

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 4th Street, Kuna, ID 83634



Planning & Zoning Commission
REGULAR MEETING AGENDA
Tuesday, January 28, 2025, at 6:00 PM

For questions, please call Planning and Zoning at (208) 922-5546.
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 January 14, 2025

B. Decision and Reasoned Statement(s)

- 1.** Case No. 24-05-OA Energy Production and Energy Storage
- 2.** Case Nos. 24-04-S, 24-10-DR Skylar Ranch No. 2
- 3.** Case No. 24-06-SUP Mi Casita Daycare

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. 24-01-CPM (Comprehensive Plan Map Amendment), 24-01-ZC (Rezone)
Gemstone Technology Park – Doug Hanson, Planning & Zoning Director

The applicant requests a comprehensive plan map amendment changing the future land use designation of the subject site from agriculture to industrial and a rezone from the A (Agriculture) to M-1 (Light Industrial/Manufacturing) zone. The site is located at 3250 S Locust Grove Road, SEC 5, T1N, R1E.

Potential Motions:

- *Motion to recommend Approval/Conditional Approval/Denial of Case Nos. 24-01-CPM and 24-01-ZC with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

4. BUSINESS ITEMS:

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 4th Street, Kuna, ID 83634



Planning & Zoning Commission
REGULAR MEETING AGENDA
Tuesday, January 14, 2025, at 6:00 PM

For questions, please call Planning and Zoning at (208) 922-5546.
ALL AGENDA ITEMS ARE ACTION ITEMS UNLESS OTHERWISE NOTED.

I. CALL TO ORDER & ROLL CALL:

(Timestamp 00:00:19)

Chairman Dana Hennis Anyways, we'll go ahead and call the order the regular scheduled Planning & Zoning Commission meeting for Tuesday January 14th, 2025. We'll start with roll call.

Planning & Zoning Director Doug Hanson Chairman Dana Hennis.

Chairman Dana Hennis Present.

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

Commissioner Jim Main Present.

Planning & Zoning Director Doug Hanson Commissioner Bobby Rossadillo.

Commissioner Bobby Rossadillo Present.

Chairman Dana Hennis Thank you.

COMMISSIONERS PRESENT

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

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 00:00:44)

A. Regular Commission Meeting Minutes Dated December 10, 2024

B. Decision and Reasoned Statement(s)

- 1.** Case No. 24-08-SUP Republic Storage Modification
- 2.** Case No. 24-01-AN Palamino Place

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 And first up on our agenda is the consent agenda.

Commissioner Bobby Rossadillo I'll make a motion to approve the consent agenda.

Commissioner Jim Main Second.

Chairman Dana Hennis Thank you, all in favor?

All Commissioners Aye.

Chairman Dana Hennis Any opposition? Thank you.

(Timestamp 00:00:48)

Motion To: Approve the Consent Agenda

Motion By: Commissioner Bobby Rosadillo

Motion Seconded By: Commissioner Jim Main

Further Discussion: None

Voting Aye: Commissioners Hennis, Main, Rossadillo

Voting Nay: None

Absent: Commissioners Greger, Clark

3-0-2

3. PUBLIC HEARINGS:

(Timestamp 00:01:01)

- A. Case No. 24-05-OA (Ordinance Amendment) Energy Production and Energy Storage – Doug Hanson, Planning & Zoning Director

The City of Kuna Planning & Zoning Department requests a zoning text amendment application.

Potential Motions:

- *Motion to recommend Approval/Conditional Approval/Denial of Case No. 24-05-OA.*
(Timestamp 00:01:01)

Chairman Dana Hennis And so next up is on the public hearings is case #24-05-OA, the ordinance amendment for the energy production and energy storage, Doug.

Planning & Zoning Director Doug Hanson Good evening, Commissioners. For the record, Doug Hanson, Kuna Planning & Zoning Director, 751 W. 4th St, Kuna. The City of Kuna Planning & Zoning Department requests a zoning text amendment application. The text changes include modifications to the Development Regulations Code, to include KCC, Title 5, Chapter 2, Section 3, proposing new definitions for: Energy production facilities with renewable resources; Energy storage facility; public service facility; public uses; substation distribution; substation source; transmission lines; and transmission lines high voltage. Kuna City Code Title 5, Chapter 8, Section 5 proposing changes to the schedule of land use regulations. Adding energy storage as its own separate use and removing power plant as an allowed use from the M-1 zone. In Kuna City Code Title 5, Chapter 8, Section 10. Proposing additional application requirements for energy production facilities; renewable sources and energy storage facilities to include: A decommissioning plan; a fire protection plan; and an emergency response plan. And with that, I will stand by for any questions.

Chairman Dana Hennis Thank you. Any questions for Doug?

Commissioner Jim Main No.

Commissioner Bobby Rosadillo No.

Chairman Dana Hennis No? Okay. Then we will go ahead and open up the public testimony at 6:02. And I have nobody that has signed up to testify. *Just making sure...* Is there anybody in the audience that wanted to testify that didn't sign up? Okay, thank you. Then I will go ahead and close the public testimony at 6:03 without anybody testifying. So I guess that brings up our discussion. Really, it seemed pretty straightforward to me. I read through and actually read it this time.

Commissioner Bobby Rossadillo Yeah. No, I mean it makes sense with the you know increase in solar, you know, stuff that we're seeing renewable energy especially with, you know, recent ones with different business owners and landowners, you know, putting them in. So I think including this stuff. And elaborating on the definitions and the plans a little bit makes sense.

Commissioner Jim Main Yeah, I agree. The elaboration and the clarification and the simplification of the definitions. I think that's a good thing in the code.

Chairman Dana Hennis I like the fire response plans that are required for some of this as well think that's a smart addition.

Commissioner Bobby Rossadillo The decommissioning plans the, you know, emergency response and just being thought for that as well.

Chairman Dana Hennis I agree if there's no other comments or questions, then I would stand for a motion.

Commissioner Bobby Rossadillo Yeah. No, I'll make a motion to recommend approval of case #24-05-OA.

Commissioner Jim Main Second.

Chairman Dana Hennis Thank you, all in favor?

All Commissioners Aye.

Chairman Dana Hennis Any opposition? Thank you. Thank you, Doug.

(Timestamp 00:04:20)

Motion To: Approve Case #24-05-OA

Motion By: Commissioner Bobby Rosadillo

Motion Seconded By: Commissioner Jim Main

Further Discussion: None

Voting Aye: Commissioners Hennis, Main, Rossadillo

Voting Nay: None

Absent: Commissioners Greger, Clark

3-0-2

4. BUSINESS ITEMS:

5. UPDATES & REPORTS:

(Timestamp 00:04:36)

Chairman Dana Hennis With that, I don't see any more items on the agenda. Does Staff have any reports or updates?

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

Chairman Dana Hennis Thank you.

6. ADJOURNMENT:

(Timestamp 00:04:50)

Commissioner Jim Main In that case, I'll move that we adjourn.

Commissioner Bobby Rossadillo I'll second it.

Chairman Dana Hennis Thank you, all in favor?

All Commissioners Aye.

Chairman Dana Hennis Thank you.

(Timestamp 00:04:50)

Motion To: Adjourn

Motion By: Commissioner Jim Main

Motion Seconded By: Commissioner Bobby Rosadillo

Further Discussion: None

Voting Aye: Commissioners Hennis, Main, Rossadillo

Voting Nay: None

Absent: Commissioners Greger, Clark

3-0-2

Dana Hennis, Chairman

ATTEST:

Doug Hanson, Director

Minutes prepared by Garrett Michaelson, Deputy City Clerk.

**BEFORE THE PLANNING & ZONING COMMISSION
CITY OF KUNA, ADA COUNTY, IDAHO**

IN THE MATTER OF THE APPLICATION OF) **Case No.:** 24-05-OA (Ordinance
) Amendment) Energy Production and
THE CITY OF KUNA) Energy Storage
)
Ordinance Amendment to Title 5,)
Development Regulations of Kuna City) **DECISION AND REASONED**
Code.) **STATEMENT.**

**SECTION 1
INTRODUCTION AND PROCEDURAL BACKGROUND**

THESE MATTERS came before the Planning & Zoning Commission of the City of Kuna (the “Commission”) for Public Hearing on January 14, 2025, the Commission entered recommendations and decisions on one (1) application. Thereafter, this Decision and Reasoned Statement was prepared and presented to the Commission on January 28, 2025, for formal adoption of the Commission recommendation.

**SECTION 2
DECISION**

The Commission, having considered the record and listened to the arguments and presentations at the hearing, DOES HEREBY ORDER AND DECIDE:

The Ordinance Amendment Application (Case No. 24-05-OA) is hereby *Recommended Approval*.

**SECTION 3
RECORD OF EXHIBITS AND WITNESSES**

I. List of Exhibits.

	<i>Withdrawn</i>	<i>Refused</i>	<i>Admitted</i>
DRAFT Energy Production and Energy Storage REDLINES 11.14.2024			X
DRAFT Energy Production and Energy Storage REDLINES 12.04.24.pdf			X
NARRATIVE UPDATED			X
NARRATIVE			X
PROPOSED CHANGES MATRIX UPDATED			X

PROPOSED CHANGES MATRIX			X
AGENCY TRANSMITTAL UPDATED			X
AGENCY TRANSMITTAL			X
PROOF OF PUBLICATION PZ 1.14.2025			X
IDAHO POWER E-MAIL 11.14.2024			X
IDAHO POWER LETTER 11.29.2024			X
IDAHO POWER LETTER 12.05.2024			X
KUNA RURAL FIRE DISTRICT			X

II. Public Hearing Witnesses.

Witness Testimony: Those who testified at the Commission January 14, 2025, hearing are as follows, to-wit:

- a. City Staff:
Doug Hanson, Planning & Zoning Director
- b. Appearing in Favor:
- c. Appearing Neutral:
- d. Appearing in Opposition:

**SECTION 4
REASONED STATEMENT**

I. Relevant Criteria and Standards Considered

- a. Relevant City Ordinance Provisions.
 - 1. Title 5 Kuna City Code, Development Regulations
- b. Relevant Statutory Provisions.
 - 1. Chapter 65 of Title 67, Idaho Code
 - i. I.C. § 67-6511 – Zoning Ordinance
- c. Pertinent Constitutional Provisions

II. Factual Findings

a. Procedural Findings:

Agency Comments Request	December 4, 2024.
Idaho Press Newspaper Published Hearing Notice Commission	Published on December 20, 2024.
Commission Public Hearing	Held on January 14, 2025.
Commission Written Decision and Reasoned Statement Entered	Entered January 28, 2025.

b. Relevant Contested Facts.

1. No testimony was presented in opposition to the project, therefore no contested facts were entered into the record.

c. Commission’s Factual Findings on Relevant Contested Fact.

1. None.

III. Rationale for the Decision Based Upon Facts and Relevant Criteria and Standards Considered.

It is the rationale of the Commission that the Ordinance Amendment provided greater clarification and specificity for energy and power related projects.

**SECTION 5
REQUIRED NOTICES TO APPLICANT AND AFFECTED PARTIES**

I.C. 6735(2)(b) Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

BY ACTION OF THE CITY COMMISSION of the City of Kuna at its regular meeting held on the 28th day of January 2025.

Dana Hennis, Chairman

**BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF KUNA, ADA COUNTY IDAHO**

IN THE MATTER OF THE APPLICATION OF) **Case Nos. 24-04-S and 24-10-DR**
)
SKYLAR RANCH SUBDIVISION No. 2)
)
Related to the Subdivision of real property near) **DECISION AND REASONED**
the intersection of Ardell Road & School Avenue.) **STATEMENT.**

**SECTION 1
INTRODUCTION AND PROCEDURAL BACKGROUND**

THESE MATTERS came before the Commission for public hearing on December 10, 2024, where the Commission voted to recommend approval for Case No. 24-04-S, and approve Case No. 24-10-DR. Thereafter, this Decision and Reasoned Statement was prepared and presented to the Commission on January 28, 2025, for formal adoption of the Commission’s recommendation of the Preliminary Plat and decision on Design Review.

**SECTION 2
DECISION**

The Commission, having considered the record and listened to the arguments and presentations at the hearing, DOES HEREBY ORDER AND DECIDE:

The Preliminary Plat Application (24-04-S) is hereby recommended *Approval*.

The Design Review Application (24-10-DR) is hereby *Approved*.

**SECTION 3
RECORD OF EXHIBITS AND WITNESSES**

I. List of Exhibits.

	<i>Withdra wn</i>	<i>Refused</i>	<i>Admitted</i>
PLANNING & ZONING APPLICATION COVERSHEET			X
PLANNING & ZONING PRELIMINARY PLAT APPLICATION			X
DESIGN REVIEW APPLICATION			X
COMMITTMENT TO PROPERTY POSTING			X
NARRATIVE			X

VICINITY MAP			X
SPECIAL WARRANTY DEED			X
AFFIDAVIT OF LEGAL INTEREST			X
NEIGHBORHOOD MEETING CERTIFICATION			X
CONSTRUCTION DRAWINGS			X
GEOTECH REPORT			X
LANDSCAPE PLAN			X
LEGAL DESCRIPTION			X
NEIGHBORHOOD MEETING SIGN IN SHEET			X
PRELIMINARY PLAT UPDATED PLAN			X
PRELIMINARY PLAT - ORIGINAL			X
OPEN SPACE EXHIBIT			X
RESPONSE LETTER			X
SUBDIVISION NAME RESERVATION			X
AGENCY TRANSMITTAL			X
ADA COUNTY HIGHWAY DISTRICT			X
ADA COUNTY DEVELOPMENT SERVICES			X
BOISE PROJECT BOARD OF CONTROL			X
CENTRAL DISTRICT HEALTH DEPT.			X
DEPARTMENT OF ENVIRONMENTAL QUALITY			X
IDAHO TRANSPORTION DEPARTMENT			X
KUNA RURAL FIRE DISTRICT			X
PROOF OF PROPERTY POSTING			X
PROOF OF ID. PRESS TRIBUNE PUBLICATION			X
PROOF OF LEGAL NOTICE MAILER			X
APPLICANT PRESENTATION AT P&Z			X

II. Public Hearing Witnesses.

- a. Those who testified at the Commission hearing on December 10, 2024, hearing are as follows, to-wit:
 - 1. City Staff:
Troy Behunin, Senior Planner, Planning & Zoning Dept.
 - 2. Appearing for the Applicant:
Elizabeth Koeckeritz, Givens Pursley – 601 W Bannock St., Boise, ID 83702
 - 3. Appearing for the Favor:
None
 - 4. Appearing Neutral:
None
 - 5. Appearing in Opposition:
None

**SECTION 4
REASONED STATEMENT**

I. Relevant Criteria and Standards Considered

- a. Relevant City Ordinance Provisions.
 - 1. Kuna City Code (KCC) Title 5, Development Regulations, and Title 6, Subdivisions
 - 2. Kuna Future Land Use Map
 - 3. Kuna Comprehensive Plan
- b. Relevant Statutory Provisions.
 - 1. I.C. § Title 67-65
 - 2. I.C. § Title 50-222
 - 3. I.C. § Title 50-13

II. Factual Findings

- a. General Factual Findings.

1. Statement of Fact:

Parcel Number(s):	R7977410300
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Future Land Use Map Designation:	Medium Residential Density
Existing Land Use:	Residential
Current Zoning:	R-4 & R-6 (Medium Residential Density)
Proposed Zoning:	No Change Remains R-6, Medium Density Residential
Development Area:	8.52 acres
Adjacent Zoning Districts:	North: R-4 (Med. Den. Res.) and RR (Rural Residential); East: R-4 (Medium Residential) and C-1 (Neighborhood Commercial); South: R-6 (Medium Residential); West: R-4 (Medium Residential),
Adjacent Street(s) Existing & Proposed:	North: None; East: School Avenue (Existing); South: Ardell Road (Existing); West: Countryside Ave. (Existing)
Internal Street(s) Existing & Proposed:	Public Streets Proposed.
Adjacent Bike/Pedestrian Facilities:	None
Adjacent Parks:	None
Land Dedication Requirements:	None

2. Procedural Findings:

Neighborhood Meeting	Held on April 25, 2024. 8 Attendees were present.
Pre-Application Meeting	Held on October 26, 2023
Agency Comments Request	October 1, 2024
300 FT Legal Mailer Notice	Sent on November 6, 2024
Idaho Press Newspaper Published Hearing Notice	Published on November 6, 2024
Site Posting	Posted on November xx, 2024
Planning & Zoning Commission Public Hearing	Held on December 10, 2024.

b. Relevant Contested Facts.

1. No testimony was given in opposition to this project, therefore there are no contested facts entered into the record.

c. Commissions' Factual Findings on Relevant Contested Fact.

1. None.

III. Rationale for the Decision Based Upon Facts and Relevant Criteria and Standards Considered.

It is the rationale of the Planning and Zoning Commission the proposed Preliminary Plat and Design Review is consistent with the Future Land Use Map (FLUM). As such, the Commission chooses to recommend approval of the proposed Preliminary Plat and approve the Design Review.

