_\_  
Notary Public, State of Idaho

Residing In \_\_\_\_\_, Idaho

## Certificate of Surveyor

I, Cody M. McCammon, 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" is 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.

\_\_\_\_\_  
Cody M. McCammon



\_\_\_\_\_  
P.L.S. No. 11779

Book

Page

Job No. 23-202  
Sheet 2 of 3



IDAHO  
SURVEY  
GROUP, LLC

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

# Lamp District Subdivision

## Health Certificate

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied according to the letter to be read on file with the County Recorder or his agent listing the conditions of approval. Sanitary restrictions may be re-imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

\_\_\_\_\_  
District Health Department, EHS Date

## Approval of Ada County Highway District

The foregoing plat was accepted and approved by the Board of Ada County Highway District Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
President ACHD

## Approval of City Engineer

I, the undersigned, City Engineer in and for the City of Kuna, Ada County, Idaho, hereby approve this plat.

\_\_\_\_\_  
City Engineer Date

## Approval of City Council

I, the undersigned, City Clerk in and for the City of Kuna, Ada County, Idaho do hereby certify that at a regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, this plat was duly accepted and approved.

\_\_\_\_\_  
City Clerk, Kuna, Idaho

## Certificate Of County Surveyor

I, the undersigned, Professional Land 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 Date

## Certificate of County Treasurer

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 Date

## County Recorder's Certificate

State of Idaho }  
County of Ada } ss. Instrument No. \_\_\_\_\_

I hereby certify that this instrument was filed at the request of Idaho Survey Group, LLC,

at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock \_\_\_\_\_ M.,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ in Book \_\_\_\_\_ of Plats at

Pages \_\_\_\_\_ through \_\_\_\_\_.

Fee \$ \_\_\_\_\_

\_\_\_\_\_  
Deputy Ex-Officio Recorder



Book \_\_\_\_\_ Page \_\_\_\_\_



07/11/2022

Recording Requested By and  
When Recorded Return to:

City of Kuna  
Attn: City Clerk  
751 W. 4th Street  
Kuna, Idaho 83634

ADA COUNTY RECORDER Trent Tripple  
BOISE IDAHO Pgs=71 VICTORIA BAILEY  
CITY OF KUNA, IDAHO

**2023-037093**  
06/28/2023 11:36 AM  
NO FEE

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

**City of Kuna / Lamp District  
DEVELOPMENT AGREEMENT**

[Idaho Code § 67-6511A and Chapter 14 of Title 5 Kuna City Code]

**Parties to the Agreement:**

City of Kuna	<b>"City"</b>	City Hall 751 W 4th Street Kuna, Idaho 83634
Miriam, LLC	<b>"Owner"</b>	Miriam, LLC 715 Blue Spruce Road Alpine, UT 84004
Japheth, LLC	<b>"Owner"</b>	Japheth, LLC 715 Blue Spruce Road Alpine, UT 84004
Riley Planning Services LLC	<b>"Developer"</b>	Riley Planning Services LLC Attn: Penelope Constantikes PO Box 405 Boise, ID 83701

07/11/2022

Recording Requested By and  
When Recorded Return to:

City of Kuna  
Attn: City Clerk  
751 W. 4th Street  
Kuna, Idaho 83634

---

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

**City of Kuna / Lamp District  
DEVELOPMENT AGREEMENT**

[Idaho Code § 67-6511A and Chapter 14 of Title 5 Kuna City Code]

**Parties to the Agreement:**

City of Kuna	<b>"City"</b>	City Hall 751 W 4th Street Kuna, Idaho 83634
Miriam, LLC	<b>"Owner"</b>	Miriam, LLC 715 Blue Spruce Road Alpine, UT 84004
Japheth, LLC	<b>"Owner"</b>	Japheth, LLC 715 Blue Spruce Road Alpine, UT 84004
Riley Planning Services LLC	<b>"Developer"</b>	Riley Planning Services LLC Attn: Penelope Constantikes PO Box 405 Boise, ID 83701

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## CITY OF KUNA/LAMP DISTRICT DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "**Agreement**") is entered into by and between the CITY OF KUNA, a municipal corporation organized and existing under the laws of the state of Idaho, by and through its Mayor ("**City**") and Miriam, LLC, an Idaho limited liability company ("**Owner**"), Japheth, LLC, an Idaho limited liability company ("**Owner**") and Riley Planning Services LLC, and Idaho limited liability company ("**Developer**"), and their successors and/or assigns.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and agreed, and in consideration of the Recitals and Definitions, and in consideration of the premises and the mutual representations, covenants and agreements hereinafter contained, City, Developer and Owners represent, covenant and agree as follows:

### SECTION 1 Definitions

For all purposes of this Agreement, the following words in **bold** print that appear in this Agreement have the definitions as herein provided in this Section unless the context of the term clearly requires otherwise and is not capitalized:

- 1.1 **ACHD:** Means and refers to the Ada County Highway District, a countywide highway district organized and existing pursuant to Chapter 14 of Title 40, Idaho Code.
- 1.2 **Act:** Means and refers to the Local Land Use Planning Act as codified in Chapter 65 of Title 67, Idaho Code.
- 1.3 **Ada County:** Means and refers to Ada County, Idaho.
- 1.4 **Agreement:** Means and refers to this "**City of Kuna/Lamp District Annexation and Zoning Development Agreement,**" which may be referred to and cited as the "**Lamp District Development Agreement.**"
- 1.5 **Annexation Application:** Means and refers to Applicants' application to the City regarding the Subject Real Property requesting its annexation into the City.
- 1.6 **Annexation Statute:** Means and refers to Idaho Code Section 50-222.
- 1.7 **Applicants:** Means and refers to the Developer and the Owner. This term may appear in this Agreement in the singular or the plural.

- 1.8 Applications:** Means and refers to all of the Applicants' applications to the City regarding the Subject Real Property including the Annexation and Zoning, and Combination Preliminary and Final Plat Applications.
- 1.9 City:** Means and refers to the City of Kuna, an Idaho Municipal Corporation and Party to this Agreement.
- 1.10 City Authority:** Means and refers to the following:
- The annexation authority of the City pursuant to the Annexation Statute to annex lands, which are adjacent to the existing City boundaries upon consent of the Owners, when the annexation of those lands is reasonably necessary to assure the orderly development of the City which is efficient and economically viable of both tax-supported and fee-supported City services and equitably allocates the costs of public services in the management and development of the urban fringe of the City; and
  - The authority of the City pursuant to the Act (I.C. § § 67-6503) to exercise the powers conferred by the Act; and to *ensure that adequate public facilities and services are provided to the people at reasonable cost*; (I.C. § § 67-6502 (b)).
- 1.11 City Council:** Means and refers to the City Council of the City.
- 1.12 City Fees:** Means and refers to the fees for services as established and charged by the City.
- 1.13 City Property Tax Supported Services:** Means and refers to the City services and operations which are not City Proprietary Fee Supported Services, and which are either partially funded or totally funded by property taxes.
- 1.14 City Proprietary Fee Supported Services:** Means and refers to the following services provided by the City which are funded by City proprietary fees including the sanitary sewer, domestic water, irrigation water and solid waste disposal services.
- 1.15 Combination Preliminary and Final Plat Application:** Means and refers to Applicants' application to the City regarding the Subject Real Property requesting three (3) lot preliminary and final plat approval.
- 1.16 Comprehensive Plan:** Means and refers to the City of Kuna Comprehensive Plan, as it exists on the Effective Date.
- 1.17 Concept Development Plan:** Means and refers to the conceptual replat plan of the Subject Real Property which is attached in **Exhibit C**, in which the property shall develop in substantial conformance.

- 1.18 Developed:** Means and refers to the completion of development of a Project or phases of a Project by the Applicants in accordance with the provisions of this Agreement.
- 1.19 Developer:** Means and refers to Riley Planning Services LLC, an Idaho limited liability company authorized to do business in Idaho which is one of the Applicants and is a Party to this Agreement.
- 1.20 Drainage System:** Means and refers to a drainage and flood control system and facilities for collection, diversion, detention, retention, dispersal, use and discharge of drain water.
- 1.21 Effective Date:** Means and refers to the date upon which this Agreement takes effect, which is the same date that the City's Annexation Ordinance and Zone Changing Ordinance take effect.
- 1.22 Existing Improvements:** Means and refers to the existing improvements located upon the Subject Real Property on the Effective Date which are as follows: single family home, outbuildings, irrigation laterals and ditches.
- 1.23 Existing Uses:** Means and refers to the existing uses of the Subject Real Property on the Effective Date, which are as follows: two (2) residences and outbuildings.
- 1.24 Green Space:** Means and refers to open-space areas, whether public or private, reserved for parks or other "green spaces", which exclusively includes any of the following: plant life, water features, other kinds of natural environments and pathways, recreational facilities, and/or park appurtenances.
- 1.25 H.B. 389:** Means and refers to House Bill No. 389 approved by the Legislature of the state of Idaho at the First Regular Session of 2021 and signed into law by the Governor of the state of Idaho effective January 1, 2021, a true and correct copy of which is attached marked **Exhibit D** and by this reference incorporated herein this definition.
- 1.26 Impact Area:** Means and refers to the impact area of the City, as of the Effective Date, which lies outside of the City limits and within the unincorporated area of Ada County, as established with Ada County pursuant to the Act.
- 1.27 Infrastructure Master Plan:** Means and refers to all of the Infrastructure Systems which are part and parcel of a Master Plan.
- 1.28 Infrastructure Systems:** Means and refers to Public Streets, Travel Appurtenances, Applicants' Potable Water System Improvements, Pressure Irrigation System, Sewerage System Improvements, Drainage Systems, Green Space, as provided for in this Agreement.

- 1.29 Master Plan:** Means and refers to a plan for a Developed Project including the Infrastructure Master Plan for improvements that require City permits and the intended uses of the Subject Real Property.
- 1.30 Offsite Potable Water:** Means and refers to any Project potable water supply network, located outside the boundary of the Subject Real Property, to connect the Project Potable Water System to the existing terminus of the City's Potable Water System.
- 1.31 Offsite Sewerage:** Means and refers to any Project sewer improvements, including, without limitation effluent application sites, gravity lines, pressure lines, lift station, borings, manholes, and engineering, to connect the Subject Real Property to the existing terminus of the City's sewer system, the alignment.
- 1.32 Ordinances:** Means and refers to an ordinance passed by the City Council in accordance with the provisions of this Agreement. This term may appear in this Agreement in the singular or the plural.
- 1.33 Owner:** Means and refers to Miriam, LLC, an Idaho limited liability company, and Japheth, LLC, an Idaho limited liability company, who is the Applicant and who owns the Parcels within the Subject Real Property on the Effective Date and who is the Party to this Agreement, and after the Effective Date of this Agreement, this term shall also refer to any subsequent owner or owners of the Subject Real Property. The use of this term in this Agreement may appear in the singular when referring to only one of the Owners.
- 1.34 Parcel:** Means and refers to tract or parcel of distinctly legally described real property located within the Subject Real Property. The use of this term in this Agreement may appear in the singular or the plural.
- 1.35 Party:** Means and refers to the City and/or the Owner and/or the Developer, as the Parties to this Agreement. This term may appear in this Agreement in the singular or the plural.
- 1.36 Planning & Zoning Commission:** Means and refers to the City's Planning & Zoning Commission.
- 1.37 Potable Water Provider:** Means and refers to the City providing potable water through the Potable Water System.
- 1.38 Potable Water System:** Means and refers to the City's domestic potable water system which includes, without limitation, all wells, storage tanks, distribution mains and pump stations necessary to provide Potable Water to users of the City's potable water system.

- 1.39 Pressure Irrigation System:** Means and refers to the pressure irrigation system designed and built by the Applicants to provide irrigation water to a Project.
- 1.40 Project:** Means and refers to a change in Existing Uses and/or Existing Improvements by any development of the Subject Real Property.
- 1.41 Project Approval Application:** Means and refers to the Applications by the Applicant for a Project approval, as required by this Agreement, including the appropriate development application(s) as governed by City Ordinances.
- 1.42 Project Potable Water System:** Means and refers to the wells, storage tanks and distribution lines, offsite main lines and pumps planned, designed and constructed by the Applicant and/or the City to serve the Project with potable water.
- 1.43 Public Infrastructure:** Means and refers to the infrastructure facilities and services improvements, including, without limitation, underlying lands and improvements that are owned or to be conveyed to and owned by the City or a third-party Service Agencies.
- 1.44 Public Street:** Means and refers to any street to be developed as a part of a Project that will be dedicated to and intended for acceptance for perpetual maintenance by ACHD and/or Idaho Transportation Department. This term may appear in this Agreement in the singular or the plural.
- 1.45 Services Agencies:** Means and refers to any and all political subdivisions providing services within the City's planning area jurisdiction.
- 1.46 Sewer Provider:** Means and refers to City providing sewerage service through the Wastewater System.
- 1.47 Sewerage System:** Means and refers to any or all or any combination of the following depending upon the context of this term in the Agreement including, without limitation: wastewater treatment facilities, intercepting sewers, outfall sewers, force mains, collecting sewers, pumping stations, ejector stations, structures, buildings, machinery, equipment connections and all other appurtenances used for the collection, and transportation to the City's Wastewater System treatment facilities for the treatment and disposal of sewage.
- 1.48 Subject Real Property:** Means and refers to the 24.65 acres, more or less, located in Ada County, Idaho, legally described and depicted in **Exhibit A** consisting of the following Ada County Assessor's designated Parcel Nos: R8528532000, R8528531500, R8528531000, and R8528530500, and 10.182 acres, more or less, located in Ada County, Idaho, Kuna City Limits, legally described and depicted in **Exhibit B** and consisting of the following Ada County Assessor's designated Parcel Nos: S1418336401 and S1418336332; as well as the

- 1.49 Subject Real Property Improvement:** Means and refers to any development, installation and/or any construction of a permanent structure or addition to any existing structure or fixture on the Subject Real Property.
- 1.50 Term:** Means and refers to the duration of this Agreement as set forth herein unless the word “term” is not capitalized.
- 1.51 Wastewater System:** Means and refers to the City’s Sewerage System including, without limitation, all collection lines, lift stations, treatment plants and all appurtenances thereto necessary to provide sewerage service to users of the City’s Sewerage System.
- 1.52 Zoning Administrator:** Means and refers to the Planning & Zoning Director of the City.
- 1.53 Zoning Application:** Means and refers to the Applicants’ application to the City regarding the rezoning of Subject Real Property in accordance with the Rezone Ordinance.
- 1.54 Zoning Ordinance:** Means and refers to the zoning regulations of the City codified in Title 5 Kuna City Code as it exists on the Effective Date.

## **SECTION 2 Recitals**

The Parties recite and declare:

- 2.1 Municipal Corporation:** City is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code; and
- 2.2 Authority:** City has City Authority; and
- 2.3 Development Agreement:** City has the power under the Act [I.C. § 67-6511A], by ordinance (Chapter 14 of Title 5 KCC), to require or permit the Applicants, as a condition of annexation/zoning of real property, to make a written commitment concerning the use or future development of the Subject Real Property; and
- 2.4 Ownership:** Owners are the owners of the Subject Real Property; and
- 2.5 Owners Applications:** The Applicants have filed the Applications, with an accompanying conceptual development plan, Application seeking to annex, into the City, the Subject Real Property with portions zoned Area Commercial (C-2) City zone and portions rezoned as Area Commercial (C-2) City zone; and

**2.6 Subject Real Property Location Within Impact Area:** The Subject Real Property lies within the Impact Area; and

**2.7 Comprehensive Plan:** The Applications is in compliance with the Comprehensive Plan by:

- Ensuring community design directs growth and implements complementary and sustainable land use patterns;
- Encouraging development in priority areas which promote and concentrate mixed land uses to create and support strong commercial activity centers;
- Encouraging development of commercial areas with good connectivity and character, provide employment and services, and integrate neighborhood-serving mixed use centers both vertically and horizontally;
- Encouraging development of housing options for all citizens that meets demand for household sizes, lifestyles and settings; and
- Using Overlay Districts to create Mixed-Use entryway corridors with strong character and managed access.

**2.8 Applicants' Intentions:** The Applicants intend to develop commercial uses compatible with existing Mixed Use development to the south and with proposed Commercial development immediately west, as well as providing a variety of housing types beyond the traditional single family residence; a Development Concept Plan has been provided and Subject Real Property shall be developed in substantial conformance with the Concept Plan .

**2.9 City Intentions:** The City intends, in consideration of granting the Application, that any change in the Uses and Improvements shall be subject to this Agreement and the goals and authority of the City to assure that any changes of Uses and Improvements are in accordance with Comprehensive Plan goals and will:

- Contribute to the diversity and robustness of the City's economy;
- Support mix of residential uses;
- Contribute to the strategic location and development of residential areas in the City;
- Provide for a strong transportation and Infrastructure Systems which will be connected with those systems which serve the City;
- Not impose additional burdens upon the City's and the Service Agencies abilities to provide services which will result in a reduction of the level of those services;
- Result in the orderly development of the City in a manner that allows for the efficient and economically viable of both tax-supported and fee-supported City

services and equitably allocates the costs of public services in the management and development of the urban fringe of the City; and

- Be in compliance with applicable City Ordinances, Federal and State Laws and regulations.

**2.10 Existing Improvements and Existing Uses:** The City requires, as a special consideration and condition of granting the Application, that the Applicants' use and possession of the Subject Real Property shall be limited to Existing Uses and maintenance or replacement of Existing Improvements. Any other change to either shall require the Applicants to file, with the City, a Project Approval Application in accordance with this Agreement.

**2.11 Written Commitment:** It is the intention and purpose of the Parties, by entering into this Agreement, as a condition of zoning the Subject Real Property, to establish the process, requirements and conditions for a Project approval and that the Applicants make this written commitment that any such Project approval will be in accordance with the terms and conditions of this Agreement.

**2.12 Mutual Benefits:** The Parties agree that the mutual benefits received pursuant to the terms of this Agreement and the rights granted by the City and secured to and required of the Applicants hereunder constitute sufficient consideration to support the covenants and agreements of the City and the Applicants.

### **SECTION 3 Annexation and Zoning**

**3.1 Annexation Application:** Developer, with the Owners' consent, has filed an Annexation Application, which the City has processed.

**3.2 Annexation Approval:** City Council, subject to the Parties entering into this Agreement, has approved the Annexation Ordinance of the Subject Real Property.

**3.3 Annexation Ordinance:** The Annexation Ordinance, approved by the City Council, takes effect on the Effective Date.

### **SECTION 4 Land Use Approvals**

**4.1 Applications:** The Applicants have filed the Application(s) for annexation, zoning and zone change which the City has processed together.

**4.2 Zoning Approval:** City Council approved the zoning and zone change application subject to the condition that the Developer and Owners enter into this Agreement.

**4.3 General Terms:** The following terms and conditions apply to the use and development of the Subject Real Property:

**4.3.1 Existing Uses:** The Existing Uses are allowed and may continue in accordance with this Agreement.

**4.3.2 Existing Improvements:** The Existing Improvements may be maintained and replaced as reasonably necessary in accordance with this Agreement.

**4.3.3 No Change to Existing Uses and no Additional Improvements:** The Applicants shall not change any Existing Uses nor place or construct any additional Improvements upon the Subject Real Property unless the Applicants first files and obtains City approval of a Project Approval Application.

## **SECTION 5 Process, Standards and Criteria for Project Changes in Existing Uses and Improvements**

**5.1 Project Approval Application Process:** When any of the Applicants seeks approval by the City of a Project within the Subject Real Property, the Applicants shall:

**5.1.1** File, with the City Planning and Zoning Department, a Project Approval Application together with applicable applications required by City Code ("**Accompanying Applications**") depending upon the proposed change in Existing Uses and/or proposed additional Improvements.

**5.1.2** Project Approval Application Applicant shall include the following:

**5.1.2.1** Project Description Summary;

**5.1.2.2** Project Legal Descriptions;

**5.1.2.3** Project Master Plan;

**5.1.2.4** Project Infrastructure Master Plans Components as are relevant to the proposed Project;

**5.1.2.5** The intended use of the Developed Project;

**5.1.2.6** An analysis of the fiscal impact upon City Property Tax Supported Services which will serve the approved Developed Project; and

- 5.1.2.7 An analysis of the fiscal impact upon City Proprietary Fee Supported Services which will serve the approved Developed Project.

**5.2 Project Infrastructure Master Plans Components Requirements:** Project Infrastructure Master Plans, as are relevant to the proposed Project, shall comply with the following:

**5.2.1 Public Streets and Private Roads Project Infrastructure Master Plan Component:** Public Streets and Private Roads Project Infrastructure Master Plan Component shall:

- 5.2.1.1 Include a designation of the location of the Public Streets and Private Roads (if any) that will serve a Project, as it is fully Developed including considerations that Additional Property may, in the future, be added to a Project.
- 5.2.1.2 Identify the location of Public Streets and Private Roads depicted on this component may be conceptual and may be subject to change by the City and ACHD, as a Project is developed. The final designation of the Project's Public Streets and Private Roads will be determined in the Subdivision permitting process by the City and ACHD, as a Project is developed.
- 5.2.1.3 Include Public Streets and Private Roads which are designed and constructed to meet ACHD standards for acceptance and in accordance with the approved Public Streets and Private Roads Project Infrastructure Master Plan and as approved in the subdivision approval process.
- 5.2.1.4 Be subject to the subdivision approval process which shall include the following conditions:
  - 5.2.1.4.1 Constructed to City and ACHD applicable engineering standards. Private Roads may modify curb, drainage, widths, parking and other standards in accordance with any applicable PUD modifications and the City's Subdivision Ordinance; and
  - 5.2.1.4.2 Identification of how and who will maintain the Private Roads; and

**5.2.1.4.3** Remain owned by the Applicant until the Project is Developed and which may subsequently be conveyed to one or more owners' associations as designated in each Developed phase of a Project; and identified on the preliminary and final plats of the Subject Real Property; and

**5.2.1.4.4** Be accessible to public service agency providers including, without limitation, police, fire, ambulance, garbage collection, electrical, cable and telephone line installation and repair, domestic and irrigation water or sewer line installation and repair, and other similar public purposes.

**5.2.1.5** Include parking, pedestrian, bicycle, sidewalks and/or other facilities intended to be used for non-motorized vehicular traffic and/or for e-bicycles and scooters used for ingress and egress to and from or within a Project ("**Travel Appurtenances**"), not included in Public Streets or Private Roads, and Developed within a phase of a Project, shall include, as is relevant and as required by the City.

**5.2.1.6** Include Public Street and Private Road lighting shall be served with underground electric service distribution; all Public Streets and Private Roads striping, traffic signals, signposts, name signs, stop signs, speed limit signs, and all other directional/warning/advisory traffic signage in accordance with the Manual on Uniform Traffic Control Devices.

**5.2.2 Potable Water Infrastructure Project Master Plan Component:** Potable Water Infrastructure Project Master Plan Component shall:

**5.2.2.1** Include the Project development intention to be served by the City's Potable Water System or by another Potable Water Provider in accordance with the provisions of this Section; and

**5.2.2.2** Designate whether the Project will be served by an Offsite Potable Water line or will be served by wells with a Project Potable Water System. In the event the City is unable to provide Potable Water to all or a portion of the Project, the Applicant may seek alternative potable water service; and

- 5.2.2.3 Designate the locations of wells, the number of wells, water storage tanks (if necessary as required by the City in its discretion), and the general location of the water transmission and distribution system, including any that are offsite that will serve a Project as a Project is fully Developed including considerations that Additional Property may, in the future, be added to a Project as required by the City in order for potable water to be provided by the Potable Water Provider to a Project (which may be constructed on the same site) and meet redundancy requirements and provide for its interconnectivity to the Potable Water System; and
- 5.2.2.4 Provide, in the event the City does not secure the necessary water rights and well permits to serve a Project via new wells, prepare and submit to the City an Offsite Potable Water plan that would connect the Subject Real Property to the City's Potable Water System via the Offsite Potable Water line; and
- 5.2.2.5 Include the Applicant's agreement to convey, at no cost to the City, all potable well sites, as identified in a Project, the Potable Water Infrastructure Project Master Plan and grant access easements to such sites prior to the City commencing construction; and
- 5.2.2.6 Include the Applicant's agreement to be responsible to install all distribution lines, pressure reducing valves and booster stations and other aspects of a Potable Water Infrastructure Project Master Plan to serve uses within a Project, excluding the costs for any wells, storage tanks or Offsite Potable Water system to supply potable water to a Project that may be the responsibility of the City, at the Applicants' sole cost and expense (the "**Applicants' Potable Water System Improvements**").
- 5.2.2.7 **City Responsibility:** City will:
  - 5.2.2.7.1 Provide all Potable Water Rights as are available to serve a Project and reserve those rights to the extent allowable by law, in the event water is limited; and
  - 5.2.2.7.2 Upon conveyance of Applicant's Potable Water System Improvements to the City, be the Potable Water Provider to a Developed Project and shall continue to own and maintain the Applicants' Potable Water System Improvements, and Wells as a part of the Applicants' Potable Water System; and

**5.2.2.7.3** Upon completion by the Applicant of each Developed phase within a Project, be the Potable Water Provider to that Developed phase of a Project.

**5.2.3 Irrigation Water Infrastructure Project Master Plan Component:**  
Irrigation Water Infrastructure Project Master Plan Component shall:

**5.2.3.1** Include the Project development intention to be served by the Pressure Irrigation System in accordance with the provisions of this Section; and

**5.2.3.2** Designate the locations of the Pressure Irrigation System Improvements that will service a Project, as it is fully Developed; and

**5.2.3.3** Include the Applicant's agreement to retain all irrigation water rights related to irrigation of the Subject Real Property and those water rights shall continue to be utilized for irrigation of the Subject Real Property; and

**5.2.3.4** Subject to the City's payment of reasonable assessment rates, as set by Applicant's or owners' association, for irrigation water provided to any Public Park that is part of a Project conveyed to and accepted by the City.

**5.2.4 Wastewater Treatment Infrastructure Project Master Plan Component:**  
Wastewater Treatment Infrastructure Project Master Plan Component shall:

**5.2.4.1** Include a designation of the approximate location of the Sewerage System wastewater treatment facilities, main lines, including offsite sewer lines and lift stations, that will service a Project, as required by the City in order for the City to be the Sewer Provider to a Project as it is fully Developed (the "**Sewerage System Improvements**"); and

**5.2.4.2** Include the Applicant's agreement to construct the City-approved wastewater treatment facilities, main lines, including offsite sewer lines and lift stations, that will service a Project; and

**5.2.4.3** Include the design of Applicant's constructed Offsite Sewerage must ensure that, upon completion of the Offsite Sewerage, the Subject Real Property will be served by the Sewer Provider with a capacity to serve the maximum density of an approved Project.

**5.2.4.4 City Responsibility:** City will:

**5.2.4.4.1** Following the Applicant's construction and installation of the Applicants' Sewerage System Improvements in accordance with the Sewer Master Plan including easements and acceptance by the City, become the Sewer Provider for a Project as it is developed.

**5.2.5 Drainage System Infrastructure Project Master Plan Component:** Drainage System Infrastructure Project Master Plan Component shall:

**5.2.5.1** Designate the location of the surface drainage systems to remove excess water from the surface of the land ("**Drainage System Improvements**") that will service the Project, as it is fully developed including considerations that Additional Property may, in the future, be added to the Project; and

**5.2.5.2** Designate areas with private Drainage Systems to be conveyed to and accepted by and maintained by Applicant or a designated owners' association; and

**5.2.5.3** Be constructed, as the Project phases are developed, to meet ACHD standards on Public Streets, City and any applicable State standards as is relevant to the intended ownership and maintenance of the constructed Drainage System Improvements.

**5.2.6 Green Space Infrastructure Project Master Plan Component:** Green Space Infrastructure Project Master Plan Component shall:

**5.2.6.1** Contain Green Space, as required by City Ordinances and standards, in accordance with the following:

**5.2.6.1.1 Pathways:** Pathways and trails shall be depicted within Green Space and may be constructed in phases; and

**5.2.6.1.2 Plat:** Green Space shall be specifically designated upon submission of each preliminary and final plat; and

**5.2.6.1.3 Ownership:** The ownership of Green Space shall be owned and maintained as follows:

**5.2.6.1.3.1** Public parks by the City;

**5.2.6.1.3.2** Other Green Spaces by Applicant or owners' association.

**5.2.6.1.3.3** The Applicants shall identify, as phases of a Project are Developed, an owners' association or other entity that will own and maintain each Green Space and all improvements within the phase of the Project then being Developed.

**5.2.6.1.4** **Isolated Trails:** In locations where pathways and trails are isolated and not connected to any other development trail or pathway or detached from development areas ("**Isolated Trails**"), such Isolated Trails shall be constructed by the Applicant and approved by the City as each Project phase is permitted and completed.

**5.2.6.1.4.1** Isolated Trails shall be a minimum of 500 feet per each approved phase. In any circumstance where a pathway or trail is unable to be constructed due to safety, topography, or easement / ownership conflicts, then the Applicant shall either re-route such pathways or trails or replace them with additional pathways or trails elsewhere or reach a written agreement with the City to construct those pathways or trails in the reasonably foreseeable future when the circumstances are expected to be resolved.

**5.2.6.1.4.2** Applicant may construct larger portions of the Isolated Trails at a rate faster than five hundred (500) feet per phase, in which case the cumulative total of the Isolated Trails would count toward the five hundred (500)-foot minimum requirement.

**5.2.6.1.5** **Project Public Parks:** In the event a Green Space Infrastructure Project Master Plan calls for a public park, the same shall be a minimum of ten (10) acres in size and dedicated to the City; and

**5.2.6.1.5.1** The location of the public park(s) may be modified from the location shown on the Green Space Infrastructure Project Master Plan but shall be located adjacent to a main Public Street in a central location to maximize public access and be compatible with the intent of the Green Space Infrastructure Project Master Plan; and

**5.2.6.1.5.2** The public park(s) shall include at least three (3) active amenities such as by way of example:

- Playing fields, playground, basketball court, volleyball court, tennis court, pickle ball courts, a picnic shelter, etc.; and

**5.2.6.1.5.3** The Applicants and the City will work together on the final design of any public park(s).

**5.2.6.1.6 Public Park Impact Fee Credits and Reimbursement:** If the Applicant, at no cost or expense to the City, develops and conveys, to the City, a public park within the Project, upon approval from City Administrator of the public park improvement costs, including the current fair market value of the land ("**Approved Public Park Costs**"), the Developer or the Owners of any real property within the Subject Real Property shall be entitled to the issuance of a credit against the City's public park impact fee or reimbursement from Project impact fees or a combination thereof, as will be negotiated with the City Administrator in accordance with the provisions of Kuna City Code Section 12-1-6 including any other applicable provisions of Chapter 1 of Title 12 Kuna City Code.