IV. Conditions of Recommendation

1. Buffers, curb, gutter and sidewalk (attached and detached) shall be installed in accordance with *KCC 5-10-13-B-1-b*.
2. Developer/Owner/Applicant shall work with Ada County Highway District and the City of Kuna to complete all required traffic improvements to the surrounding roadways and intersections as detailed in the Ada County Highway District staff report.
3. Developer/Owner/Applicant shall install a sign at the terminus of the proposed stub street stating; “this road will continue in the future”. Developer/Owner/Applicant shall obtain proper language from Ada County Highway District.
4. Developer shall place a Contractors Sign at the entry of the subdivision.
5. Developer/Owner/Applicant shall measure all front building setbacks from back of sidewalk on all internal local roads.
6. Developer/Owner/Applicant shall ensure the proper easement widths on all lots in accordance with *KCC 5-8-1117-D-6*.
7. It is the responsibility of the Developer to ensure any anticipated buildings fit any given buildable lot in accordance with *KCC 5-8-503*.
8. Fencing within and around the site shall comply with *KCC 5-8-905* (unless specifically approved otherwise and permitted).
9. All required landscaping shall be permanently maintained in a healthy growing condition. The property Owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting in public Rights-of-Way shall be with approval from ACHD.
10. Landscaping shall not be placed within ten (10) feet of any meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
11. The Landscape Plan and Preliminary Plat [(LP) as submitted in Dec. 2024 and (PP) 11.14.24] will be considered binding site plans as amended and/or approved.

12. All signage within/for the project shall comply with Kuna City Code and shall be approved through the applicable sign approval process listed in *KCC 5-8-901-B*.
13. If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary Plat. Any revisions of the Plat are subject to Administrative Determination to rule if the revision is substantial.
14. Developer/Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify building and landscaping compliance prior to requesting signature on the final plat.
15. 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 5-9-402-B-22*.
16. Compliance with *I.C. §31-3805* is required. Delivery of water shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
17. 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).
18. Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.
19. The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional Lift Station capacity, and or a Water Booster Station as necessary.
20. The Developer/Owner/Applicant shall not submit an application for Final Plat until the City's Public Works Director issues a Will-Serve Letter stating the City's appurtenance has capacity to service the proposed development with domestic water, and accept the wastewater discharged from the proposed development.
21. In the event a Will-Serve Letter is not issued within the time the Applicant is required to record a Final Plat, the Applicant shall have good cause and be eligible to receive, pursuant to *KCC 5-9-203-J*, a Time Extension to file a Final Plat up to and until a Will-Serve Letter has been issued.
22. Developer/Owner/Applicant shall work with staff in order to provide final locations of streetlights as required by Kuna City Code. Streetlights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
23. In accordance with *R90-2022*, once the Danskin Sewer Force Main is completed, 40 Equivalent Dwelling Units (EDU's) may be issued on a Phase-by-Phase basis.

24. 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). Please consult staff if there are questions about the process.
 - 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.
25. The Developer/Owner/Applicant, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through Public Hearing processes.
26. Developer/Owner/Applicant/Contractors are hereby notified of Kuna's working hours. Construction of any kind shall only be conducted within hours specified in *KCC 10-6-3*. Noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
27. 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.
28. Applicant is conditioned to work with the City Engineer for proper easement widths for the project as a whole.
29. Developer/Owner/Applicant shall increase pathway common lots to a minimum of 20 feet wide.
30. Developer/Owner/Applicant shall add "Direct Access to Ardell Road is Strictly Prohibited" on the Final Plat.

31. Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

SECTION 5
REQUIRED NOTICES TO APPLICANT AND AFFECTED PARTIES

I.C. 6735(2)(b) Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day, time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

BY ACTION OF THE Planning and Zoning Commission of the City of Kuna at its regular meeting held on the 28th day of January 2025.

Dana Hennis, Commissioner

**BEFORE THE PLANNING & ZONING COMMISSION
CITY OF KUNA, ADA COUNTY, IDAHO**

IN THE MATTER OF THE APPLICATION OF) **Case No.:** 24-06-SUP (Special Use Permit)
)
ROCIO FLORES)
)
For an in-home Day Care at 2170 N) **DECISION AND REASONED**
Mountain Ash Avenue, Kuna, ID) **STATEMENT.**

**SECTION 1
INTRODUCTION AND PROCEDURAL BACKGROUND**

THESE MATTERS came before the Planning & Zoning Commission of the City of Kuna (the “Commission”) for Public Hearing on December 10, 2024, the Commission entered recommendations and decisions on one (1) application. Thereafter, this Decision and Reasoned Statement was prepared and presented to the Commission on January 28, 2025, for formal adoption of the Commission decision.

**SECTION 2
DECISION**

The Commission, having considered the record and listened to the arguments and presentations at the hearing, DOES HEREBY ORDER AND DECIDE:

The Special Use Permit Application Case No. 24-06-SUP is hereby *Approved*.

**SECTION 3
RECORD OF EXHIBITS AND WITNESSES**

I. List of Exhibits.

	<i>Withdrawn</i>	<i>Refused</i>	<i>Admitted</i>
PLANNING AND ZONING APPLICATION COVERSHEET			X
SPECIAL USE PERMIT APPLICATION			X
AFFIDAVIT OF LEGAL INTEREST			X
COMMITMENT TO POST PROPERTY			X
NARRATIVE			X

APPLICATION STATE LICENSE			X
BUSINESS LICENSE - DAY CARE			X
CPR VERIFICATION			X
NEIGHBORHOOD MEETING CERTIFICATION			X
SICK CHILD POLICY			X
SITE PLAN			X
VICINITY MAP			X
PROOF OF PUBLISHING			X
PROOF OF LEGAL NOTICE MAILER – 300 FEET			X
PROOF OF PROPERTY POSTING			X
ADA COUNTY DEVELOPMENT SERVICES DEPT.			X
ADA COUNTY HIGHWAY DISTRICT			X
IDAHO TRANSPORTATION DEPT.			X

II. Public Hearing Witnesses.

Witness Testimony: Those who testified at the Commission December 10, 2024, hearing are as follows, to-wit:

- a. City Staff:
Troy Behunin, Senior Planner
- b. Appearing for the Applicant:
Francisco Javier Guevara (Husband – Interpreter), 2170 N Mountain Ash Ave., Kuna, ID.
- c. Appearing in Favor:
- d. Appearing Neutral: none
- e. Appearing in Opposition: none

**SECTION 4
REASONED STATEMENT**

I. Relevant Criteria and Standards Considered

- a. Relevant City Ordinance Provisions.

- 1. Title 5 Kuna City Code, Provisions for Unique Land Uses: KCC 5-8-1004-K-4.
- b. Relevant Statutory Provisions.
 - 1. Chapter 1 of Title 50, Idaho Code
 - 2. Chapter 65-12 of Title 67, Idaho Code
- c. Pertinent Constitutional Provisions

II. Factual Findings

- a. Procedural Findings:

Parcel Number(s):	R0503200430
Future Land Use Map Designation:	Medium Density Residential
Existing Land Use:	Residential
Current Zoning:	R-6
Proposed Zoning:	Same
Development Area:	0.164 Acres
Adjacent Zoning Districts:	North: R-6 (Medium Residential); East: R-6 (Medium Residential); South: R-6 (Medium Residential); West: R-6 (Medium Residential).
Adjacent Streets Existing & Proposed:	North: W Snowy Owl; East: N Doe Avenue (Existing); South: W Screech Owl; West: N Spike Avenue
Internal Streets Existing & Proposed:	No New Streets Proposed
Adjacent Bike/Pedestrian Facilities:	N/A
Adjacent Parks:	N/A
Land Dedication Requirements:	N/A

- b. Procedural Findings:

Agency Comments Request	October 24, 2024.
Idaho Press Newspaper Published Hearing Notice Commission	Published on November 20, 2024.
Legal Notice Mailers Sent out at 300 feet	November 19, 2024
Site Was Posted for Hearing with the Commission	November 25, 2024
Commission Public Hearing	Held on December 10, 2024.
Commission Written Decision and Reasoned Statement Entered	Entered January 28, 2025.

c. Relevant Contested Facts.

1. No testimony was presented in opposition to the proposal therefore no contested facts were entered into the record.

d. Commission's Factual Findings on Relevant Contested Fact.

1. None.

III. Rationale for the Decision Based Upon Facts and Relevant Criteria and Standards Considered.

It is the rationale of the Commission that the proposed Special Use Permit proposal meets Kuna City Code for Case No. 24-06-SUP.

**SECTION 5
REQUIRED NOTICES TO APPLICANT AND AFFECTED PARTIES**

I.C. 6735(2)(b) Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) daytime frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

BY ACTION OF THE CITY COMMISSION of the City of Kuna at its regular meeting held on the 28th day of January 2025.

Dana Hennis, Chairman

Kuna Planning & Zoning Diode Ventures Rezoning Application

January 28, 2025

Kuna Planning & Zoning Hearing, January 28, 2025

Applicant: Diode Ventures

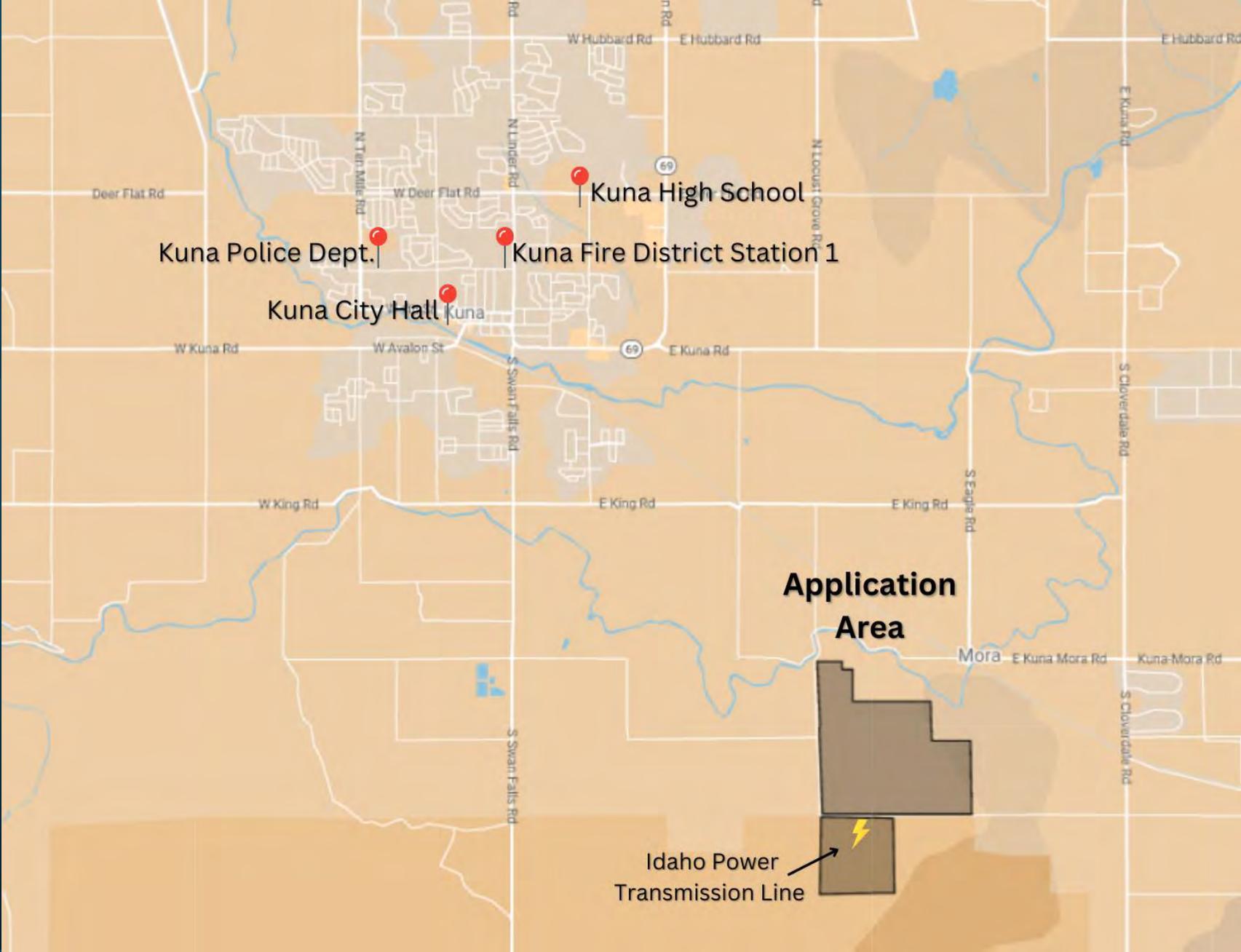
Project: Gemstone Technology Park

Applications

1. Comprehensive Plan Map Amendment
2. Rezone

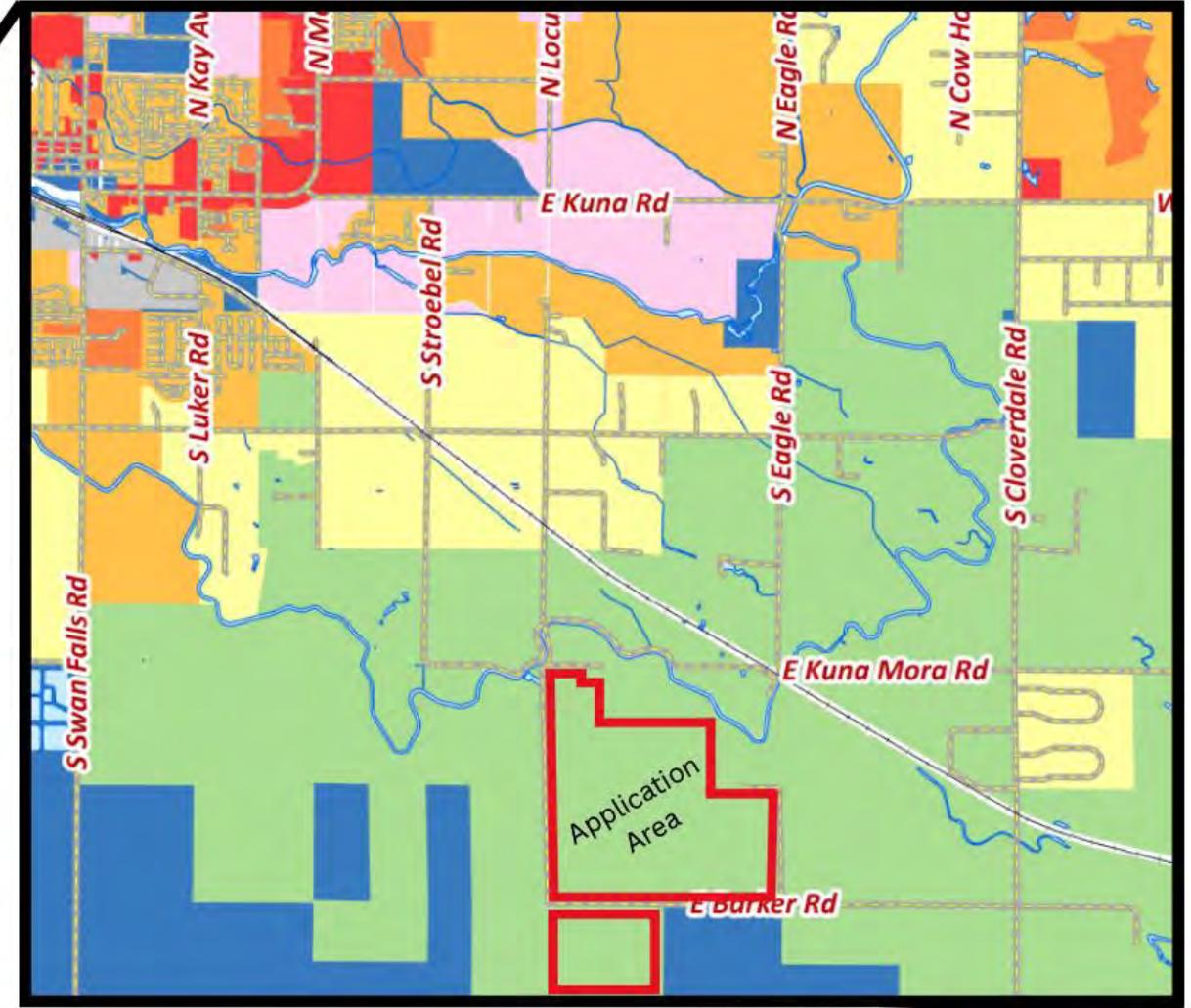
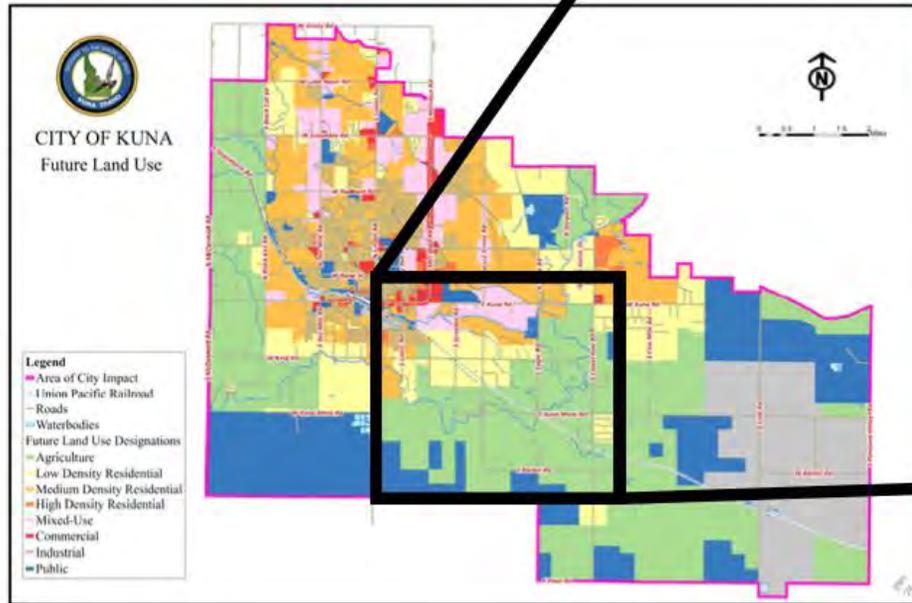
Application Area