**5.2.7 City Property Tax Supported Services Project Master Plan Component:** The City Property Tax Supported Services Project Master Plan Component shall:

**5.2.7.1** Include an analysis of City Property Tax Supported Services reasonably anticipated to be provided to the developing and Developed Project which are negatively impacted by H.B. 389 and which analysis shall be determined in accordance with the following criteria:

- The projected additional City Property Tax Supported Services costs needed to serve the Project during the process of development and as Developed Project; and
- The projected incremental amount of the property tax to be collected from the Project; and
- The project amount of the Project property tax loss imposed by H.B. 389 which would be used to fund the projected additional City Property Tax Supported Services costs.

## **SECTION 6    Infrastructure    Systems    Development    Construction Standards**

**6.1    Infrastructure Systems Development Standards:** Applicant will, in the course of development of each phase of a Project, construct and install all Infrastructure Systems, including any portion thereof that is Offsite, in accordance with the then current relevant engineering City, ACHD, Ada County, state of Idaho and Federal agency standards.

## **SECTION 7    Infrastructure    Systems    Construction    Access    and Operations**

**7.1    City Easements:** Applicant shall have the right, upon application and issuance of a license or permit from the City (or other applicable governmental jurisdiction, subject to their approval), to enter and remain upon and cross over any City-held (or other applicable governmental jurisdiction, if they approve) easements or rights-of-way, to the extent reasonably necessary to facilitate Infrastructure Systems construction, or to perform necessary maintenance or repairs of such Infrastructure Systems subject to:

**7.1.1    No Adverse Effect:** Applicant's use of such license or permit in a manner that will not impede or adversely affect the City's (or other applicable governmental jurisdiction's) use and enjoyment thereof, and

**7.1.2    Restoration:** Applicant shall substantially restore such easements and rights-of-way to their condition prior to the Applicants' entry upon and completion of such Infrastructure Systems construction, repair or maintenance.

**7.2 City Cooperation:** City, as is necessary for the Applicant to construct and install Infrastructure Systems, shall cooperate as is reasonably necessary and as the City is legally able, in compliance with the City's approval of the applicable Infrastructure Systems plan, as follows:

**7.2.1 Unnecessary Easements:** Abandon any unnecessary City public rights-of-way or easements currently located on the Project and not otherwise used or required by the City.

**7.3 Operations During Construction:** Applicant's mineral and/or royalty rights on minerals located on or under the Project are reserved and the Applicant may, as reasonably needed, conduct mining (for purposes of on-site material usage), blasting and batch plant operations on site during each developing phase of the Project in accordance with the procedures of Kuna City Code and this Agreement.

**7.3.1 Review of Construction Operations:** The location of construction operations shall be subject to reasonable review and approval by the appropriate governmental agencies that have jurisdiction over such operations.

## **SECTION 8 Term**

**8.1 Term:** The Term of this Agreement shall commence on the Effective Date and shall partially terminate as provided in this section.

**8.1.1 Partial Termination upon Dedication and Acceptance by Public Agency:** Upon completion of Developed Phases of a Project, which include dedications and or conveyance to and acceptance by the City, ACHD or other applicable public agencies, the Applicant may then submit, to the City, an Application for Partial Termination of provisions of this Agreement ("**Application for Partial Termination**") as they apply to certain legally described real property within a Developed phases of the Project dedicated, conveyed and accepted by the City, ACHD or by any other public agency.

**8.1.1.1** City Council shall grant an Application for Partial Termination of some of the relevant provisions of this Agreement, only when a phase of a Project has been completely developed and the Applicants shall specifically identify the provisions of the Agreement to be terminated in this regard and the real property to which it applies. Notwithstanding the foregoing, any such Partial Termination shall not have any effect on the obligations of the City or the Applicant with respect to any Reimbursement Agreements or obligations of the City to reimburse any fee or costs to the Applicants in accordance with this Agreement.

**8.1.1.2** A completed Applicants' Application for Partial Termination shall be reviewed by the Planning and Zoning Director, Public Works Director and/or the Parks and Recreation Director as is relevant for approval by the City Council.

**8.1.1.3** A City Council approval of an Applicants' Application for Partial Termination shall be by an order which shall specify:

- The legal description of the portion of the Subject Real Property to which it applies; and
- The provisions of the Agreement which are terminated.

**8.1.1.4** City Clerk shall certify and acknowledge a copy of the order and provide the same to the Applicant for purposes of recording the same with the Ada County Recorder's Office.

## **SECTION 9 Agreement Modifications and Project Approval Amendments**

**9.1 Effect of New Laws:** In the event State or federal laws or regulations are enacted and/or there is a decision issued by a court of competent jurisdiction which prevents or precludes a Party's compliance with one or more provisions of this Agreement (individually or collectively, "**New Law**"), the provisions, in whole or in part, as applicable, of this Agreement shall be modified or suspended as may be necessary to comply with such New Law.

**9.1.1 Reasonable Action:** During the time that the Parties are conferring on such modification or suspension of this Agreement or challenge to the New Law, the Parties may take reasonable action to comply with such New Law.

**9.1.2 Declaration:** Should the Parties be unable to agree to a modification or suspension of this Agreement, either may petition a court of competent jurisdiction for an appropriate declaratory judgment for modification or suspension of this Agreement.

**9.1.3 Ability to Challenge:** The Applicants and the City each or together shall have the right to challenge the New Law which prevents their compliance with the terms of this Agreement. In the event that such challenge is successful, this Agreement shall remain unmodified and in full force and effect.

**9.2 Project Approval Application Amendments:** Project Approval Application shall be processed and approved by the City in accordance with the process and procedures required by the Accompanying Applications subject to the approval of the City Council and SECTION 5 of this Agreement. The conditions of the approvals shall be included as an appendix amendment to this Agreement.

## **SECTION 10 Vested Rights**

**10.1 Vested Rights:** Upon the Effective Date, the Applicants shall have vested rights to develop and use the Subject Real Property consistent with this Agreement.

**10.2 Consideration:** The determinations of the City memorialized in this Agreement, together with the assurances provided to the Applicants in this Agreement, including this Section, are bargained for and is a consideration for the undertakings of the Applicants as set forth herein and contemplated by this Agreement, and are intended to be and have been relied upon by the Applicants.

## **SECTION 11 Infrastructure Systems Ownership and Maintenance**

**11.1 Ownership:** The Infrastructure Systems, provided for in this Agreement, upon their approval, construction, installation, and acceptance shall be owned and maintained as follows:

### **11.1.1 By ACHD or by Idaho Transportation Department:**

- Public Streets; and
- Drainage associated with Public Streets.

### **11.1.2 By City:**

- Wells and Offsite Water Lines;
- Applicants' Water System Improvements;
- Applicants' Sewerage System Improvements;
- Applicants' Pressure Irrigation System Improvements;
- As designated in the Drainage Infrastructure Master Plan, Applicants' Drainage System Improvements accepted and approved by the City;
- Applicants' Public Streetlight Improvements; and
- Public Parks, pathways and trails.

**11.1.3 By Applicants/or Owner's Association:**

- Private Roads; and
- Drainage associated with Private Roads; and
- Applicants' Private Street/Gated Road Streetlight Improvements; and
- Green Spaces; and
- Public Green Spaces.

**11.2 Owners Associations:** Applicants, in the process of each Developed phase of a Project, may create and register, with the Secretary of State of the state of Idaho, a legal entity under Idaho Law ("**Owners' Association**") and prepare and record with the Ada County Recorder's office appropriate CC&Rs which are consistent with the approved Master Plans.

**11.2.1 Binding on Owners:** The CC&Rs, for each Developed Phase of the Project, shall bind all present and future owners of real property within each Developed Phase of a Project in order to provide for the perpetual support and maintenance of each of the common improvements within the Developed Phase as provided in this Agreement.

**11.2.2 Quality Control:** Each Owners' Association shall establish and perform quality control, maintenance and operation throughout their Developed Phase of a Project during development and during maturing of the Developed Phase of a Project and continuing in perpetuity.

**11.2.3 Applicants Discretion:** Applicant shall have the sole and absolute discretion over the content, approval and enforcement rights of the Declarant or other governing agent or agency, formation and adoption of the CC&Rs so long as the same is consistent with the provisions of this Agreement.

**11.2.4 Ownership Determination Standards:** The standards for determining the ownership of Project Infrastructures Systems, not owned by ACHD or Idaho Transportation Department of the City, are as follows:

- Project Infrastructure Systems that are constructed, installed and contained within one parcel are suitable for Applicant or Owners' Association ownership and maintenance.
- Project Infrastructure Systems that are constructed and installed, within two or more parcels, are suitable for Owners' Association's and/or Community Infrastructure District's ownership and maintenance. Determinations as to which, of these two types of ownership to apply, shall be based upon the type, size and locations of the Project Infrastructure Systems; and upon the adverse effects, of a resulting failure to maintain the Project Infrastructure Systems will

have, upon ACHD, Idaho Transportation Department and/or City infrastructure/s and upon public use and other properties. Community Infrastructure District ownership provides assurance of continued ownership and maintenance.

## **SECTION 12 Default**

**12.1 Enforcement of Terms and Conditions of the Agreement:** The enforcement of the terms and conditions of this Agreement and any permits issued by the City pursuant to this Agreement are as follows:

**12.1.1 Default:** The failure of the Applicants or any Applicant or Owners' Association, or the failure of the City to comply or perform, in accordance with the terms and conditions of this Agreement or the terms and conditions of any permit issued by the City, pursuant to this Agreement, shall be a default of this Agreement and processed in accordance of the provisions of the sections.

**12.1.2 City Default Claims:** A claim of default by the City may be made against the Applicants or any Applicant or Owners' Association by the City's Director of Public Works, Planning and Zoning Director or Parks and Recreation Director ("**City Director**"), depending upon the default.

**12.1.3 Applicants' or Owners' Association Default Claims:** A claim of default may be made by the Applicants or any Applicant or, Owners' Association against the City, depending upon the default.

**12.1.4 Claimant and Accused:** For purposes of this Section of the Agreement, a claim of default is made by a ("**Claimant**") against an ("**Accused**").

**12.1.5 Default Written Notice of Intent:** The Claimant shall serve the Accused with a Default Written Notice of Intent ("**Notice of Intent**").

**12.1.5.1** The written Notice of Intent shall include the matters and facts which form the basis for the notice and a stated reasonable time within which the Accused is to correct and remedy the default. Such reasonable time frame shall depend upon the exigencies surrounding the matters and facts set forth in said Notice.

**12.1.5.2** The written Notice of Intent shall state the factual and legal reasons for the claim of default, the actions to be taken by the Accused to cure the claim of default and a demand that the Accused respond in writing, within a reasonable stated time, as to whether or not the Accused consents to comply with the Notice of Intent or denies the claim of default.

**12.1.5.3** The Accused shall have a minimum of thirty (30) days to remedy any default. If the default is such that more than thirty (30) days will reasonably be required to cure default, then the Accused shall have such additional time as may be necessary to perform or comply so long as the Accused commences performance within such thirty (30) day period and diligently proceeds to complete such performance and timely cures any exigent circumstance of the claim of default that affects public health and safety.

**12.1.5.4** The Notice of Intent shall be served as follows upon:

- **Applicants:** by U.S. Mail to the address herein designated by Developer;
- **Owners' Association:** by U.S. Mail to the address of its registered agent;
- **Real Property Owners:** By U.S. Mail at their address as listed by the Ada County Assessor's office; and
- **City:** by U.S. Mail to the address herein designated by the City.

**12.1.6 Notice to Show Cause:** In the event the Accused fails to correct and remedy a default or noncompliance, within the reasonable time designated in the Notice of Intent, to the satisfaction of the Claimant, the Claimant shall then request the City Council [or the Planning & Zoning Commission only in the event the Commission has original jurisdiction by reason of a permit which is at issue in the matter] or otherwise request the City Council to proceed to set a hearing and provide written notice of the hearing to show cause to the Accused of the request to take action as identified in the Notice of Intent and to enforce the terms of this Agreement.

**12.1.6.1** The written notice of the hearing to show cause shall be served upon the Claimant and the Accused at least twenty-eight (28) days in advance of the hearing.

**12.1.6.2** At the hearing to show cause, the Accused may present evidence as to why it or they are not in default.

**12.1.6.3** Following any presentation of evidence by the Accused and any rebuttal by the Claimant and any other interested persons, the Planning & Zoning Commission and/or the City Council, as the case may be, shall determine the matter and issue Findings of Fact, Conclusions of Law and an Order of Decision in accordance with the evidence presented at the Show Cause hearing.

**12.1.6.4** Any determination made by the Planning & Zoning Commission may be appealed to the City Council. A notice of appeal must be filed within fourteen (14) days of the final decision of the Planning & Zoning Commission.

**12.1.6.5** The Findings of Fact, Conclusions of Law and Order of Decision issued by the City Council shall be the final administrative remedy of any claim of default under this Agreement and the Parties may thereafter seek legal action in a court of competent jurisdiction for any legal or equitable remedy, including, without limitation, declaratory relief and or specific performance of this Agreement as the case may be, but the Parties shall not be entitled to consequential damages in any such action.

**12.1.7 Prevailing Party:** In the event any Party shall file suit or action at law or equity to interpret or enforce this Agreement, the provisions of Idaho Code Section 12-117, or any subsequent amendment or recodification of the same, shall apply to the determination of the prevailing Party and the award of reasonable attorney's fees, witness fees and other reasonable expenses.

## **SECTION 13 Mortgages**

**13.1 Senior to Mortgage:** This Agreement shall be superior and senior to any mortgage of the interests of any Applicant or property Owners of any real property within the Subject Real Property of record recorded subsequent to this Agreement.

**13.1.1 No Impairment:** No default of this Agreement by any Subject Real Property Owner shall invalidate or impair a mortgage made in good faith and for value; and

**13.1.2 Subject to Agreement:** Any acquisition or acceptance of title or any right or interest in or with respect to the Subject Real Property, or any portion thereof, by a mortgagee (herein defined to include a beneficiary under a deed of trust), whether under or pursuant to a mortgage foreclosure, trustee's sale or deed in lieu of foreclosure or trustee's sale, or otherwise, except that the same shall be subject to all of the terms and conditions contained in this Agreement.

**13.2 No Mortgage Obligation:** No mortgagee shall have an obligation or duty under this Agreement to perform the Applicants' obligations or other affirmative covenants of the Applicants hereunder, or to guarantee such performance; except that to the extent that any covenant to be performed by the Applicants is a condition to the performance of a covenant by the City, the performance thereof shall continue to be a condition precedent to the City's performance hereunder.

## **SECTION 14 Shared Legal Defense of This Agreement**

**14.1 Shared Agreement Legal Defense Costs:** In the event that any legal or equitable action or other proceeding is instituted by a third-party challenging the validity of any provision of this Agreement, the Parties will cooperate in defense of such action or proceeding. The City and the Applicants may agree to select mutually agreeable legal counsel to defend such action or proceeding with the Parties sharing equally in the cost of such joint legal counsel, or each Party may select its own legal counsel at each Party's expense. All other costs of such defense(s) shall be shared equally by the Parties. Each Party retains the right to pursue its own independent legal defense.

## **SECTION 15 Notices and Filings**

**15.1 Manner of Serving:** All notices, filings, consents, approvals and other communications provided for herein or delivered in connection herewith shall be validly delivered, filed, made, or served if in writing and delivered personally or delivered by a nationally recognized overnight courier or sent by certified United States Mail, postage prepaid, return receipt requested, to the following:

**City:**

City of Kuna  
Attn: Mayor  
751 W. 4th Street  
Kuna, Idaho 83634

*With a copy to:*

*City Attorney's Offices:*  
Attention: William F. Gigray, III  
WHITE PETERSON  
5700 E. Franklin Rd., Suite 200  
Nampa, ID 83687

**Developer:**

Riley Planning Services LLC  
Attn: Penelope Constantikes  
PO Box 405  
Boise, Idaho 83701

*With a copy to:*

Attn: William F. Gigray, III

**Owner:**

Miriam, LLC  
715 Blue Spruce Road  
Alpine, UT 84004

**Owner:**

Japheth, LLC  
715 Blue Spruce Road  
Alpine, UT 84004

or to such other addresses as either Party hereto may from time to time designate in writing and delivery in a like manner.

- 15.2 Mailing Effective:** Notices, filings, consents, approvals and communication given by mail shall be deemed delivered immediately if personally delivered, 24 hours following deposit with a nationally recognized courier, or 72 hours following deposit in the U.S. mail, postage prepaid and addressed as set forth above.

## **SECTION 16 Applicants Assignment of Agreement Rights**

- 16.1 Applicants Assignment:** The assignment of any of the Applicants' rights and obligations of this Agreement shall in accordance with the following:

**16.1.1 Complete Assignment of an Applicant's rights:** A total assignment of an Applicant's rights and obligations under this Agreement in connection with all undeveloped portions of the Subject Real Property shall be assigned upon written consent of the City Council which shall not be unreasonably withheld, conditioned or delayed subject only to the following conditions:

**16.1.1.1** Prior written notice from the Applicant to the City Council together with the identification of the proposed assignee together with the proposed assignee's written affirmation of their intentions and ability to perform the conditions of this Agreement; and

**16.1.1.2** The Applicant is not then in default of this Agreement or the Assignee tenders, to the City, a guarantee of the Assignee's performance of the Applicants' default upon assignment; and

**16.1.1.3** The total assignment, by the Applicant, shall be a written instrument including the acceptance of the assignee to the terms and conditions of this Agreement, and the City Council's written consent and shall then be recorded in the official records of Ada County, Idaho, expressly assigning such rights and obligations.

**16.1.1.4** In the event of such total assignment of the Applicant's rights and obligations hereunder, the Applicant's liability under this Agreement shall then terminate.

**16.1.2 Successors and Assigns:** Notwithstanding any other provisions of this Agreement, an Applicant may assign all or part of the Applicant's rights and duties under this Agreement as collateral to any financial institution from which the Applicant has borrowed funds for use in developing the Project. Such an assignment shall not relieve the Applicant from any obligations of this Agreement.

## SECTION 17 Miscellaneous

- 17.1 Agreement runs with the Subject Real Property:** The burdens of this Agreement are binding upon, and the benefits inure to, all successors in interest of the Parties to this Agreement and constitute covenants that run with the Subject Real Property. Each commitment and restriction of this Agreement on the Subject Real Property shall be a burden on the Subject Real Property and shall be appurtenant to and for the benefit of the Subject Real Property and shall run with the land.
- 17.1.1** This Agreement shall be binding on the Applicants, and their respective heirs, administrators, executors, agents, legal representatives, successors, and assigns; provided, however, that the purchasers, from any Applicant, of individual lots within Developed phases of the Project are not subject to the obligations arising under this Agreement except for any obligations of the Owners' Association to which they are a member.
- 17.2 Choice of Law and Venue:** This Agreement shall be construed in accordance with the laws of the state of Idaho in effect on the Effective Date. Any action brought in connection with this Agreement shall be brought in a court of competent jurisdiction located in Ada County, Idaho.
- 17.3 Construction:** All Parties hereto have either been represented by separate legal counsel or have had the opportunity to be so represented. Thus, in all cases, the language herein shall be constructed simply in accordance with its fair meaning and not strictly for or against a Party, regardless of whether such Party prepared or caused the preparation of this Agreement.
- 17.4 Counterparts:** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single document so that the signatures of all Parties may be physically attached to a single document.
- 17.5 Entire Agreement:** This Agreement constitutes the entire agreement between the Parties, except for any permits and or approvals issued pursuant to this Agreement, pertaining to the subject matter hereof. All prior and contemporaneous agreements, representations and understandings of the Parties, oral or written, are hereby superseded and merged herein. No modification or amendment to this Agreement of any kind whatsoever shall be made or claimed by the Applicants or the City unless the same shall be endorsed in writing and signed by the Party against which the enforcement of such modification or amendment is sought, and then only to the extent set forth in such instrument. Such approved amendment shall be recorded in the Official Records of Ada County, Idaho.

- 17.6 Exhibits and Recitals:** Any Exhibit attached hereto shall be deemed to have been incorporated herein with the same force and effect as if fully set forth in the body hereof. The Recitals set forth at the beginning of this Agreement are hereby acknowledged and incorporated herein and the Parties hereby confirm the accuracy thereof. The Definitions set forth prior to the Recitals are hereby acknowledged and incorporated herein.
- 17.7 Further Acts:** Each of the Parties shall promptly execute and deliver all such documents and perform all such acts as reasonably necessary, from time to time, to carry out the matters contemplated by this Agreement.
- 17.8 Good Standing; Authority:** Each of the Parties represents to the other as follows:
- 17.8.1 Developer:** Riley Planning Services LLC represents that it is an Idaho limited liability company authorized to do business in Idaho and in good standing to do business in the state of Idaho.
- 17.8.2 City:** City represents that it is an Idaho municipal corporation in the state of Idaho.
- 17.8.3 Owner:** Miriam, LLC, represents that it is an Idaho limited liability company and in good standing to do business in the state of Idaho and Japheth, LLC, and represents that it is an Idaho limited liability company and in good standing to do business in the state of Idaho.
- 17.8.4 Authority:** Each Party represents to the other that the individual(s) executing this Agreement, on behalf of the Party, is authorized and empowered to bind the Party on whose behalf each such individual is signing.
- 17.9 Headings:** This Agreement shall be construed according to its fair meaning and as if prepared by both Parties hereto. Table of Contents, titles and captions are for convenience only and shall not constitute a portion of this Agreement. As used in this Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates.
- 17.10 Names and Plans:** Applicants shall be the sole Owners of all names, titles, plans, drawings, specifications, ideas, programs, designs and work products of every nature at any time developed, formulated or prepared by or at the request of the Applicants in connection with the Property and the Project; provided, however, that in connection with any conveyance of portions of the Subject Real Property to the City, such rights pertaining to the portions of the Subject Real Property so conveyed shall be assigned to the City to the extent that such rights are assignable.

**17.11 No Applicants Preliminary Representations:** Nothing contained herein shall be deemed to initially obligate the Applicants to complete any part or all of the development of a Project within a specific timeline, phasing schedule or other schedules, or any other plan, and this Agreement shall not be deemed a representation unless required as a condition of any permit issued pursuant to this Agreement or required by any Master Plan approved by the City pursuant to this Agreement.

**17.12 No Partnership; Third Parties:** It is hereby specifically understood, acknowledged, and agreed that neither the City nor the Applicants shall be deemed to be an agent of the other for any purpose whatsoever. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between the Applicants and the City. No term or provision of this Agreement is intended to, or shall, be for the benefit of any third-party, person, firm, organization, or legal entity not a Party hereto, and no such other third-party, person, firm, organization, or legal entity shall have any right to cause of action hereunder.

**17.13 Parties' Intent:** It is the Parties' express intention that the terms and conditions be construed and applied as provided herein, to the fullest extent possible. It is the Parties' further intention that, to the extent any such term or condition is found to constitute an impermissible restriction of the police power of the City, such term or condition shall be construed and applied in such lesser fashion as may be necessary to not restrict the police power of the City.

**17.14 Recordation:** After its execution, this Agreement shall be recorded in the real property records of Ada County, Idaho by the City.

**17.15 Severability:** If any provision of this Agreement is declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect.

**17.16 Time of Essence:** Time is of the essence in implementing the terms of this Agreement.

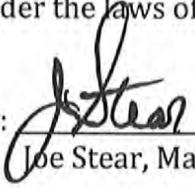
**17.17 Waiver:** No delay in exercising any right or remedy shall constitute a waiver by either Party thereof, and no waiver by the City or the Applicants of the breach of any covenant or condition of this Agreement shall be construed as a waiver of any preceding or succeeding breach of the same or any other covenant or condition of this Agreement.

07/11/2022

IN WITNESS WHEREOF, the Parties hereto, having been duly authorized, have executed this Development Agreement to be effective on the Effective Date.

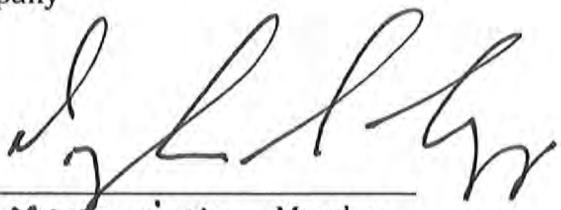
**CITY:**

CITY OF KUNA, Idaho, a municipal corporation organized and existing under the laws of the State of Idaho

By:   
Joe Stear, Mayor

**OWNER:**

Miriam, LLC, Idaho Limited Liability Company

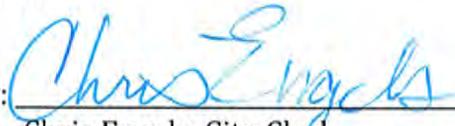
By:   
Manuelino, Member  
Douglas B Clegg

**OWNER:**

Japheth, LLC, Idaho Limited Liability Company

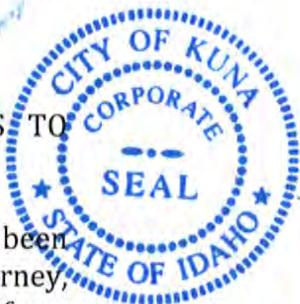
By:   
Manuelino, Member  
Douglas B Clegg

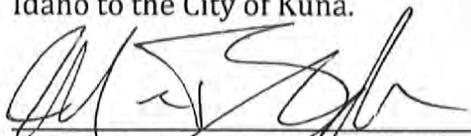
Attest:

By:   
Chris Engels, City Clerk

CITY ATTORNEY APPROVAL AS TO FORM AND AUTHORITY

The foregoing Agreement has been received by the undersigned attorney, who has opined that it is in proper form and within the power and authority granted under the laws of the state of Idaho to the City of Kuna.



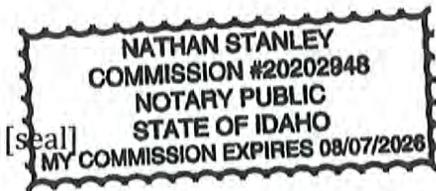
  
for Wm. F. Gignay, III, City Attorney  
By: Max Bybee

07/11/2022

STATE OF IDAHO )  
 ) ss.  
COUNTY OF ADA )

On this 20<sup>th</sup> day of March, ~~2022~~ 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared **Joe Stear**, known or identified to me to be the Mayor of the City of Kuna, the municipal corporation that executed the instrument or the person who executed the instrument on behalf of said municipal corporation, and acknowledged to me that such municipal corporation 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.



[Signature]  
Notary Public for Idaho  
My Commission expires: 08/07/2023

STATE OF Utah )  
 ) ss.  
COUNTY OF Utah )

On this 11<sup>th</sup> day of January, 202~~2~~<sup>3</sup>, before me, the undersigned, a Notary Public in and for said State, personally appeared Douglas Clegg, a member of Miriam, LLC, that executed the instrument, or the person who executed the instrument on behalf of said Miriam, LLC, and acknowledged to me that such Miriam, LLC, 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.