Application Area



Comprehensive Plan Future Land Use Map

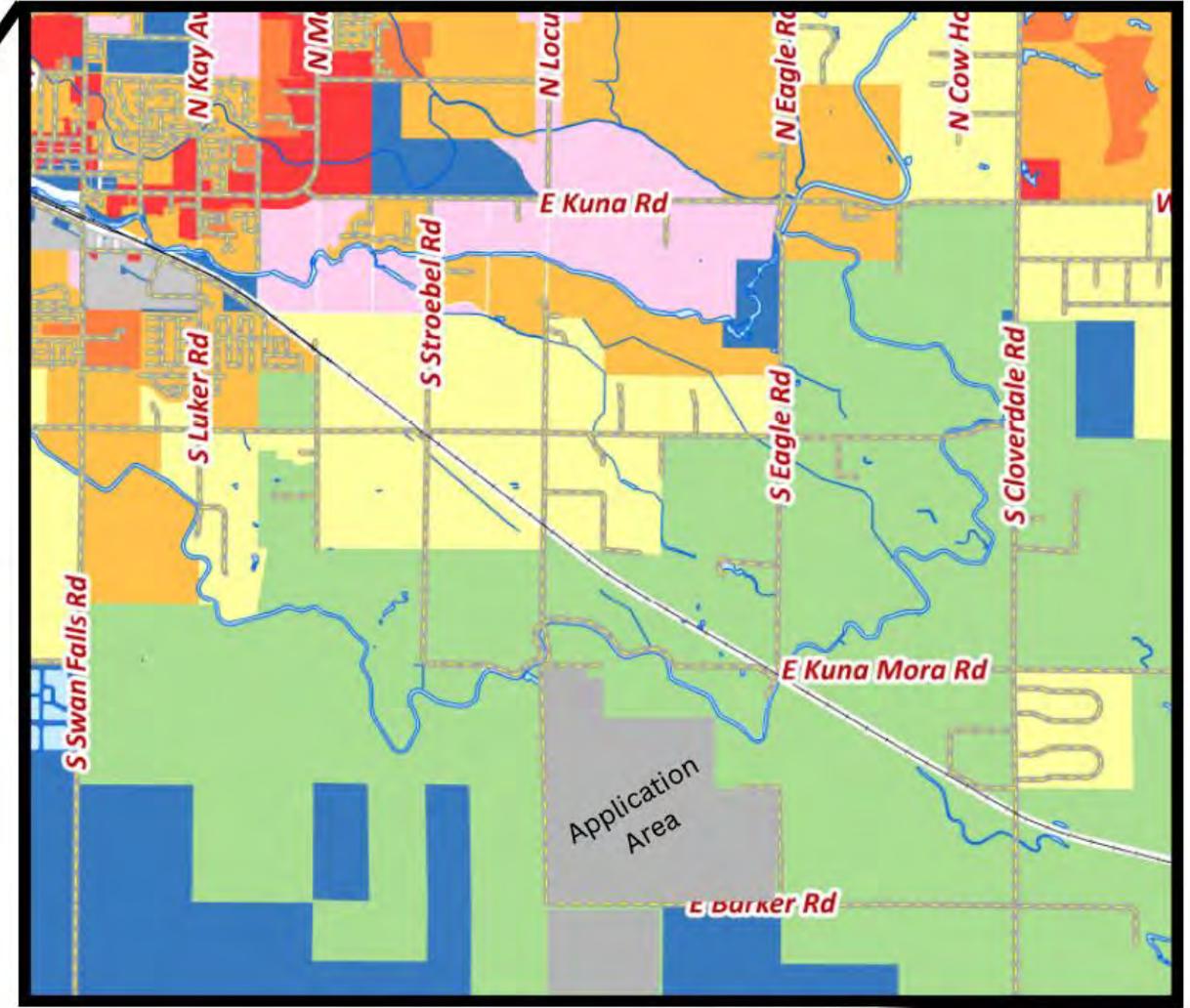
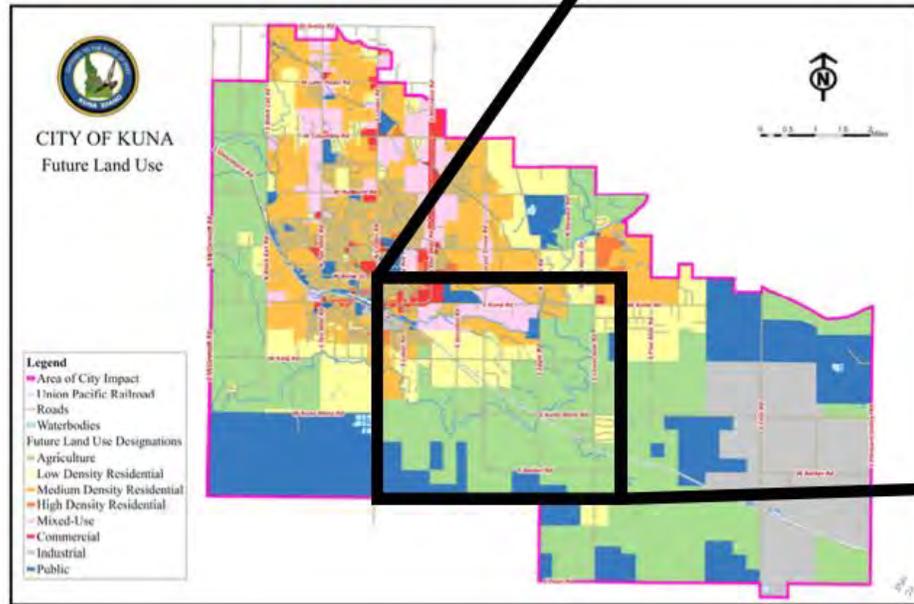
CURRENT



— Agriculture — Industrial

Comprehensive Plan Future Land Use Map

PROPOSED



— Agriculture — Industrial

Comprehensive Plan and Rezoning Applications

Gemstone Technology Park

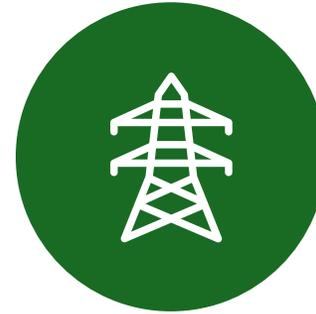
- 620-acre data center campus at S. Locust Grove and Barker
- One zone, one use
- Phased development to minimize disruptions to neighbors
- Low impact use relative to alternative land uses
- Data centers generate well-paying, full-time jobs

Benefits of Gemstone Technology Park



Jobs

800-1,200 construction jobs at peak building process and 100+ high-paying, permanent jobs.



Infrastructure

Improved grid reliability as data centers must minimize downtime.



Retain Local Character

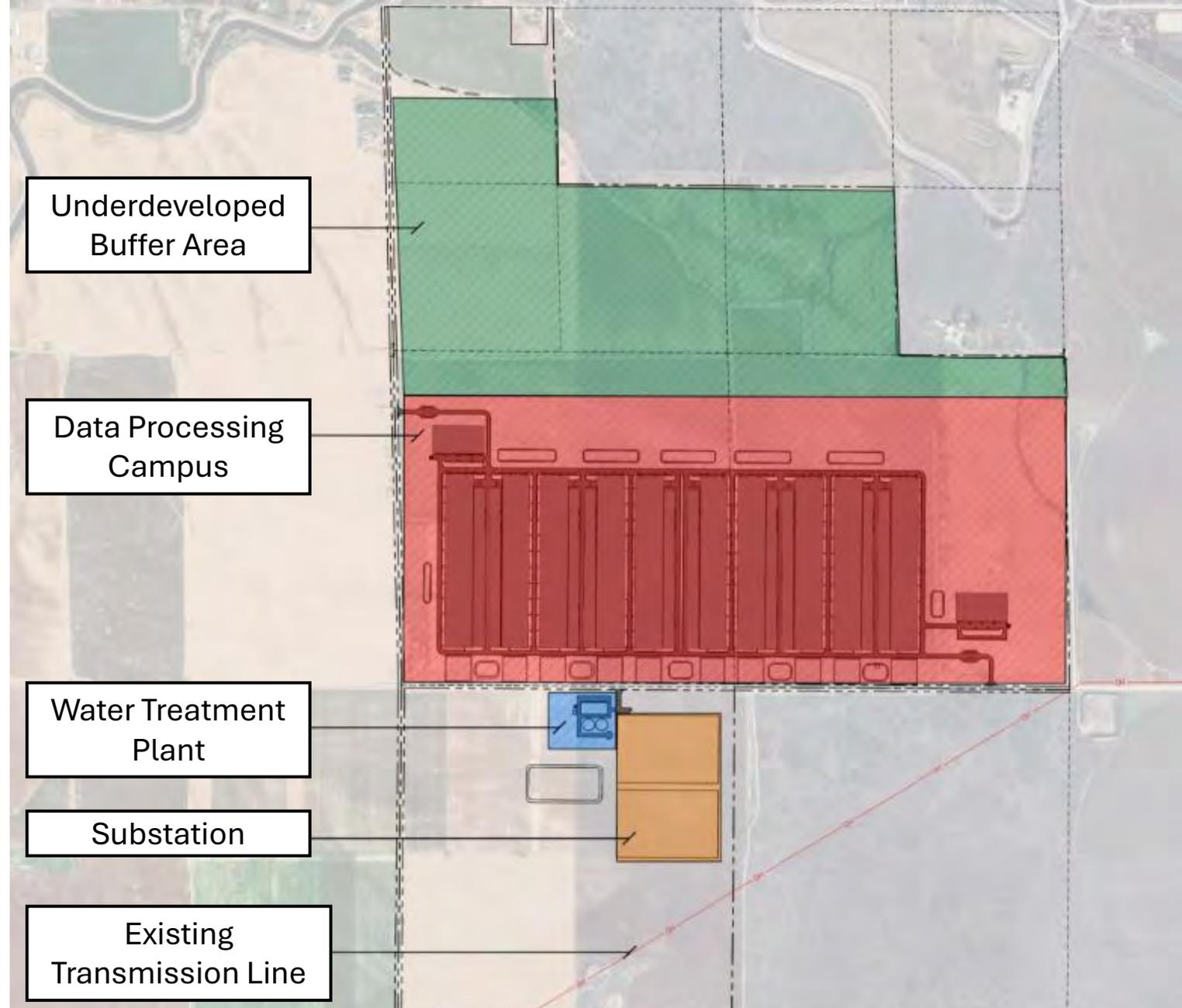
Lower impact than alternative development options.



Revenue

Requires more than \$1 billion in private investment, providing substantial tax revenues for City, County, State.

Preliminary Conceptual Design



Development Phasing

Development will be phased to provide sustainable growth based on minimizing disruption to the area and construction workforce availability, among other factors.

Construction Phase

- 800-1,200 construction jobs expected during peak building process

Operations Phase

- Estimated 100 high-paying, permanent jobs

Development Agreement Fulfillment

Development Agreement

Existing development agreement required entitlement to:

- Kuna School District
- Kuna Police
- Kuna Rural Fire District
- Kuna Library District

Community Engagement

Diode actively engaged adjacent landowners and interested parties. These efforts include:

- Neighborhood Meeting, September 10 at Kuna Library.
- “Office Hours” meetings with residents and community organizations at Latte ‘Da.
- Regular communication via in-person, email, and phone with neighbors and community members.

Stakeholder Engagement

In addition to entitlements required in the development agreement, Diode engaged and secured support from:

Idaho Power

- In late-stage agreements to sign construction agreements for new substation.

Kuna Public Works

- Received letter supporting our decision to not connect to KPW system.

Ada County Highway District

- Traffic Impact Study submitted and final comments in progress. Initial comments show no permanent traffic mitigation measures are needed.

Stakeholder Engagement

Diode engaged and secured support from required agencies to satisfy the development agreement.



Kuna School District

\$900,000 to benefit athletics and technology funds for student success.



Kuna Police

\$10,000,000 contribution over 20 years to support additional staff.

Stakeholder Engagement

Diode engaged and secured support from required agencies to satisfy the development agreement.



Kuna Rural Fire District

Under discussion.

~\$30,000,000 contribution over 20 years in support of new fire station staff **proposed**.



Kuna Library District

Excused themselves from discussions due to low impact on their services.

Thank You

**CASE NO. 24-01-CPM (COMPREHENSIVE PLAN MAP
AMENDMENT), 24-01-ZC (REZONE)**

GEMSTONE TECHNOLOGY PARK

Planner: Doug Hanson

dhanson@kunaid.gov

208-287-1771

ALL APPLICATION MATERIALS: [24-01-CPM, 24-01-ZC GEMSTONE TECHNOLOGY PARK](#)

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	Comp Plan Map Amendment	Development Agreement	Other
Title:	Gemstone Technology Park		Application Number:	24-01-CPM, 24-01-ZC			
Date:	01/28/2025		Staff Contact:	Doug Hanson			
Owner(s):	D Yamamoto Development LLC		Owner Contact:	N/A			
Applicant:	Daniel Barillas		Applicant Contact:	barillasdm@diodeventures.com			

Purpose

The applicant requests a comprehensive plan map amendment changing the future land use designation of the subject site from agriculture to industrial and a rezone from the A (Agriculture) to M-1 (Light Industrial/Manufacturing) zone. The site is located at 3250 S Locust Grove Road, SEC 5, T1N, R1E.

Statement of Fact	
Parcel Number(s):	S2105300000, S2105223075, S2108212405
Future Land Use Map Designation:	Agriculture
Existing Land Use:	Agriculture
Current Zoning:	A (Agriculture)
Proposed Zoning:	M-1 (Light Industrial/Manufacturing)
Development Area:	622.67 acres
Adjacent Zoning Districts:	North: RP (Rural Preservation); East: RP (Rural Preservation), A (Agriculture); South: RP (Rural Preservation); West: RP (Rural Preservation), A (Agriculture)
Adjacent Street(s) Existing & Proposed:	North: E Lava Lane; East: S Eagle Road (Existing); South: E Barker Road; West: S Locust Grove Road
Internal Street(s) Existing & Proposed:	N/A
Adjacent Bike/Pedestrian Facilities:	N/A
Adjacent Parks:	N/A
Land Dedication Requirements:	N/A

Comprehensive Plan and Future Land Use Map Analysis

The Comprehensive Plan identifies the subject property as Agriculture. Through a comprehensive plan map amendment the applicant aims to create a shovel ready parcel for technology development, with access to the city services (1.A.3.h.).

Industrial development is encouraged in the outer areas of city limits to have a lesser impact on the main entryway corridors (3.A.1.b.) and placed in locations not averse to neighboring areas (3.E.1.c.).

Staff Analysis

The applicant requests a comprehensive plan map amendment changing the future land use designation of the subject site from agriculture to industrial and a rezone from the A (Agriculture) to M-1 (Light Industrial/Manufacturing) zone. The site is located at 3250 S Locust Grove Road.

The subject site is included within the active Osprey Ridge development agreement area. Section 3.5 states, "With regard to their respective future land use applications, and as warranted by future growth and impact that may result from such future development, the Respective Developers agree that they will each work with the City and other applicable entities as warranted to address the following issues on mutually equitable terms."

Negotiations at the time of the Osprey Ridge development agreement approval were held with the City, Kuna Police Department, Ada County Highway District, Kuna Rural Fire District, Kuna School District, and Kuna Library District. The applicant is actively with the aforementioned agencies to come to agreements to mitigate the impacts that may arise as a result of the development. With said agreements in place the applicant is entitled to file for comprehensive plan future land use map amendment(s) for future development under the Osprey Ridge Development Agreement.

The application was initially proposed over approximately 643.3 acres. The applicant submitted an updated boundary description dropping acres to be rezoned by approximately 206.3 acres to provide additional buffering to the neighboring property owners to the north.

The applicant does not anticipate the need for City water or wastewater utility services for the proposed project, rather an independent water and wastewater system will be independently constructed and operated onsite, resulting in an insignificant impact on City infrastructure, utilities, capacities, or existing users.