[Signature]  
Notary Public for The UPS store Highland  
My Commission expires: 08-24-2025

STATE OF Utah )  
 ) ss.  
COUNTY OF Utah )



07/11/2022

## EXHIBIT A Subject Real Property Annexation Legal Description

Annexation Description for  
Japeth LLC  
October 10, 2021

A portion of Government Lot 4 of Section 18, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho more particularly described as follows:

Commencing at the Section corner common to Sections 13 and 24, T.2N., R.1W., B.M, and 18 and 19, T.2N., R.1E., B.M. from which the 1/4 corner common to said Sections 13 and 18 bears, North 00°12'36" West, 2650.42 feet; thence on the south boundary line of said Section 18, North 90°00'00" East, 882.70 feet to the southerly extension of the westerly boundary line of Trinity View Estates Subdivision as filed in Book 64 of Plats at Pages 6467 and 6468, records of Ada County, Idaho and the **REAL POINT OF BEGINNING**;

thence on said westerly boundary line and the southerly and westerly extension thereof the following eight (8) courses bearings and distances:

North 02°07'13" West, 111.23 feet;

North 04°30'00" West, 128.26 feet;

North 10°44'23" West, 129.54 feet;

North 24°09'41" West, 105.17 feet;

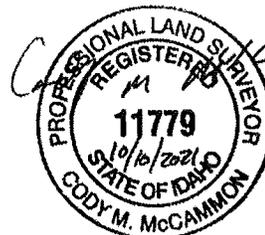
North 60°27'08" West, 121.73 feet;

North 71°10'07" West, 144.20 feet;

North 67°46'25" West, 132.20 feet;

South 89°47'24" West, 438.84 feet to the west boundary line of said Section 18;

thence on said west boundary line, North 00°12'36" West, 707.98 feet to the westerly extension of the north boundary line of said Trinity View Estates Subdivision;



Page 1 of 2

07/11/2022

thence South 89°57'01" East, 1,234.68 feet to the Northeast corner of said Trinity View Estates Subdivision;

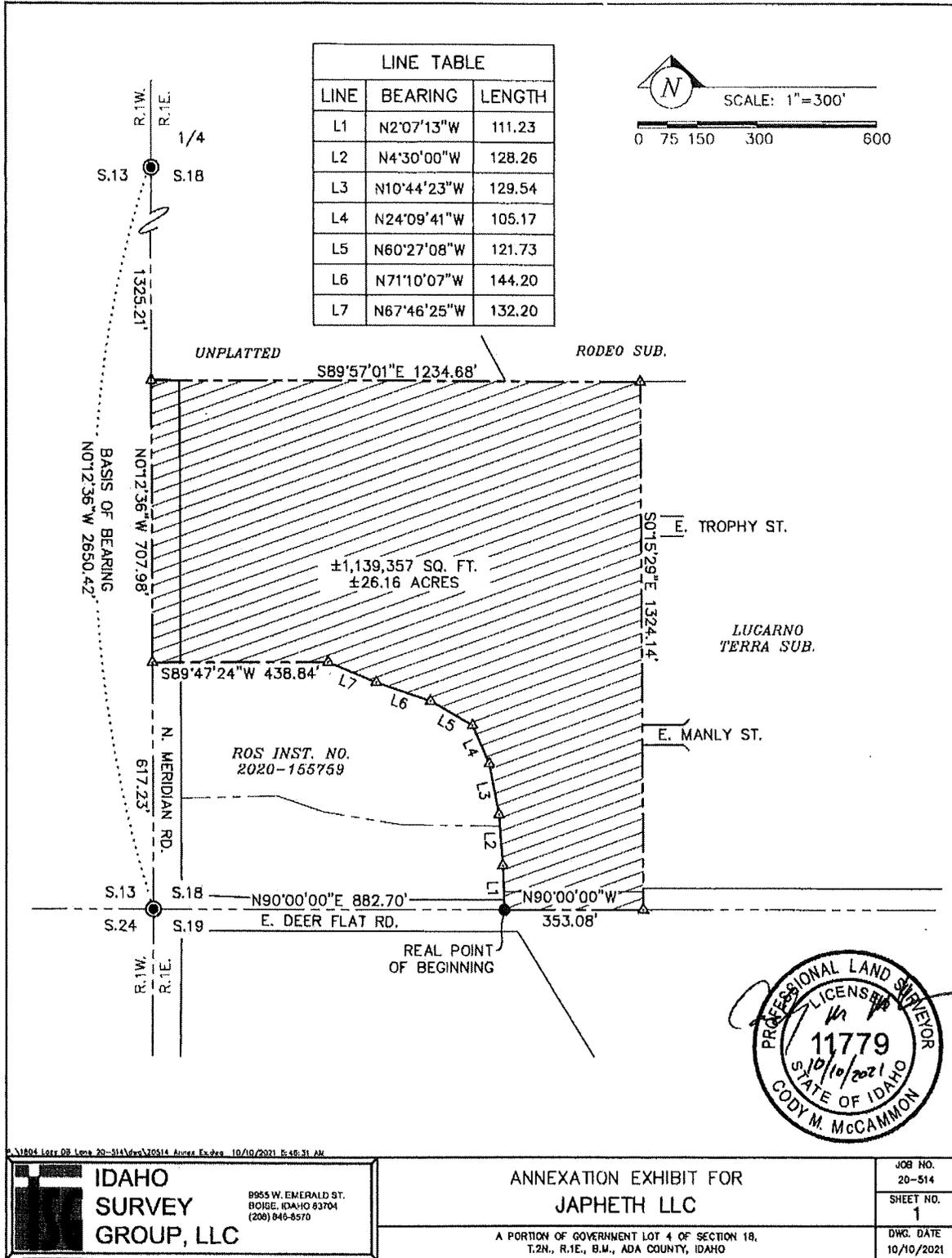
thence on the east boundary line of said Trinity View Estates Subdivision and the southerly extension thereof, South 00°15'29" East, 1,324.14 feet to the south boundary line of said Section 18;

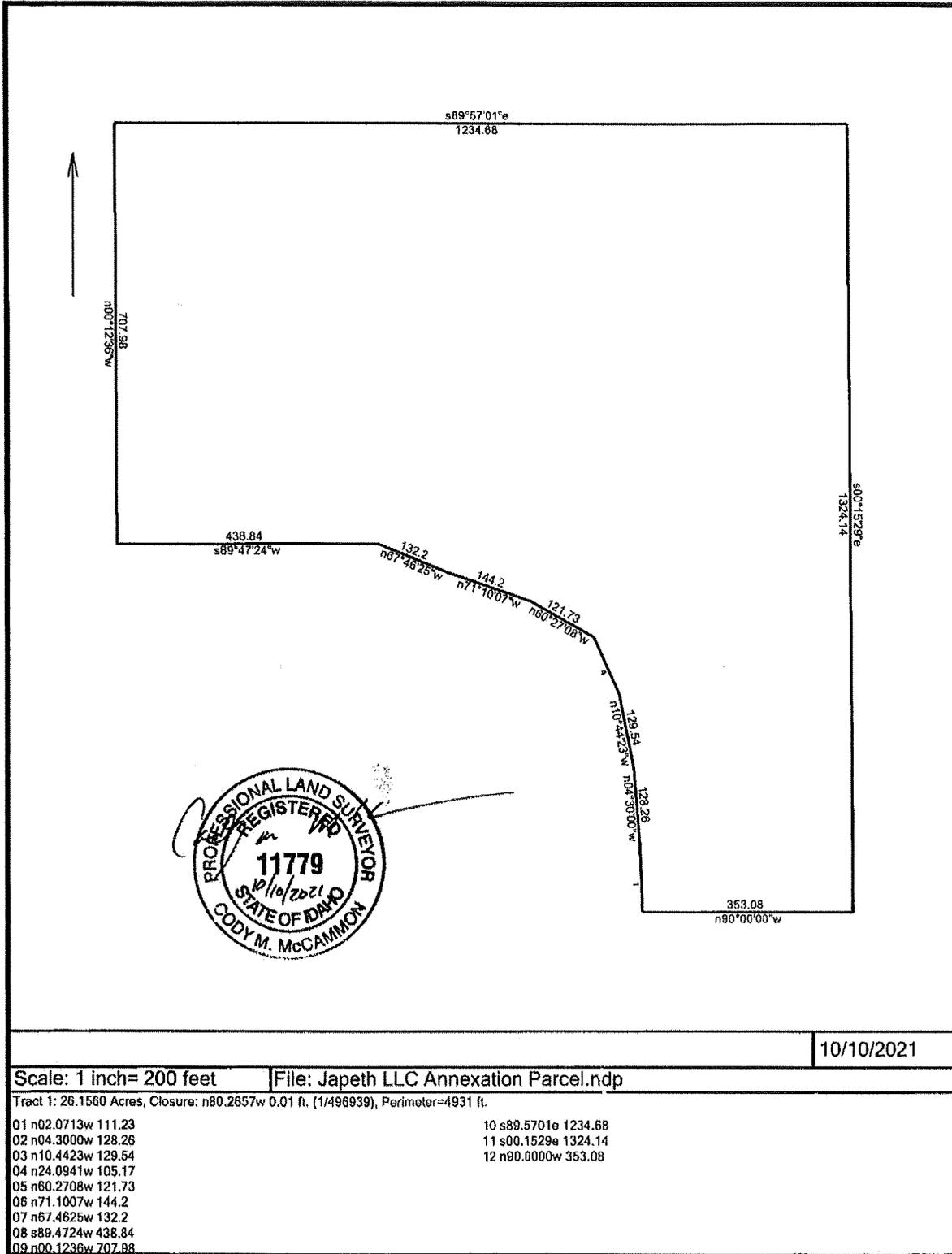
thence on said south boundary line, North 90°00'00" West, 353.08 feet to the **REAL POINT OF BEGINNING.**

Containing 1,139,357 square feet or 26.16 acres, more or less.

End of Description.







07/11/2022

## EXHIBIT B Subject Real Property Zone Change Legal Description

Description for  
C-2 Zone  
November 12, 2021

A portion of Government Lot 4 of Section 18, Township 2 North, Range 1 East, Boise Meridian, City of Kuna, Ada County, Idaho more particularly described as follows:

**BEGINNING** at the Section corner common to Sections 13 and 24, T.2N., R.1W., B.M. and Sections 18 and 19, T.2N., R.1E., B.M. from which the 1/4 corner common to said Sections 13 and 18 bears, North 00°12'36" West, 2650.42 feet;

thence on the west boundary line of said Section 18, North 00°12'36" West, 617.23 feet to the westerly extension of the exterior boundary line of Trinity View Estates Subdivision as filed in Book 64 of Plats at Pages 6467 and 6468, records of Ada County, Idaho;

thence on said exterior boundary line and the westerly and southerly extension thereof the following eight (8) courses and distances:

North 89°47'24" East, 438.84 feet;

South 67°46'25" East, 132.20 feet;

South 71°10'07" East, 144.20 feet;

South 60°27'08" East, 121.73 feet;

South 24°09'41" East, 105.17 feet;

South 10°44'23" East, 129.54 feet;

South 04°30'00" East, 128.26 feet;

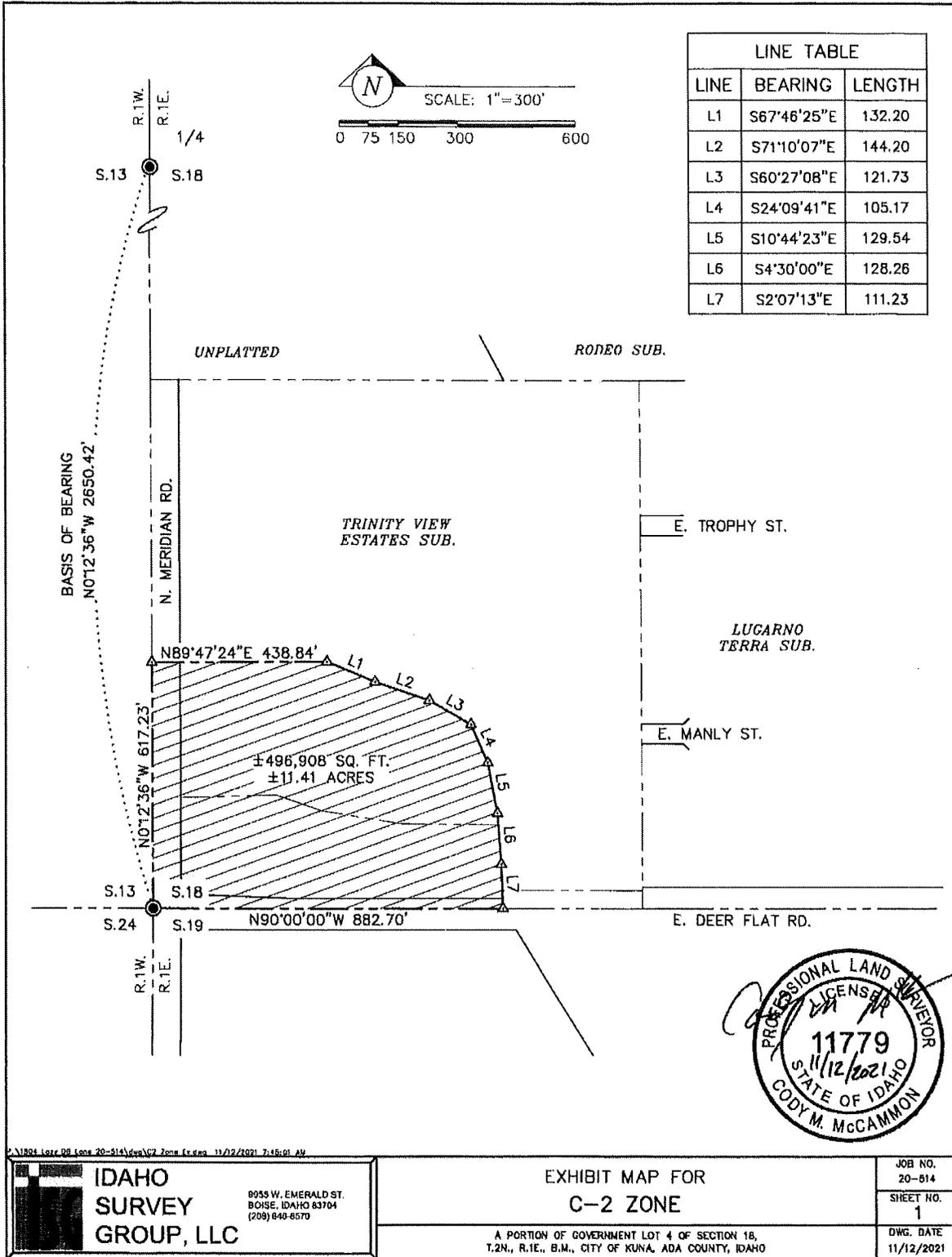
South 02°07'13" East, 111.23 feet to the south boundary line of said Section 18;

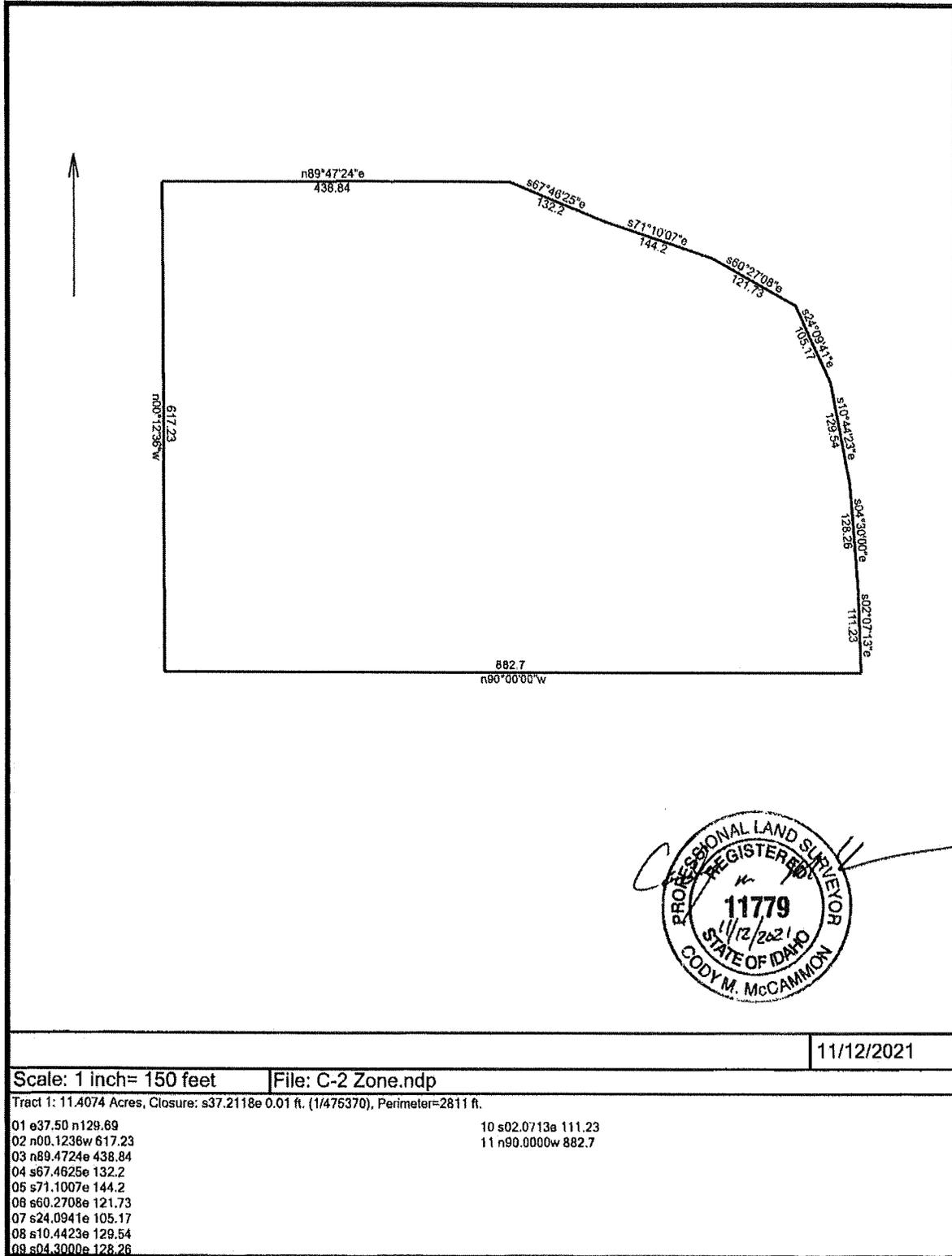
thence on said south boundary line, North 90°00'00" West, 882.70 feet to the **REAL POINT OF BEGINNING**.

Containing 496,908 square feet or 11.41 acres, more or less.

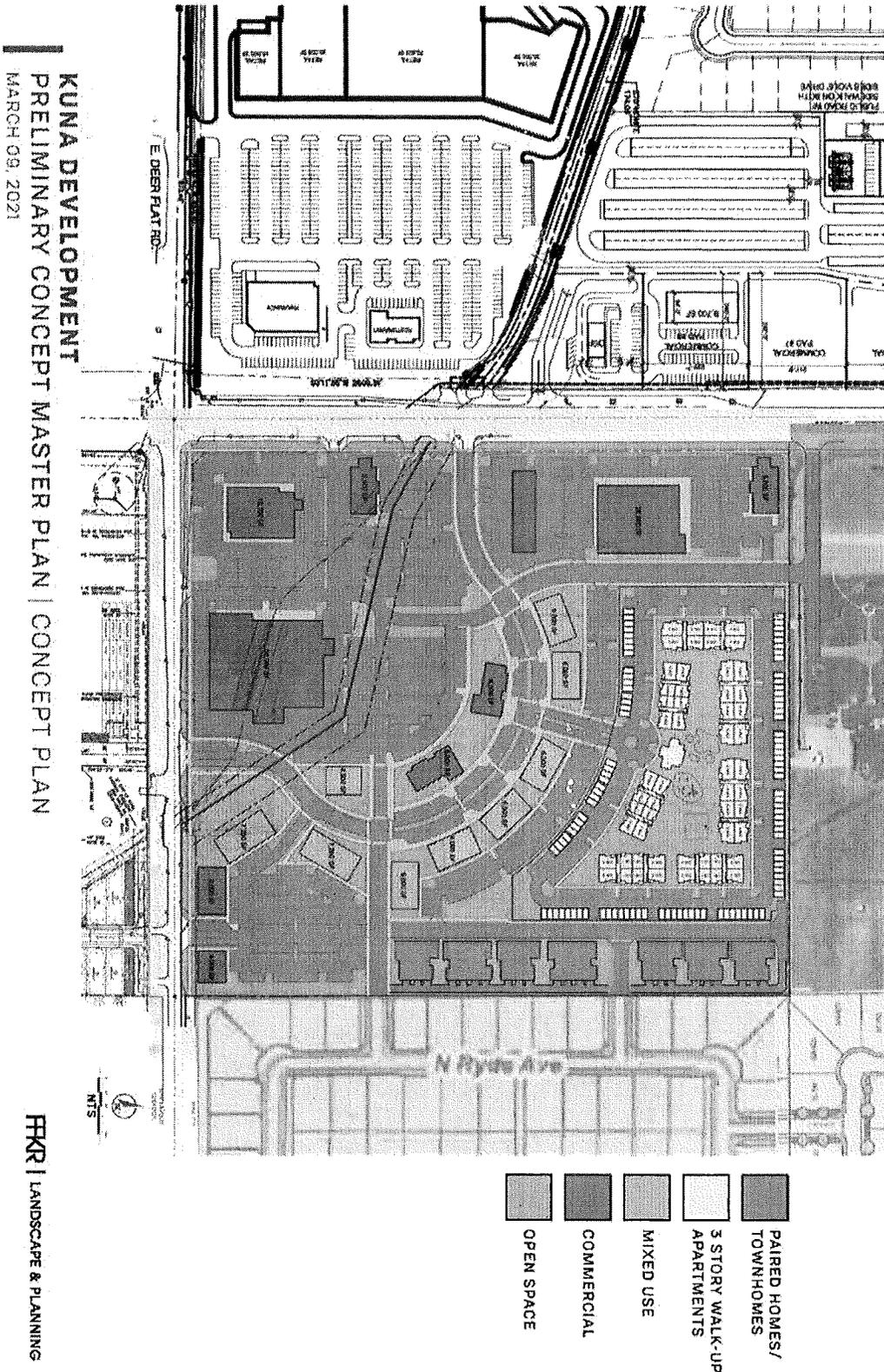
End of Description.



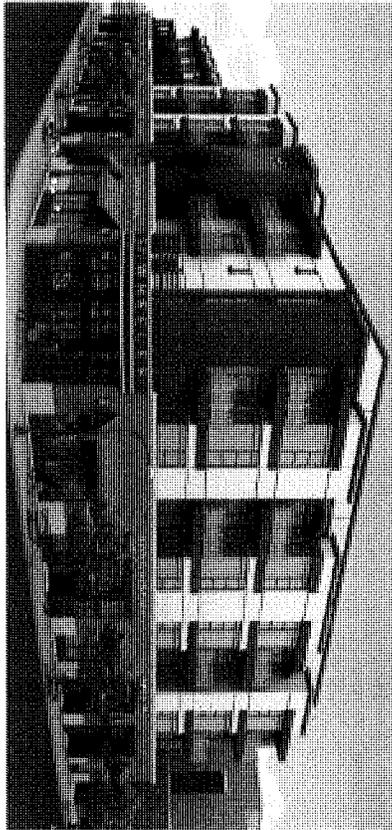




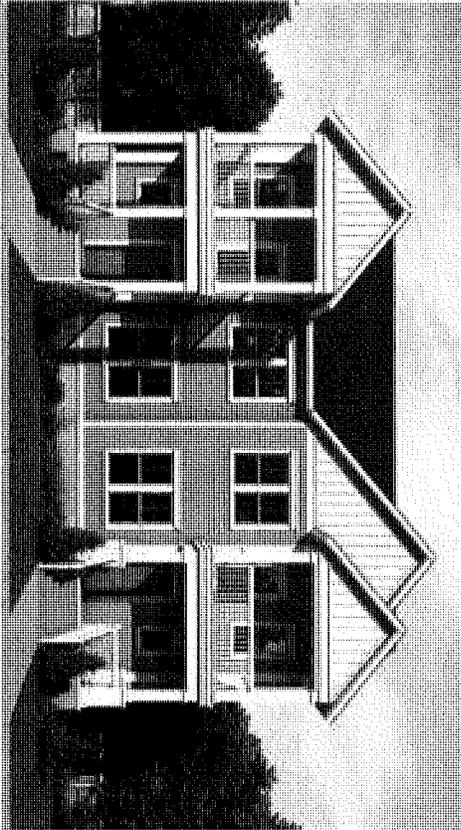
# EXHIBIT C Concept Development Plan



**MIXED USE HOUSING/RETAIL AND OFFICES**

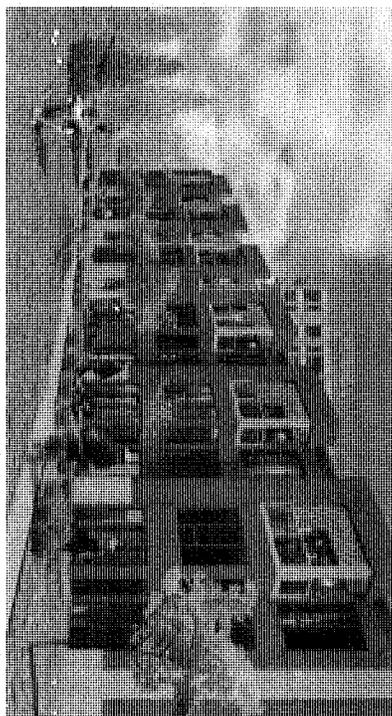


**PAIRED HOMES/TOWNHOMES**



**KUNA DEVELOPMENT  
PRECEDENT IMAGERY**  
MARCH 09, 2021

**3 STORY WALK-UP APARTMENTS**



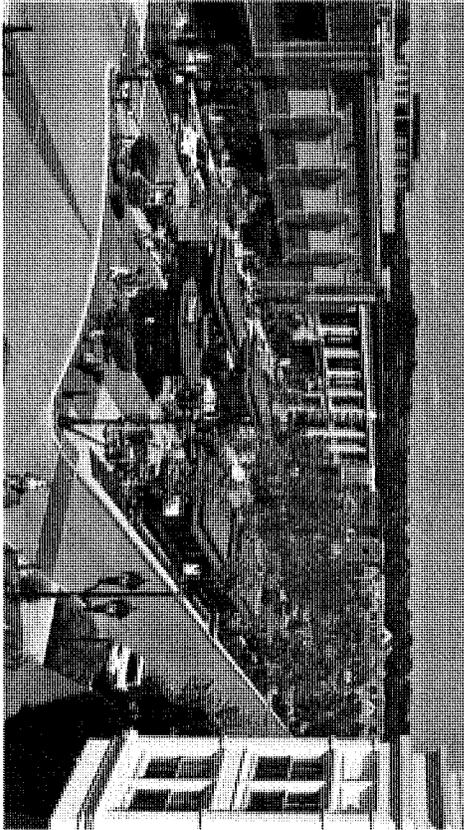
**3 STORY WALK-UP APARTMENTS**



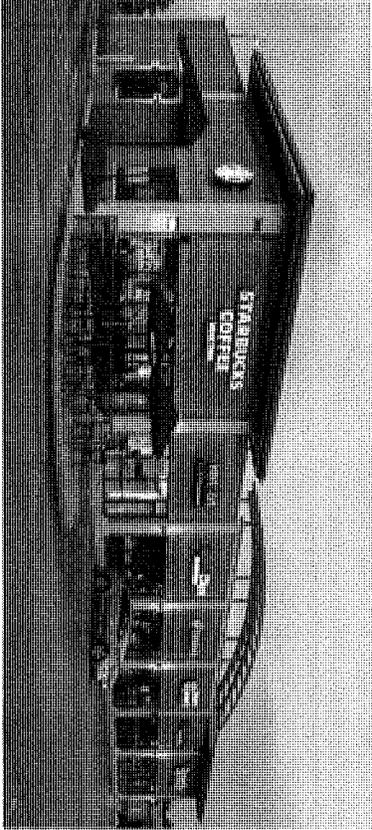
NOTE: IMAGES ARE TAKEN FROM GOOGLE AND ARE REPRESENTATIVE ONLY AND ARE ONLY INCLUDED TO CONVEY FORM AND SIZE.

**FPKR | LANDSCAPE & PLANNING**

**PUBLIC PLAZA**



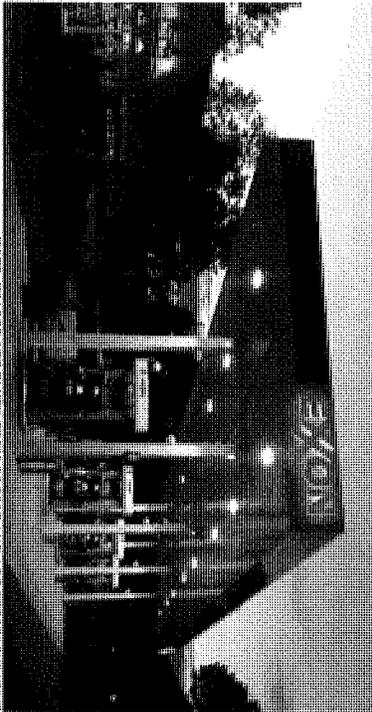
**RETAIL AND DRIVE-THRU'S**



**OUTDOOR DINING**



**FUEL STATION**



NOTES: IMAGES ARE FOR ILLUSTRATION PURPOSES ONLY AND ARE ONLY INCLUDED TO CONVEY FORM AND SIZE.

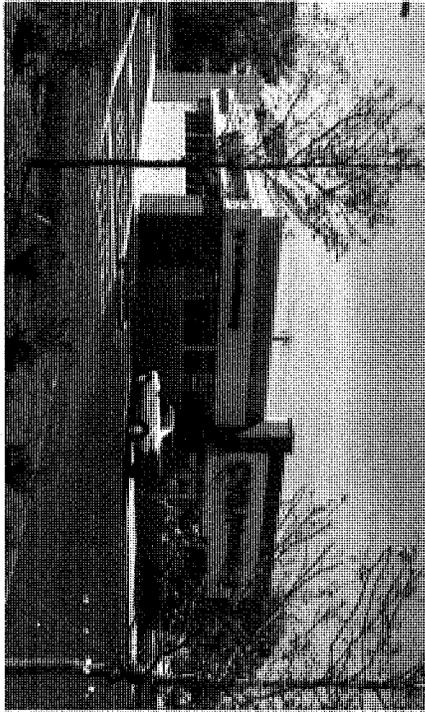
**KUNA DEVELOPMENT  
PRECEDENT IMAGERY**

MARCH 09, 2021

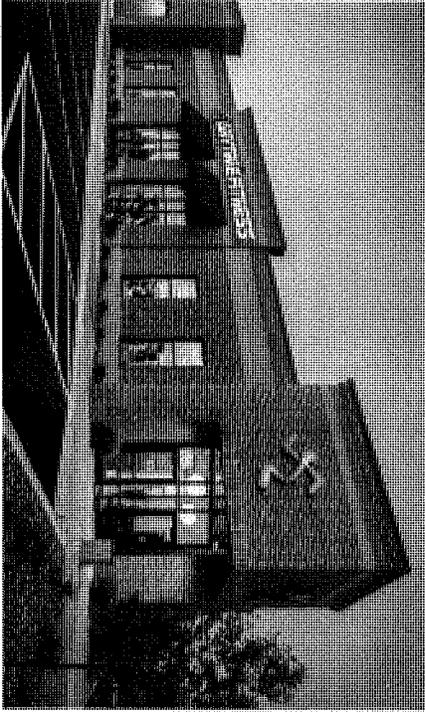
**FRR | LANDSCAPE & PLANNING**

**KUNA DEVELOPMENT  
PRECEDENT IMAGERY**  
MARCH 09, 2021

**DRIVE-THRU PHARMACY**



**FITNESS**



**WALMART NEIGHBORHOOD MARKET**



**FAST FOOD**



NOTE: IMAGES ARE TAKEN FROM GOOGLE AND ARE REPRESENTATIVE ONLY AND ARE ONLY INCLUDED TO CONVEY FORM AND SIZE.