Upon staff review the proposed application meets the requirements of Idaho Code, City Code, and the approved Osprey Ridge Development Agreement.

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. The Developer/Owner/Applicant, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
7. For all future development, the Developer/Owner/Applicant and any future assigns having interests in any of the subject properties shall be subject to applicable processes required in Kuna City Code.
8. Developer/Owner/Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
9. Developer/Owner/Applicant shall comply with all local, state and federal laws.



November 8th, 2024

Doug Hanson
751 W. 4th St
Kuna, ID, 83634

Dear Mr. Hanson,

We are pleased to submit the enclosed applications: the Comprehensive Map Plan Amendment application and the Annexation and Zoning application. The subject properties are located generally north and south of Barker Road, and east of South Locust Grove Road. The property is highlighted in blue in Exhibit A below. The parcels are in the Kuna Area of City Impact and are contiguous to Kuna city limits.

As you know, the property is subject to an existing development agreement that includes robust requirements for development of any kind. We look forward to collaborating with you over the coming weeks to confirm each of the development agreement requirements are satisfied.

The undeveloped property is zoned agriculture (A), and it is designated as Agriculture in the City of Kuna's 2019 Future Land Use Map. The proposed zoning is Light Manufacturing (M-1) requiring a Comprehensive Plan Map Amendment. The rezoning requested is consistent with the Comprehensive Plan's goals and objectives to support industrial development and provide diverse economic opportunities within the city, including the following:

- "1.A.3.h. Inventory and identify key parcels for industrial development/use and poise them to be shovel ready for agritourism, agri-tainment, healthcare, technology and manufacturing development, with access to the City's public facilities, utilities, and services."
- "3.E.1.b. Provide adequate space for industrial developments, so they may benefit from economies of scale and proximity to one another."
- "3.E.1.c. Encourage the development of industrial land uses in areas that are not averse to neighboring areas."

A neighborhood meeting was held on September 10, 2024.

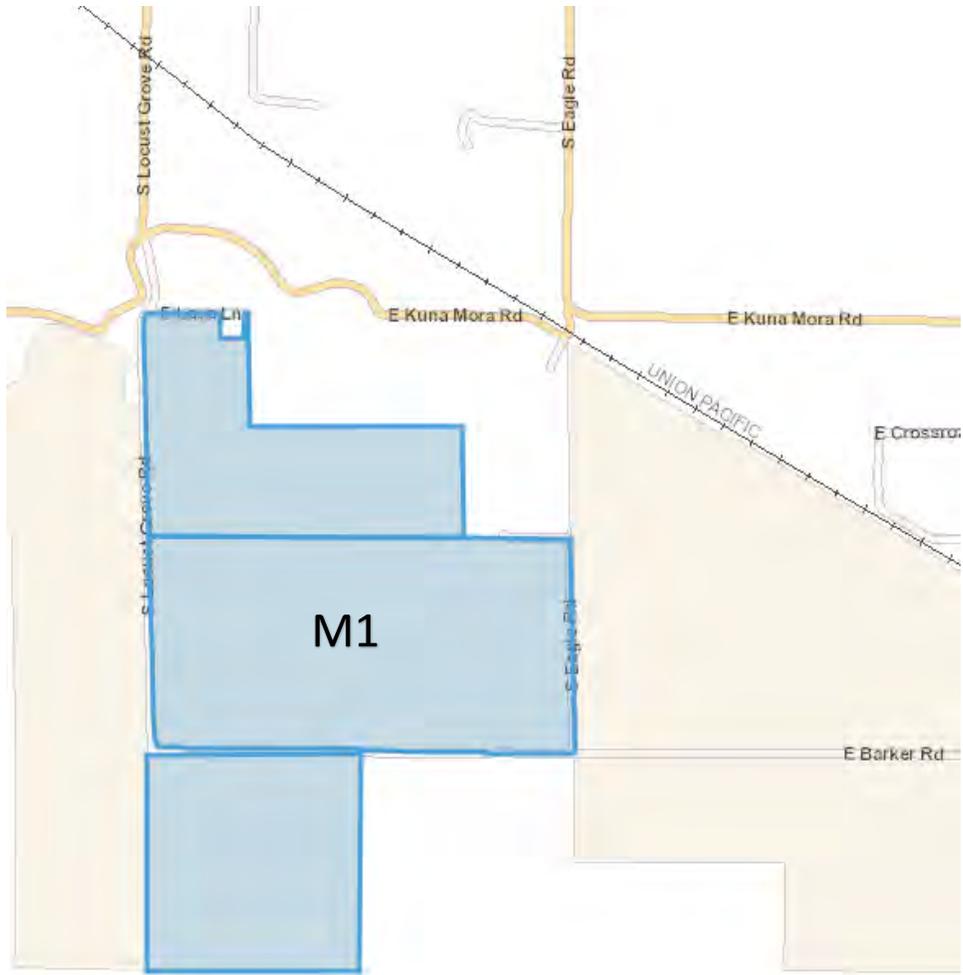
A pre-application meeting was held on September 10, 2024

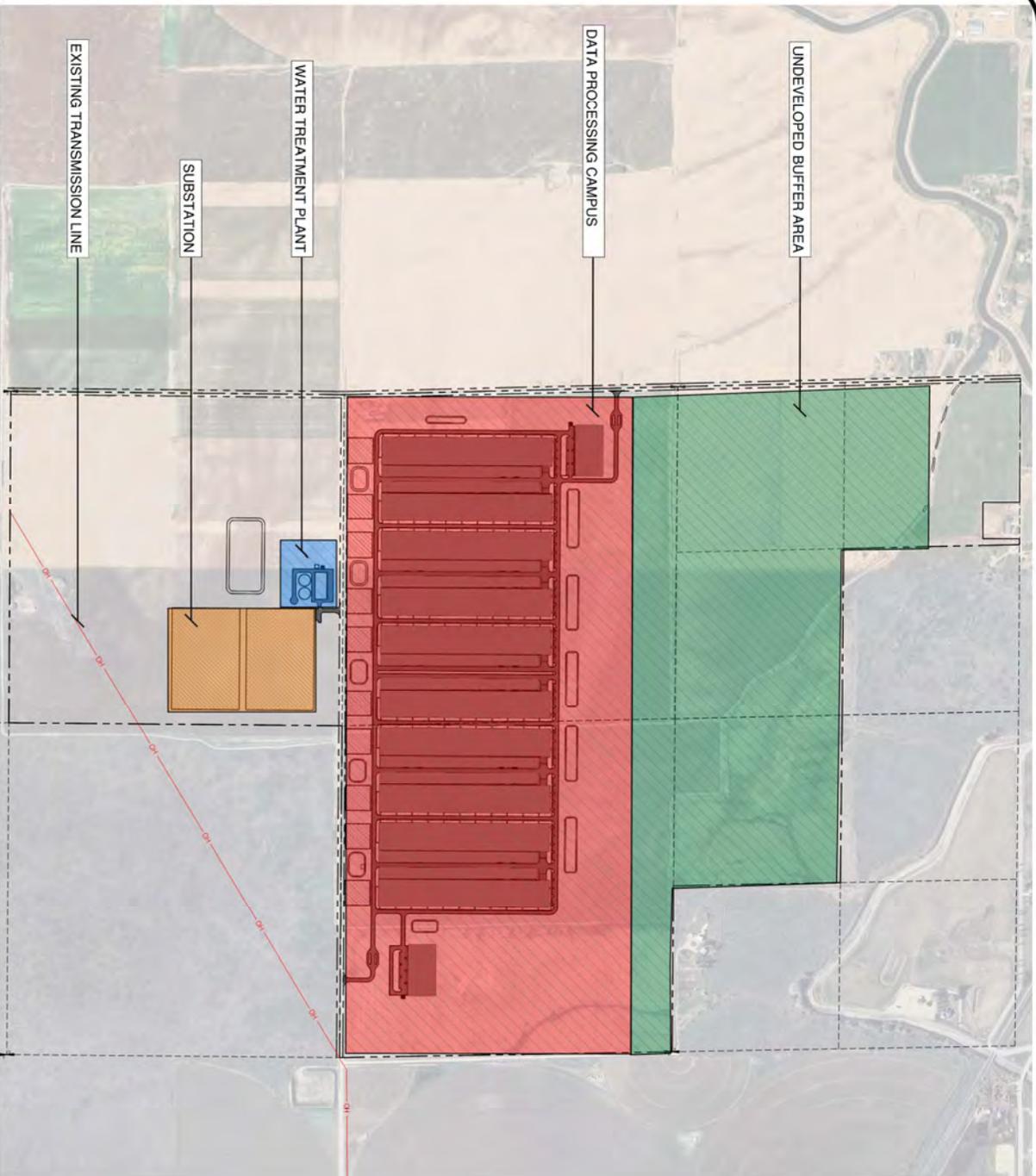
Please reach out with any questions or comments. I can be reached via email at gemstonetechnologypark@diodeventures.com.

Sincerely,

Daniel Barillas | EIT
Project Manager | Diode Ventures, LLC

Exhibit A - Vicinity Map





SITE PLAN - GEMSTONE TECHNOLOGY PARK
S Locust Grove & Barker Rd Kuna, ID

SITE INFORMATION

SITE LOCATION	Maplewood, Oregon, USA
TOTAL SITE AREA	1,200,000 sq. ft.
EXISTING USE	Industrial
PROPOSED ZONING	Light Industrial
PROPOSED USE	Data Processing Facility

NOVEMBER 6, 2024



RE-RECORD TO CORRECT
LEGAL DESCRIPTION

ADA COUNTY RECORDER J. DAVID NAVARRO AMOUNT .00 30
BOISE IDAHO 07/08/08 02:57 PM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Kuna City *Re-record* 108078451

Recording Requested By and
When Recorded Return to:

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

ADA COUNTY RECORDER J. DAVID NAVARRO AMOUNT .00 29
BOISE IDAHO 06/23/08 11:46 AM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Kuna City 108073049

For Recording Purposes Do
Not Write Above This Line

DEVELOPMENT AGREEMENT

This Development Agreement entered into by and between the City of Kuna, a municipal corporation in the State of Idaho, hereinafter referred to as "City", and Osprey Ridge Partners LLLP, whose address is 10280 W Ustick Road, Boise, ID 83704 of which Osprey Ridge Partners LLLP has authority to bind all of those parcels (described below) that lie in Sections 2, 3, 4, 9, 10, and 11 of Township 1 North, Range 1 East. and Origin Properties, LLC/ Kuna 830, whose address is 2670 Crimson Canyon Dr., Ste. 110, Las Vegas, NV 89128 of which Origin Properties has authority to bind those parcels that lie in Section 5, 7 & 8 as well as the parcel in the Southeast Quarter of Section 6, all in Township 1 North, Range 1 East, the owner(s) and/or agent(s) having a legal interest as described in the real property described herein and applicant(s) for annexation of the real property described herein, hereafter referred to as "Respective Developers". The remaining parcels located in Section 6, Township 1 North, Range 1 East; Section 31, Township 2 North, Range 1 East; Section 36, Township 2 North, Range 1 West; and Section 1, Township 1 North, Range 1 West, are not subject to this agreement but are being annexed to provide a path of contiguity and a utility corridor. Respective Developer's Respective Properties are shown in "Exhibit D" attached hereto and incorporated herein.

WHEREAS, the Respective Developers have applied to the City for annexation and an "A" agricultural zoning designation of the real property described in "Exhibit A" attached hereto and incorporated herein by reference ("Property"). The Property comprises multiple parcels currently zoned as noted in "Exhibit B" attached hereto and incorporated herein by reference. The City and the Respective Developers have agreed to an initial designation of Agriculture or "A" as set forth in current City ordinances. The City acknowledges the Respective Developers' intent to submit subsequent land use applications for other uses and such future applications shall comply with Kuna City ordinances then in effect as well as the terms and conditions of this development agreement.

WHEREAS, the City, pursuant to Section 67-6511A, Idaho Code, has the authority to conditionally rezone the property and to enter into a development agreement for the purpose of allowing, through agreement, a specific development to proceed in a specific area and for a specific purpose or use, which is appropriate in the area.

WHEREAS, the City of Kuna and the Respective Developers do enter into this Agreement and for and in consideration of the mutual covenants, duties and obligations herein set forth, it is agreed as follows:

ARTICLE I
LEGAL AUTHORITY

1.1 This Development Agreement is made pursuant to and in accordance with the provisions in Idaho Code Section 67-6511A and Kuna City Code, Title 5, Chapter 14.

**ARTICLE II
ZONING ORDINANCE AMENDMENT**

- 2.1 The City will adopt an ordinance to annex the Property and to give the property an initial agricultural zoning designation as set forth in Kuna City Code 5-2-2 (A). The City will also adopt any amendments to its Comprehensive Plan and other legislative or administrative requirements necessary under City, County, State and Federal laws, policies or procedures for future planning purposes. The Ordinance, amendments and requirements will become effective after their passage, approval, and publication and the execution and recordation of the Development Agreement.

**ARTICLE III
CONDITIONS ON DEVELOPMENT**

- 3.1. The Agreement, and all terms and conditions therein, between Osprey Ridge Partners, LLLP and the City of Kuna approved by City Council and executed by Mayor Dowdy on October 16, 2007 relating to Osprey Ridge's prepayment of sewer EDUs for expansion of the new waste water treatment plant, is attached hereto as "Exhibit C" and incorporated herein by reference as if fully set forth herein.
- 3.2. All Future land use applications, and rezones shall be subject to the conditions and limitations set forth in this Agreement.
- 3.3. The Respective Developers have obtained all necessary easements, for construction of sewer, water, and reclaimed effluent transmission lines through privately owned property.
- 3.4. The City agrees, that concurrent with processing annexation and/or future land use application(s) that it will direct its City staff to review plans for sewer, water, and reclaimed effluent lines and that the City will take reasonable measures to review such plans in a timely manner.
- 3.5. With regard to their respective future land use applications, and as warranted by future growth and impact that may result from such future development, the Respective Developers agree that they will each work with the City and other applicable entities as warranted to address the following issues on mutually equitable terms:
- 3.5.1. To submit an application(s) for a Comprehensive Plan Land Use Map Amendment(s) prior to or with any future development or land use applications and to participate in the Comprehensive Plan Land Use updating process as it pertains to these lands and to participate in the City's Capital Improvement update process as it pertains to these lands;
- 3.5.2. To submit to city staff, plans for sewer, water and pressure irrigation and/or reclaimed effluent transmission lines to extend services to the respective Properties; and other plans and reports as necessary;
- 3.5.3. To pay for equitable and reasonable costs to update the City's Facility Planning Studies & Master Plan, as directly necessitated by and related to Respective Developers' future land use applications, specifically, sewer, water, and pressurized irrigation. Said facility planning studies will be subject to the review and approval of the Respective Developers and the City;
- 3.5.4. To provide a financial impact analysis regarding the proposed development;

- 3.5.5. To work with the City and Kuna Fire District to establish a process and reasonable time frame to address the needs, as warranted, outlined in the letter dated January 3, 2008 from Douglas R Rosin, Chief of the Kuna Rural Fire District, shown as "Exhibit 10" in the staff report dated January 8, 2008;
- 3.5.6. To provide a Natural Features Analysis of the site and/ or other environmental reports as may be required by ordinance or City Engineer;
- 3.5.7. To work with ACHD regarding road design standards and dedication requirements and to reasonably work with ACHD when it proceeds with right of way acquisitions;
- 3.5.8. To prepare population growth projections and reports as warranted by future development of each of the respective properties;
- 3.5.9. To work with the Kuna School District to establish a process and reasonable time frame to address the needs, as warranted, outlined in the letter dated January 14, 2008 from Alex Simpson, Kuna Joint School District No 3, shown as "Exhibit 13" in the staff report dated January 29, 2008, as a result of future development of the respective properties;
- 3.5.10. To work with the Kuna Library District to address needs that may arise as a result of future development of the respective properties;
- 3.5.11. To work with the City to address Police Service needs that may arise as a result of future development of the respective properties; and
- 3.5.12. To prepare a plan that includes the following elements:
 - 3.5.12.1. The manner of providing tax-supported municipal services to the lands subject to the respective application;
 - 3.5.12.2. The changes in taxation and other costs (using examples) which may result;
 - 3.5.12.3. The means of providing fee-supported municipal services, if any, to the lands;
 - 3.5.12.4. A brief analysis of the potential effects upon other units of local government; and
 - 3.5.12.5. A proposed future land use plan and zoning designations as may be warranted and appropriate.
- 3.6. All water rights appurtenant to the Respective Developers' respective properties as described herein, as of January 22, 2008 will remain with the properties and/or with any other properties which may be acquired by the Respective Developers that lie within or may become annexed into the City of Kuna. When each Respective Developer desires to sell any residual water rights, any residual water rights shall be equitably transferred for fair market value, to the City of Kuna having first right of refusal, or to any other person or entity within the City of Kuna, or to any person or entity to be used within the City of Kuna, it being the intent of this provision that the use of said water rights be maintained within the City of Kuna. For the purposes of this provision "residual" water rights are those water rights appurtenant to the respective properties as of January 22, 2008 that are not used to serve the respective properties.
- 3.7. The Respective Developers agree to amend this agreement and/or enter into separate and independent development agreements as may be appropriate when subsequent development and rezone applications are submitted.
- 3.8. The Respective Developers agree to comply with all local, State and Federal regulations that may be applicable to Respective Developer's development activities.