**FKR | LANDSCAPE & PLANNING**

**EXHIBIT D House Bill 389**

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-sixth Legislature First Regular Session - 2021

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 389

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE HOMEOWNER EXEMPTION; AMENDING SECTION 63-301A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE NEW CONSTRUCTION ROLL; AMENDING SECTION 63-602W, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN BUSINESS PROPERTY TAX EXEMPTIONS; AMENDING SECTION 63-705, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROPERTY TAX REDUCTION INCOME LIMITATIONS AND BENEFIT AMOUNTS AND TO ESTABLISH PROVISIONS FOR REFERRAL OF CERTAIN APPLICANTS TO THE PROPERTY TAX DEFERRAL PROGRAM; AMENDING SECTION 63-705A, IDAHO CODE, TO REVISE PROVISIONS REGARDING TAX REDUCTIONS FOR CERTAIN DISABLED VETERANS; AMENDING SECTION 63-715, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PROPERTY TAX DEFERRAL PROGRAM; AMENDING SECTION 63-802, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE LIMITATION ON TAXING DISTRICT BUDGET REQUESTS; AMENDING SECTION 63-313, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TAXATION OF TRANSIENT PERSONAL PROPERTY; AMENDING SECTION 63-602KK, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TAXATION OF PERSONAL PROPERTY; AMENDING SECTION 63-803, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE PROVISIONS REGARDING PERSONAL PROPERTY TAX REPLACEMENT MONEYS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION, AND PROVIDING EFFECTIVE DATES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-602G, Idaho Code, be, and the same is hereby amended to read as follows:

63-602G. PROPERTY EXEMPT FROM TAXATION -- HOMESTEAD. (1) For each tax year, the first one hundred twenty-five thousand dollars (~~\$100~~25,000) of the market value for assessment purposes of the homestead as that term is defined in section 63-701, Idaho Code, or fifty percent (50%) of the market value for assessment purposes of the homestead as that term is defined in section 63-701, Idaho Code, whichever is the lesser, shall be exempt from property taxation.

(2) The exemption allowed by this section may be granted only if:

(a) The homestead is owner-occupied and used as the primary dwelling place of the owner. The homestead may consist of part of a multidwelling or multipurpose building and shall include all of such dwelling or building except any portion used exclusively for anything other than the primary dwelling of the owner. The presence of an office in a homestead, which office is used for multiple purposes, including business and personal use, shall not prevent the owner from claiming the exemption provided in this section; and

(b) The state tax commission has certified to the board of county commissioners that all properties in the county which are subject to appraisal by the county assessor have, in fact, been appraised uniformly so as to secure a just valuation for all property within the county; and

(c) The owner has certified to the county assessor that:

(i) He is making application for the exemption allowed by this section;

(ii) The homestead is his primary dwelling place; and

(iii) He has not made application in any other county for the exemption, and has not made application for the exemption on any other homestead in the county.

(d) For the purpose of this section, the definition of "owner" shall be the same definition set forth in section 63-701(7), Idaho Code.

When an "owner," pursuant to the provisions of section 63-701(7), Idaho Code, is any person who is the beneficiary of a revocable or irrevocable trust, or who is a partner of a limited partnership, a member of a limited liability company, or shareholder of a corporation, he or she may provide proof of the trust, limited partnership, limited liability company, or corporation in the manner set forth in section 63-703(4), Idaho Code.

(e) Any owner may request in writing the return of all copies of any documents submitted with the affidavit set forth in section 63-703(4), Idaho Code, that are held by a county assessor, and the copies shall be returned by the county assessor upon submission of the affidavit in proper form.

(f) For the purpose of this section, the definition of "primary dwelling place" shall be the same definition set forth in section 63-701(8), Idaho Code.

(g) For the purpose of this section, the definition of "occupied" shall be the same definition set forth in section 63-701(6), Idaho Code.

(3) An owner need only make application for the exemption described in subsection (1) of this section once, as long as all of the following conditions are met:

(a) The owner has received the exemption during the previous year as a result of his making a valid application as set forth in subsection (2)(c) of this section.

(b) The owner or beneficiary, partner, member or shareholder, as appropriate, still occupies the same homestead for which the owner made application.

(c) The homestead described in paragraph (b) of this subsection is owner-occupied or occupied by a beneficiary, partner, member or shareholder, as appropriate, and used as the primary dwelling place of the owner or beneficiary, partner, member or shareholder, as appropriate.

(4) The exemption allowed by this section shall be effective upon the date of the application and must be taken before the reduction in taxes provided by sections 63-701 through 63-710, Idaho Code, is applied.

(5) Recovery of property tax exemptions allowed by this section but improperly claimed or approved:

(a) Upon discovery of evidence, facts or circumstances indicating any exemption allowed by this section was improperly claimed or approved,

the county assessor shall decide whether the exemption claimed should have been allowed and, if not, notify the taxpayer in writing, assess a recovery of property tax and notify the county treasurer of this assessment. If the county assessor determined that an exemption was improperly approved as a result of county error, the county assessor shall present the discovered evidence, facts or circumstances from the improperly approved exemption to the board of county commissioners, at which time the board may waive a recovery of the property tax and notify such taxpayer in writing.

(b) When information indicating that an improper claim for the exemption allowed by this section is discovered by the state tax commission, the state tax commission may disclose this information to the appropriate county assessor, board of county commissioners and county treasurer. Information disclosed to county officials by the state tax commission under this subsection may be used to decide the validity of any entitlement to the exemption provided in this section and is not otherwise subject to public disclosure pursuant to chapter 1, title 74, Idaho Code.

(c) The assessment and collection of the recovery of property tax must begin within the seven (7) year period beginning the date the assessment notice reflecting the improperly claimed or approved exemption was required to be mailed to the taxpayer.

(d) The taxpayer may appeal to the county board of equalization the decision by the county assessor to assess the recovery of property tax within thirty (30) days of the date the county assessor sent the notice to the taxpayer pursuant to this section. The board may waive the collection of all or part of any costs, late charges, and interest in order to facilitate the collection of the recovery of the property tax.

(e) For purposes of calculating the tax, the amount of the recovered property tax shall be for each year the exemption allowed by this section was improperly claimed or approved, up to a maximum of seven (7) years. The amount of the recovery of property tax shall be calculated using the product of the amount of exempted value for each year multiplied by the levy for that year plus costs, late charges and interest for each year at the rates equal to those provided for delinquent property taxes during that year.

(f) Any recovery of property tax shall be due and payable no later than the date provided for property taxes in section 63-903, Idaho Code, and if not timely paid, late charges and interest, beginning the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section, shall be calculated at the current rate provided for property taxes.

(g) Recovered property taxes shall be billed, collected and distributed in the same manner as property taxes, except each taxing district or unit shall be notified of the amount of any recovered property taxes included in any distribution.

(h) Thirty (30) days after the taxpayer is notified, as provided in paragraph (a) of this subsection, the assessor shall record a notice of intent to attach a lien. Upon the payment in full of such recovered property taxes prior to the attachment of the lien as provided in

paragraph (i) of this subsection, or upon the successful appeal by the taxpayer, the county assessor shall record a rescission of the intent to attach a lien within seven (7) business days of receiving such payment or within seven (7) business days of the county board of equalization decision granting the appeal. If the real property is sold to a bona fide purchaser for value prior to the recording of the notice of the intent to attach a lien, the county assessor and treasurer shall cease the recovery of such unpaid recovered property tax.

(i) Any unpaid recovered property taxes shall become a lien upon the real property in the same manner as provided for property taxes in section 63-206, Idaho Code, except such lien shall attach as of the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section.

(j) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this subsection as recovery of property tax shall be treated as property tax revenue.

(6) The legislature declares that this exemption is necessary and just.

(7) A homestead, having previously qualified for exemption under this section in the preceding year, shall not lose such qualification due to: the owner's, beneficiary's, partner's, member's or shareholder's absence in the current year by reason of active military service, or because the homestead has been leased because the owner, beneficiary, partner, member or shareholder is absent in the current year by reason of active military service. An owner subject to the provisions of this subsection must apply for the exemption with the county assessor every year on or before a deadline date as specified by the county assessor for the county in which the homestead is claimed. If an owner fails to apply on or before the established deadline, the county may, at its discretion, discontinue the exemption for that year.

(8) A homestead, having previously qualified for exemption under this section in the preceding year, shall not lose such qualification due to the owner's, beneficiary's, partner's, member's or shareholder's death during the year of the owner's, beneficiary's, partner's, member's or shareholder's death and the tax year immediately following such death provided that the homestead continues to be a part of the owner's, beneficiary's, partner's, member's or shareholder's estate. After such time, the new owner shall reapply to receive the exemption pursuant to this section and shall meet the qualification criteria contained in this section.

(9) The amount by which each exemption approved under this section exceeds one hundred thousand dollars (\$100,000) may, in the discretion of the governing board of a taxing district, be deducted from the new construction roll for the following year prepared by the county assessor in accordance with section 63-301A, Idaho Code, but only to the extent that the amount exceeds the same deduction made in the previous year.

SECTION 2. That Section 63-301A, Idaho Code, be, and the same is hereby amended to read as follows:

63-301A. NEW CONSTRUCTION ROLL. (1) The county assessor shall prepare a new construction roll, which shall be in addition to the property roll, which new construction roll shall show:

(a) The name of the taxpayer;

- (b) The description of the new construction, suitably detailed to meet the requirements of the individual county;
- (c) A description of the land and its change in use, suitably detailed to meet the needs of the individual county;
- (d) The amount of taxable market value added to the property on the current year's property roll that is directly the result of new construction ~~or~~, including a change in use of the land or both associated with the new construction;
- (e) The amount of taxable market value added as provided in subsection (3) (g) of this section as a result of dissolution of any revenue allocation area;
- (f) The amount of taxable market value to be deducted to reflect the adjustments required in this paragraph ~~(f) (i), (f) (ii), (f) (iii) and (f) (iv) of this subsection;~~

- (i) Any board of tax appeals or court-ordered value change, if property has a taxable value lower than that shown on any new construction roll in any one (1) of the immediate five (5) tax years preceding the current tax year;
- (ii) Any reduction in value resulting from correction of value improperly included on any previous new construction roll as a result of double or otherwise erroneous assessment;
- (iii) Any reduction in value, in any one (1) of the immediate five (5) tax years preceding the current tax year, resulting from a change of land use classification;
- (iv) Any reduction in value resulting from the exemption provided in section 63-602W(4), Idaho Code, in any one (1) of the immediate five (5) tax years preceding the current tax year; and
- (v) Any voluntary reduction in value reflecting a portion of certain homestead exemptions as provided in section 63-602G(9), Idaho Code.

(2) As soon as possible, but in any event by no later than the first Monday in June, the new construction roll shall be certified to the county auditor and a listing showing the amount of value on the new construction roll in each taxing district or unit be forwarded to the state tax commission on or before the fourth Monday in July. Provided however, the value shown in subsection (3) (f) of this section shall be reported to the appropriate county auditor by the state tax commission by the third Monday in July and the value sent by the county auditor to each taxing district. The value established pursuant to subsection (3) (f) of this section is subject to correction by the state tax commission until the first Monday in September and any such corrections shall be sent to the appropriate county auditor, who shall notify any affected taxing districts.

(3) Except as otherwise provided in this subsection, the value shown on the new construction roll shall include ninety percent (90%) of the taxable market value increase from:

- (a) Construction of any new structure that previously did not exist; or
- (b) Additions or alterations to existing nonresidential structures; or
- (c) Installation of new or used manufactured housing that did not previously exist within the county; or

(d) Change of land use classification associated with the new structure; or

(e) Property newly taxable as a result of loss of the exemption provided by section 63-602W(3) or (4), Idaho Code; or

(f) The construction of any improvement or installation of any equipment used for or in conjunction with the generation of electricity and the addition of any improvement or equipment intended to be so used, except property that has a value allocated or apportioned pursuant to section 63-405, Idaho Code, or that is owned by a cooperative or municipality as those terms are defined in section 61-332A, Idaho Code, or that is owned by a public utility as that term is defined in section 61-332A, Idaho Code, owning any other property that is allocated or apportioned. No replacement equipment or improvements may be included; or

(g) Provided such increases do not include increases already reported on the new construction roll as permitted in paragraphs (j) and (k) of this subsection, increases in value over the base value of property on the base assessment roll within an urban renewal revenue allocation area that has been terminated pursuant to section 50-2909(4), Idaho Code, to the extent that this increment exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, the entire eighty percent (80%) of the increment value. Notwithstanding other provisions of this section, the new construction roll shall not include new construction located within an urban renewal district's revenue allocation area, except as provided in this paragraph; or

(h) New construction, in any one (1) of the immediate five (5) tax years preceding the current tax year, allowable but never included on a new construction roll, provided however, that, for such property, the value on the new construction roll shall reflect the taxable value that would have been included on the new construction roll for the first year in which the property should have been included.

(i) Formerly exempt improvements on state college or state university-owned land for student dining, housing, or other education-related purposes approved by the state board of education and board of regents of the university of Idaho as proper for the operation of such state college or university provided however, such improvements were never included on any previous new construction roll.

(j) Increases in base value when due to previously determined increment value added to the base value as required in sections 50-2903 and 50-2903A, Idaho Code, due to a modification of the urban renewal plan. In this case, the amount added to the new construction roll will equal eighty percent (80%) of the amount by which the increment value in the year immediately preceding the year in which the base value adjustment described in this subsection occurs exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, the entire increment value.

(k) Increases in base value when due to previously determined increment value added to the base value as a result of a de-annexation within a revenue allocation area as defined in section 50-2903, Idaho Code. In this case, the amount added to the new construction roll will equal

eighty percent (80%) of the amount by which the increment value in the year immediately preceding the year in which the de-annexation described in this subsection occurs exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, the entire increment value within the area subject to the de-annexation.

(4) The amount of taxable market value of new construction shall be the change in net taxable market value that is attributable directly to the new construction or, a change in use of the land upon completion of the new construction, or loss of the exemption provided by section 63-602W(3) or (4), Idaho Code. It shall not include any change in value of existing property that is due to external market forces such as general or localized inflation, except as provided in subsection (3) (g) of this section.

(5) The amount of taxable market value of new construction shall not include any new construction of property that has been granted a provisional property tax exemption, pursuant to section 63-1305C, Idaho Code. A property owner may apply to the board of county commissioners, if an application is required pursuant to section 63-602, Idaho Code, for an exemption from property tax at the time the initial building permits are applied for or at the time construction of the property has begun, whichever is earlier, or at any time thereafter.

(6) The amount of taxable market value of new construction shall not include any new construction of property for which an exemption from sales and use tax has been granted pursuant to section 63-3622VV, Idaho Code.

SECTION 3. That Section 63-602W, Idaho Code, be, and the same is hereby amended to read as follows:

63-602W. BUSINESS INVENTORY EXEMPT FROM TAXATION -- BUSINESS INVENTORY THAT IS A COMPONENT OF REAL PROPERTY THAT IS A SINGLE FAMILY DWELLING. The following property is exempt from property taxation: business inventory. For the purpose of this section, "business inventory" means all items of tangible personal property or other property, including site improvements, described as:

(1) All livestock, fur-bearing animals, fish, fowl and bees.

(2) All nursery stock, stock-in-trade, merchandise, products, finished or partly finished goods, raw materials, and all forest products subject to the provisions of chapter 17, title 63, Idaho Code, supplies, containers and other personal property that is held for sale or consumption in the ordinary course of the taxpayer's manufacturing, farming, wholesale jobbing, or merchandising business.

(3) Residential improvements never occupied. Once residential improvements are occupied as defined in section 63-317, Idaho Code, they shall be subject to the tax provided by section 63-317, Idaho Code. The provisions of section 63-602Y, Idaho Code, shall not apply to the exemption provided by this subsection. The exemption provided by this subsection applies only to improvements to real property, and only until first occupied. For purposes of this section, the term "residential improvements" means only:

- (a) Single family residences; or
- (b) Residential townhouses; or
- (c) Residential condominium units.

The nonresidential portion of an improvement to real property that is used or is to be used for residential and nonresidential purposes does not qualify for the exemption provided by this section. If an improvement contains multiple residential units, each such unit shall lose the exemption provided in this section when it becomes occupied.

(4) Site improvements that are associated with land, such as roads and utilities, on real property held by the land developer, either as owner or vendee in possession under a land sale contract, for sale or consumption in the ordinary course of the land developer's business until other improvements, such as buildings or structural components of buildings, are ~~begun~~ completed or the real property is conveyed to a third party. For purposes of this subsection, a transfer of title to real property to a legal entity of which at least fifty percent (50%) is owned by the land developer, the land developer's original entity or the same principals who owned the land developer's original entity shall not be considered a conveyance to a third party. For purposes of this subsection, the amount of the exemption shall be the difference between the market value of the land with site improvements and the market value of the land without site improvements as shall be determined by a comparative market analysis of a similarly situated parcel or parcels of real property that have not been improved with such site improvements contemplated by this subsection. In the case the market value of land without site improvements cannot be reasonably assessed because of the absence of comparable sales, an exemption value of seventy-five percent (75%) of the market value of land with site improvements shall be granted to that parcel. An application is required for the exemption provided in this subsection in the first year the exemption is claimed; in subsequent consecutive years no new application is required. The application must be made to the board of county commissioners by April 15 and the taxpayer and county assessor must be notified of any decision and assessment of property by May 15. The decision or assessment of property, or both, of the board of county commissioners may be appealed to the county board of equalization no later than the fourth Monday in June. The applicant shall notify the board of county commissioners in writing of any change in eligibility for the parcel by April 15.

SECTION 4. That Section 63-705, Idaho Code, be, and the same is hereby amended to read as follows:

63-705. PUBLICATION OF CHANGES IN INCOME LIMITATIONS AND PROPERTY TAX OR OCCUPANCY TAX REDUCTION AMOUNTS.

(1) (a) The state tax commission shall publish adjustments to the income limitations, which shall be the greater of:

~~(a) an~~ (i) An individual's income as defined in section 63-701, Idaho Code, of not more than ~~twenty-eight~~ thirty-one thousand ~~nine~~ hundred dollars (~~\$28,031,900~~) per household for tax year ~~2006~~ 2021 and each tax year thereafter; or

~~(b) one~~ (ii) One hundred eighty-five percent (185%) of the federal poverty guidelines for a household of two (2) for tax year ~~2006~~ 2021 and each tax year thereafter.

(b) On and after January 1, 2022, if the current year's assessed value of the home owned by the individual, according to the current year's assessment notice, exceeds one hundred twenty-five percent (125%) of

the median assessed valuation for all homes in the county receiving the homestead exemption pursuant to section 63-602G, Idaho Code, then the individual will instead be referred to the property tax deferral program set forth in sections 63-712 through 63-721, Idaho Code. Using the current year's assessed values, each county shall report the median assessed value of all properties receiving the homestead exemption in such county as of that date to the state tax commission no later than the first Monday in June. Provided, however, the provisions of this paragraph do not apply to a veteran with either a service-connected disability of one hundred percent (100%) or a disability rating based on individual unemployability rating that is compensated at the one hundred percent (100%) disability rate, as certified by the United States department of veterans affairs.

(c) The lowest income limitation shall allow a maximum reduction of one thousand ~~three hundred twenty five~~ hundred dollars (\$1,320500) in tax year ~~2006~~ 2021 and thereafter, or actual property taxes or occupancy taxes, as applicable, whichever is less. Each income limitation and reduction amount shall be prorated based on the basic maximum reduction, in practicable increments so that the highest income limitation will provide for a reduction of ~~one two~~ hundred fifty dollars (\$250), or actual property taxes, whichever is less.

(2) The tax commission shall publish the adjustments required by this section each and every year the secretary of health and human services announces cost-of-living modifications, pursuant to 42 U.S.C. 415(i). The adjustments shall be published no later than October 1 of each such year and shall be effective for claims filed in and for the following property tax year.

(3) The publication of adjustments under this section shall be exempt from the provisions of chapter 52, title 67, Idaho Code, but shall be provided to each county and to members of the public upon request and without charge.

SECTION 5. That Section 63-705A, Idaho Code, be, and the same is hereby amended to read as follows:

63-705A. SPECIAL PROPERTY TAX OR OCCUPANCY TAX REDUCTION FOR DISABLED VETERANS. (1) For tax year 20201 and thereafter, regardless of any reduction received under section 63-705, Idaho Code, a veteran with a service-connected disability of one hundred percent (100%) or a disability rating based on individual unemployability rating that is compensated at the one hundred percent (100%) disability rate, as certified by the United States department of veterans affairs, shall receive a special reduction in property taxes or occupancy taxes levied on his homestead, as defined in section 63-701, Idaho Code. The special tax reduction shall be in the amount of one thousand ~~three five~~ hundred twenty dollars (\$1,320500) or for the amount of the veteran's actual property taxes or occupancy taxes, as applicable, whichever is less. If a veteran qualifies for tax reduction under both this section and section 63-705, Idaho Code, the combined tax reduction amount may not exceed the actual amount of the veteran's property taxes or occupancy taxes on his homestead.

(2) An applicant for a special property tax or occupancy tax reduction under this section shall comply with all procedural requirements set forth in sections 63-701 through 63-710, Idaho Code, with the exception of any income documentation.

(3) In the event that a qualified veteran applies for the special tax reduction in this section but then dies, the veteran's surviving spouse is entitled to receive the special tax reduction in that year and subsequent years, until such time as the surviving spouse remarries, dies, or no longer has property tax levied on the homestead.

SECTION 6. That Section 63-715, Idaho Code, be, and the same is hereby amended to read as follows:

63-715. PROCEDURES -- APPEALS. Elections for deferral of payment of property tax shall be subject to the provisions of section 63-706, Idaho Code, and shall be included on the property tax reduction roll and processed and reviewed as provided in section 63-707, Idaho Code, for claims for property tax relief, except that an application for deferral must be submitted to the state tax commission by no later than the first Monday in September.

SECTION 7. That Section 63-802, Idaho Code, be, and the same is hereby amended to read as follows:

63-802. LIMITATION ON BUDGET REQUESTS -- LIMITATION ON TAX CHARGES -- EXCEPTIONS. (1) Except as otherwise provided in ~~subsections (3) and (4) of this section~~, no taxing district shall certify a budget request for an amount of property tax revenues to finance an annual budget that exceeds the ~~greater of paragraphs (a) through (k) of this subsection, inclusive~~ maximum sum permitted under this section:

(a) (i) The highest dollar amount of property taxes certified for its annual budget for any one (1) of the three (3) tax years preceding the current tax year, whichever is greater, for the past tax year, which amount may be increased by a growth factor of not to exceed three percent (3%) plus the amount of revenue calculated as described in this subsection. Multiply the levy of the previous year, not including any levy described in subsection (4) of this section, or any school district levy reduction resulting from a distribution of state funds pursuant to section 63-3638(11) or (13), Idaho Code. The taxing district shall determine what portion of the three percent (3%) increase permitted under this subparagraph that it requires and then calculate a preliminary levy rate based on the percent chosen. In calculating the preliminary levy rate, the most current taxable market value shall be used, except that for taxable market values of centrally assessed operating property, the prior year's valuation may be used instead of the current year's taxable market values. The preliminary levy rate shall be multiplied by the value shown on the new construction roll compiled pursuant to section 63-301A, Idaho Code, and by ninety percent (90%) of the value of annexation during the previous calendar year, as certified by the state tax commission for taxable market values of operating property of public utilities and by the

county assessor; except for a fire protection district annexing property prior to July 1, 2021, pursuant to section 31-1429, Idaho Code, the new levy rate shall be multiplied by one hundred percent (100%) of the value of any such property annexed prior to July 1, 2021.

(ii) The total budget increase calculated under this paragraph must not exceed eight percent (8%), except that any distribution of funds to a taxing district as a result of the termination of a revenue allocation area of an urban renewal district pursuant to section 50-2909(4), Idaho Code, shall not be subject to such limitation.

(iii) Following the first year in which a fire protection district has annexed city property pursuant to section 31-1429, Idaho Code, the city shall subtract an amount equal to the moneys spent on fire protection services during the last full year the city provided fire protection services to its residents from its budget limitation under this section.

(b) If the taxing district has not imposed a levy for three (3) or more years, the highest dollar amount of property taxes certified for its annual budget for the purpose of paragraph (a) (i) of this subsection shall be the dollar amount of property taxes certified for its annual budget during the last year in which a levy was made.

(c) The dollar amount of the actual budget request may be substituted for the amount in paragraph (a) of this subsection if the taxing district is newly created, except as may be provided in paragraph (i) of this subsection.

(d) ~~In the case of school districts, the restriction~~ This section does not apply to school district levies imposed in section 33-802, Idaho Code.

(e) (i) In the case of a nonschool district for which less than the maximum allowable increase in the dollar amount of property taxes is certified for annual budget purposes in any one (1) year, such a district may, in any following year, recover the forgone increase by certifying, in addition to any increase otherwise allowed, ~~an amount not to exceed one hundred percent (100%)~~ any or all of the increase originally forgone. Provided however, that prior to budgeting any forgone increase, the district must provide notice of its intent to do so, hold a public hearing, which may be in conjunction with its annual budget hearing, and certify by resolution the amount of forgone increase to be budgeted and the specific purpose for which the forgone increase is being budgeted. Upon adoption of the resolution, the clerk of the district shall file a copy of the resolution with the county clerk and the state tax commission. Said additional amount shall be included in future calculations for increases as allowed, except as provided in subparagraph (iii) of this paragraph.

(ii) If the forgone increase is budgeted for the purpose of maintenance and operations, the rate of recovering the reserved forgone moneys may increase the taxing district's budget by no more than one percent (1%) per year. Provided, however, this cap shall

not apply to a taxing district that budgets its reserved forgone moneys for the purpose of maintenance and operations as long as it does not budget, or reserve as forgone, any portion of the three percent (3%) increase otherwise allowed and does not budget any new construction or annexation increases.

(iii) If the forgone increase is budgeted for a capital project or projects, the rate of recovering the reserved forgone moneys may not exceed three percent (3%) of the taxing district's budget for the year in which the forgone increase is budgeted. Forgone moneys budgeted for a capital project must be deducted from the taxing district's forgone balance in the year in which it is budgeted. Upon completion of such a capital project, the taxing district shall certify such completion to the state tax commission and county clerk. If, upon certification, the state tax commission finds that the taxing district included forgone moneys for a capital project in calculating the increase permitted under paragraph (a) of this subsection, the state tax commission shall direct the taxing district to reduce its property tax budget for any year in which the forgone moneys were used to calculate a budget increase, in an amount equal to the forgone moneys budgeted plus any increases attributed to the forgone moneys improperly included in the taxing district's property tax budget. For the purpose of this paragraph, a capital project includes:

1. The construction, expansion, renovation, or replacement of public facilities, including the acquisition of land and other site improvements;
2. The construction, expansion, or reconstruction of public works improvements, including roads, bridges, water systems, sewer systems, and broadband systems; and
3. The purchase of equipment with a useful life of ten (10) years or more.

(f) If a taxing district elects to budget less than the maximum allowable increase in the dollar amount of property taxes, the taxing district may reserve the right to recover all or any portion of that year's forgone increase in a subsequent year by adoption of a resolution specifying the dollar amount of property taxes being reserved. Otherwise, that year's forgone increase may not be recovered under paragraph (e) of this subsection. The district must provide notice of its intent to do so and hold a public hearing, which may be in conjunction with its annual budget hearing if applicable. The resolution to reserve the right to recover the forgone increase for that year shall be adopted at the annual budget hearing of the taxing district if the district has a budget hearing requirement.

(g) In the case of cities, if the immediately preceding year's levy subject to the limitation provided by this section is less than 0.004, the city may increase its budget by an amount not to exceed the difference between 0.004 and actual prior year's levy multiplied by the prior year's market value for assessment purposes. The additional amount must be approved by sixty percent (60%) of the voters voting on the question at an election called for that purpose and held on the date in May or

November provided by law and may be included in the annual budget of the city for purposes of this section.

(h) A taxing district may submit to the electors within the district the question of whether the budget from property tax revenues may be increased beyond the amount authorized in this section, but not beyond the levy authorized by statute. The additional amount must be approved by sixty-six and two-thirds percent (66 2/3%) or more of the voters voting on the question at an election called for that purpose and held on the May or November dates provided by section 34-106, Idaho Code. If approved by the required minimum sixty-six and two-thirds percent (66 2/3%) of the voters voting at the election, the new budget amount shall be the base budget for the purposes of this section.

(i) When a nonschool district consolidates with another nonschool district or dissolves and a new district performing similar governmental functions as the dissolved district forms with the same boundaries within three (3) years, the maximum amount of a budget of the district from property tax revenues shall not be greater than the sum of the amounts that would have been authorized by this section for the district itself or for the districts that were consolidated or dissolved and incorporated into a new district.

(j) ~~In the instance or case of cooperative service agencies, the restrictions imposed in sections 33-315 through 33-318, Idaho Code, This section does not apply to cooperative service agency levies imposed in sections 33-317 and 33-317A, Idaho Code.~~

(k) The amount of money received in the twelve (12) months immediately preceding June 30 of the current tax year as a result of distributions of the tax provided in section 63-3502B(2), Idaho Code.

(2) In the case of fire districts, during the year immediately following the election of a public utility or public utilities to consent to be provided fire protection pursuant to section 31-1425, Idaho Code, the maximum amount of property tax revenues permitted in subsection (1) of this section may be increased by an amount equal to the current year's taxable value of the consenting public utility or public utilities multiplied by that portion of the prior year's levy subject to the limitation provided by subsection (1) of this section.

(3) No board of county commissioners shall set a levy, nor shall the state tax commission approve a levy for annual budget purposes, which exceeds the limitation imposed in subsection (1) of this section unless authority to exceed such limitation has been approved by a majority of the taxing district's electors voting on the question at an election called for that purpose and held pursuant to section 34-106, Idaho Code, provided however, that such voter approval shall be for a period of not to exceed two (2) years.

(4) The amount of property tax revenues to finance an annual budget does not include revenues from nonproperty tax sources and does not include revenue from levies for the payment of judicially confirmed obligations pursuant to sections 63-1315 and 63-1316, Idaho Code, and revenue from levies that are voter-approved for bonds, override levies or supplemental levies, plant facilities reserve fund levies, school emergency fund levies or for levies applicable to newly annexed property or for levies applicable to new construction as evidenced by the value of property subject to the occupancy

tax pursuant to section 63-317, Idaho Code, for the preceding tax year. The amount of property tax revenues to finance an annual budget does not include any property taxes that were collected and refunded on property that is exempt from taxation, pursuant to section 63-1305C, Idaho Code.

(5) The amount of property tax revenues to finance an annual budget shall include moneys received as recovery of property tax for a revoked provisional property tax exemption under section 63-1305C, Idaho Code.