- 3.9. The Respective Developers agree to hold the City harmless for any environmental impacts that may exist on their respective property at the time of annexation.
- 3.10 Subject to the terms of section 5.1, no change in the use or restriction specified in this Agreement shall be allowed or changed without modification of this Agreement pursuant to the requirements of the Kuna City Code. In the event Respective Developers change or expand the uses permitted by this Agreement or fail to comply with the restrictions without formal modification of this Agreement as allowed by the Kuna City Code, the Respective Developer committing such acts shall be in default of this Agreement.

ARTICLE IV AFFIDAVIT OF PROPERTY OWNERS

- 4.1 An affidavit of all owners of the Property, as described in "Exhibit A" agree to submit Property to this Development Agreement and to the provisions set forth in Idaho Code Section 67-6511A and Kuna City Code shall be provided and is incorporated herein by reference.

ARTICLE V DEFAULT

- 5.1 In the event any party to this agreement, their heirs or assigns or subsequent owners of the property or any other person acquiring an interest in the property, fail to faithfully comply with all of the terms and conditions included in the Agreement and requirements of City code; the non-breaching party may declare a default and provide a 45 (forty-five) day written notice to the breaching party specifying the alleged breach. The parties shall negotiate in good faith to resolve the issues pertaining to the alleged breach. If the breach or default has not been cured prior to expiration of the 45 day notice period, the non-breaching party may, without prejudicing any other rights or remedies, take reasonable action to cure such default and/or take action seeking legal and equitable remedies to enforce the terms and conditions of this agreement. A waiver by either party for any default by the other party of any one or more of the covenants or conditions hereof shall apply solely to the breach and breaches waived and shall not bar any other rights or remedies and shall not apply to any subsequent breach of any such or other covenants and conditions.

ARTICLE VI UNENFORCEABLE PROVISIONS

- 6.1 If any term, provision, commitment or restriction of this Development Agreement or the application thereof to any party or circumstances shall, to any extent be held invalid or unenforceable; the remainder of this instrument shall remain in full force and effect.

ARTICLE VII ASSIGNMENT AND TRANSFER

- 7.1 After its execution, the Development Agreement shall be recorded in the office of the County Recorder at the expense of the Applicant. Each commitment and restriction on the development subject to this Agreement, shall be a burden on the Property, shall be appurtenant to and for the benefit of the Property, adjacent property and other residential

property near the Property and shall run with the land. This Development Agreement shall be binding on the City and the Applicant and owners, and their respective heirs, administrators, executors, agents, legal representatives, successors and assigns; provided, however, that if all or any portion of the Property is divided and each owner of a legal lot shall only be responsible for duties and obligations associated with an owner's parcel and shall not be responsible for duties and obligations or defaults as to other parcels of lots within the Property. The new owner of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be liable for all commitments and other obligations arising under this Agreement with respect only to such owner's lot or parcel.

ARTICLE VIII GENERAL MATTERS

- 8.1 **Amendments.** Any alteration or change to this Development Agreement shall be made only after complying with the notice and hearing provision of Idaho Code Section 67-6509, as required by Kuna City Code, Title 5, Chapter 14.
- 8.2 **Paragraph Headings.** This Development Agreement shall be construed according to its fair meaning and as if prepared by both parties hereto. Title and captions are for convenience only and shall not constitute a portion of this Development Agreement. As used in this Development 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.
- 8.3 **Choice of Law.** This Development Agreement shall be construed in accordance with the laws of the State of Idaho in effect at the time of the execution of this Development Agreement. Any action brought in connection with this Development Agreement shall be brought in a court of competent jurisdiction located in Ada County, Idaho.
- 8.4 **Notice.** Any notice which a party may desire to give to another party must be in writing and may be given by personal delivery, by mailing the same by registered or certified mail, return receipt requested postage prepaid, or by Federal Express or other reputable overnight delivery service, to the party to whom the notice is directed at the address of such party set forth below:

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

Respective Developers:

Osprey Ridge Partners LLLP
10280 W Ustick Rd
Boise, ID 83704

Origin Properties, LLC/ Kuna 830, LLC
2670 Crimson Canyon Dr., Ste. 110
Las Vegas, NV 89128

or such other address(es) and to such other persons as the parties may hereafter designate in writing to the other parties. Any such notice shall be deemed given upon delivery if by personal delivery, upon deposit in the United States mail, if sent by mail pursuant to the foregoing.

8.5 **Effective Date.** This Development Agreement shall be effective after delivery to each of the parties hereto of a fully executed copy of the Development Agreement.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed, on the day and year first above written.

Dated this 13 day of June, 2008.

CITY OF KUNA

By: [Signature]
J. Scott Dowdy, Mayor

ATTEST:

[Signature]
Lynda Burgess, City Clerk



CITY NOTARY:

State of Idaho)

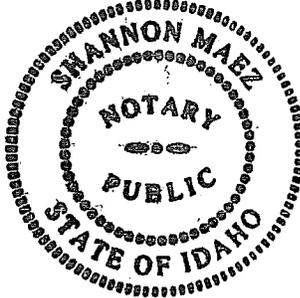
County of Ada)

Subscribed and sworn to (or affirmed) before me this 16th day of June 2008

And who personally appeared before me

[Signature]

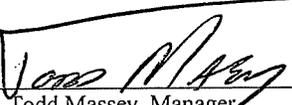
Seal



Notary Public [Signature]

My Commission Expires on 8/12/08

Osprey Ridge Partners, LLLP
By: Osprey Ridge, LLC, its General Partner
By: Landevel, LLC, its Member

By: 
Todd Massey, Manager

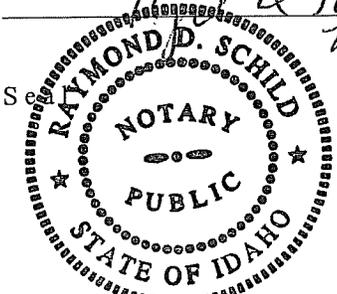
DEVELOPER NOTARY:

State of Idaho)
County of Ada)

Subscribed and sworn to (or affirmed) before me this 15th day of May 2008.

And who personally appeared before me Todd Massey, Manager


Notary Public



Notary Public for Idaho at Boise, Idaho

My Commission Expires on 4-3-13

Origin Properties, LLC,
a Nevada limited liability company

By: BFB Enterprises, LLC
Manager

By: 
Bradley F. Burns, Manager

DEVELOPER NOTARY:

State of ~~Idaho~~ Nevada)
County of Clark)

Subscribed and sworn to (or affirmed) before me this 13th day of May 2008

And who personally appeared before me
Bradley F. Burns, Mgr.



Notary Public Melody Castro

My Commission Expires on March 23, 2012

KUNA 830, LLC,
a Nevada limited liability company

By: [Signature]
Its: Manager

DEVELOPER NOTARY:

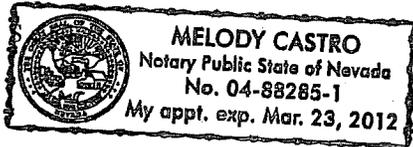
State of ~~Idaho~~ Nevada)

County of Clark)

Subscribed and sworn to (or affirmed) before me this 13th day of May 2008

And who personally appeared before me

Bradley F. Burns



Notary Public Melody Castro

My Commission Expires on March 23, 2012

EXHIBIT A
ANNEXATION LEGAL DESCRIPTION

Parcels of land being a portion of the South half of Section 36, Township 2 North, Range 1 West, Boise Meridian, a portion of the Southwest Quarter of Section 31, Township 2 North, Range 1 East, Boise Meridian, the North half and the Southeast Quarter of Section 1, Township 1 North, Range 1 West, Boise Meridian, a portion of the North half, the East half of the Southwest Quarter and a portion of the Southeast Quarter of Section 6, the North half of the Northwest Quarter and a portion of the Northeast Quarter of Section 7, a portion of Government Lot 4, the South half of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter and the South half of Section 5, the Northwest Quarter of Section 8, a portion of Government Lots 3 and 4 and Section 4 South of the Union Pacific Railroad right of way, the North half of the Northwest Quarter and the Northeast Quarter of Section 9, a portion of the North half and the South half of the Southwest Quarter and a portion of the Southwest Quarter of the Southeast Quarter of Section 3 all South of said Union Pacific Railroad right of way, the Northwest Quarter, the South half of the Northeast Quarter and the Northwest Quarter of the Northeast Quarter of Section 10 and the Southwest Quarter of the Northwest Quarter of Section 11, Township 1 North, Range 1 East, Boise Meridian, Ada County, Idaho and more particularly described as follows:

Beginning at the Northwest Closing corner of Section 1, Township 1 North, Range 1 West, being a 5/8 inch iron rod, Thence, along the North line of said Section 1, S89°26'39"E a distance of 2641.05 feet to a 5/8 inch rebar being the North Closing Quarter corner of said Section 1;

Thence, along the North line of said Section 1, S89°27'18"E a distance of 94.23 feet to a 5/8 inch rebar being the South Closing Quarter of Section 36, Township 2 North, Range 1 West;

Thence, along the West line of the Southwest Quarter of the Southeast Quarter of said Section 36, N00°14'33"E a distance of 1327.65 feet to the Northwest corner of said Southwest Quarter of the Southeast Quarter of Section 36;

Thence, along the North line of said Southwest Quarter of the Southeast Quarter of Section 36, S89°22'41"E a distance of 408.44 feet to a point on the center line of the Mora Canal;

Thence, along said center line the following fifty-six courses:

- 1.) S06°38'21"E a distance of 66.26 feet to a point;
- 2.) S08°35'32"E a distance of 107.37 feet to a point;
- 3.) S14°34'27"E a distance of 32.62 feet to a point;

- 4.) Along a curve to the left with a radius of 304.29 feet, an arc length of 305.78 feet, a delta angle of $57^{\circ}34'32''$ and a long chord that bears $S43^{\circ}21'43''E$ a distance of 293.07 feet to a point;
- 5.) Along a compound curve to the left with a radius of 154.29 feet, an arc length of 83.45 feet, a delta angle of $30^{\circ}59'20''$ and a long chord that bears $S87^{\circ}38'39''E$ a distance of 82.44 feet to a point;
- 6.) $N76^{\circ}51'40''E$ a distance of 212.36 feet to a point;
- 7.) $N73^{\circ}49'01''E$ a distance of 193.04 feet to a point;
- 8.) $N75^{\circ}59'47''E$ a distance of 138.45 feet to a point;
- 9.) $N74^{\circ}09'27''E$ a distance of 194.20 feet to a point;
- 10.) $N76^{\circ}04'06''E$ a distance of 172.84 feet to a point;
- 11.) $N70^{\circ}54'59''E$ a distance of 89.27 feet to a point;
- 12.) $N65^{\circ}27'33''E$ a distance of 200.14 feet to a point;
- 13.) $N69^{\circ}39'20''E$ a distance of 47.86 feet to a point;
- 14.) Along a curve to the right with a radius of 342.10 feet, an arc length of 279.20 feet, a delta angle of $46^{\circ}45'39''$ and a long chord that bears $S85^{\circ}42'41''E$ a distance of 271.51 feet to a point;
- 15.) Along a reverse curve to the left with a radius of 289.49 feet, an arc length of 310.67 feet, a delta angle of $61^{\circ}29'15''$ and a long chord that bears $N86^{\circ}55'31''E$ a distance of 295.97 feet to a point;
- 16.) Along a reverse curve to the right with a radius of 195.76 feet, an arc length of 268.31 feet, a delta angle of $78^{\circ}31'41''$ and a long chord that bears $S84^{\circ}33'16''E$ a distance of 247.80 feet to a point;
- 17.) Along a reverse curve to the left with a radius of 436.31 feet, an arc length of 234.36 feet, a delta angle of $30^{\circ}46'35''$ and a long chord that bears $S60^{\circ}40'43''E$ a distance of 231.56 feet to a point;
- 18.) $S76^{\circ}04'00''E$ a distance of 142.65 feet to a point;
- 19.) Along a curve to the right with a radius of 455.76 feet, an arc length of 310.78 feet, a delta angle of $39^{\circ}04'13''$ and a long chord that bears $S57^{\circ}11'43''E$ a distance of 304.80 feet to a point;

- 20.) S37°39'37"E a distance of 256.39 feet to a point;
- 21.) Along a curve to the left with a radius of 828.97 feet, an arc length of 186.33 feet, a delta angle of 12°52'42" and a long chord that bears S45°49'44"E a distance of 185.93 feet to a point;
- 22.) S52°16'05"E a distance of 112.78 feet to a point;
- 23.) S44°11'02"E a distance of 70.48 feet to a point;
- 24.) Along a curve to the right with a radius of 165.71 feet, an arc length of 182.76 feet, a delta angle of 63°11'25" and a long chord that bears S12°35'19"E a distance of 173.63 feet to a point;
- 25.) S19°00'23"W a distance of 191.25 feet to a point;
- 26.) S28°31'36"W a distance of 46.26 feet to a point;
- 27.) Along a curve to the left with a radius of 204.29 feet, an arc length of 222.88 feet, a delta angle of 62°30'31" and a long chord that bears S02°43'40"E a distance of 211.99 feet to a point;
- 28.) S33°58'55"E a distance of 122.85 feet to a point;
- 29.) Along a curve to the right with a radius of 645.71 feet, an arc length of 289.83 feet, a delta angle of 25°43'03" and a long chord that bears S21°07'23"E a distance of 287.40 feet to a point;
- 30.) Along a compound curve to the right with a radius of 1295.71 feet, an arc length of 203.42 feet, a delta angle of 08°59'42" and a long chord that bears S03°46'00"E a distance of 203.21 feet to a point;
- 31.) S00°43'51"W a distance of 261.96 feet to a point;
- 32.) Along a curve to the left with a radius of 544.29 feet, an arc length of 321.25 feet, a delta angle of 33°49'01" and a long chord that bears S16°10'40"E a distance of 316.61 feet to a point;
- 33.) S33°05'10"E a distance of 127.78 feet to a point;
- 34.) S33°13'17"E a distance of 233.85 feet to a point;
- 35.) S33°36'51"E a distance of 197.83 feet to a point;
- 36.) S32°02'27"E a distance of 181.87 feet to a point;

- 37.) Along a curve to the left with a radius of 179.29 feet, an arc length of 372.15 feet, a delta angle of $118^{\circ}55'44''$ and a long chord that bears $N88^{\circ}29'41''E$ a distance of 308.85 feet to a point;
- 38.) $N29^{\circ}01'49''E$ a distance of 375.75 feet to a point;
- 39.) Along a curve to the left with a radius of 384.29 feet, an arc length of 350.11 feet, a delta angle of $52^{\circ}11'57''$ and a long chord that bears $N02^{\circ}55'51''E$ a distance of 338.13 feet to a point;
- 40.) $N23^{\circ}10'08''W$ a distance of 351.06 feet to a point;
- 41.) Along a curve to the right with a radius of 208.71 feet, an arc length of 535.47 feet, a delta angle of $146^{\circ}59'59''$ and a long chord that bears $N50^{\circ}19'52''E$ a distance of 400.23 feet to a point;
- 42.) $S56^{\circ}10'09''E$ a distance of 290.78 feet to a point;
- 43.) Along a curve to the left with a radius of 598.31 feet, an arc length of 201.93 feet, a delta angle of $19^{\circ}20'16''$ and a long chord that bears $S66^{\circ}36'50''E$ a distance of 200.98 feet to a point;
- 44.) $S76^{\circ}16'58''E$ a distance of 246.99 feet to a point;
- 45.) Along a curve to the left with a radius of 514.29 feet, an arc length of 343.62 feet, a delta angle of $38^{\circ}16'54''$ and a long chord that bears $N84^{\circ}34'35''E$ a distance of 337.26 feet to a point;
- 46.) $N65^{\circ}26'08''E$ a distance of 64.90 feet to a point;
- 47.) Along a curve to the left with a radius of 229.29 feet, an arc length of 253.56 feet, a delta angle of $63^{\circ}21'35''$ and a long chord that bears $N33^{\circ}45'20''E$ a distance of 240.84 feet to a point;
- 48.) $N02^{\circ}04'32''E$ a distance of 91.20 feet to a point;
- 49.) Along a curve to the right with a radius of 335.71 feet, an arc length of 160.94 feet, a delta angle of $27^{\circ}28'02''$ and a long chord that bears $N15^{\circ}48'33''E$ a distance of 159.40 feet to a point;
- 50.) $N29^{\circ}32'34''E$ a distance of 224.66 feet to a point;
- 51.) Along a curve to the right with a radius of 169.43 feet, an arc length of 159.01 feet, a delta angle of $53^{\circ}46'20''$ and a long chord that bears $N53^{\circ}47'36''E$ a distance of 153.24 feet to a point;