SECTION 8. That Section 63-313, Idaho Code, be, and the same is hereby amended to read as follows:

63-313. SPECIAL PROVISIONS FOR TRANSIENT PERSONAL PROPERTY. (1) All transient personal property shall be listed by the owner and shall show the quantity, name, model, serial number, if any, year of manufacture, date of purchase, cost, whether new or used and other identifying information required by the county assessor. The list of transient personal property shall identify the owner of the property and shall be filed with the home county assessor on or before the first day of November of each year. The owner of transient personal property may elect to treat as his home county that county in which he maintains his residence or usual place of business or in which the transient personal property is usually kept. The report shall be made on forms prescribed by the state tax commission and shall identify periods of thirty (30) days or more during which the personal property is located in a county, specifying the location of the transient personal property for each month of the current calendar year with a projection of the location for the remaining months of November and December.

(2) The county assessor of the home county or the receiving county of the listing shall file within ten (10) days with the county assessor of all counties identified on the report a copy of the report. Each county so identified shall then place a prorated assessment on such personal property on the subsequent or missed property roll only for the length of time that the personal property was located in their county.

(3) In the event that any transient personal property has been or will be taxed for the current year in another state, the property shall be taxed for only that portion of the year that the transient personal property is kept and does remain in the state of Idaho.

(4) The provisions of this section shall not apply to transient personal property in transit through this state, or to transient personal property sold by the owner thereof in the home county upon which the taxes for the full year have been paid or secured, which said transient personal property is kept, moved, transported, shipped or hauled into and remaining in another county, and there kept or remaining either for the purpose of use or sale within the current year.

(5) For transient personal property valued at ~~over~~ more than one hundred thousand dollars (\$100,000), any exemption in section 63-602KK, Idaho Code, available to the taxpayer shall be allocated among counties based on the prorated value provided in subsection (2) of this section.

(6) Beginning January 1, 2022, all transient personal property is exempt from taxation. No replacement moneys shall be provided as a result of this subsection.

SECTION 9. That Section 63-602KK, Idaho Code, be, and the same is hereby amended to read as follows:

63-602KK. PROPERTY EXEMPT FROM TAXATION -- CERTAIN PERSONAL PROPERTY.

(1) (a) An item of taxable personal property purchased on or after January 1, 2013, shall be exempt from property taxation if the item of taxable personal property has an acquisition price of three thousand dollars (\$3,000) or less.

(b) For purposes of this section, the term "acquisition cost" means all costs required to put an item of taxable personal property into service and includes:

- (i) The purchase price of a new or used item;
- (ii) The cost of freight and shipping;
- (iii) The cost of installation, engineering, erection or assembly; and
- (iv) Sales and use taxes.

(c) For purposes of this subsection, an "item of taxable personal property" means equipment, machinery, furniture or other personal property that is functioning at its highest and best use for the purpose it was designed and constructed and is generally capable of performing that function without being combined with other items of personal property. An item of taxable personal property is not an individual component part of a piece of equipment, machinery, furniture or other personal property as a whole. An item of taxable personal property does not include an improvement to real property, a part that will become an improvement, or anything defined as a fixture.

(2) (a) On and after January 1, 2015, except as provided in subsection (8) of this section, each person's personal property, located in the county, which is not otherwise exempt, shall be exempt to the extent of one hundred thousand dollars (\$100,000).

(b) On and after January 1, 2022, except as provided in subsection (8) of this section, each person's personal property, located in the county, which is not otherwise exempt, shall be exempt to the extent of an additional amount of one hundred fifty thousand dollars (\$150,000). The combined exemption under this paragraph and paragraph (a) of this subsection shall not exceed a total amount of two hundred fifty thousand dollars (\$250,000).

(c) For the purposes of this section, a person includes two (2) or more people using the property in a common enterprise who are within a relationship described in section 267 of the Internal Revenue Code, as defined in section 63-3004, Idaho Code.

(3) (a) No later than the third Monday of November 2013, the county clerk of each county shall certify to the state tax commission the amount of exemption from property taxes under subsection (2) (a) of this section, in that county for that year. No later than the third Monday of November 2022, the county clerk of each county shall certify to the state tax commission the amount of exemption from property taxes under subsection (2) (b) of this section in that county for that year. The certification shall identify the property receiving tax reductions, the value of the property, the property's location, the amount of the tax

levy applicable to personal property in the location, and the tax before and after the exemption allowed in subsection (2) of this section. The certification shall be in the form prescribed by the state tax commission and shall include such additional information as the commission may require by rule as needed to implement the purpose of this section. The certification shall be reviewed and, if necessary, corrected by the state tax commission.

(b) Except as provided in subsection (7) of this section, ~~the year beginning January 1, 2014, and every year thereafter, a taxing district created prior to January 1, 2013, shall be eligible for reimbursement for the exemptions granted under subsection (2) (a) and (b) of this section. A taxing district created on and after January 1, 2013, and prior to January 1, 2022, shall be eligible for reimbursement of property taxes exempted only under subsection (2) (b) of this section. A taxing district created on or after January 1, 2022, shall not be eligible for reimbursement of any property taxes exempted under this section.~~ The amount of annual replacement of property tax on personal property exempted pursuant to subsection (2) of this section shall be the amount approved by the state tax commission pursuant to paragraph (a) of this subsection.

(4) (a) Subject to the limitations of this section, the state tax commission shall reimburse from the amount appropriated for personal property tax replacement in section 63-3638, Idaho Code, the county treasurer of each county for the reduction on the certifications provided in subsection (3) of this section. The county treasurer shall reimburse from the amount received to each taxing district within the county an amount in proportion to the amount of reduction shown on the certifications in subsection (3) of this section as corrected. The amount that would otherwise be attributable to tax revenues derived from tax levies on personal property exempted by this section within an existing revenue allocation area as defined in section 50-2903(15), Idaho Code, shall be paid directly by the county treasurer to such public body or agency entitled thereto, equal to the amounts that would have been distributed in accordance with the formula for such distribution set forth in section 50-2908, Idaho Code. ~~Taxing districts created on or after January 1, 2013, shall not be eligible for the reimbursement provided for in this paragraph.~~

(b) The state tax commission shall pay one-half (1/2) of the reimbursement provided in this section no later than December 20 of each year, and the second one-half (1/2) shall be paid by no later than June 20 of the following year. The money received by the county tax collector under the provisions of this section may be considered by counties and other taxing districts and budgeted against at the same time, and in the same manner, and in the same year as revenues from taxation. The total amount paid to the county treasurers shall not exceed the amount certified to the state tax commission under subsection (3) of this section.

(c) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received from distributions pursuant to section 63-3638, Idaho Code, as property tax replacement for the taxable value of prop-

erty exempt from taxation pursuant to this section shall be treated as property tax revenues.

(5) (a) Nothing contained in this section shall affect the taxation of forest lands or forest products pursuant to chapter 17, title 63, Idaho Code, or the taxation of the net profits of mines pursuant to chapter 28, title 63, Idaho Code.

(b) The exemption from personal property tax provided for in subsection (2) of this section shall not apply to motor vehicles, recreational vehicles, aircraft and boats that are not registered with the state of Idaho and for which required registration fees have not been paid.

(6) (a) The application for the exemption provided for in subsection (2) of this section shall be in the form prescribed by the state tax commission and shall include such information as the state tax commission may require by rule as needed to implement the purpose of this section including, but not limited to, a list of each item of personal property, the purchase date of each item of personal property, the unit cost of each item of personal property, if more than the exemption allowed in subsection (1) of this section, and the total cost of the items of personal property.

(b) The application for this exemption, if the county is capable of so providing, may be transmitted by the county assessor electronically, as that term is defined in section 63-115, Idaho Code, when requested by the taxpayer, or mailed by the county assessor to the taxpayer, or his agent or representative at the taxpayer's last known post office address, no later than March 1 of each year. The transmission or mailing of the application shall also include the taxpayer's application for the exemption allowed by this section for the last year in which the taxpayer filed an application.

(c) A taxpayer need only make application for the exemption in this section once as long as all of the following conditions are met:

(i) The taxpayer has received the exemption during the previous year as a result of him making a valid application as defined in this section.

(ii) The amount of the exemption allowed by this section is more than the taxable value of personal property owned by the taxpayer.

(iii) The taxpayer has not made purchases of personal property, excluding items of taxable personal property exempted pursuant to subsection (1) of this section, that would cause the taxable value of the personal property owned by the taxpayer to exceed the maximum amount allowed as an exemption by this section.

(d) Knowingly failing to report changes in the taxable value of personal property that exceed the amount of the exemption allowed pursuant to this section shall subject the taxpayer to a fine not in excess of ten thousand dollars (\$10,000) in addition to other penalties set forth in this chapter.

(7) Recovery of property tax exemptions allowed by this section but improperly claimed:

(a) Upon discovery of evidence, facts or circumstances indicating any exemption allowed by this section was improperly claimed, the county assessor shall decide whether the exemption claimed should have been

allowed, and if not, notify the board of county commissioners, at which time the board may waive a recovery of the property tax and notify such taxpayer in writing.

(b) The assessment and collection of the recovery of property tax must begin within the seven (7) year period beginning on the date the assessment notice reflecting the improperly claimed exemption was required to be mailed to the taxpayer.

(c) The taxpayer may appeal to the board of tax appeals the decision by the board of county commissioners to assess the recovery of property tax within thirty (30) days of the date the county assessor sent the notice to the taxpayer pursuant to this section.

(d) For purposes of calculating the tax, the amount of the recovered property tax shall be for each year the exemption allowed by this section was improperly claimed or approved, up to a maximum of seven (7) years. The amount of the recovery of property tax shall be calculated using the product of the amount of exempted value for each year multiplied by the levy for that year plus costs, late charges and interest for each year at the rates equal to those provided for delinquent property taxes during that year. In cases of fraud, the fine set forth in subsection (6) (d) of this section shall be assessed for each tax year.

(e) Any recovery of property tax shall be due and payable no later than the date provided for property taxes in section 63-903, Idaho Code, and if not timely paid, late charges and interest, beginning the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section, shall be calculated at the current rate provided for property taxes.

(f) Recovered property taxes shall be billed, collected and distributed in the same manner as property taxes. If the recovery is for property tax for which the state provided replacement money, the amounts recovered shall be reported and remitted to the state tax commission, which shall reimburse the general fund. The state tax commission will then notify each affected taxing district or unit of its proportionate share of the recovered property tax, which amount shall be deducted from future payments to be made pursuant to subsection (3) of this section.

(g) Thirty (30) days after the taxpayer is notified, as provided in paragraph (a) of this subsection, the assessor shall record a notice of intent to attach a lien. Upon the payment in full of such recovered property taxes prior to the attachment of the lien as provided in paragraph (h) of this subsection, or upon the successful appeal by the taxpayer, the county assessor shall record a rescission of the intent to attach a lien within seven (7) business days of receiving such payment or within seven (7) business days of the county commissioners' decision granting the appeal.

(h) Any unpaid recovered property taxes shall become a lien upon the taxpayer's personal property in the same manner as provided for property taxes in section 63-206, Idaho Code, except such lien shall attach as of the first day of January in the year following the year the county treasurer sent the notice to the taxpayer pursuant to this section.

(i) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this subsection as recovery of property tax shall be treated as property tax revenue.

(8) For operating property with values apportioned to more than one (1) county, the personal property exemption shall be subtracted from the Idaho allocated value prior to apportionment and, for private railcar companies, prior to determining whether their values are to be apportioned. Notwithstanding amounts calculated as provided in subsection (1) of this section, the amount of the exemption otherwise provided in subsection (2) of this section shall be calculated as follows:

(a) Take the lesser amount of:

(i) The number of counties in which a company has operating property multiplied by ~~one~~ two hundred fifty thousand dollars (\$~~10~~250,000); or

(ii) The total statewide value of eligible personal property reported by the company.

(b) Reduce the amount calculated in paragraph (a) of this subsection by the value of any nonoperating personal property granted the exemption otherwise found in subsection (2) of this section, as reported by county assessors.

SECTION 10. That Section 63-803, Idaho Code, be, and the same is hereby amended to read as follows:

63-803. CERTIFICATION OF BUDGETS IN DOLLARS. (1) Whenever any taxing district is required by law to certify to any county treasurer, county auditor, county assessor, county commissioners, or ~~to any~~ other county officer, any property tax levy, ~~upon~~ on property located within said district, such certification shall, notwithstanding any other provision of the law applicable to any such district, be made at the time and in the manner hereinafter provided.

(2) The county auditor shall inform each of the taxing districts within his county of the taxable value of that district as soon as such value is known to the auditor, whether the value comes from the appraisal and assessment of real and personal property, ~~or~~ from allocation of the taxable value of operating property, or from other sources.

(3) Using the taxable value of the district, the council, trustees, board or other governing body of any taxing district shall certify the total amount required from a property tax upon property within the district to raise the amount of money fixed by ~~their~~ its budget as previously prepared or approved. The amount of money so determined shall be certified in dollars to the appropriate county commissioners. Any taxing unit, except regional airport authorities, located in more than one (1) county shall divide its dollar budget for certification to the separate counties by multiplying the amount of such budget by a fraction, the numerator of which shall be the total taxable value of all property in such taxing unit within the county to which such certification is to be made, and the denominator of which shall be the total taxable value of property in such taxing unit in all such counties. Budget certification to the participating counties of regional airport authorities shall be made in the manner prescribed in section 21-807(10), Idaho Code. Taxable value shall be certified by the county auditor of each

affected county to such taxing unit and such certification shall be used in this formula. Except as provided in section 33-805, Idaho Code, relating to school emergency fund levies, the certification to the county commissioners required in this section shall be made not later than the Thursday prior to the second Monday in September, unless, upon application therefor, the county commissioners grant an extension of not more than seven (7) working days. After receipt of this certification, the county commissioners shall make a tax levy as a percent of taxable value of all property in the taxing district which, when applied to the tax rolls, will meet the budget requirements certified by such taxing districts.

(4) Except as provided in section 50-2908(1), Idaho Code, for the purpose of this section, "taxable value" shall mean the portion of the equalized assessed value, less any exemptions, not including the additional exemption provided for tax year 2022 in section 63-602KK(2)(b), Idaho Code, and the value that exceeds the value of the base assessment roll for the portion of any taxing district within a revenue allocation area of an urban renewal district, located within each taxing district ~~which~~ that certifies a budget to be raised from a property tax levy. When the county auditor is notified of revenues sufficient to cover expenses as provided in section 50-2903(5), Idaho Code, taxable value shall also include the value that exceeds the value of the base assessment roll for the portion of any taxing district within a revenue allocation area. For each taxing district, taxable value shall include the value from the property and operating property rolls for the current year and subsequent and missed property rolls for the prior year or the best estimate of the subsequent and missed property rolls for the current year.

SECTION 11. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter, except as may otherwise be required in sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and except as provided in subsection (16) of this section, shall be distributed by the state tax commission as follows:

(1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(2) Five million dollars (\$5,000,000) per year is continuously appropriated and shall be distributed to the permanent building fund, provided by section 57-1108, Idaho Code.

(3) Four million eight hundred thousand dollars (\$4,800,000) per year is continuously appropriated and shall be distributed to the water pollution control fund established by section 39-3628, Idaho Code.

(4) An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously appropriated and shall be paid to any capital reserve fund established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for

distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess of the amounts the association determines will keep it self-supporting.

(5) An amount equal to the sum required by the provisions of sections 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated by section 63-718(3), Idaho Code, is continuously appropriated and shall be paid as provided by sections 63-709 and 63-717, Idaho Code.

(6) An amount required by the provisions of chapter 53, title 33, Idaho Code.

(7) An amount required by the provisions of chapter 87, title 67, Idaho Code.

(8) For fiscal year 2011 and each fiscal year thereafter, four million one hundred thousand dollars (\$4,100,000), of which two million two hundred thousand dollars (\$2,200,000) shall be distributed to each of the forty-four (44) counties in equal amounts and one million nine hundred thousand dollars (\$1,900,000) shall be distributed to the forty-four (44) counties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012 and for each fiscal year thereafter, the amount distributed pursuant to this subsection shall be adjusted annually by the state tax commission in accordance with the consumer price index for all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics, but in no fiscal year shall the total amount allocated for counties under this subsection be less than four million one hundred thousand dollars (\$4,100,000). Any increase resulting from the adjustment required in this section shall be distributed to each county in the proportion that the population of the county bears to the population of the state. Each county shall establish a special election fund to which shall be deposited all revenues received from the distribution pursuant to this subsection. All such revenues shall be used exclusively to defray the costs associated with conducting elections as required of county clerks by the provisions of section 34-1401, Idaho Code.

(9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department, excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(10) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue-sharing account, which is hereby created in the state treasury, and the moneys in the revenue-sharing account will be paid in installments each calendar quarter by the state tax commission on and after July 1, 2020, as follows:

(a) Forty-five and two-tenths percent (45.2%) shall be paid to the various cities as follows:

(i) The revenue-sharing amount calculated by the state tax commission for the various cities for each quarter of fiscal year 2020

shall be the base amount for current quarterly revenue distribution amounts. The state tax commission shall calculate the per capita distribution for each city resulting from the previous fiscal year's distributions.

(ii) If there is no change in the amount of the revenue-sharing account from the same quarter of the previous fiscal year, then the various cities shall receive the same amount received for the same quarter of the previous fiscal year.

(iii) If the balance of the revenue-sharing account for the current quarter is greater than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then:

1. If the distributions made to the cities during the same quarter of the previous fiscal year were below the base amount established in fiscal year 2020, then the various cities shall first receive a proportional increase up to the base amount for each city and up to a one percent (1%) increase over such base amount. Any remaining moneys shall be distributed to cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with below-average per capita distributions within the state.

2. If the distributions made to the cities during the same quarter of the previous fiscal year were at or above the base amount established in fiscal year 2020, then the cities shall receive the same distribution they received during the same quarter of the previous fiscal year plus a proportional increase up to one percent (1%). Any remaining moneys shall be distributed to the cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with a below-average per capita distribution within the state.

(iv) If the balance of the revenue-sharing account for the current quarter is less than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then the cities shall first receive a proportional reduction down to the base amount established in fiscal year 2020. If further reductions are necessary, the cities shall receive reductions based on the proportion that each city's population bears to the population of all cities within the state.

(b) Forty-seven and one-tenth percent (47.1%) shall be paid to the various counties as follows:

(i) Fifty-nine and eight-tenths percent (59.8%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. One million three hundred twenty thousand dollars (\$1,320,000) annually shall be distributed one forty-fourth (1/44) to each of the various counties; and

2. The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in

the proportion that the population of that county bears to the population of the state; and

(ii) Forty and two-tenths percent (40.2%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. Each county that received a payment under the provisions of section 63-3638(e), Idaho Code, as that subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

2. If the dollar amount of money available under this subsection (10) (b) (ii) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each county's payment shall be reduced proportionately.

3. If the dollar amount of money available under this subsection (10) (b) (ii) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.

4. If the dollar amount of money available under this subsection (10) (b) (ii) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid to the various counties in the proportion that the population of the county bears to the population of the state; and

(c) Seven and seven-tenths percent (7.7%) of the amount appropriated in this subsection shall be paid to the several counties for distribution to special purpose taxing districts as follows:

(i) Each such district that received a payment under the provisions of section 63-3638(e), Idaho Code, as such subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (10) (c) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each special purpose taxing district's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (10) (c) in any quarter exceeds the amount distributed under paragraph (c) (i) of this subsection, each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. The state tax commission shall calculate district current property tax budgets to include any unrecovered forgone amounts as determined under section 63-802(1) (e), Idaho Code. When a special purpose taxing district is situated in more

than one (1) county, the state tax commission shall determine the portion attributable to the special purpose taxing district from each county in which it is situated.

(iv) If special purpose taxing districts are consolidated, the resulting district is entitled to a base amount equal to the sum of the base amounts received in the last calendar quarter by each district prior to the consolidation.

(v) If a special purpose taxing district is dissolved or discontinued, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or discontinuation. The board of county commissioners shall determine any redistribution of moneys so received.

(vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this paragraph (c) of this subsection.

(vii) For purposes of this paragraph (c) of this subsection, a special purpose taxing district is any taxing district that is not a city, a county, or a school district.

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or discontinued, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or discontinuation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the

result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

(12) Amounts necessary to pay refunds as provided in section 63-3641, Idaho Code, to a developer of a retail complex shall be remitted to the demonstration pilot project fund created in section 63-3641, Idaho Code.

(13) Amounts calculated in accordance with ~~subsection (4)~~ of section 63-602KK(4), Idaho Code, for annual distribution to counties and other taxing districts for replacement of property tax on personal property tax exemptions pursuant to ~~subsection (2)~~ of section 63-602KK(2), Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year. For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602KK, Idaho Code, shall be treated as property tax revenues. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts that were received in the last calendar year by each district pursuant to this subsection prior to the consolidation. If a taxing district or revenue allocation area annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts and revenue allocation areas formed after January 1, ~~2013~~ 2022, are not entitled to a payment under the provisions of this subsection.

(14) Amounts collected from purchasers and paid to the state of Idaho by retailers that are not engaged in business in this state and which retailer would not have been required to collect the sales tax, less amounts otherwise distributed in subsections (1) and (10) of this section, shall be distributed to the tax relief fund created in section 57-811, Idaho Code. The state tax commission will determine the amounts to be distributed under this subsection.

(15) Any moneys remaining over and above those necessary to meet and reserve for payments under other subsections of this section shall be distributed to the general fund.

(16) One percent (1%), but not less than fifteen million dollars (\$15,000,000), is continuously appropriated and shall be distributed to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code. The distribution provided for in this subsection must immediately follow the distribution provided for in subsection (10) of this section.

SECTION 12. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 13. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, 3, 4, 5, 6, 7, and 12 of this act shall be in

07/11/2022

full force and effect on and after passage and approval, and retroactively to January 1, 2021. Sections 8, 9, 10, and 11 of this act shall be in full force and effect on and after January 1, 2022.

*W:\Work\K\Kuna, City of 25721\Development Agreements\Skylar Ranch\Skylar Ranch Development Agreement - CLEAN 5.04.2022 lh.docx*



**Project/File:** **The Lamp District/ KUNA22-0007/ 22-02-AN, 22-01-ZC, 22-02-DA**  
 This is an annexation, rezoning, with a proposed C-2 zoning designation and development agreement with the City of Kuna to allow for the future development of 6 parcels on 34.83 acres.

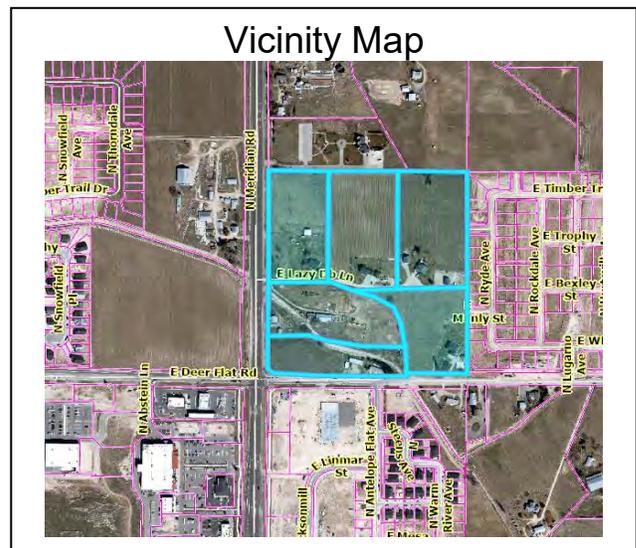
**Lead Agency:** City of Kuna

**Site address:** 1800 N. Meridian Road  
 1900 E. Deer Flat Road  
 1928 E. Deer Flat Road  
 1698 E. Lazy DB Lane  
 1804 E. Lazy DB Lane  
 1920 E. Lazy DB Lane

**Staff Approval:** April 25, 2022

**Applicant:** Riley Planning Services, LLC  
 Penelope Constantikes  
 PO BOX 405,  
 Boise, Idaho 83701

**Staff Contact:** Renata Ball-Hamilton  
 Phone: 387-6171  
 E-mail: [rhamilton@achdidaho.org](mailto:rhamilton@achdidaho.org)



## A. Findings of Fact

- Description of Application:** The applicant is requesting approval of an annexation, rezone from C-1 & RUT to a C-2 (Area Commercial) zoning designation, to allow for the future development of commercial and mixed use, residential, high density residential, neighborhood retail/commercial and a regional commercial site on 37.57 acres. This application includes a development agreement with the City of Kuna the 6 parcels included as part of the application are located on the northeast corner of Meridian Road and Deer Flat Road.

Two parcels (1800 N. Meridian Road and 1900 E. Deer Flat Road) were previously annexed into the City of Kuna, now proposed to be rezoned to a C-2 zoning designation. Four parcels (1928 E. Deer Flat Road, 1698 E. Lazy DB Lane, 1834 E. Lazy DB Lane, and 1920 E. Lazy DB Lane) are proposed to be annexed into the City of Kuna with a C-2 zone designation.

The applicant's proposal is consistent with the City of Kuna's comprehensive plan.

- Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Low Density Residential	R-4
South	Medium Density Residential, Neighborhood Business District	R-6, C-1

East	Medium Density Residential	R-6
West	Single Family/ Rural Residential (Ada County)	RUT

3. **Site History:** ACHD staff/Commission previously reviewed this site as NEC of SH-69/Meridian Road and Deer Flat Road/KUNA17-0007/ 16-11-AN in June 2017. The requirements of this staff report are consistent with those of the prior action.
4. **Adjacent Development:** The following developments are pending or underway in the vicinity of the site:
  - Ashton Estates 1 is located directly south of the site and consist of 35 single family building lots (10 common lots) and was approved by ACHD on December 02, 2020.
  - Lugarno Terra Subdivision is located directly south of the site and consist of 8 single family building lots (6 common lots) and was approved by ACHD on January 15, 2021.
  - Blackrock Market place and Village (Blackrock Retail Center) is located directly west of the site and consist of 40.8 acres mixed-use project to include both multi-family and commercial properties and was approved by ACHD on May 1, 2020.
5. **Transit:** Transit services are not available to serve this site.
6. **Pathway Crossings:** United States Access Board R304.5.1.2 Shared Use Paths. In shared use paths, the width of curb ramps runs and blended transitions shall be equal to the width of the shared use path.  
  
AASHTO's Guidelines for the Development of Bicycle Facilities 5.3.5 Other Intersection Treatments: The opening of a shared use path at the roadway should be at least the same width as the shared use path itself. If a curb ramp is provided, the ramp should be the full width of the path, not including any flared sides if utilized. . . . Detectable warnings should be placed across the full width of the ramp.  
  
FHWA's "Designing Sidewalks and Trails for Access" (1999) reflected common ADA-related concepts: Chapter 6, Page 16-6: The width of the ramp should be at least as wide as the average width of the trail to improve safety for users who will be traveling at various speeds. In addition, the overall width of the trail should be increased, so the curb ramp can be slightly offset to the side. The increased width reduces conflict at the intersection by providing more space for users at the bottom of the ramp.
7. **New Center Lane Miles:** The proposed development includes 0.0 centerline miles of new public road.
8. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.
9. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**
  - Deer Flat Road is listed in the CIP to be widened to 2-lanes from SH-69/ Meridian Road to Locust Grove Road between 2036 and 2040.
  - The intersection of SH-69/ Meridian Road and Deer Flat Road is listed in the CIP to be widened to 6-lanes on the north leg, 6-lanes on the south, 7-lanes east, and 6-lanes on the west leg, and signalized between 2031 and 2035.
10. **Roadways to Bikeways Master Plan:** ACHD's Roadways to Bikeways Master Plan (BMP) was adopted by the ACHD Commission in May of 2009 and was update in 2018. The plan seeks to implement the Planned Bicycle Network to support bicycling as a viable transportation option for Ada County residents with a wide range of ages and abilities, maintain bicycle routes in a state of

good repair in order to ensure they are consistently available for use, promote awareness of existing bicycle routes and features and support encouragement programs and to facilitate coordination and cooperation among local jurisdictions in implementing the Roadways to Bikeways Plan recommendations.

The BMP identifies Deer Flat Road as an existing Level 3 facility.

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

- Trip Generation:** Below is a list of land uses and estimated trip generation rates for uses that may be included within the site. The applicant is requesting C-2 (Area Commercial) as the proposed zoning designation and has provided a concept plan showing a mixed use development with commercial and multi-family type uses. There are an estimated 76 existing vehicle trips per day with 9 vehicle trips per hour in the PM peak hour. Trip generation rates are based on the Institute of Transportation Engineers Trip Generation Manual, 11<sup>th</sup> edition.

<b>Use (1,000 sf)</b>	<b>Average Daily Trips (ADT)</b>	<b>PM Peak Hour</b>
General Office Building	10.84	1.44
Medical/ Dental Office Building-Stand Alone	36.00	3.93
Drive-in Bank	100.35	21.01
Fast Casual Restaurant	97.14	12.55
Single Tenant Office Building	13.07	1.76
Strip Retail Plaza	54.45	6.59
Convenience Store w/ Gas Station-VFP 9-15 (1,000 sf)	700.43	54.52
Multi-Family Housing (Low-Rise 2 to 3 Floors)	6.74	0.51
Single Family Attached Housing (unit)	7.20	0.57
Single Family Detached Housing (unit)	9.43	0.94
Senior Adult Housing-Single Family (unit)	4.31	0.30

## 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
State Highway 69, Meridian Road	1283-feet	Principal Arterial	N/A	N/A
Deer Flat Road	1160-feet	Minor Arterial	253	Better Than "E"

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

\*\* ACHD does not set level of service thresholds for State Highways.

## 3. Average Daily Traffic Count (VDT)

Average daily traffic counts are based on ACHD's most current traffic counts.

- There are no average daily traffic counts for SH-69/ Meridian Road north of King Road.
- The average daily traffic count for Deer Flat Road west of Locust Grove Road was 3,345 on August 26, 2021.

# C. Findings for Consideration

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

## 1. Traffic Impact Study

**Trip Generation:** This site is anticipated to generate more than 100 new vehicle trips in the PM peak hour and that consistent with ACHD policy traffic impact study will be required as part of a future development application.

## 2. State Highway SH-69 /Meridian Road

SH-69/Meridian Road is under the jurisdiction of the Idaho Transportation Department (ITD). The applicant, City of Kuna, and ITD should work together to determine if additional right-of-way or improvements are necessary on SH-69/ Meridian Road.

## 3. Deer Flat Road

**a. Existing Conditions:** Deer Flat Road is improved with 2-travel lanes, and no curb, gutter or sidewalk abutting the site. Existing right-of-way varies between 73 to 95 feet for Deer Flat Road (25 to 48 feet from centerline).

**b. Policy:**

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

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

**Street Section and Right-of-Way Width Policy:** District Policies 7205.2.1 & 7205.5.2 state that the standard 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-

feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a principal arterial.

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

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

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

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

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

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

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

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Deer Flat Road is designated in the MSM as a Transitional /Commercial Arterial with 5-lanes and on-street bike lanes, a 72-foot street section within 100-feet of right-of-way.

- c. **Staff Comments/Recommendations:** With the future development application, the applicant should be required to widen the pavement on Deer Flat Road abutting the site to 17-feet from the centerline of the roadway and with a 3-foot wide gravel shoulder. The applicant should also be required to construct a 5-foot wide detached concrete sidewalk located a minimum of 42-feet from the centerline of Deer Flat Road abutting the site. The applicant should provide a permanent right-of-way easement for any public sidewalk placed outside of the dedicated right-of-way.

Consistent with the MSM, as part of a future development application, the application should be required to dedicate additional right-of-way to total 50-feet from the centerline of Deer Flat Road abutting the site.

#### 4. Internal Local Roads

- a. **Existing Conditions:** There are no roadways within the site.
- b. **Policy:**

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

**Street Section and Right-of-Way Policy:** District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).

**Standard Urban Local Street—33-foot Street Section and Right-of-way Policy:** District Policy 7207.5.2 states that the standard street section shall be 33-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 47-feet of right-of-way.

For the City of Kuna and City of Star: Unless otherwise approved by Kuna or Star, the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 50-feet of right-of-way.

**Continuation of Streets Policy:** District Policy 7207.2.4 states that an existing street, or a street in an approved preliminary plat, which ends at a boundary of a proposed development shall be extended in that development. The extension shall include provisions for continuation of storm drainage facilities. Benefits of connectivity include but are not limited to the following:

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

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

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

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

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

**Cul-de-sac Streets Policy:** District policy 7207.5.8 requires cul-de-sacs to be constructed to provide a minimum turning radius of 50-feet; in rural areas or for temporary cul-de-sacs the emergency service providers may require a greater radius. Landscape and parking islands may be constructed in turnarounds if a minimum 29-foot street section is constructed around the island. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing. The developer shall provide written approval from the appropriate fire department for this design element.

The District will consider alternatives to the standard cul-de-sac turnaround on a case-by-case basis. This will be based on turning area, drainage, maintenance considerations and the written approval of the agency providing emergency fire service for the area where the development is located.

**Landscape Medians Policy:** District policy 7207.5.16 states that landscape medians are permissible where adequate pavement width is provided on each side of the median to accommodate the travel lanes and where the following is provided:

- The median is platted as right-of-way owned by ACHD.
- The width of an island near an intersection is 12-feet maximum for a minimum distance of 150-feet. Beyond the 150-feet, the island may increase to a maximum width of 30-feet.
- At an intersection that is signalized or is to be signalized in the future, the median width shall be reduced to accommodate the necessary turn lane storage and tapers.
- The Developer or Homeowners Association shall apply for a license agreement if landscaping is to be placed within these medians.
- The license agreement shall contain the District's requirements of the developer including, but not limited to, a "hold harmless" clause; requirements for maintenance by the developer; liability insurance requirements; and restrictions.
- Vertical curbs are required around the perimeter of any raised median. Gutters shall slope away from the curb to prevent ponding.

c. **Staff Comments/Recommendations:** If public local roadways are proposed with the future development application, the application should be subject to the District Policies listed above.

## 5. Roadway Offsets

a. **Existing Conditions:** There are no roadways within the site.

b. **Policy:**

**Local Street Intersection Spacing on Principal Arterials:** District policy 7205.4.3 states that new local streets should not typically intersect arterials. Local streets should typically intersect collectors. If it is necessary, as determined by ACHD, for a local street to intersect an arterial, the minimum allowable offset shall be 1,320-feet as measured from all other existing roadways as identified in Table 1b (7205.4.7).

**Local Street Intersection Spacing on Minor Arterials:** District policy 7205.4.3 states that new local streets should not typically intersect arterials. Local streets should typically intersect collectors. If it is necessary, as determined by ACHD, for a local street to intersect an arterial, the minimum allowable offset shall be 660-feet as measured from all other existing roadways as identified in Table 1a (7205.4.6).

c. **Staff Comments/Recommendations:** The future development application should be subject to the District Policy listed above. The development should be oriented to use the minor arterial roadway at the site's south property line as the primary access to Deer Flat Road.

## 6. Stub Streets

### a. Existing Conditions: There are three streets that stub to the site.

Trophy Street and Manly Street stub the site's east property line and are improved as a 36-foot wide street sections with curb, gutter, and 5-foot wide attached concrete sidewalks within 50-foot of right-of-way. These stub streets were constructed as part of Lugarno Terra Subdivision, which final platted in 2019.

### b. Policy:

**Stub Street Policy:** District policy 7205.2.3 (arterials) and 7207.2.4.3 (local) that stub streets will be required to provide circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7205.2 (arterials) and 7207.2.4 (local), except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE." Or "THIS IS A DESIGNATED LOCAL ROADWAY. THIS STREET WILL BE EXTENDED AND WIDENED IN THE FUTURE."

In addition, stub streets must meet the following conditions:

- A stub street shall be designed to slope towards the nearest street intersection within the proposed development and drain surface water towards that intersection; unless an alternative storm drain system is approved by the District.
- The District may require appropriate covenants guaranteeing that the stub street will remain free of obstructions.

**Temporary Dead End Streets Policy:** District policy 7205.2.4 (arterials) and 7207.2.4.4 (local) requires that the design and construction for cul-de-sac streets shall apply to temporary dead end streets. The temporary cul-de-sac shall be paved and shall be the dimensional requirements of a standard cul-de-sac. The developer shall grant a temporary turnaround easement to the District for those portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends onto a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.

### c. Staff Comments/Recommendations: The future development application should be subject to the District Policy listed above

## 7. Driveways

### a.1 Deer Flat Road

#### a. Existing Conditions: There are three existing driveways and one canal driveway approach from the site onto Deer Flat Road. The locations are as follows:

- 25-foot improved concrete paved residential curb return type driveway located approximately 1073-feet east of SH-69/Meridian Road (measured centerline to centerline).
- 30-foot concrete paved commercial curb return driveway located approximately 646-feet east of SH-69/Meridian Road (measured centerline to centerline).
- 17-foot unimproved residential curb return type driveway located approximately 595-feet east of SH-69/Meridian Road (measured centerline to centerline).
- 12-foot concrete paved canal driveway approach located approximately 797-feet east of SH-69/Meridian Road (measured centerline to centerline).

#### 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.

**Driveway Location Policy:** District policy 7205.4.5 requires driveways located on minor arterial roadways from a signalized intersection with a single left turn lane shall be located a minimum of 330-feet from the nearest intersection for a right-in/right-out only driveway and a minimum of 660-feet from the intersection for a full-movement driveway.

District policy 7205.4.5 requires driveways located on minor arterial roadways from a signalized intersection with a dual left turn lane shall be located a minimum of 330-feet from the nearest intersection for a right-in/right-out only driveway and a minimum of 710-feet from the intersection for a full-movement driveway.

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

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

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

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

- c. **Staff Comments/Recommendations:** As part of any future development application, the applicant should be required to comply with all policies and guidelines listed above

## 8. Private Roads

- a. **Private Road Policy:** District policy 7212.1 states that the lead land use agencies in Ada County establish the requirements for private streets. The District retains authority and will review the proposed intersection of a private and public street for compliance with District intersection policies and standards. The private road should have the following requirements:
- Designed to discourage through traffic between two public streets,
  - Graded to drain away from the public street intersection, and

- If a private road is gated, the gate or keypad (if applicable) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

**b. Staff Comments/Recommendations:** The future development application will be subject to the District Policy listed above.

If the City of Kuna approves the private road, the applicant shall be required to pave the private roadway a minimum of 20 to 24-feet wide and at least 30-feet into the site beyond the edge of pavement of all public streets and install pavement tapers with 15-foot curb radii abutting the existing roadway edge. If private roads are not approved by the City of Kuna, the applicant will be required to revise and resubmit the preliminary plat to provide public standard local streets in these locations

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

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

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

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

## 9. Traffic Calming

**a. Speed Control and Traffic Calming Policy:** District policy 7207.3.7 states that the design of local street systems should discourage excessive speeds by using passive design elements. If the design or layout of a development is anticipated to necessitate future traffic calming implementation by the District, then the District will require changes to the layout and/or the addition of passive design elements such as horizontal curves, bulb-outs, chokers, etc. The District will also consider texture changes to the roadway surface (i.e. stamped concrete) as a passive design element. These alternative methods may require maintenance and/or license agreement.

**b. Staff Comments/Recommendations:** The future development application will be subject to the District Policy listed above.

## 10. Bridge for Kuna Canal Crossing

The District will require that the applicant submit the bridge plans for the crossing of the Kuna Canal for review and approval prior to the pre-construction meeting and final plat approval. Note: all plan submittals for bridges or pipe crossings of irrigation facilities should be submitted to ACHD for review no later than December 15<sup>th</sup> for construction in the following year prior to irrigation season.

## 11. Tree Planters

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

## 12. Landscaping

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

### **13. Other Access**

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

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

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

1. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.
2. Payment of impact fees is due prior to issuance of a building permit.
3. Comply with all Standard Conditions of Approval.

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

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter, and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards

unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property, which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

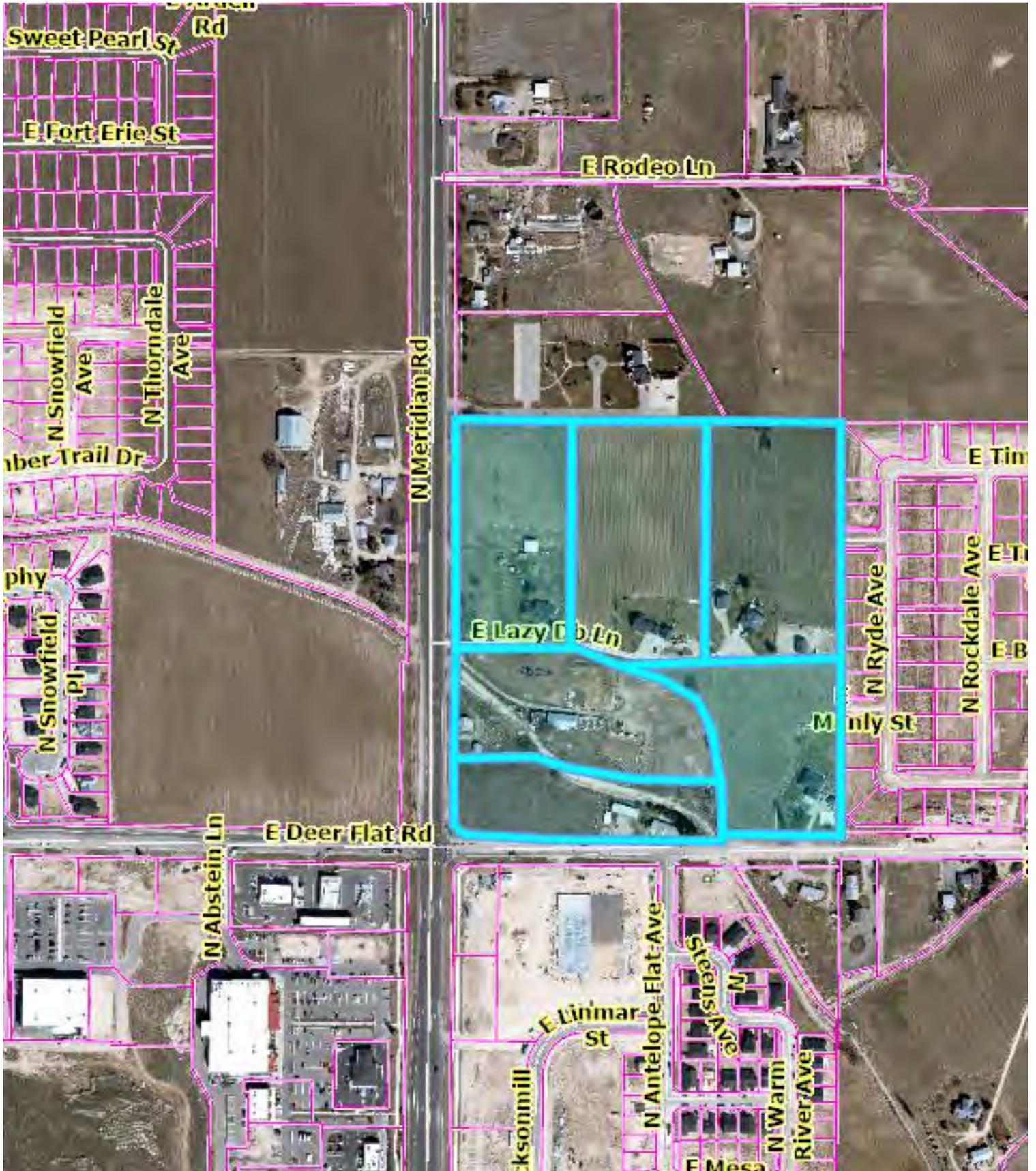
## **F. Conclusions of Law**

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

## **G. Attachments**

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

VICINITY MAP



# SITE PLAN



# Ada County Utility Coordinating Council

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

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

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

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

# Development Process Checklist

## Items Completed to Date:

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

## Items to be completed by Applicant:

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

### DID YOU REMEMBER:

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

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

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

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

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

#### *Construction (Subdivisions)*

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

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

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

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

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

## Request for Appeal of Staff Decision

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

## Doug Hanson

---

**From:** aflavel.bkirrdist@gmail.com  
**Sent:** Friday, September 13, 2024 12:01 PM  
**To:** Doug Hanson  
**Cc:** 'Brianne Steed'  
**Subject:** RE: City of Kuna Request for Comment Case Nos. 24-01-CPF, 22-02-MOD - Lamp District

Hi Doug, I wanted to let you know that we received a check today for these accounts. BK 189 A2, 189 A3, 189 A4, 189 B. They are paid current.

New bills will go out the first part of November. Thanks!!

Alicia Flavel  
Secretary-Treasurer  
Boise-Kuna Irrigation District  
129 N. School Avenue  
Kuna, Idaho 83634  
Phone: 208-922-5608  
Fax: 208-922-5659

---

**From:** aflavel.bkirrdist@gmail.com <aflavel.bkirrdist@gmail.com>  
**Sent:** Thursday, August 29, 2024 11:02 AM  
**To:** 'Brianne Steed' <Brianne@aspencreekseniorliving.com>  
**Subject:** RE: City of Kuna Request for Comment Case Nos. 24-01-CPF, 22-02-MOD - Lamp District

Thank you!!

Alicia Flavel  
Secretary-Treasurer  
Boise-Kuna Irrigation District  
129 N. School Avenue  
Kuna, Idaho 83634  
Phone: 208-922-5608  
Fax: 208-922-5659

---

**From:** Brianne Steed <[Brianne@aspencreekseniorliving.com](mailto:Brianne@aspencreekseniorliving.com)>  
**Sent:** Thursday, August 29, 2024 10:17 AM  
**To:** [aflavel.bkirrdist@gmail.com](mailto:aflavel.bkirrdist@gmail.com)  
**Subject:** RE: City of Kuna Request for Comment Case Nos. 24-01-CPF, 22-02-MOD - Lamp District

Awesome- I will get these processed.  
THANK YOU! Have a great day-  
Brianne

---

**From:** [aflavel.bkirrdist@gmail.com](mailto:aflavel.bkirrdist@gmail.com) <[aflavel.bkirrdist@gmail.com](mailto:aflavel.bkirrdist@gmail.com)>  
**Sent:** Thursday, August 29, 2024 7:59 AM  
**To:** Brianne Steed <[Brianne@aspencreekseniorliving.com](mailto:Brianne@aspencreekseniorliving.com)>  
**Subject:** RE: City of Kuna Request for Comment Case Nos. 24-01-CPF, 22-02-MOD - Lamp District

Here they are. Thanks!!

Alicia Flavel  
Secretary-Treasurer  
Boise-Kuna Irrigation District  
129 N. School Avenue  
Kuna, Idaho 83634  
Phone: 208-922-5608  
Fax: 208-922-5659

---

**From:** Brianne Steed <[Brianne@aspencreekseniorliving.com](mailto:Brianne@aspencreekseniorliving.com)>  
**Sent:** Wednesday, August 28, 2024 4:27 PM  
**To:** [aflavel.bkirrdist@gmail.com](mailto:aflavel.bkirrdist@gmail.com)  
**Subject:** Fwd: City of Kuna Request for Comment Case Nos. 24-01-CPF, 22-02-MOD - Lamp District

Hello- can you please send me the invoices referenced below?

Thanks!

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**From:** Doug Hanson <[dhanson@kunaid.gov](mailto:dhanson@kunaid.gov)>  
**Sent:** Wednesday, August 28, 2024 3:14 PM  
**To:** Brianne Steed <[Brianne@aspencreekseniorliving.com](mailto:Brianne@aspencreekseniorliving.com)>  
**Subject:** RE: City of Kuna Request for Comment Case Nos. 24-01-CPF, 22-02-MOD - Lamp District

Brianne,

This will come from BKID not the City of Kuna.

You will need to contact [aflavel.bkirrdist@gmail.com](mailto:aflavel.bkirrdist@gmail.com).



751 W. 4th Street  
P.O. Box 13  
Kuna, ID 83634

**Doug Hanson**  
**Director**  
City of Kuna | Planning & Zoning

Phone: 208-287-1771  
Email: [dhanson@kunaid.gov](mailto:dhanson@kunaid.gov)  
[www.kunacity.id.gov](http://www.kunacity.id.gov)

*All e-mail messages sent to or received by City of Kuna e-mail accounts are subject to Idaho law, in regard to both release and retention, and may be released upon request, unless exempt from disclosure by law.*

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**From:** Brianne Steed <[Brianne@aspencreekseniorliving.com](mailto:Brianne@aspencreekseniorliving.com)>  
**Sent:** Wednesday, August 28, 2024 3:11 PM  
**To:** Doug Hanson <[dhanson@kunaid.gov](mailto:dhanson@kunaid.gov)>  
**Subject:** Fwd: City of Kuna Request for Comment Case Nos. 24-01-CPF, 22-02-MOD - Lamp District

### CMIT Solutions

**Warning:** The sender @Brianne@aspencreekseniorliving.com has never sent any emails to your organization from domain aspencreekseniorliving.com or has sent suspicious emails. There is a URL in the email asking for login credentials. It could be a phishing attempt.

[Report Phishing](#) [Remove Banner](#)

powered by Graphus®

Hi Doug - can you send me the invoices please so I can process?

Thanks!

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**From:** Doug Clegg <[dclegg@springcreekenterprise.net](mailto:dclegg@springcreekenterprise.net)>  
**Sent:** Wednesday, August 28, 2024 2:49 PM  
**To:** Brianne Steed <[Brianne@aspencreekseniorliving.com](mailto:Brianne@aspencreekseniorliving.com)>  
**Subject:** Fwd: City of Kuna Request for Comment Case Nos. 24-01-CPF, 22-02-MOD - Lamp District

Will you call and ask for the invoices for the irrigation in kuna? I do not remember seeing these Sent from my iPhone

Begin forwarded message:

**From:** Doug Hanson <[dhanson@kunaid.gov](mailto:dhanson@kunaid.gov)>  
**Date:** August 28, 2024 at 12:05:33 PM AKDT  
**To:** Penelope Constantikes <[penelope@rileyplanning.com](mailto:penelope@rileyplanning.com)>  
**Cc:** Doug Clegg <[dclegg@springcreekenterprise.net](mailto:dclegg@springcreekenterprise.net)>  
**Subject:** FW: City of Kuna Request for Comment Case Nos. 24-01-CPF, 22-02-MOD - Lamp District

Penelope,

Please see the e-mail from BKID below.

Best,



751 W. 4th Street  
P.O. Box 13  
Kuna, ID 83634

### Doug Hanson

**Director**

City of Kuna | Planning & Zoning

Phone: 208-287-1771

Email: [dhanson@kunaid.gov](mailto:dhanson@kunaid.gov)

[www.kunacity.id.gov](http://www.kunacity.id.gov)

*All e-mail messages sent to or received by City of Kuna e-mail accounts are subject to Idaho law, in regard to both release and retention, and may be released upon request, unless exempt from disclosure by law.*

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**From:** [aflavel.bkirrdist@gmail.com](mailto:aflavel.bkirrdist@gmail.com) <[aflavel.bkirrdist@gmail.com](mailto:aflavel.bkirrdist@gmail.com)>  
**Sent:** Wednesday, August 28, 2024 1:42 PM  
**To:** Doug Hanson <[dhanson@kunaid.gov](mailto:dhanson@kunaid.gov)>  
**Cc:** [dclegg@springcreekenterprise.net](mailto:dclegg@springcreekenterprise.net)  
**Subject:** RE: City of Kuna Request for Comment Case Nos. 24-01-CPF, 22-02-MOD - Lamp District

Most of these parcel's irrigation bills has not been paid. BK 189 A2, 189 A3, 189 A4, 189 B. Approximately \$1583.00 accruing interest daily.

I would not be able to combine them until all the irrigation bills are paid.

Alicia Flavel  
Secretary-Treasurer  
Boise-Kuna Irrigation District  
129 N. School Avenue  
Kuna, Idaho 83634  
Phone: 208-922-5608  
Fax: 208-922-5659

---

**From:** Doug Hanson <[dhanson@kunaid.gov](mailto:dhanson@kunaid.gov)>  
**Sent:** Wednesday, August 21, 2024 10:07 AM  
**To:** Ada County Engineer <[agilman@adaweb.net](mailto:agilman@adaweb.net)>; Ada County Highway District <[planningreview@achdidaho.org](mailto:planningreview@achdidaho.org)>; Adam Ingram <[adam.ingram@cableone.biz](mailto:adam.ingram@cableone.biz)>; Bobby Withrow <[bwithrow@kunaid.gov](mailto:bwithrow@kunaid.gov)>; Boise Kuna Irrigation District <[aflavel.bkirrdist@gmail.com](mailto:aflavel.bkirrdist@gmail.com)>; Boise Project Board of Control <[tritthaler@boiseproject.org](mailto:tritthaler@boiseproject.org)>; Boise Project Board of Control 2 <[gashley@boiseproject.org](mailto:gashley@boiseproject.org)>; Brent Moore (Ada County) <[bmoore@adacounty.id.gov](mailto:bmoore@adacounty.id.gov)>; Brian Graves Kuna School District <[bgraves@kunaschools.org](mailto:bgraves@kunaschools.org)>; Cable One TV <[cheryl.goettsche@cableone.biz](mailto:cheryl.goettsche@cableone.biz)>; Camille Burt (USPS) <[camille.r.burt@usps.gov](mailto:camille.r.burt@usps.gov)>; Catherine Feistner <[cfeistner@kunaid.gov](mailto:cfeistner@kunaid.gov)>; Central District Health Department <[lbadigian@cdhd.idaho.gov](mailto:lbadigian@cdhd.idaho.gov)>; Chief Fratusco <[mfratusco@adacounty.id.gov](mailto:mfratusco@adacounty.id.gov)>; COMPASS <[gis@compassidaho.org](mailto:gis@compassidaho.org)>; David Reinhardt <[reinhardt.david@westada.org](mailto:reinhardt.david@westada.org)>; DEQ <[BRO.Admin@deg.idaho.gov](mailto:BRO.Admin@deg.idaho.gov)>; Eric Adolfson <[eadolfson@compassidaho.org](mailto:eadolfson@compassidaho.org)>; Erika Olvera (NMID) <[eolvera@nmid.org](mailto:eolvera@nmid.org)>; Idaho Power Easements <[easements@idahopower.com](mailto:easements@idahopower.com)>; Idaho Power Easements 2 <[kfunke@idahopower.com](mailto:kfunke@idahopower.com)>; Intermountain Gas <[bryce.ostler@intgas.com](mailto:bryce.ostler@intgas.com)>; ITD <[D3Development.Services@itd.idaho.gov](mailto:D3Development.Services@itd.idaho.gov)>; ITD Kendra Conder <[Kendra.Conder@itd.idaho.gov](mailto:Kendra.Conder@itd.idaho.gov)>; J&M Sanitation <[Chad.Gordon@jmsanitation.com](mailto:Chad.Gordon@jmsanitation.com)>; Jonathon Gillen <[gillen.jonathon@westada.org](mailto:gillen.jonathon@westada.org)>; Justin Walker <[jwalker@kellerassociates.com](mailto:jwalker@kellerassociates.com)>; Krystal Hinkle <[khinkle@kunafire.com](mailto:khinkle@kunafire.com)>; Leon Letson (Ada County) <[lletson@adacounty.id.gov](mailto:lletson@adacounty.id.gov)>; Marc Boyer (Kuna Postmaster) <[marc.c.boyer@usps.gov](mailto:marc.c.boyer@usps.gov)>; Megan Leatherman <[mleatherman@adaweb.net](mailto:mleatherman@adaweb.net)>; Meridian Fire (Brandon Medica) <[bmedica@meridiancity.org](mailto:bmedica@meridiancity.org)>; Meridian Fire (Charlie Butterfield) <[cbutterfield@meridiancity.org](mailto:cbutterfield@meridiancity.org)>; Nampa Meridian Irrigation District <[nmid@nmid.org](mailto:nmid@nmid.org)>; New York Irrigation <[terri@nyid.org](mailto:terri@nyid.org)>; Niki Benyakhlef ITD <[Niki.Benyakhlef@itd.idaho.gov](mailto:Niki.Benyakhlef@itd.idaho.gov)>; Paris Dickerson <[PDickerson@idahopower.com](mailto:PDickerson@idahopower.com)>; PWorkoffice <[PWorkoffice@kunaid.gov](mailto:PWorkoffice@kunaid.gov)>; Robbie Reno <[rreno@kunaschools.org](mailto:rreno@kunaschools.org)>; Scott Arellano (KRFD) <[scott@fccnw.com](mailto:scott@fccnw.com)>; Stacey Yarrington (Ada County) <[syarrington@adacounty.id.gov](mailto:syarrington@adacounty.id.gov)>; TLawrence Kuna Fire <[tlawrence@kunafire.com](mailto:tlawrence@kunafire.com)>  
**Subject:** City of Kuna Request for Comment Case Nos. 24-01-CPF, 22-02-MOD - Lamp District

**Agency Transmittal – August 21 ,2024**

Notice is hereby given by the City of Kuna the following actions are under consideration:

<b>CASE NUMBER:</b>	 24-01-CPF, 22-02-DA MOD LAMP DISTRICT
<b>PROJECT DESCRIPTION</b>	Applicant requests combination plat approval to consolidate six (6) lots into one (1). The applicant also requests a development agreement modification to dissolve the existing development agreement on the subject site. The site is located at the NEC of N Meridian Road and E Deer Flat Road within Sec 18, T2N, R1E.
<b>APPLICANT</b>	Riley Planning Services LLC Penelope Constantikes P.O. Box 405, Boise, ID 83701 208.908.1609 <a href="mailto:penelope@rileyplanning.com">penelope@rileyplanning.com</a>
<b>REPRESENTATIVE</b>	Same as Applicant
<b>SCHEDULED HEARING DATE</b>	Tuesday, <b>October 8, 2024</b> at 6:00 P.M.
<b>STAFF CONTACT</b>	Doug Hanson 208.287.1771 <a href="mailto:dhanson@kunaid.gov">dhanson@kunaid.gov</a>
<p>We have enclosed information to assist you with your consideration and response; we would appreciate any information as to how this action would affect the service(s) your agency provides. <i>If your agency requires additional information, or if contact information for your agency needs updated, please notify our office.</i></p> <p><i>No response within <b>15 business days</b> will indicate you have no objection or comments regarding this project.</i></p> <p>The hearing is scheduled to begin at 6:00 p.m. or as soon as it may be heard. Kuna City Hall is located at 751 W. 4<sup>th</sup> Street, Kuna, ID 83634. Please contact staff with questions.</p>	



751 W. 4th Street  
P.O. Box 13  
Kuna, ID 83634

**Doug Hanson**  
**Director**  
City of Kuna | Planning & Zoning

Phone: 208-287-1771  
Email: [dhanson@kunaid.gov](mailto:dhanson@kunaid.gov)  
[www.kunacity.id.gov](http://www.kunacity.id.gov)

*All e-mail messages sent to or received by City of Kuna e-mail accounts are subject to Idaho law, in regard to both release and retention, and may be released upon request, unless exempt from disclosure by law.*

## Doug Hanson

---

**From:** aflavel.bkirrdist@gmail.com  
**Sent:** Wednesday, August 28, 2024 1:42 PM  
**To:** Doug Hanson  
**Cc:** dclegg@springcreekenterprise.net  
**Subject:** RE: City of Kuna Request for Comment Case Nos. 24-01-CPF, 22-02-MOD - Lamp District

Most of these parcel's irrigation bills has not been paid. BK 189 A2, 189 A3, 189 A4, 189 B. Approximately \$1583.00 accruing interest daily.

I would not be able to combine them until all the irrigation bills are paid.