- 52.) Along a compound curve to the right with a radius of 291.44 feet, an arc length of 144.85 feet, a delta angle of $28^{\circ}28'40''$ and a long chord that bears $S85^{\circ}04'54''E$ a distance of 143.37 feet to a point;
- 53.) $S70^{\circ}50'34''E$ a distance of 102.00 feet to a point;
- 54.) $S68^{\circ}31'13''E$ a distance of 206.59 feet to a point;
- 55.) $S70^{\circ}29'08''E$ a distance of 110.14 feet to a point;
- 56.) Along a curve to the left with a radius of 154.29 feet, an arc length of 95.48 feet, a delta angle of $35^{\circ}27'29''$ and a long chord that bears $S88^{\circ}12'53''E$ a distance of 93.97 feet to a point;

Thence, leaving said center line, $S57^{\circ}41'08''E$ a distance of 630.31 feet to a point on the West right of way of Locust Grove Road;

Thence, along said West right of way, $N01^{\circ}23'40''W$ a distance of 618.78 feet to a point on the North line of Section 6, Township 1 North, Range 1 East;

Thence, along said North line, $S89^{\circ}30'08''E$ a distance of 25.01 feet to a brass cap being the Northwest corner of Section 5, Township 1 North, Range 1 East;

Thence, along the North line of said Section 5, $S89^{\circ}41'51''E$ a distance of 984.54 feet to a point;

Thence, leaving said North line, $S00^{\circ}18'09''W$ a distance of 295.16 feet to a point;

Thence, $S89^{\circ}41'51''E$ a distance of 295.16 feet to a point;

Thence, $N00^{\circ}18'09''E$ a distance of 295.16 feet to a point on said North line of Section 5;

Thence, along said North line of Section 5, $S89^{\circ}41'51''E$ a distance of 46.64 feet to the Northeast corner of Government Lot 4 of said Section 5;

Thence, along the East line of said Government Lot 4, $S01^{\circ}20'47''E$ a distance of 1401.10 feet to the Southeast corner of said Government Lot 4;

Thence, along the South line of Government Lots 2 and 3 of said Section 5, $S89^{\circ}27'18''E$ a distance of 2650.76 feet to the Southeast corner of Government Lot 2 of said Section 5;

Thence, along the East line of the Southwest Quarter of the Northeast Quarter of said Section 5, $S01^{\circ}06'03''E$ a distance of 1325.16 feet to the Southeast corner of said Southwest Quarter of the Northeast Quarter of said Section 5;

Thence, along the South line of the Southeast Quarter of the Northeast Quarter of Section 5, S89°30'05"E a distance of 1323.18 feet to the East Quarter corner of said Section 5;

Thence, along the East line of said Southeast Quarter of the Northeast Quarter of Section 5, N01°00'20"W a distance of 1324.03 feet to the Northeast corner of said Southeast Quarter of the Northeast Quarter of Section 5;

Thence, along the East line of said Government Lot 1 of said Section 5, N01°00'24"W a distance of 955.31 feet to a 5/8 inch rebar with cap marked 11334 on the Southeast right of way of the Mora Canal;

Thence, leaving said West line, N28°05'58"E a distance of 127.61 feet to a 5/8 inch rebar with cap marked 11334 on the Southerly right of way of the Union Pacific Railroad;

Thence, along said Southerly right of way the following seven courses:

- 1.) S59°32'19"E a distance of 2260.98 feet to a point;
- 2.) S30°27'41"W a distance of 50.00 feet to a point;
- 3.) S59°32'19"E a distance of 50.00 feet to a point;
- 4.) N30°27'41"E a distance of 50.00 feet to a point;
- 5.) S59°32'19"E a distance of 3163.02 feet to a point;
- 6.) Along a curve to the left with a radius of 8694.37 feet, an arc length of 2599.90 feet, a delta angle of 17°08'00" and a long chord that bears S68°06'19"E a distance of 2590.23 feet to a point;
- 7.) S76°40'19"E a distance of 2254.39 feet to a point at the intersection of said Southerly right of way and the East line of the Southwest Quarter of the Southeast Quarter of Section 3, Township 1 North, Range 1 East;

Thence, along said East line, S00°49'51"E a distance of 844.83 feet to a 5/8 inch rebar with cap marked 7314 A/G at the Southeast corner of said Southwest Quarter of the Southeast Quarter of Section 3;

Thence, along the West line of the Northeast Quarter of the Northeast Quarter of Section 10, Township 1 North, Range 1 East, S00°37'01"W a distance of 1327.39 feet to a 5/8 inch rebar with cap marked 7314 at the Southwest corner of said Northeast Quarter of the Northeast Quarter of said Section 10;

Thence, along the South line of said Northeast Quarter of the Northeast Quarter of Section 10, S89°15'36"E a distance of 1331.99 feet to the Southeast corner of said Northeast Quarter of the Northeast Quarter of Section 10;

Thence, along the North line of the Southwest Quarter of the Northwest Quarter of Section 11, Township 1 North, Range 1 East, S89°27'06"E a distance of 1313.55 feet to a 5/8 inch rebar with cap marked 11334 at the Northwest sixteenth corner of said Section 11;

Thence, along the East line of said Southwest Quarter of the Northwest Quarter of Section 11, S00°32'13"W a distance of 1327.38 feet to a 5/8 inch rebar with cap marked 11334 at the Center West sixteenth Corner of said Section 11;

Thence, along the South line of said Southwest Quarter of the Northwest Quarter of Section 11, N89°26'37"W a distance of 1315.92 feet to the West Quarter corner of said Section 11;

Thence, along the South line of the North half of said Section 10, N89°16'05"W a distance of 5321.08 feet to a brass cap being the West Quarter corner of said Section 10;

Thence, along the South line of the Northeast Quarter of Section 9, Township 1 North Range 1 East, N89°40'15"W a distance of 2657.09 feet to a 5/8 inch rebar with cap marked 4347 being the Center Quarter corner of said Section 9;

Thence, along the West line of said Northeast Quarter of Section 9, N00°21'47"E a distance of 1337.51 feet to the Center West sixteenth corner of said Section 9;

Thence, along the South line of said North half of the Northwest Quarter of Section 9, S89°58'58"W a distance of 2647.20 feet to the North sixteenth corner common to Sections 8 and 9;

Thence, along the West line of said North half of the Northwest Quarter of Section 9, N00°30'30"E a distance of 1322.71 feet to a cap marked 946 being the Northwest corner of said Section 9;

Thence, along the North line of the Northeast Quarter of Section 8, Township 1 North, Range 1 East, N89°35'25"W a distance of 2637.00 feet to the North Quarter corner of said Section 8;

Thence, along the West line of said Northeast Quarter of Section 8, S00°30'46"W a distance of 2648.78 feet to the Center Quarter corner of said Section 8;

Thence, along the South line of the Northwest Quarter of said Section 8, N89°39'48"W a distance of 2640.70 feet to the GLO monument being the West Quarter corner of said Section 8;

Thence, along the South line of the Northeast Quarter of Section 7, Township 1 North, Range 1 East, N88°54'35"W a distance of 1652.81 feet to a point;

Thence, leaving said South line, N00°31'27"E a distance of 2650.70 feet to a point on the North line of said Section 7;

Thence, N01°25'37"W a distance of 2649.74 feet to a point on the North line of the Southeast Quarter of Section 6, Township 1 North, Range 1 East;

Thence, along said North line of the Southeast Quarter of Section 6, N89°03'24"W a distance of 994.59 feet to the Center Quarter corner of said Section 6;

Thence, along the East line of the Southwest Quarter of said Section 6, S01°27'01"E a distance of 2648.12 feet to a 1 inch pipe being the South Quarter corner of said Section 6;

Thence, along the East line of the Northeast Quarter of the Northwest Quarter of said Section 7, S00°28'59"W a distance of 1324.91 feet to the Center North sixteenth corner of said Section 7;

Thence, along the South line of the North half of the Northwest Quarter of said Section 7, N88°58'58"W a distance of 2629.67 feet to the Southwest corner of Government Lot 1, Section 7;

Thence, along the West line of said North half of the Northwest Quarter of Section 7 being the Range line of 1 East and 1 West, N00°49'50"E a distance of 1256.77 feet to the Southeast Closing corner of Section 1, Township 1 North, Range 1 West;

Thence, along the South line of the Southeast Quarter of said Section 1, N89°48'22"W a distance of 2718.35 feet to the South Quarter corner of said Section 1;

Thence, along the West line of said Southeast Quarter of Section 1, N00°26'28"E a distance of 2658.86 feet to the Center Quarter corner of said Section 1;

Thence, along the South line of the Northwest Quarter of said Section 1, S89°48'29"W a distance of 2642.61 feet to the West Quarter corner of said Section 1;

Thence, along the West line of said Northwest Quarter of Section 1, N00°28'13"E a distance of 2746.91 feet to the True Point of Beginning.

Said parcel containing 3,034.397 acres of land, more or less.

Excepting Therefrom:

A parcel of land being Government Lots 6 & 7 Section 6, Township 1 North, Range 1 East, Boise Meridian, Ada County, Idaho and more particularly described as follows:

Beginning at the Southwest Closing corner of said Section 6, from which the South Quarter corner bears S89°03'23"E a distance of 2621.62 feet;

Thence, N00°07'46"E a distance of 2646.07 feet to the West Closing Quarter of said Section 6;

Thence, along the North line of Government Lot 6, S89°03'24"E a distance of 1274.30 feet to the Northeast corner of Government Lot 6 of said Section 6;

Thence, along the East line of Government Lot 6 and 7, Section 6, S00°23'24"E a distance of 2646.52 feet to a point on the South line of said Southwest Quarter of Section 6, being the Southeast corner of said Government Lot 7;

Thence, along said South line, N89°03'23"W a distance of 1298.30 feet to the **True Point of Beginning**.

Said parcel containing 78.129 acres of land, more or less.

Also Excepting Therefrom:

A parcel of land being a portion of Government Lot 1 of Section 6, Township 1 North, Range 1 East, Boise Meridian, Ada County, Idaho and more particularly described as follows:

Commencing at the Northeast corner of said Section 6, being a brass cap, from which the North Quarter corner bears N89°30'08"W a distance of 2654.10 feet; Thence, along the North line of said Section 6, N89°30'08"W a distance of 25.01 feet to a point on the West right of way of Locust Grove Road; Thence, along said West right of way, S01°23'40"E a distance of 668.04 feet to the **True Point of Beginning**.

Thence, continuing along said West right of way, S01°23'40"E a distance of 200.01 feet to a point;

Thence, leaving said West right of way, N89°36'40"W a distance of 199.99 feet to a point;

Thence, N01°23'40"W a distance of 273.00 feet to a point;

Thence, S69°46'40"E a distance of 215.01 feet to the **True Point of Beginning**.

Said parcel containing 1.085 acres of land, more or less.

Also Excepting Therefrom:

A parcel of land being a portion of Government Lot 1 of Section 6, Township 1 North, Range 1 East, Boise Meridian, Ada County, Idaho and more particularly described as follows:

Commencing at the Northeast corner of said Section 6, being a brass cap, from which the North Quarter corner bears $N89^{\circ}30'08''W$ a distance of 2654.10 feet; Thence, along the North line of said Section 6, $N89^{\circ}30'08''W$ a distance of 25.01 feet to a point on the West right of way of Locust Grove Road; Thence, along said West right of way, $S01^{\circ}23'40''E$ a distance of 918.05 feet to the **True Point of Beginning**.

Thence, continuing along said West right of way, $S01^{\circ}23'40''E$ a distance of 200.00 feet to a point;

Thence, leaving said West right of way, $N89^{\circ}36'40''W$ a distance of 199.99 feet to a point;

Thence, $N01^{\circ}23'40''W$ a distance of 200.00 feet to a point;

Thence, $S89^{\circ}36'40''E$ a distance of 199.99 feet to the **True Point of Beginning**.

Said parcel containing 0.918 acres of land, more or less.

Together with:

A parcel of land being a portion of the Southwest Quarter of Section 2 lying South of the Union Pacific Railroad right of way, Township 1 North, Range 1 East, Boise Meridian, Ada County, Idaho and more particularly described as follows:

Beginning at the Southwest corner of said Section 2 from which the South Quarter corner bears $S89^{\circ}27'33''E$ a distance of 2622.00 feet;

Thence, along the West line of the said Southwest Quarter of Section 2, $N00^{\circ}50'48''W$ a distance of 545.55 feet to the intersection of said West line and the Southerly right of way of said Union Pacific Railroad;

Thence, along said Southerly right of way, $S76^{\circ}40'19''E$ a distance of 1213.54 feet to a point;

Thence, continuing along said Southerly right of way, along a curve to the right with a radius of 8494.37 feet, an arc length of 995.94 feet, a delta angle of $06^{\circ}43'04''$ and a long chord that bears $S73^{\circ}18'47''E$ a distance of 995.37 feet to a point on the South line of said Southwest Quarter of Section 2;

Thence, along the South line of said Southwest Quarter of Section 6, $N89^{\circ}27'33''W$ a distance of 2126.34 feet to the **True Point of Beginning**.

Said parcel containing 14.346 acres of land, more or less.

Also Together with:

A parcel of land being a portion of Section 3 lying North of the Union Pacific Railroad and a portion of the West half of Section 2 lying North of the Union Pacific Railroad, Township 1 North, Range 1 East, Boise Meridian, Ada County, Idaho and more particularly described as follows:

Beginning at the North Quarter corner of said Section 3 from which the Northwest corner bears N89°27'24"W a distance of 2662.01 feet.

Thence, along the North line of Government Lots 1 and 2 of said Section 3, S89°26'24"E a distance of 2661.37 feet to the Northeast corner of said Section 3;

Thence, along the East line of said Government Lot 1, S00°53'03"E a distance of 1351.68 feet to a 5/8 inch rebar with cap marked PLS 8251 at the Southeast corner of said Government Lot 1;

Thence, along the East line of the South half of the Northeast Quarter of said Section 3, S00°50'14"E a distance of 1331.18 feet to the East Quarter corner of said Section 3;

Thence, along the East line of the Northeast Quarter of the Southeast Quarter of said Section 3, S00°50'48"E a distance of 1331.91 feet to the Southeast corner of said Northeast Quarter of the Southeast Quarter of Section 3;

Thence, along the South line of the Northwest Quarter of the Southwest Quarter of said Section 2, S89°24'14"E a distance of 1314.85 feet to the Southeast corner of said Northwest Quarter of the Southwest Quarter of Section 2;

Thence, along the East line of said Northwest Quarter of the Southwest Quarter of Section 2, N00°40'55"W a distance of 1339.91 feet to the Northeast corner of said Northwest Quarter of the Southwest Quarter of Section 2;

Thence, along the West line of the Southeast Quarter of the Northwest Quarter of said Section 2, N00°32'53"W a distance of 1323.13 feet to the Northwest corner of said Southeast Quarter of the Northwest Quarter of Section 2;

Thence, along the North line of said Southeast Quarter of the Northwest Quarter of Section 2, S89°24'44"E a distance of 1325.38 feet to a 5/8 inch iron rod being the Northeast corner of said Southeast Quarter of the Northwest Quarter of Section 2;

Thence, along the East line of said Southeast Quarter of the Northwest Quarter of Section 2, S00°15'20"E a distance of 1315.11 feet to the Center Quarter corner of said Section 2;

Thence, along the East line of the Southwest Quarter of said Section 2, S00°31'05"E a distance of 2653.21 feet to the intersection of said East line and the Northerly right of way of the Union Pacific Railroad;

Thence, along said Northerly right of way, along a non-tangent curve to the left with a radius of 8694.37 feet, an arc length of 1478.41 feet, a delta angle of 09°44'34" and a long chord that bears N71°48'02"W a distance of 1476.63 feet to a point;

Thence, continuing along said Northerly right of way, N76°40'19"W a distance of 4841.50 feet to a point;

Thence, continuing along said Northerly right of way, along a curve to the right with a radius of 8494.37 feet, an arc length of 1992.47 feet, a delta angle of 13°26'22" and a long chord that bears N69°57'08"W a distance of 1987.90 feet to a point at the intersection of said Northerly right of way and the East line of the Southwest Quarter of said Section 3;

Thence, along said East line, N00°47'26"W a distance of 464.44 feet to the East Quarter corner of said Section 3;

Thence, along the South line of the Northwest Quarter of said Section 3, S89°22'03"E a distance of 2663.64 feet to the Center Quarter corner of said Section 3;

Thence, along the East line of said Northwest Quarter of Section 3, N00°49'11"W a distance of 2679.48 feet to the True Point of Beginning.

Said parcel containing 455.396 acres of land, more or less.

Said annexation legal description containing a total of 3424.007 acres of land, more or less.



Osprey Ridge Annexation Application

Parcel Information

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Parcel Tax ID	Owner	Acres	Parcel Legal	Deed Instrument Number	Parcel Address	Parcel Location	Structures	Current Zoning	Proposed Zoning	Current Land Use	Proposed Use	Section	Township	Range
R0523790620	Lavar Thornton & Layne Thornton	300	Lot 62 Block 1 Arrow Rock Ranch Subdivision No. 01	103131422	W KUNA MORA RD KUNA, ID 83634	S Kuna Mora, E Cloverdale on E and S of Arrow Rock Ranch	None	RR	A	Ag	Ag	3	1N	1E
S1336438400	Lavar Thornton	35	all of the sw 1/4 of the SE 1/4 of Section 36 T2N R1W B.M. lying south of the Mora Canal	9035109	S SWAN FALLS RD KUNA, ID 83634	S of Kuna Mora Canal 1/2 mile E of Swan Falls	None	RR	A	Ag	Ag	36	2N	1W
S1336449003	Layne Thornton	37	part of SE 1/4 SE 1/4 of Section 36 T2N R1W B.M.	97076761	S MERIDIAN RD KUNA, ID 83634	S of Kuna Mora Canal 1/2 mile W of Locust Grove	None	RR	A	Ag	Ag	36	2N	1W
S1431336309	Layne Thornton	19	Government Lot 4 Section 31 T2N R1E lying south and west of the Mora Canal	97076760	S STROEBEL RD KUNA, ID 83634	S of Kuna Mora Canal 3/4 mile E of Swan Falls	None	RR	A	Ag	Ag	31	2N	1E
S2102240000	Lavar Thornton & Layne Thornton	120	SE 1/4 of the NW 1/4; the NE 1/4 of the SW 1/4; and the S 1/2 of the SW 1/4, excluding the rail road, of Section 2 T1N R1E	103190170	E KUNA MORA RD KUNA, ID 83634	N and S of RR 1 mile E of Cloverdale, 1/4 mile S of Kuna Mora, Borders BLM	None	RP	A	Ag	Ag	2	1N	1E
portion of S2102240000 - Tax number unassigned at time of application	472 Development LLLP	40	SE 1/4 of the SW 1/4, excluding RR, Section 2 T1N R1E	107157457	E KUNA MORA RD KUNA, ID 83634	N and S of RR 1 mile E of Cloverdale, 3/4 mile S of Kuna Mora, Borders BLM	None	RP	A	Ag	Ag	2	1N	1E
S2103336000	Boyd & Loa Anderson LP	125	PAR #6000 OF S2 SEC 3 1N 1E #323750 330000 340000 S	106173549	17220 S Cloverdale Rd	N of Barker E of Cloverdale	Single family residence to remain	RP	A	Ag	Ag	3	1N	1E

Osprey Ridge Annexation Application

Parcel Information

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
S2103438400	Boyd & Loa Anderson LP	3.769	PAR #8400 OF SE4 SEC 3 1N 1E #340000 B	106173549	S Cloverdale Rd	N of RR, 1/2 mile east of Cloverdale	None	RP	A	Ag	Ag	3	1N	1E
S2103449200	Lavar Thornton & Layne Thornton	12	SE ¼ of the SE ¼ lying north of the rail road of Section 3 T1N R1E	103131422	E KUNA MORA RD KUNA , ID 83634	N of RR, 3/4 - 1 mile E of Cloverdale	None	RP	A	Ag	Ag	3	1N	1E
S2104131700	Boyd & Loa Anderson LP	2.515	PAR #1700 @ SE COR SW4NE4 SEC 10 1N 1E	106173549	S Cloverdale Rd	S of RR, N of Indian Creek, 1/4 mile west of Cloverdale	None	RP	A	Ag	Ag	10	1N	1E
S2104142200	Boyd & Loa Anderson LP	0.089	PAR #2200 @ SW COR SE4NE4 SEC 10 1N 1E	106173549	S Cloverdale Rd	S of RR, N of Indian Creek, 1/4 mile west of Cloverdale	None	RP	A	Ag	Ag	10	1N	1E
S2104213300	Boyd & Loa Anderson LP	289.2	PAR #3300 OF SEC 4 1N 1E #200000 310000 331000 410000 S	106173549	S Cloverdale Rd	N of Barker E of Eagle Rd	Abandoned mobile home to remain until developed	RP	A	Ag	Ag	4	1N	1E
S2104417200	Boyd & Loa Anderson LP	19.99	PAR #7200 @ E SIDE NE4SE4 SEC 10 1N 1E	106173549	S Cloverdale Rd	W of Cloverdale, S of RR	Old Barn, Old House - to remain until developed	M2	A	Ag	Ag	10	1N	1E
S2104418000	Boyd & Loa Anderson LP	9.133	PAR #8000 @ N SIDE N2SE4 SEC 10 1N 1E	106173549	S Cloverdale Rd	N of Indian Creek, S of RR, 1/8 mile W of Cloverdale	None	RP	A	Ag	Ag	10	1N	1E
S2104449000	Boyd & Loa Anderson LP	104.2	PAR #9000 @ SE SEC COR SEC 10 1N 1E #131205-S	106173549	S Cloverdale Rd	S of Indian Creek W of Cloverdale	None	RP	A	Ag	Ag	10	1N	1E
S2105223075	D. Yamamoto Development LLC	160.1	S1/2 of the NW 1/4; the NW 1/4 of the NW 1/4; and the SW 1/4 of the NE 1/4 of Section 5 T1N R1E B.M.; excepting therefrom approximately a 2 acre parcel... in the NE corner of NE4 of the NE4	8814767	S LOCUST GROVE RD KUNA , ID 83634	E of Locust Grove S of Lava Ln.	None	RP	A	Ag	Ag	5	1N	1E

Osprey Ridge Annexation Application Parcel Information

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
S2105300000	D. Yamamoto Development LLC	320	S1/2 of Section 5 T1N R1E B.M. Ada County	8814767	3250 S LOCUST GROVE RD KUNA, ID 83634	N of Barker, E of Locust Grove	Farm buildings to remain until surrounding land is developed	RP	A	Ag	Ag	5	1N	1E
S2106110410	Lavar Thornton	108	PAR #0410 OF NE4 SEC 6 1N 1E #110400-B; lengthy description see deed	7502862	S LOCUST GROVE RD KUNA, ID 83634	S of Kuna Mora Canal W of Locust Grove	None	RP	A	Ag	Ag	6	1N	-
S2106220000	Layne Thornton	73	LOTS 4/5 SEC 6 1N 1E #97076761	97076761	E KUNA MORA RD KUNA, ID 83634	W of Kuna Mora Canal 1 Mile E of Swan falls and 3/4 mile W of Locust Grove	None	RP	A	Ag	Ag	6	1N	1E
S2106244225	Lavar Thornton	37	LOT 3 & SE4NW4 S OF MORA CANAL SEC 6 1N 1E #210000 S #8616582	8616582	E KUNA MORA RD KUNA, ID 83634	S of Kuna Mora Canal 1/2 mile W of Locust Grove	None	RP	A	Ag	Ag	6	1N	1E
S2106310000	Lavar Thornton	160	E1/2, SW1/4, Section 6 T1N, R1E & N1/2 NW1/4 Section 7 T1N R1E Boise Meridian	8321966	E KUNA MORA RD KUNA, ID 83634	Borders BLM 1/2 mile w of Locust Grove	None	RP	A	Ag	Ag	7	1N	1E
S2106417205	Kuna 830 LLC	100	E 1/2 SE4, and E 1/2 of the E 1/2 of the W 1/2 of the SE 1/4 of Section 6 T1N R1E B.M.	107088129	S LOCUST GROVE RD KUNA, ID 83634	NW from the S end of Locust Grove	None	RP	A	Ag	Ag	6	1N	1E
S2107110015	Kuna 830 LLC	100	E 1/2 of the NE 1/4 & E1/2 of the E1/2 of the W 1/2 for the NE 1/4 of SEC 7 T1N R1E B.M.	107088129	E BARKER RD KUNA, ID 83634	SW from the South end of Locust Grove	None	RP	A	Ag	Ag	7	1N	1E
S2108212405	D. Yamamoto Development LLC	160	NW 1/4 of Section 8 T1N R1E B.M.	93103694	E BARKER RD KUNA, ID 83634	S of Barker, E from Locust Grove	None	RP	A	Ag	Ag	8	1N	1E
S2109100000	Boyd & Loa Anderson LP	160	NE4 SEC 9 1N 1E #9225989	106173549	S Cloverdale Rd	S of Barker, W of Cloverdale	None	RP	A	Ag	Ag	9	1N	1E
S2109210000	Boyd & Loa Anderson LP	80	N2NW4 SEC 9 1N 1E #9225989	106173549	S Cloverdale Rd	S of Barker 1/2 mile W of Cloverdale	None	RP	A	Ag	Ag	9	1N	1E

**Osprey Ridge Annexation Application
Parcel Information**

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
S2110121000	Onsite Graphics LLC	39	PAR #1000 OF NW4NE4 SEC 10 1N 1E	106071185	E Barker Rd.	S of Barker, 1/2 - 3/4 miles E of Cloverdale	None	RP	A	Ag	Ag	10	1N	1E
S2110123600	Shannon & William Polfer	1	PAR #3600 OF NW4 NE4 SEC 10 1N 1E	107030952	11399 E Barker Rd	1/4 mile S of Barker, 1/2 mile E of Cloverdale	Single Family brick home to remain	RP	A	Ag	Ag	10	1N	1E
S2110130600	Onsite Graphics LLC	115	S2 NE4NW4 EXC N2SE4NE4NW SE4NW4 SW4NE4 S2SE4NE4 SEC 10 1N 1E	1066060397	S Cloverdale Rd	1/4 mile S of Barker, 1/4 mile E of Cloverdale	None	RP	A	Ag	Ag	10	1N	1E
S2110141900	Onsite Graphics LLC	20	PAR #1900 OF N2 SEC 10 1N 1E	106071185	E Barker Rd	3/4 - 1 mile E of Cloverdale 1/4 mile S of Barker	None	RP	A	Ag	Ag	10	1N	1E
S2110212400	Boyd & Loa Anderson LP	5.17	PAR #2400 @ NE COR NE4NW4 SEC 10 1N 1E	106173549	S Cloverdale Rd	S of Barker 1/2 mile E of Cloverdale	None	RP	A	Ag	Ag	10	1N	1E
S2110223000	Boyd & Loa Anderson LP	99.83	PAR #3000 @ NW SEC COR SEC 10 1N 1E #216000-S	106173549	S Cloverdale Rd	S of Barker, E of Cloverdale	None	RP	A	Ag	Ag	10	1N	1E
S2111233600	Onsite Graphics LLC	40	SW4NW4 SEC 11 1N 1E #52103449100-S	106193644	E Barker Rd	1 mile E of Cloverdale 1/4 mile S of Barker	None	RP	A	Ag	Ag	11	1N	1E
S2201110000	Layne Thornton	87	part of SE 1/4 SE1/4 of Section 36 T2N R1W B.M.	97076761	E KUNA MORA RD KUNA, ID 83634	3/4 to 1 mile west of Swan Falls directly W of Sewer Treatment Plant	None	RP	A	Ag	Ag	1	1N	1W
S2201120000	Lavar Thornton	82	Government Lot 2 and the SW 1/4 of the NE 1/4 of Section 1 T1N R1W B.M.	870416	E KUNA MORA RD KUNA, ID 83634	1/2 mile E of Swan Falls	None	RP	A	Ag	Ag	1	1N	1W
S2201211000	Lavar Thornton	165	LOTS 3 & 4 & S2NW4 SEC 1 1N 1W	870416	S SWAN FALLS RD KUNA, ID 83634	Borders BLM 1/2 mile E of Swan Falls	None	RP	A	Ag	Ag	1	1N	1W
S2201411000	Layne Thornton	164	LOTS 6/7 W2SE4 SEC 1 1N 1W #97076761	97076761	E KUNA MORA RD KUNA, ID 83634	Borders BLM, 1/2 mile E of Swan Falls Rd	None	RP	A	Ag	Ag	1	1N	1W
3393														

AGREEMENT

This Agreement made between Osprey Ridge Partners, LLLP, an Idaho limited liability limited partnership, its members, affiliates, successors and assigns (collectively "Osprey Ridge") and the City of Kuna, an Idaho municipal corporation ("Kuna" or the "City").

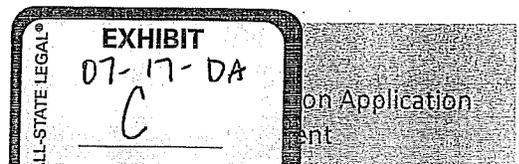
WHEREAS, Osprey Ridge intends to develop certain real properties it and/or its members, assignees or affiliates own, are the contract purchaser of or may acquire in the vicinity of Kuna, the present extent of which is graphically depicted on Exhibit "A" attached hereto and incorporated herein (collectively the "Land") and desires to annex the Land into Kuna, entitle the Land with appropriate zoning designations and building densities, obtain Kuna sewer, water and other City services for the Land and further develop the Land;

WHEREAS, Osprey Ridge is willing to contribute the sum of One Million Two Hundred Eighty Five Thousand Seven Hundred Six Dollars (\$1,285,706.00) to Kuna to be used toward a 30% expansion of capacity in the pending construction of the Kuna Siemens MBR north wastewater treatment plant (the "Sewer Plant") in exchange for said annexation, entitlement, provision of City services and development of the Land;

WHEREAS, Kuna is willing to annex, entitle, grant zoning designations, provide City services to and allow development of the Land in return for the payment by Osprey Ridge;

NOW THEREFORE, in consideration of the mutual promises contained herein the parties agree as follows.

1. The recitals set forth above are a material part of this Agreement and not mere recitals.
2. Osprey Ridge agrees to contribute \$1,285,706.00 to the City for the exclusive purpose of funding a 30% expansion of capacity in the construction of the Sewer Plant to 13,000 equivalent domestic units ("EDU's") from its original design of 10,000 EDU's. Osprey Ridge has already paid the City \$158,000.00 for the Keller & Associates redesign study for the expansion of capacity. The remaining balance to be paid by Osprey Ridge is \$1,127,706.00, (\$317,319.00 of which is for the Siemens Water Technology change order number 1 to upsize pumps and mechanical equipment to be installed in the first phase of the expansion of the Sewer Plant, and the remaining balance of which is to be used for the construction of the expanded capacity Sewer Plant.)
3. Osprey Ridge agrees to obtain an irrevocable letter of credit or other instrument satisfactory to Kuna to guarantee that the remaining balance not yet paid under paragraph 2 will be available for construction of the Sewer Plant when construction begins. Osprey Ridge will provide the letter of credit within two weeks of the execution of this Agreement. If Osprey Ridge places the remaining balance in one or more interest bearing accounts instead of obtaining a letter of credit, Osprey Ridge will receive any interest earned.



4. Kuna agrees to use the funds paid by Osprey Ridge for the sole purpose of construction of the expanded capacity Sewer Plant. Funds shall be released as required for the construction of the Sewer Plant, on a schedule and according to benchmarks met as shall be determined by the City's engineers. Of invoices paid, 7.4643% (being the ratio Osprey Ridge's contribution bears to the overall project cost) of the invoice amounts paid shall be taken from the monies contributed by Osprey Ridge until such funds are depleted, after which all invoices will be paid by the City.
5. The \$1,285,706.00 paid by Osprey Ridge shall be credited as pre-payment for "Sewer Connections" at the rate of \$4200.00 per Sewer Connection. Osprey Ridge now has credit for 37.62 Sewer Connections for the \$158,000.00 paid to date, shall receive Sewer Connections as moneys are paid, and shall have purchased 306.12 Sewer Connections for the \$1,285,706.00 when paid. As Osprey Ridge pays these sums, corresponding EDU's and Sewer Connections will be shown in the City's records as purchased by, and the property of, Osprey Ridge. Osprey Ridge shall be entitled to transfer, pledge or sell said Sewer Connections as allowed in adopted City policies, resolutions or ordinances, pass through its cost to purchasers and be compensated directly by those purchasers for the Sewer Connections.
6. Kuna shall not be responsible to construct transmission or collection lines to the Land for water or sewer services; rather Osprey Ridge will construct such lines at its cost. Kuna agrees to reimburse Osprey Ridge for such construction costs that are eligible for reimbursement pursuant to the City's reimbursement policies and ordinances, but cannot guarantee full reimbursement.
7. Kuna agrees to annex the Land into the City under the "A" or Agricultural designation when the Land becomes contiguous to Kuna. Osprey Ridge agrees to consent to annexation of the Land. Kuna also agrees to consider annexation of the Thornton land consisting of 960 acres, more or less and the Yamamoto/Origin Properties land consisting of 840 acres, more or less into the City under the "A" or Agricultural zoning designation, or such other land(s) necessary to establish contiguity between the Land and the City (the "Annexation Path Lands"). Kuna agrees to waive fees for applications to annex the Land and the Annexation Path Lands into the "A" or Agricultural zoning designation.
8. Osprey Ridge intends to and may submit applications and development agreements to Kuna for zoning, entitlement and plat approvals for developing the Land in whatever form it chooses with design, features, open space and amenities as shall be agreed between Osprey Ridge and Kuna. Such applications and development agreements shall comply with Kuna's zoning ordinances and Kuna's comprehensive plan, and approval of all proposed development must be the product of Kuna's standard zoning application and approval procedure, including the fees associated with rezoning to a development designation. Kuna agrees that it will process any applications submitted and negotiation of any Development Agreements concurrently with the annexation applications. Kuna does not guarantee any particular zoning designation or density approval on any particular parcel, but does guarantee to Osprey Ridge a minimum blended density of three

- (3) buildable lots/density units per gross acre in the overall development on the Land.
9. Osprey Ridge will provide easements across the Land necessary to provide City services to the Land, and will cooperate with and assist Kuna to obtain such easements across the property of third parties as necessary. Kuna shall not be obligated to use force or condemnation to acquire such easements if they cannot be obtained by other means.
 10. This Agreement contains the entire agreement of the parties unless supplemented in a writing signed by both parties, but Osprey Ridge and the City reserve the right to so supplement this Agreement, including without limitation to provide for additional contributions, additional reservation of sewer capacity and any other terms the parties may mutually agree.
 11. This Agreement is entered into by Kuna with the approval of the Kuna City Council.