Alicia Flavel  
Secretary-Treasurer  
Boise-Kuna Irrigation District  
129 N. School Avenue  
Kuna, Idaho 83634  
Phone: 208-922-5608  
Fax: 208-922-5659

---

**From:** Doug Hanson <dhanson@kunaid.gov>  
**Sent:** Wednesday, August 21, 2024 10:07 AM  
**To:** Ada County Engineer <agilman@adaweb.net>; Ada County Highway District <planningreview@achdidaho.org>; Adam Ingram <adam.ingram@cableone.biz>; Bobby Withrow <bwithrow@kunaid.gov>; Boise Kuna Irrigation District <aflavel.bkirrdist@gmail.com>; Boise Project Board of Control <tritthaler@boiseproject.org>; Boise Project Board of Control 2 <gashley@boiseproject.org>; Brent Moore (Ada County) <bmoore@adacounty.id.gov>; Brian Graves Kuna School District <bgraves@kunaschools.org>; Cable One TV <cheryl.goettsche@cableone.biz>; Camille Burt (USPS) <camille.r.burt@usps.gov>; Catherine Feistner <cfeistner@kunaid.gov>; Central District Health Department <lbadigian@cdhd.idaho.gov>; Chief Fratusco <mfratusco@adacounty.id.gov>; COMPASS <gis@compassidaho.org>; David Reinhardt <reinhardt.david@westada.org>; DEQ <BRO.Admin@deq.idaho.gov>; Eric Adolfson <eadolfson@compassidaho.org>; Erika Olvera (NMID) <eolvera@nmid.org>; Idaho Power Easements <easements@idahopower.com>; Idaho Power Easements 2 <kfunke@idahopower.com>; Intermountain Gas <bryce.ostler@intgas.com>; ITD <D3Development.Services@itd.idaho.gov>; ITD Kendra Conder <Kendra.Conder@itd.idaho.gov>; J&M Sanitation <Chad.Gordon@jmsanitation.com>; Jonathon Gillen <gillen.jonathon@westada.org>; Justin Walker <jwalker@kellerassociates.com>; Krystal Hinkle <khinkle@kunafire.com>; Leon Letson (Ada County) <lletson@adacounty.id.gov>; Marc Boyer (Kuna Postmaster) <marc.c.boyer@usps.gov>; Megan Leatherman <mleatherman@adaweb.net>; Meridian Fire (Brandon Medica) <bmedica@meridiantcity.org>; Meridian Fire (Charlie Butterfield) <cbutterfield@meridiantcity.org>; Nampa Meridian Irrigation District <nmid@nmid.org>; New York Irrigation <terri@nyid.org>; Niki Benyakhlef ITD <Niki.Benyakhlef@itd.idaho.gov>; Paris Dickerson <PDickerson@idahopower.com>; PWoffice <PWoffice@kunaid.gov>; Robbie Reno <rreno@kunaschools.org>; Scott Arellano (KRFD) <scott@fccnw.com>; Stacey Yarrington (Ada County) <syarrington@adacounty.id.gov>; TLawrence Kuna Fire <tlawrence@kunafire.com>  
**Subject:** City of Kuna Request for Comment Case Nos. 24-01-CPF, 22-02-MOD - Lamp District

**Agency Transmittal – August 21 ,2024**

Notice is hereby given by the City of Kuna the following actions are under consideration:

<b>CASE NUMBER:</b>	<input type="checkbox"/> <a href="#">24-01-CPF, 22-02-DA MOD LAMP DISTRICT</a>
<b>PROJECT DESCRIPTION</b>	Applicant requests combination plat approval to consolidate six (6) lots into one (1). The applicant also requests a development agreement modification to dissolve the existing development agreement on the subject site. The site is located at the NEC of N Meridian Road and E Deer Flat Road within Sec 18, T2N, R1E.
<b>APPLICANT</b>	Riley Planning Services LLC Penelope Constantikes P.O. Box 405, Boise, ID 83701 208.908.1609 <a href="mailto:penelope@rileyplanning.com">penelope@rileyplanning.com</a>
<b>REPRESENTATIVE</b>	Same as Applicant
<b>SCHEDULED HEARING DATE</b>	Tuesday, <b>October 8, 2024</b> at 6:00 P.M.
<b>STAFF CONTACT</b>	Doug Hanson 208.287.1771 <a href="mailto:dhanson@kunaid.gov">dhanson@kunaid.gov</a>
<ul style="list-style-type: none"> <li>• We have enclosed information to assist you with your consideration and response; we would appreciate any information as to how this action would affect the service(s) your agency provides. <i>If your agency requires additional information, or if contact information for your agency needs updated, please notify our office.</i></li> <li>• <i>No response within <b>15 business days</b> will indicate you have no objection or comments regarding this project.</i></li> <li>• The hearing is scheduled to begin at 6:00 p.m. or as soon as it may be heard. Kuna City Hall is located at 751 W. 4<sup>th</sup> Street, Kuna, ID 83634. Please contact staff with questions.</li> </ul>	



751 W. 4th Street  
P.O. Box 13  
Kuna, ID 83634

**Doug Hanson**  
**Director**  
City of Kuna | Planning & Zoning

Phone: 208-287-1771  
Email: [dhanson@kunaid.gov](mailto:dhanson@kunaid.gov)  
[www.kunacity.id.gov](http://www.kunacity.id.gov)

All e-mail messages sent to or received by City of Kuna e-mail accounts are subject to Idaho law, in regard to both release and retention, and may be released upon request, unless exempt from disclosure by law.

FRED BUTLER  
CHAIRMAN OF THE BOARD

RICHARD MURGOITIO  
VICE CHAIRMAN OF THE BOARD

ROBERT D. CARTER  
PROJECT MANAGER

THOMAS RITTHALER  
ASSISTANT PROJECT MANAGER

APRYL GARDNER  
SECRETARY-TREASURER

MARY SUE CHASE  
ASSISTANT SECRETARY-  
TREASURER

## BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2485 OVERLAND ROAD  
BOISE, IDAHO 83705-3155

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

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

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

22 August 2024

RECEIVED  
AUG 26 2024  
CITY OF KUNA

City of Kuna  
751 W. 4th street  
Kuna, Idaho 83634

RE: The Lamp District Mariam & Japheth LLC **24-01-CPF, 22-02-DA MOD**  
E Deer Flat and N Meridian Rd. Kuna, ID  
Boise-Kuna Irrigation District BK-189 A1, A2, A3, A4 & 189 B, B1  
Kuna Canal 128+80  
Sec. 13, T2N, R1E, BM.

Doug Hanson:

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

The Boise Project Board of Control is contracted to operate and maintain this lateral. We assert the federal easement 40 feet northeasterly and 35 feet southwesterly of the lateral's centerline. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

*The Boise Project does not approve landscaping (gravel only) within its easements, as this will certainly increase the cost of maintenance. Easements must remain a flat drivable surface. No variances will be granted.*

*Fencing, gates and pathways (as may be required) must be constructed just off the canal easement, to ensure public safety and prevent encroachments. No variances will be granted.*

Please note the appropriate easements on all future preliminary/final plats.

Wording on the preliminary and final recorded plat needs to state that any proposed and/or future usage of the Boise Project Board of Control facilities are subject to Idaho Statutes, Title 42-1209.

Project facilities and/or easements that parallel and are within and/or intended to be within road right-of-ways due to any development of this property must be relocated outside of road right-of-ways. The easements of Boise Project facilities will remain the same unless agreed upon and/or approved with written permission from Boise Project Board of Control.

The construction of any roadway crossings must be conducted only during the non-irrigation season when the lateral is dewatered. In any case no work shall take place within the easement before the proper crossing agreements have been secured through the Bureau of Reclamation and the Boise Project Board of Control.

Utilities planning to cross any project facility must do so in accordance with the master policies now held between the Bureau of Reclamation and most of the utilities. In any case, no work shall take place within the easement before proper crossing agreements have been secured through both the Bureau of Reclamation and the Boise Project Board of Control.

Parking lots, curbing, light poles, signs, etc. and the placing of asphalt and/or cement over Project facility easements must be approved by Boise Project Board of Control prior to construction.

Boise Project Board of Control must approve any requests and/or relocation of delivery points prior to construction.

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

NO DISCHARGE into any live irrigation system is permitted.

Per Idaho Statutes, Title 42, local irrigation/drainage ditches that cross this property, to serve neighboring properties, must remain unobstructed and protected by an appropriate easement by the landowner, developer and contractor.

This development is subject to Idaho Code 31-3805, in accordance, this office is requesting a full-size hard copy of the irrigation and drainage plans.

*Whereas this property lies within the Boise-Kuna Irrigation District it is important that representatives of this development contact the BKID office as soon as possible to discuss the pressure system prior to any costly design work. If applicable, the irrigation system will have to be built to specific specifications as set by the District / Project.*

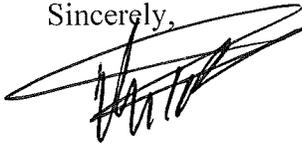
*Boise Project Board of Control must receive a written response from the Boise-Kuna Irrigation District as to who will own and operate the pressure irrigation system prior to review and approval of an irrigation plan by Boise Project Board of Control.*

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

**Prior to any construction being done next to or within the easements listed previously, the contractor and/or developer must contact our Division 2 watermaster at 208-342-5086.**

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

Sincerely,



Thomas Ritthaler  
Assistant Project Manager, BPBC

tbr/tr

cc: Kevin Reeves  
Alicia Flavel  
File

Watermaster, Div; 2 BPBC  
Secretary – Treasurer, BKID



Ada County Transmittal  
Division of Community and Environmental Health

Return to:

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

Rezone/OTD # \_\_\_\_\_

Conditional/Accessory Use # 24-01-CPF/22-02-PA MOD

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

Development Name/Section Lamp District CDH File # \_\_\_\_\_

- 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. 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 \_\_\_\_\_
- 5. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 6. After written approvals from appropriate entities are submitted, we can approve this proposal for:
  - central sewage
  - community sewage system
  - interim sewage
  - central water
  - individual sewage
  - individual water
  - community water well
- 7. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - central sewage
  - community sewage system
  - sewage dry lines
  - central water
  - community water
- 8. Infiltration beds for storm water disposal are considered shallow injection wells. If they are not in the City of Boise or ACHD right-of-way, an application and fee per well, vicinity map and construction plans must be submitted to CDH.
- 9. If restroom or plumbing facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 10. An accessory use application, fee, detailed site plan and floor plans must be submitted to CDH for review.
- 11. Land development application, fee per lot, test holes and full engineering report is required.
- 12. CDH makes no guarantee a septic permit will be issued on the split off lot. A speculative site evaluation is recommended.
- 13. We will require plans be submitted for a plan review for any:
  - food establishment
  - swimming pools or spas
  - beverage establishment
  - grocery store
  - child care center

14. \_\_\_\_\_  
\_\_\_\_\_

Reviewed By: Rowley Date: 8/21/24



August 30, 2024

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

Subject: Case No. 24-01-CPF, 22-02-DA / MOD LAMP DISTRICT

Dear Mr. Hanson:

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

<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

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

**1. AIR QUALITY**

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

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

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

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

## 2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

## 3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.

- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

#### 4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of stormwater or authorized non-storm water associated with the primary industrial activity and co-located industrial activity.

For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.

- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

#### 5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

#### 6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

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

Sincerely,



Aaron Scheff  
Regional Administrator

c:

2021AEK



**Your Safety • Your Mobility  
Your Economic Opportunity**

**IDAHO TRANSPORTATION DEPARTMENT**  
P.O. Box 8028 • Boise, ID 83707-2028  
(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

September 4, 2024

Doug Hanson  
City of Kuna P&Z Director  
751 W 4th St  
Kuna, ID 83634

**VIA EMAIL**

<b>Development Application</b>	<b>24-01-CPF, 22-02-DA MOD</b>
<b>Project Name</b>	<b>Lamp District</b>
<b>Project Location</b>	NE Corner of N Meridian Rd & E Deer Flat Rd
<b>Project Description</b>	Plat Consolidation
<b>Applicant</b>	Riley Planning Services LLC

The Idaho Transportation Department (ITD) reviewed the referenced application(s) and has the following comments:

1. This project abuts the State Highway System (SH-69).
2. ITD does not have any concerns with the proposed CPF & DA MOD applications. ITD will not require any traffic studies for this development. However, per the applicant's application package, a TIS will be required as development occurs.
3. ITD encourages the applicant to reach out during the application process if there are any questions or concerns regarding future access plans.

If you have any questions, you may contact me at 208-334-8377.

Sincerely,

*Kendra Conder*

Kendra Conder  
Development Services Coordinator  
[Kendra.conder@itd.idaho.gov](mailto:Kendra.conder@itd.idaho.gov)

---

**CASE No. 24-05-SUP (SPECIAL USE PERMIT) and  
24-13-DR (Design Review)**

**J&M Sanitation Solar Installation**

**Planner: Troy Behunin**

**[TBehunin@KunaID.gov](mailto:TBehunin@KunaID.gov)**

**208-922.5274**

**ALL APPLICATION MATERIALS: [24-05-SUP and  
24-13-DR: J&M Sanitation Solar Installation](#)**

**If you require assistance accessing the application materials through the link provided above or would like to review the application materials in person at City Hall please contact the assigned planner.**



CITY OF KUNA:  
P&Z COMMISSION  
STAFF REPORT

## City of Kuna P&Z Commission Staff Report

Entitlements Requested:	Subdivision	Rezone	Annexation	Special Use	Planned Unit Development	Design Review	Other
<b>Title:</b>	J&M Sanitation Solar Installation		<b>Application Number:</b>		24-05-SUP & 24-13-DR		
<b>Date:</b>	10/8/2024		<b>Staff Contact:</b>		Troy Behunin		
<b>Owner(s)/Applicant:</b>	Gordon Properties, LLC		<b>Applicant Contact:</b>		<a href="mailto:timothywtimjm@aol.com">timothywtimjm@aol.com</a>		
<b>Representative:</b>	Tamee Crawford		<b>Representative Contact:</b>		<a href="mailto:tlcrawford@centengr.com">tlcrawford@centengr.com</a>		

**Purpose**  
 Applicant requests Special Use Permit and Design Review approval in order to install and operate an Energy System, Production Solar Facility located at 680 S Swan Falls Road, Kuna, ID, 83634.

Statement of Fact	
<b>Parcel Number(s):</b>	S1325233760
<b>Future Land Use Map Designation:</b>	Industrial
<b>Existing Land Use:</b>	Commercial/Industrial
<b>Current Zoning:</b>	M-1
<b>Proposed Zoning:</b>	Same
<b>Development Area:</b>	5.56 Acres
<b>Adjacent Zoning Districts:</b>	<b>North:</b> M-1 (Industrial); <b>East:</b> M-1 (Industrial); <b>South:</b> R-4, R-6 & RUT (Medium Residential, Rural Residential); <b>West:</b> R-3 (Medium Residential).
<b>Adjacent Street(s) Existing &amp; Proposed:</b>	<b>North:</b> N/A; <b>East:</b> Thistle Dr. (Existing); <b>South:</b> N/A; <b>West:</b> N/A
<b>Internal Street(s) Existing &amp; Proposed:</b>	No New Streets Proposed
<b>Adjacent Bike/Pedestrian Facilities:</b>	N/A
<b>Adjacent Parks:</b>	N/A
<b>Land Dedication Requirements:</b>	N/A

**Comprehensive Plan and Future Land Use Map Analysis**  
 The Comprehensive Plan identifies the subject property as Industrial, the existing district is M-1 (Industrial) and encourages good community design to direct growth and implement sustainable land use patterns (Goal 3. A.).  
  
 The Comprehensive Plan encourages clean energy sources and reducing emissions and supports the pursuit of energy production alternatives such as solar and other alternative energy sources, while promoting sustainable building practices and energy conservation techniques for new construction and rehabilitation of buildings and other facilities (Objective 2. E. 4 and 2. E. 4. a & d).

The Comprehensive Plan identifies the goal to attract and encourage new and existing businesses (Goal 1.C.), and to create an environment that is friendly to business creation, expansion & relocation and ensure land use policies, restrictions, and fees do not violate private property rights (Objective 1.C.2 and 3.G.1).

The Comprehensive Plan supports working with existing and future businesses to implement sustainable business practices (Policy 2. E. 5. a).

The Comprehensive Plan encourages strategically located and developed areas while respecting private property rights for landowners. (Goal 3.E and 3. G.).

### Staff Analysis

The applicant submits a request for Special Use Permit approval to install Solar Panels onsite for energy production in order to provide clean energy for their vehicles used for daily refuse pick up. This is a private system that will serve this company's use only and will not be available for public use.

The applicant also submits a landscape plan for approval for their frontage along Swan Falls Road and seeks alternative compliance. Staff supports alternative landscape compliance for this project as this is an Industrial use where Pressurized Irrigation is not yet available in most areas, and staff supports the applicant desire to be water-wise since potable water will be used for the limited landscaping. Staff agrees the proposal advances the City's goal to avoid potable water use in Industrial areas promoting alternative water conservation efforts. Staff believes the landscaping plan complies with the alternative compliance standards.

Currently, there is no sidewalk on the east side of S Swan Falls south of Avalon Road. This site has limited frontage on S Swan Falls with no sidewalk on the east side to connect with. Furthermore, the City wants to avoid attracting pedestrians in front of this particular Industrial Use as there will be electric Garbage Trucks entering and exiting multiple times throughout the day which are very quiet and mixing the two audiences with no connecting sidewalk appears to be the safest way forward until this area further develops and the Ultimate S Swan Falls Road corridor is known. Staff supports delaying sidewalk installation on the S Swan Falls frontage for these reasons. Staff supports the proposal to reserve space for a future sidewalk in the event it is determined to be necessary with future improvements.

### Recommended Conditions of Approval

1. Fire District, Building Inspector and Central District Health Department inspections are required for final sign off; Applicant shall provide the Kuna Planning and Zoning Department with copies of said inspections prior to applying for a Kuna City Business License.
2. In the event the uses or the building located on this parcel are enlarged, expanded upon or altered in anyway, the owner/applicant, and any future assigns having interest in the subject property, shall seek an amendment to the approvals of this Special Use Permit through the Planning and Zoning Department.
3. This Special Use Permit is valid only if the Conditions of Approval are adhered to continuously. In the event the conditions are not continuously followed, the Special Use Permit approval may be revoked.
4. The Special Use Permit is not transferable from one parcel to another.
5. Applicant shall follow all staff and agency recommendations.

6. Applicant shall comply with Kuna City ode.
7. Applicant shall comply with all local, state, and federal laws.

DATED: This 8<sup>th</sup> Day of October, 2024.

**CASE NO. 24-20-DR (DESIGN REVIEW)**

**KUNA FOOD BANK**

**Planner: Doug Hanson**

**[dhanson@kunaid.gov](mailto:dhanson@kunaid.gov)**

**208-287-1771**

**ALL APPLICATION MATERIALS: [24-20-DR KUNA FOOD BANK](#)**

**If you require assistance accessing the application materials through the link provided above or would like to review the application materials in person at City Hall please contact the assigned planner.**



CITY OF KUNA:  
P&Z COMMISSION  
STAFF REPORT

## City of Kuna P&Z Commission Staff Report

Entitlements Requested:	Subdivision	Rezone	Annexation	Special Use	Planned Unit Development	Design Review	Other
<b>Title:</b>	Kuna Food Bank		<b>Application Number:</b>		24-20-DR		
<b>Date:</b>	10/08/2024		<b>Staff Contact:</b>		Doug Hanson		
<b>Owner(s)/Applicant:</b>	Alliance Serving Kuna, Inc.		<b>Applicant Contact:</b>		<a href="mailto:marci.durrant@gmail.com">marci.durrant@gmail.com</a>		
<b>Representative:</b>	Scott Marshall		<b>Representative Contact:</b>		<a href="mailto:scott@straightline.biz">scott@straightline.biz</a>		

**Purpose**  
 Applicant requests Design Review approval for 5,600 square foot commercial building, parking lot and landscaping located at 498 N Franklin Road; Section 23, Township 2 North, Range 1 West.

Statement of Fact	
<b>Parcel Number(s):</b>	R5225750015, R5225750020
<b>Future Land Use Map Designation:</b>	Commercial, Medium Density Residential
<b>Existing Land Use:</b>	Bare land
<b>Current Zoning:</b>	C-1
<b>Proposed Zoning:</b>	Same
<b>Development Area:</b>	1.29 acres
<b>Adjacent Zoning Districts:</b>	<b>North:</b> R-6 (Medium Density Residential) and R-8 (High Density Residential), R-6 (Medium Density Residential); <b>East:</b> R-6 (Medium Density Residential); <b>South:</b> R-6 (Medium Density Residential); <b>West:</b> R-6 (Medium Density Residential)
<b>Adjacent Street(s) Existing &amp; Proposed:</b>	<b>North:</b> N/A; <b>East:</b> N/A; <b>South:</b> W 4 <sup>th</sup> Street (Existing); <b>West:</b> N Franklin Ave (Existing)
<b>Internal Street(s) Existing &amp; Proposed:</b>	Internal drive
<b>Adjacent Bike/Pedestrian Facilities:</b>	None
<b>Adjacent Parks:</b>	None
<b>Land Dedication Requirements:</b>	Bernie Fisher Park approx. 580 feet south

**Comprehensive Plan and Future Land Use Map Analysis**  
 The Comprehensive Plan identifies the subject property as Commercial and Medium Density Residential. The existing zoning district of C-1 (Neighborhood Commercial) is a compatible zoning district within the Commercial Land Use Designation for a property located within an existing residential neighborhood with proximity to the downtown area.

The Comprehensive Plan identifies the goal to Kuna's residents are food secure and have access to readily available foods (Goal 2.I). The applicant's proposal to construct a 5,600 sf commercial building to serve as a food bank for the community area will serve this goal.

### Staff Analysis

The applicant requests Design Review approval for 5,600 square foot commercial building, parking lot and landscaping located at 498 N Franklin Avenue located within the approved Serving Subdivision.

The site is accessed via a driveway on N Franklin Avenue. The development meets all ACHD polices and level of service planning thresholds. The parking lot and proposed landscaping comply with KCC.

The site plan identifies the trash enclosure as 10'x10' with 6' chain link fence with privacy slats. The trash enclosure shall 12'x12' with CMU block and steel gates per J&M Sanitation requirements.

Upon staff review the proposed application meets the requirements of Kuna City Code and Comprehensive Plan. Staff recommends the Commission approve the application with the conditions as outlined in staff's report.

### Recommended Conditions of Approval

#### Conditions

1. The Developer/Owner/Applicant 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 all sewer connections.
  - b. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the Applicant has received an approved drainage plan.
  - c. 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".
  - d. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Fire District are required.
  - e. The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
  - f. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to issuance of any building permit(s).
  - g. All public Rights-Of-Way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
2. The Developer/Owner/Applicant, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Commission, or seek amending them through appropriate application processes as outlined in KCC.

3. Developer/Owner/Applicant shall follow staff, City Engineer and other agency recommended requirements, as applicable.
4. This development shall be completed per the approved site plan and landscape plan, or as otherwise determined by staff.
5. All required landscaping shall be permanently maintained in healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within three (3) days or as the planting season permits, as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
6. Landscaping shall not be placed within 10 feet of any and all meter pits, pressurized irrigation valves and/or ACHD underground facilities, and must honor all vision triangles.
7. This development is subject to Architectural and Landscape compliance Design Review inspections prior to receiving a Certificate of Occupancy. Design Review inspection fees shall be paid prior to requesting staff inspection.
8. Developer/Owner/Applicant shall comply with J&M Sanitation requirements for the trash enclosure.
9. Developer/Owner/Applicant/Contractors are hereby notified of Kuna's working hours. Construction of any kind shall only be conducted within the hours specified in KCC 10-6-3. Noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
10. Developer/Owner/Applicant is hereby notified of Kuna's weed control policies and requirements KCC 8-1-3. Weeds, grasses, vines or other growth which endanger property or are over twelve (12) inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed throughout all seasons.
11. Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.
12. Developer/Owner/Applicant shall comply with Kuna City Code and Idaho State code.

# STRAIGHTLINE

ARCHITECTS

September 4, 2024

RE: KUNA FOOD BANK

Dear City of Kuna Planning & Zoning,

The following project narrative is in to reply to the Design Review Application submittal checklist requirement.

This new 5,600 sf. building for the Kuna Food Bank, will warehouse and distribute food donations, house administrative office and meeting space, provide client counseling offices, and a life skills instructional space.

The overall form aligns with Mid-Century Modern with a shade of contemporary Bauhaus façade elements. The shallow slope double shed roof combined with the punched horizontal windows accentuate the linear placement of façade building materials creating strong regulating lines.

Use of Nichiha horizontal lap siding combined with a dry stacked ledgerstone base anchors the building visually using natural materials. Vertical striated prefinished metal panels create a neutral backdrop above.

Main entry points at both the front and sides of the building are architecturally identifiable for visual wayfinding.

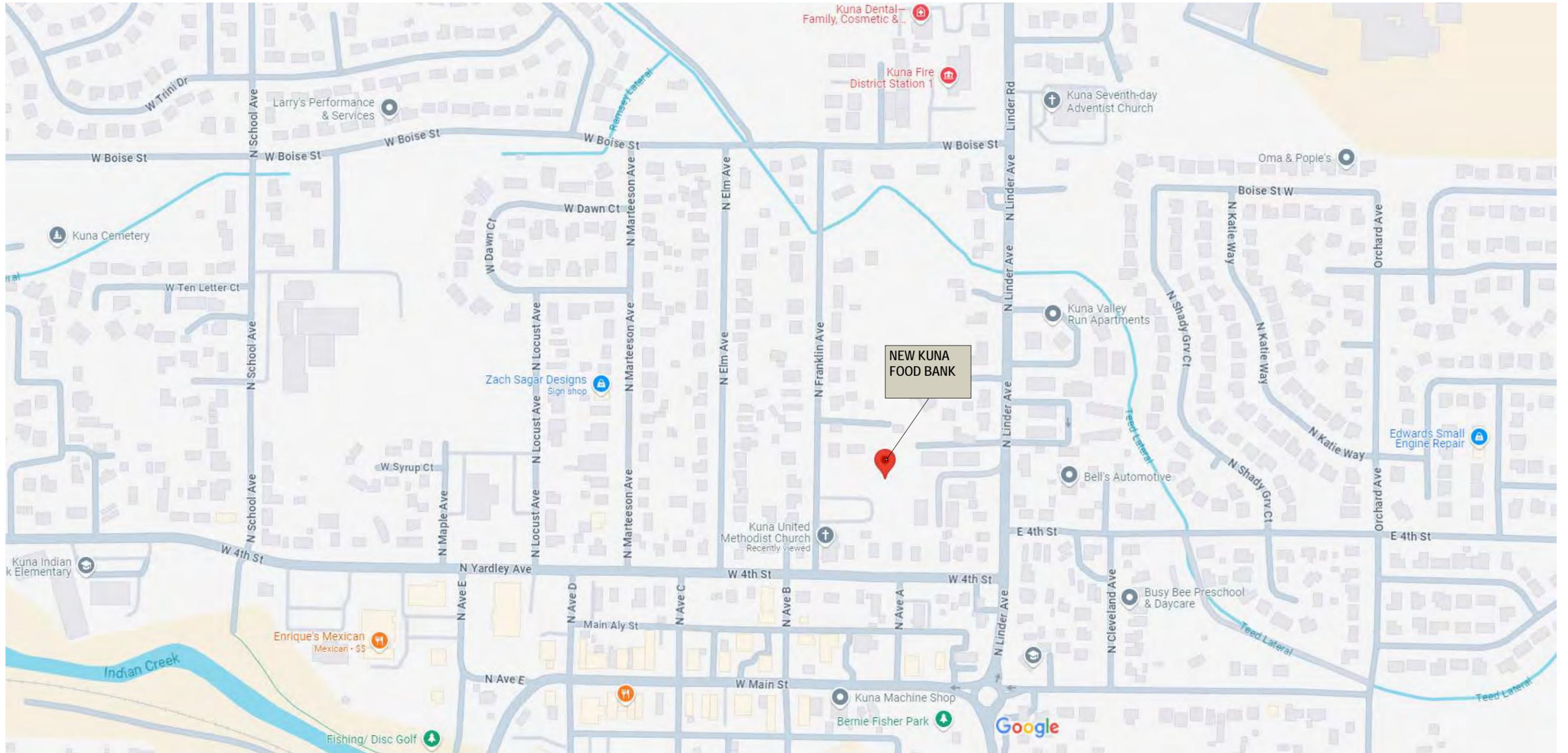
The Land use will be commercial.

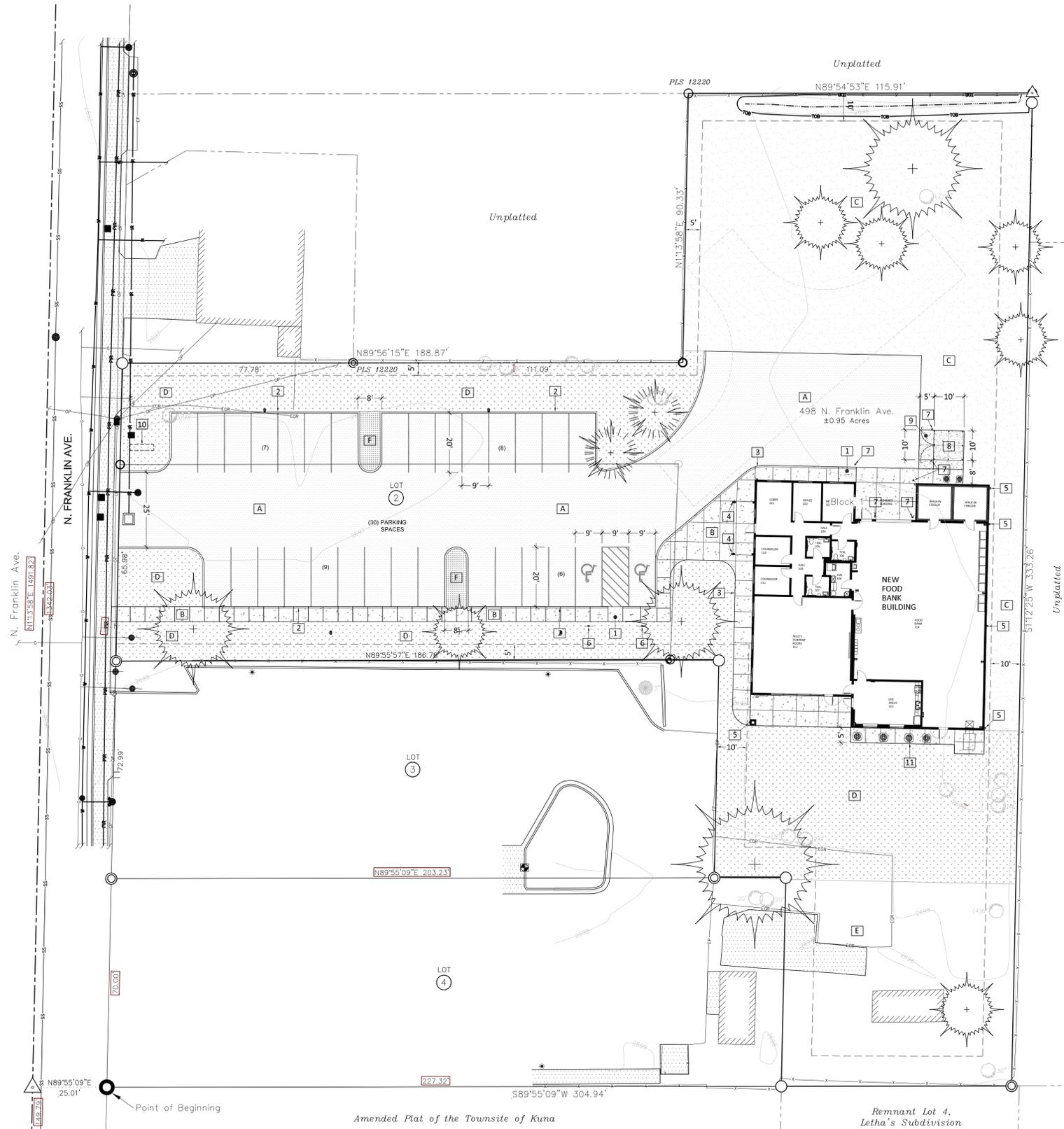
The site amenities will comprise of paved and landscaped parking, landscaped front entry sidewalks, loading area for food distribution, and a sod activity area to the south.

Respectfully,



Scott Marshall, AIA-NCARB  
Principal – Straightline Architects  
Idaho – Oregon - Montana





**1 SITE PLAN - OVERALL**  
 SCALE: 1:20'

**SITE MATERIALS**

- A NEW ASPHALT PAVING
- B NEW CONCRETE PAVING / SIDEWALKS
- C NEW GRAVEL GROUND COVER
- D GRASS SOD
- E UNDISTURBED GROUND
- F PLANTER WITH GROUNDCOVER

**GENERAL NOTES**

GENERAL ABBREVIATIONS:  
 (N) New  
 (D) Demolish  
 (E) Existing  
 (X\*) Height Above Fin. Floor  
 (TYP) Typical (6'-8")  
 (NIC) Not in Contract  
 (UNO) Unless Noted Otherwise  
 (X) Number or Quantity

**SITE INFORMATION**

**SITE LOCATION:**  
 498 N. FRANKLIN AVENUE  
 RS22570015 & RS52570020  
 KUNA, IDAHO

**LEGAL DESCRIPTION:**  
 A PORTION OF LOT 4, ALL OF LOTS 1 THROUGH 3, 'LETHAS' SUBDIVISION AND AN UNPLATTED PORTION OF THE NE 1/4 OF SE 1/4 SITUATED IN SECTION 23, T2N, R1W, BOISE MERIDIAN, CITY OF KUNA, ADA COUNTY, IDAHO.

**SITE AREA:**  
 (CALCULATED)

ASPHALT PAVING	13,070 sf.
CONCRETE PAVING	1,700 sf.
GRASS SOD	14,816 sf.
GRAVEL	2,355 sf.
UNDEVELOPED	46,965 sf.
BUILDING AREA	5,600 sf.

**TOTAL:**  
 SQUARE FOOTAGE 84,506  
 ACRES 1.940

**OPEN SPACE CALCULATION:**  
 GRASS SOD + GRAVEL + UNDEVELOPED  
 14,816 + 2,355 + 46,965 = 64,136 sf  
 64,136 / 84,506 = 75.9 %

**SETBACKS:**  
 AS PER ZONING REQUIREMENTS:

**NOTES**

- 1 ADA SIDEWALK RAMP
- 2 RAISED CONCRETE CURB
- 3 SIDEWALK DRAIN GRATE, DRAIN INTO LANDSCAPING
- 4 DOWNSPOUT DRAIN, PIPED, SEE CIVIL
- 5 DOWNSPOUT DRAIN AT GRADE / SIDEWALK
- 6 ADA SIGNAGE, VAN ACCESSIBLE
- 7 PIPE BOLLARD, 4" DIA. CONCRETE FILLED
- 8 GARBAGE ENCLOSURE: AS DIMENSIONED, 4" CONCRETE SLAB, 6" HIGH CHAIN LINK FENCE WITH PRIVACY SLATS, (2) 4'-6" WIDE GATES, OPEN FENCE PANEL AT BUILDING FOR ACCESS.
- 9 HEAVY DUTY CONCRETE SLAB: 6" THICK, REINFORCE WITH #3 EACH WAY AT 12" o.c.
- 10 FUTURE LOCATION OF MONUMENT SIGNAGE, SEE ELECTRICAL FOR ROUGH-IN
- 11 HVAC HOUSEKEEPING PADS AS SHOWN.
- 12 PARKING LOT LIGHT POLES, SEE ELECTRICAL DRAWINGS.



PARCELS:  
 A PORTION OF LOT 4 AND ALL LOTS 1 THRU 3, 'LETHAS' SUB & A PORTION OF THE NE 1/4 OF THE SE 1/4 SITUATED IN SECTION 23, T2N, R1W, BOISE MERIDIAN, CITY OF KUNA, ADA COUNTY, IDAHO



**KUNA FOOD BANK NEW FACILITY**

**SITE LOCATION:**  
 498 N. FRANKLIN AVENUE  
 KUNA, IDAHO  
 83634



**CONTRACTOR:**  
 BIG D BUILDERS  
 1465 E. BIRD DOG DRIVE  
 MERIDIAN, IDAHO 83642



**Scott A. Marshall - AIA-NCARB**  
 4521 South Cloverdale Road,  
 Suite 102 - Boise, Idaho 83709  
 P: 208.991.0855  
 Scott@Straightline.biz

Project: 2210 - KFB  
 Drawn by: S.Marshall

Version History:

DESIGN REVIEW 9-20-24

DRAWING NO.

**A1.0**

ARCHITECTURAL SITE PLAN





FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



VIEW FROM FRANKLIN AVENUE



PARCEL(S):  
A PORTION OF LOT 4 AND  
ALL LOTS 1 THRU 3,  
LEHAS SUB & A PORTION  
OF THE NE 1/4 OF THE SE 1/4  
SITUATED IN SECTION 23,  
T2N, R1W, B05E  
MERIDIAN, CITY OF KUNA,  
ADA COUNTY, IDAHO



KUNA FOOD BANK  
NEW FACILITY

Site Location:  
1498 N. FRANKLIN AVENUE  
KUNA, IDAHO



CONTRACTOR:  
BIG D BUILDERS  
1465 E. BIRD DOG DRIVE  
MERIDIAN, IDAHO 83642



4521 South Cloverdale Road,  
Suite 102 - Boise, Idaho 83709  
P: 208.991.0855  
Scott@straightline.biz

Project: 2210 - KFB  
Drawn by: S.Marshall  
S.Marshall Jr.  
T.Tran

Version History:  
8 FEBRUARY 2023

DESIGN DEVELOPMENT

DRAWING NO.

**A1.1**  
RENDERING



Alexis Pickering, President  
 Miranda Gold, Vice-President  
 Jim Hansen, Commissioner  
 Kent Goldthorpe, Commissioner  
 Dave McKinney, Commissioner

Date: September 30<sup>th</sup>, 2024

To: Alliance Serving Kuna, Inc.

Staff Contact: Matt Pak, Planner

Project Description: Kuna Food Bank

Trip Generation: This development is estimated to generate 10 vehicle trips per day, 1 vehicle trip per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 11<sup>th</sup> edition.

Proposed Development Meets	
All ACHD Policies	X
Requires Revisions to meet ACHD Policies	

Traffic Impact Study	
Yes	
No	X
If yes, is mitigation required	

Area Roadway Level of Service	
Do area roadways meet ACHD's LOS Planning Thresholds?	
Yes	X
No	
Area roads will meet ACHD's LOS Planning Thresholds in the future with planned improvements?	
Yes	
No	

ACHD Planned Improvements	
IFYWP	X
CIP	

Livable Street Performance Measures	
Pedestrian	LTS 1
Cyclist	LTS 1

Is Transit Available?	
Yes	
No	X

*connecting you to more*



**Project/File:** **Kuna Food Bank / KUNA24-0011 / 24-20-DR**  
 This is a design review application to allow for the development of a 5,600 square foot food bank building on 1.2 acres.

**Lead Agency:** City of Kuna

**Site address:** 498 N Franklin Rd

**Staff Approval:** September 30<sup>th</sup>, 2024

**Applicant:** Alliance Serving Kuna, Inc  
 P.O. Box 542  
 Kuna, ID 83634

**Representative:** Scott Marshall, AIA-NCARB  
 4521 S Cloverdale Rd, Suite 102  
 Boise, ID 83709

**Staff Contact:** Matt Pak  
 Phone: 208-387-6171  
 E-mail: [mpak@achdidaho.org](mailto:mpak@achdidaho.org)

**Report Summary:**

ACHD Planned Improvements .....2

Level of Service Planning Thresholds .....2

A. Site Specific Conditions of Approval .....3

B. Vicinity Map .....4

C. Site Plan .....5

D. Findings for Consideration .....6

E. Policy.....7

F. Standard Conditions of Approval .....9

G. Conclusions of Law.....10

Request for Appeal of Staff Decision .....10

## ACHD Planned Improvements

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

- Linder Road is scheduled in the draft 2025-2029 IFYWP, to be adopted in the Fall of 2024, as a corridor improvement project to enhance pedestrian and bicycle facilities on both sides of the roadway from Deer Flat Road to Main Street in 2027.
- Linder Road/Main Street is scheduled in the draft 2025-2029 IFYWP, to be adopted in the Fall of 2024, as a community improvement project to establish a new bikeway corridor with wayfinding and bikeway signage from Deer Flat Road to Avenue D in 2027.
- Boise Street is scheduled in the draft 2025-2029 IFYWP, to be adopted in the Fall of 2024, as a community improvement project to establish a new bikeway corridor with wayfinding and bikeway signage from Ten Mile Road to Linder Avenue in 2027.
- The intersection of Linder Road and Porter Street is scheduled in the 2025-2029 IFYWP, to be adopted in the Fall of 2024, to be improved with an enhanced crossing in 2027.

## Level of Service Planning Thresholds

### 1. 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
Franklin Avenue	100-feet	Local	N/A	N/A

### 2. Average Daily Traffic Count (VDT)

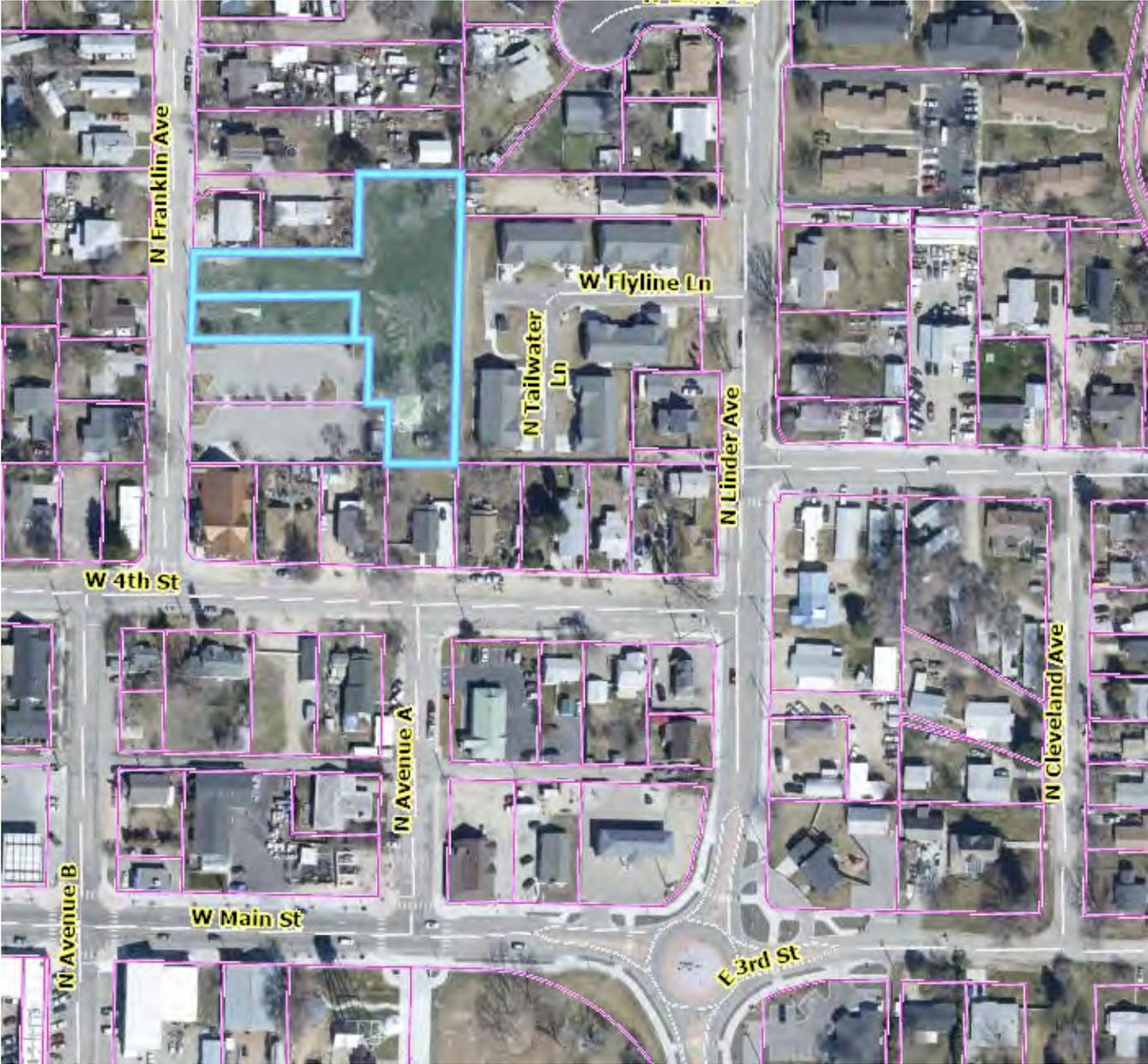
*Average daily traffic counts are based on ACHD's most current traffic counts.*

- There are no current traffic counts for Franklin Avenue.

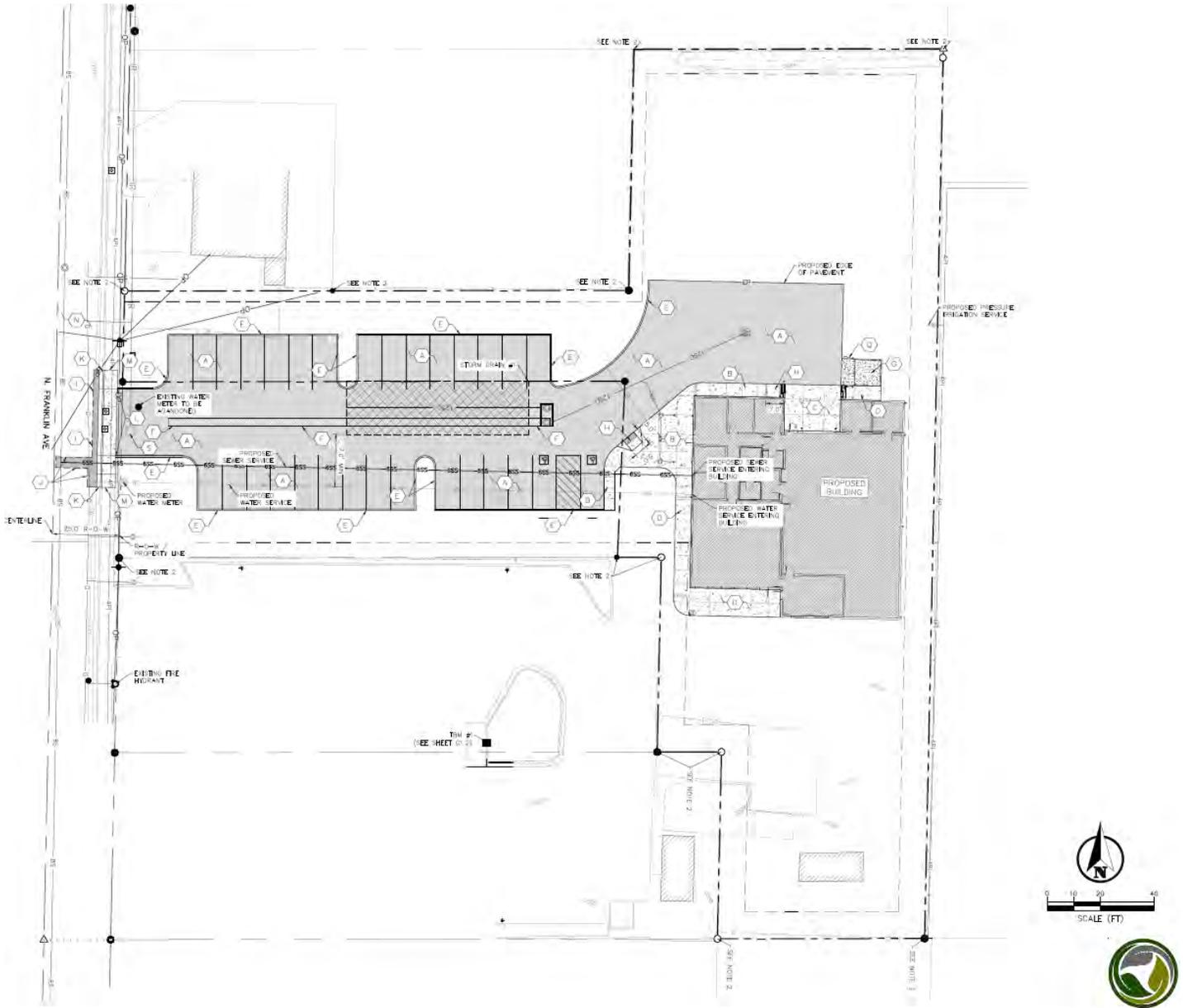
## **A. Site Specific Conditions of Approval**

1. Consistent with District Minor Improvements policy, the applicant should be required to repair or replace any damaged or deficient transportation facilities on Franklin Avenue abutting the site, as determined by ACHD staff, and consistent with the current version of PROWAG.
2. Construct a 25-foot wide curb cut type driveway from the site onto Franklin Avenue, located 342-feet north of 4<sup>th</sup> Street (measured centerline-to-centerline).
3. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.
4. There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.
5. Comply with all Standard Conditions of Approval.

**B. Vicinity Map**



# C. Site Plan



## **D. Findings for Consideration**

### **1. Franklin Avenue**

- a. **Existing Conditions:** Franklin Avenue is improved with 2-travel lanes, vertical curb, gutter, and 5-foot wide attached concrete sidewalk abutting the site. There is 49 to 50-feet of right-of-way for Franklin Avenue (25-feet from centerline).
- b. **Applicant's Proposal:** The applicant is not proposing any additional dedication of right-of-way or frontage improvements abutting the site.
- c. **Staff Comments/Recommendations:** Franklin Avenue is fully improved abutting the site; therefore, no additional dedication of right-of-way or frontage improvements should be required as part of this application.

Consistent with District Minor Improvements policy, the applicant should be required to repair or replace any damaged or deficient transportation facilities on Franklin Avenue abutting the site, as determined by ACHD staff, and consistent with the current version of PROWAG.

### **2. Driveways**

#### **2.1 Franklin Avenue**

- a. **Existing Conditions:** There are no existing driveways from the site onto Franklin Avenue.
- b. **Applicant's Proposal:** The applicant is proposing to construct a 25-foot wide curb cut type driveway from the site onto Franklin Avenue, located 342-feet north of 4<sup>th</sup> Street (measured centerline-to-centerline).
- c. **Staff Comments/Recommendations:** The applicant's proposal meets District policy and should be approved, as proposed.

## **E. Policy**

### **1. Federal Accessibility Design Guidelines and Standards**

District policy 7203.1.1 states that developers shall follow the current version of the U.S. Access Board's Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), 36 CFR Part 1190, September 7, 2023; (Also see, <https://www.access-board.gov/prowag> and <https://www.access-board.gov/files/prowag/planning-and-design-for-alternatives.pdf> for additional information).

### **2. Minor Improvements**

**Minor Improvements Policy:** District Policy 7203.3 states that minor improvements to existing Highways adjacent to a proposed development may be required. These needed transportation facilities are to correct deficiencies or replace deteriorated facilities. Included are sidewalk and/or bike lane construction or replacement (with physical buffers if missing and needed); construction of transitional sidewalk segments; crosswalk construction or replacement; curb and gutter construction or replacement; repair, replacement or expansion of curb extensions; replacement of unused driveways with curb, gutter, sidewalk, repair or addition of traffic calming or speed mitigation features; installation or reconstruction of pedestrian ramps; pavement repairs; signs, motor vehicle, pedestrian and bicycle traffic control devices; and other similar items. The current version of PROWAG will determine the applicable accessibility requirements for alterations and elements added to existing streets. ACHD staff is responsible for identifying the minor improvements that would be proportionate to the size and complexity of the development.

### **3. Livable Street Performance Measures**

District policy 7203.8 states that ACHD has adopted performance measures (level of stress) for evaluating the experience of bicyclists and pedestrians. ACHD seeks to create a transportation network that serves all ages and abilities. Bike and pedestrian facilities built through development should achieve a bike and pedestrian level of traffic stress 1 or 2, with no new bike lane below a minimum of 5-feet.

### **4. Franklin Avenue**

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

**Street Section and Right-of-Way Policy:** District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).

**Standard Urban Local Street—33-foot Street Section and Right-of-way Policy:** District Policy 7207.5.2 states that the standard street section shall be 33-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 47-feet of right-of-way.

For the City of Kuna and City of Star: Unless otherwise approved by Kuna or Star, the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 50-feet of right-of-way.

**Sidewalk Policy:** District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case

a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

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

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

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

## 5. Driveways

### 5.1 Franklin Avenue

**Driveway Location Policy:** District policy 7207.4.1 requires driveways near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest local street intersection, and 150-feet from the nearest collector or arterial street intersection.

**Successive Driveways:** District Policy 7207.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.

**Driveway Width Policy:** District policy 7207.4.3 states that where vertical curbs are required, residential driveways shall be restricted to a maximum width of 20-feet and may be constructed as curb-cut type driveways.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.4.3, 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.

## 6. Tree Planters

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

## 7. Landscaping

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

**8. Pathway Crossings:** United States Access Board R304.5.1.2 Shared Use Paths. In shared use paths, the width of curb ramps runs and blended transitions shall be equal to the width of the shared use path.

AASHTO's Guidelines for the Development of Bicycle Facilities 5.3.5 Other Intersection Treatments: The opening of a shared use path at the roadway should be at least the same width as the shared use path itself. If a curb ramp is provided, the ramp should be the full width of the path, not including any flared sides if utilized. . . . Detectable warnings should be placed across the full width of the ramp.

FHWA's "Designing Sidewalks and Trails for Access" (1999) reflected common ADA-related concepts: Chapter 6, Page 16-6: The width of the ramp should be at least as wide as the average width of the trail to improve safety for users who will be traveling at various speeds. In addition, the overall width of the trail should be increased, so the curb ramp can be slightly offset to the side. The increased width reduces conflict at the intersection by providing more space for users at the bottom of the ramp.

## **F. Standard Conditions of Approval**

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA), Public Right-of-Way Accessibility Guidelines (PROWAG), ISPWC, or ACHD requirements . The applicant's engineer should provide documentation of 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.

## **G. 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.

### **Request for Appeal of Staff Decision**

To request an appeal of a staff level decision, see District policy 7101.6.7 at <https://www.achdidaho.org/home/showpublisheddocument/452/638243231708370000>

### **Request for Reconsideration of Commission Action**

To request reconsideration of a Commission Action, see District policy 1006.11 at <https://www.achdidaho.org/home/showpublisheddocument/452/638243231708370000>

## Doug Hanson

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**From:** Chad Gordon <chad.gordon@jmsanitation.com>  
**Sent:** Tuesday, October 1, 2024 11:16 AM  
**To:** Doug Hanson  
**Subject:** Re: FW: Notification for Case No. 24-20-DR (Design Review) - Kuna Food Bank

Hi Doug,

The two things that I see as far as the enclosure is that the dimensions need to be 12' x 12' and the materials used for the enclosure need to be CMU block and steel gates instead of chain link. Let me know if you have any questions.

Thanks,

On Tue, Oct 1, 2024 at 7:13 AM Doug Hanson <[dhanson@kunaid.gov](mailto:dhanson@kunaid.gov)> wrote:

Good morning Chad,

I left you of the transmittal on this one by mistake.

Best,



751 W. 4th Street

P.O. Box 13

Kuna, ID 83634

### Doug Hanson

**Director**

City of Kuna | Planning & Zoning

Phone: 208-287-1771

Email: [dhanson@kunaid.gov](mailto:dhanson@kunaid.gov)

[www.kunacity.id.gov](http://www.kunacity.id.gov)

*All e-mail messages sent to or received by City of Kuna e-mail accounts are subject to Idaho law, in regard to both release and retention, and may be released upon request, unless exempt from disclosure by law.*

**From:** Doug Hanson

**Sent:** Tuesday, September 17, 2024 7:30 AM

**To:** TLawrence Kuna Fire <[tlawrence@kunafire.com](mailto:tlawrence@kunafire.com)>; Mike Fratusco <[mfratusco@adacounty.id.gov](mailto:mfratusco@adacounty.id.gov)>; Mike Borzick <[mborzick@kunaaid.gov](mailto:mborzick@kunaaid.gov)>; Adam Wenger <[AWenger@kunaaid.gov](mailto:AWenger@kunaaid.gov)>; PlanningReview <[planningreview@achdidaho.org](mailto:planningreview@achdidaho.org)>

**Cc:** Jessica Reid <[jhall@kunaaid.gov](mailto:jhall@kunaaid.gov)>; Morgan Treasure <[mtreasure@kunaaid.gov](mailto:mtreasure@kunaaid.gov)>; Topacio Irish <[TIrish@kunaaid.gov](mailto:TIrish@kunaaid.gov)>; Troy Behunin <[tbehunin@kunaaid.gov](mailto:tbehunin@kunaaid.gov)>

**Subject:** Notification for Case No. 24-20-DR (Design Review) - Kuna Food Bank

## Transmittal – September 17, 2024

Notice is hereby given by the City of Kuna the following actions are under consideration:

<b>CASE NUMBER:</b>	<a href="#">24-20-DR KUNA FOOD BANK</a>
<b>PROJECT DESCRIPTION</b>	Applicant requests Design Review approval for 5,600 square foot commercial building, parking lot and landscaping located at 498 N Franklin Road; Section 23, Township 2 North, Range 1 West.
<b>APPLICANT</b>	Alliance Serving Kuna, Inc.  PO Box 542, Kuna, ID 83634  208.922.4745  <a href="mailto:marci.durrant@gmail.com">marci.durrant@gmail.com</a>
<b>REPRESENTATIVE</b>	Scott Marshall  4521 S Cloverdale Road, Suite 102, Boise, ID 83709  208.890.9364  <a href="mailto:scott@straightline.biz">scott@straightline.biz</a>

<b>SCHEDULED HEARING DATE</b>	Tuesday, <b>October 8, 2024</b> at 6:00 P.M.
<b>REVIEWING BODY</b>	Planning & Zoning Commission
<b>STAFF CONTACT</b>	Doug Hanson  208.287.1771  <a href="mailto:dhanson@kunaid.gov">dhanson@kunaid.gov</a>

- We have enclosed information to assist you with your consideration and response; we would appreciate any information as to how this action would affect the service(s) your agency provides. *If your agency requires additional information, or if contact information for your agency needs updated, please notify our office.*
- *No response within **15 business days** will indicate you have no objection or comments regarding this project.*
- The hearing is scheduled to begin at 6:00 p.m. or as soon as it may be heard. Kuna City Hall is located at 751 W. 4<sup>th</sup> Street, Kuna, ID 83634. Please contact staff with questions.



**Doug Hanson**

**Director**

City of Kuna | Planning & Zoning

Phone: 208-287-1771

Email: [dhanson@kunaid.gov](mailto:dhanson@kunaid.gov)

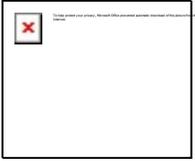
[www.kunacity.id.gov](http://www.kunacity.id.gov)

751 W. 4th Street

P.O. Box 13

Kuna, ID 83634

*All e-mail messages sent to or received by City of Kuna e-mail accounts are subject to Idaho law, in regard to both release and retention, and may be released upon request, unless exempt from disclosure by law.*



Chad J. Gordon  
J&M Sanitation Inc.  
Office # (208) 922-3313  
Fax # (208) 922-4033  
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E-mail : [chad.gordon@jmsanitation.com](mailto:chad.gordon@jmsanitation.com)



# KUNA RURAL FIRE DISTRICT

EST. 1951

150 W BOISE ST  
PO Box 607  
Kuna, ID 83634  
PHONE: (208) 922-1144  
FAX: (208) 922-1982

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**Date:** 9/19/2024  
**From:** Kuna Rural Fire District  
**Regarding:** Design Review Comments  
24-20-DR  
Kuna Food Bank

**Comments:** The Kuna Rural Fire District can support the proposed project with the following conditions:

- The Fire District shall be included in the subsequent building permit approval process. Final conditions of approval will be established during a more detailed architectural fire code plan review. See Fire District Website for associated fees.
- Building designs shall comply with the adopted commercial building code and state fire codes at the time of application for building permit by the City of Kuna building department. If applicable, fire protection system permits will be deferred and issued directly through the Fire District.
- Available firefighting water supply for the project site shall be included with the complete building permit application.

Regards,

Kuna Rural Fire District  
150 W Boise Street  
Kuna, ID 83634  
1.208.922.1144