OSPREY RIDGE:

By: Todd Massey
Todd Massey, Manager

Dated: October 16, 2007

CITY OF KUNA:

BY: Scott Dowdy
Scott Dowdy, Mayor

Dated: October 16, 2007



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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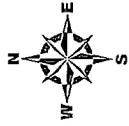
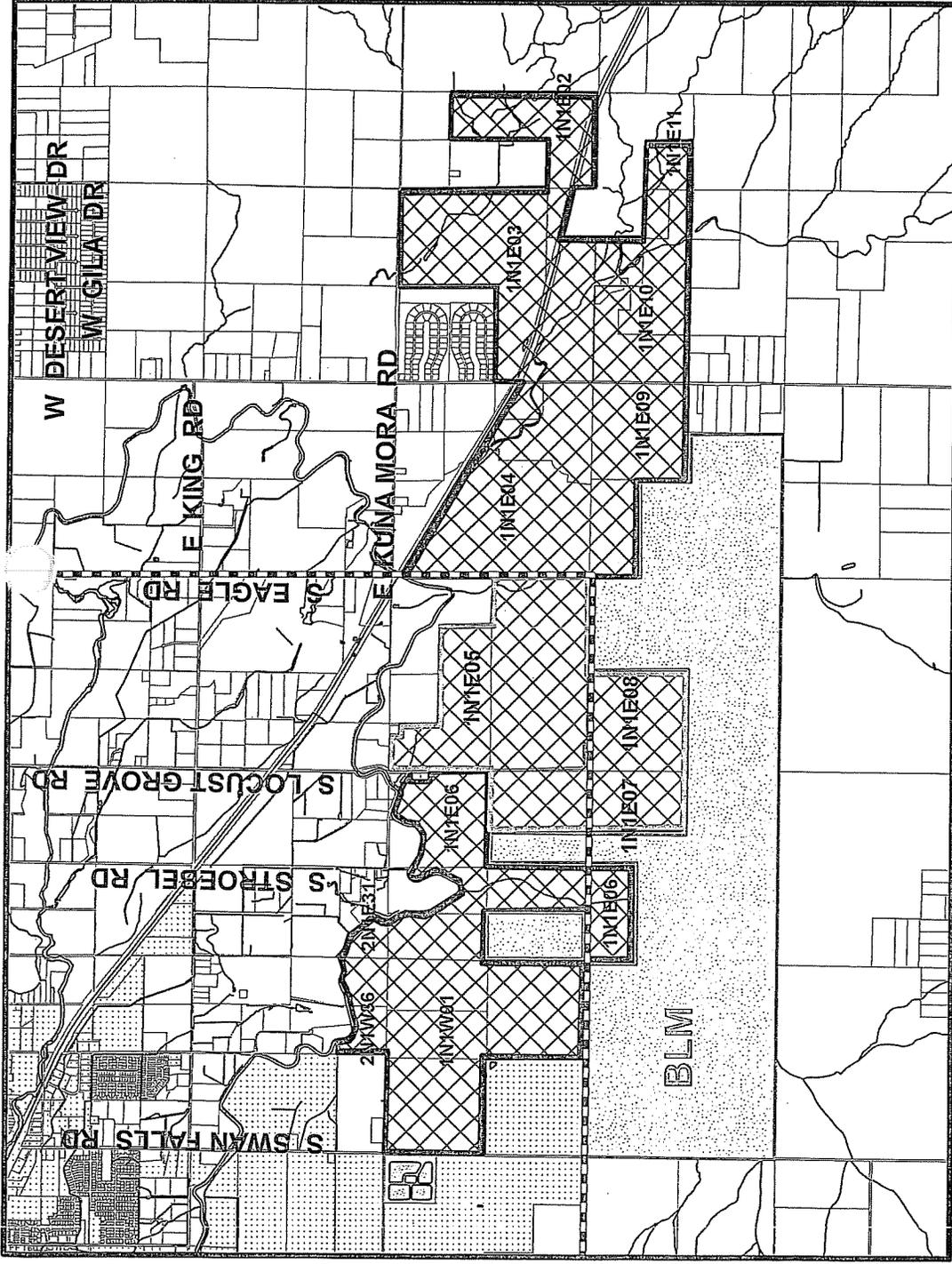
**OSPREY RIDGE
COMPREHENSIVE PARCEL MAP**
CITY OF KUNA, ADA COUNTY, IDAHO

PRELIMINARY

1254 Robinson Ave., Ste. B
 Boise, Idaho 83725
 Phone: (208) 333-1111
 Fax: (208) 333-1112
 Website: www.mcg.com

COMMERCIAL • RESIDENTIAL • PLANNING

OSPREY RIDGE PARTNERS LLLP, ORIGIN PROPERTIES, LLC/ KUNA 830, THORNTONS



Legend

-  ANNEXATION AREA
-  THORNTONS
-  ORIGIN PROPERTIES/ KUNA 830
-  OSPREY RIDGE PARTNERS, LLLP

COMPREHENSIVE PLAN MAP BOUNDARY

Exhibit
0717-DA

D



Alexis Pickering, President
Miranda Gold, Vice-President
Jim Hansen, Commissioner
Kent Goldthorpe, Commissioner
Dave McKinney, Commissioner

December 9, 2024

To: Doug Hanson, Planning & Zoning Director
City of Kuna | Development Services
751 W. 4th Street
Kuna, ID 83634

Subject: Gemstone Technology Park
KUNA24-0014/ 24-01-CPM/ 24-01-ZC
3250 S. Locust Grove Road

Doug,

Thank you for transmitting the comprehensive plan map amendment, annexation and rezone application for review and comment. Although ACHD does not set site specific conditions of approval for comprehensive plan map amendment, annexation and rezone applications, we did want to provide the following comments.

Traffic Impact Study (TIS): ACHD Policy 7106 generally requires a traffic impact study for all new developments anticipated to generate more than 100 new trips in the PM peak hour.

ACHD has received a traffic impact study for this site; however, the traffic impact study has not been reviewed. Because the TIS has not been reviewed we are unable to provide specific details on how the development may impact the existing transportation network. The review of the traffic impact study will allow us to understand the impacts of the known phases of the development, establish conditions of approval to mitigate the site generated traffic impacts of the proposed development, and provide an overview of what the potential future impacts could be, allowing for right-of-way preservation and possible changes to ACHD's planning documents.

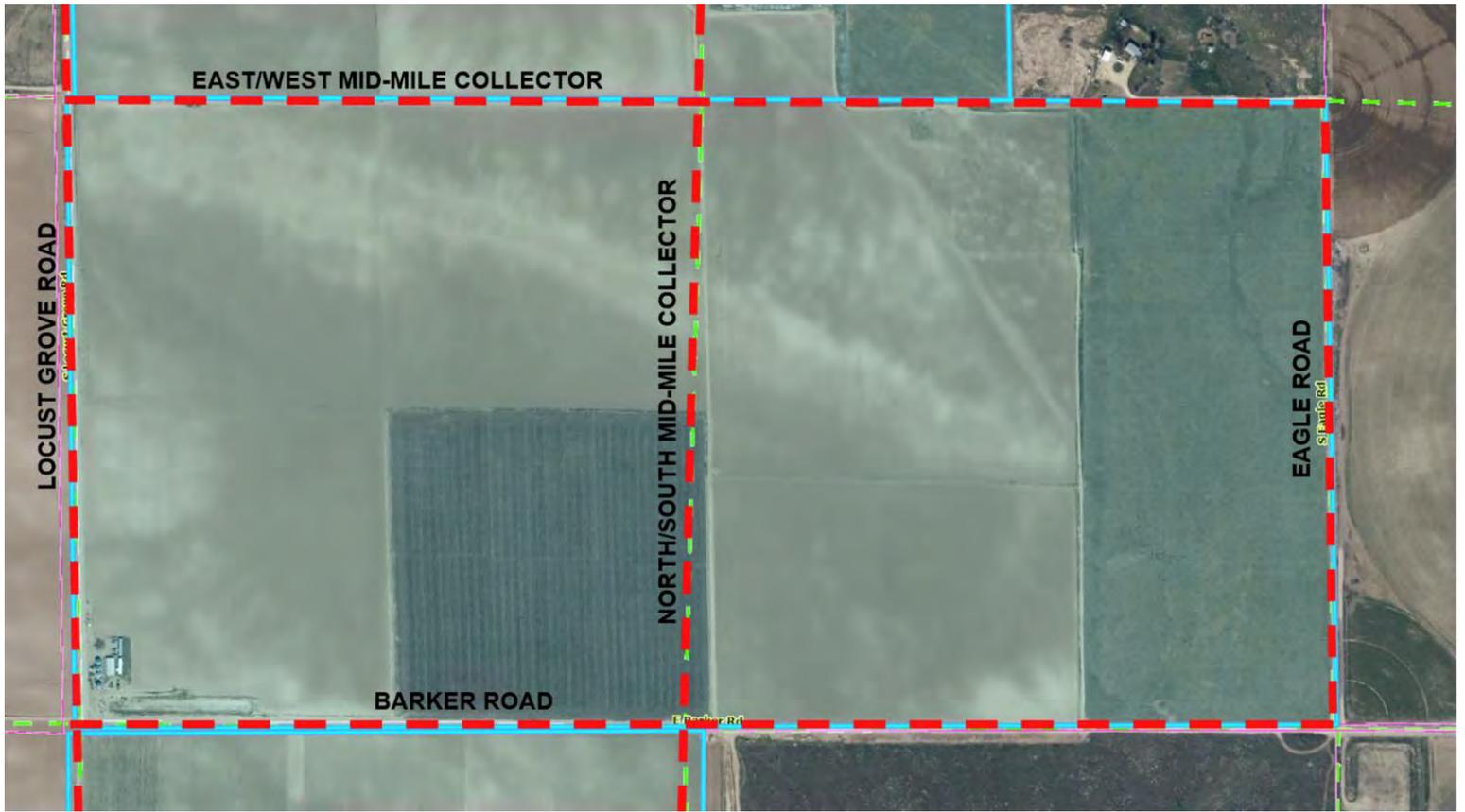
The traffic impact study indicates for the data center land use, this development is estimated to generate 1,520 vehicle trips per day with 516 trips in the PM peak hours, 16 are assumed to be delivery vehicles.

Access: Three access points are proposed onto collector roadways for the data center, two onto Barker Road and one onto Locust Grove Road. An access analysis was provided in the TIS and will be reviewed as part of the TIS review. Staff comments regarding the proposed access points will be provided in the ACHD report as part of the future development application for the request to construct the data center.

Future Collector Roadways: There are 5 collector roadways shown on ACHD's Master Street Map and are located as follows (red dashed lines in image below):

- Locust Grove Road, 2-lane paved roadway abutting the site's west property line (55-feet of prescriptive right-of-way)
- Barker Road, an unpaved road that bisects the site (45 to 50-feet of prescriptive right-of-way)
- Eagle Road is not constructed abutting the site's east property line
- North/south and east/ west mid-mile collectors that are not constructed within the site

connecting you to more



Collector roadways are typically constructed as 2-lane roadways with turn lanes at intersections, as necessary. The construction of the collector roadways, the typology and design will be determined based on information provided in the traffic impact study and staff comments should be included in the ACHD report as part of the future development application request to construct the data center.

Future Development Application: Once ACHD has completed their review and accepted the traffic impact study and the application for the request to construct the data center has been transmitted to ACHD for official comments and review, an ACHD staff report will be provided which includes a detailed analysis of the traffic impact study, recommended roadway and intersection improvements, and mitigation needed to serve the proposed development.

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

Sincerely,

Dawn Battles
Senior Planner
Development Services

cc: Diode Ventures (Daniel Barillas), via email

connecting you to more

Doug Hanson

From: aflavel.bkirrdist@gmail.com
Sent: Tuesday, November 19, 2024 1:12 PM
To: Doug Hanson; 'Ada County Engineer'; 'Ada County Highway District'; 'Adam Ingram'; Bobby Withrow; 'Boise Project Board of Control '; 'Boise Project Board of Control 2'; 'Brent Moore (Ada County)'; 'Brian Graves Kuna School District'; 'Camille Burt (USPS)'; 'Central District Health Department '; 'Chief Fratusco'; 'COMPASS'; 'David Reinhardt'; 'DEQ'; 'Eric Adolfson'; 'Erika Olvera (NMID)'; 'Idaho Power Easements'; 'Idaho Power Easements 2'; 'Intermountain Gas'; 'ITD'; 'ITD Kendra Conder'; 'J&M Sanitation'; 'Jonathon Gillen'; Justin Walker; 'Krystal Hinkle'; 'Leon Letson (Ada County)'; 'Marc Boyer (Kuna Postmaster)'; 'Megan Leatherman'; 'Meridian Fire (Brandon Medica)'; 'Meridian Fire (Steve Taublee)'; 'Nampa Meridian Irrigation District '; 'New York Irrigation'; 'Niki Benyakhlef ITD'; 'Paris Dickerson'; PWorkoffice; 'Robbie Reno'; 'Scott Arellano (KRFD)'; 'Sparklight/Cable One (John Walburn)'; 'Stacey Yarrington (Ada County)'; 'Tim Jensen (Kuna School District)'; TLawrence Kuna Fire
Subject: RE: City of Kuna Request for Comment Case No. 24-01-CPM, 24-01-ZC Gemstone Technology Park

This property is on high ground and has no surface irrigation water rights. 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: Doug Hanson <dhanson@kuna.id.gov>
Sent: Tuesday, November 19, 2024 1:00 PM
To: Ada County Engineer <agilman@adaweb.net>; Ada County Highway District <planningreview@achdidaho.org>; Adam Ingram <adam.ingram@cableone.biz>; Bobby Withrow <bwithrow@kuna.id.gov>; Boise Kuna Irrigation District <aflavel.bkirrdist@gmail.com>; Boise Project Board of Control <trithaler@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>; Camille Burt (USPS) <camille.r.burt@usps.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@meridiancity.org>; Meridian Fire (Steve Taublee) <staulbee@meridiancity.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>; PWorkoffice <PWorkoffice@kuna.id.gov>; Robbie Reno <rreno@kunaschools.org>; Scott Arellano (KRFD) <scott@fccnw.com>; Sparklight/Cable One (John Walburn)

<john.walburn@cableone.biz>; Stacey Yarrington (Ada County) <syarrington@adacounty.id.gov>; Tim Jensen (Kuna School District) <tejensen@kunaschools.org>; TLawrence Kuna Fire <tlawrence@kunafire.com>

Subject: City of Kuna Request for Comment Case No. 24-01-CPM, 24-01-ZC Gemstone Technology Park

Agency Transmittal – November 19, 2024

Notice is hereby given by the City of Kuna the following actions are under consideration:

CASE NUMBER:	<input type="checkbox"/> 24-01-CPM, 24-01-ZC GEMSTONE TECHNOLOGY PARK
PROJECT DESCRIPTION	The applicant requests a comprehensive plan map amendment changing the future land use designation of the subject site from Agriculture to Industrial, and a rezone from the A (Agriculture) to M-1 (Light Industrial/Manufacturing) zone. The site is located at 3250 S Locust Grove Road within SEC 5, T1N, R1E.
APPLICANT	Daniel Barillas 11401 Lamar Avenue, Overland Park, KS 66211 913.456.4894 barillasdm@diodeventures.com
REPRESENTATIVE	Same as Applicant
SCHEDULED HEARING DATE	Tuesday, January 28, 2025 at 6:00 P.M.
STAFF CONTACT	Doug Hanson 208.287.1771 dhanson@kunaid.gov
<ul style="list-style-type: none"> • 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> • <i>No response within 15 business days will indicate you have no objection or comments regarding this project.</i> • 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. 4th Street, Kuna, ID 83634. Please contact staff with questions. 	



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

Doug Hanson
Planning & Zoning Director
City of Kuna | Development Services

Phone: 208-287-1771
Email: dhanson@kunaid.gov
www.kunacity.id.gov

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Doug Hanson

From: Kendra Conder <Kendra.Conder@itd.idaho.gov>
Sent: Tuesday, November 19, 2024 2:26 PM
To: Doug Hanson
Subject: RE: City of Kuna Request for Comment Case No. 24-01-CPM, 24-01-ZC Gemstone Technology Park

Good Afternoon Doug,

ITD has reviewed the application transmittal for 24-01-CPM, 24-01-ZC and does not have any comments or concerns.

Thank you,

Kendra Conder

District 3 | Development Services Coordinator
Idaho Transportation Department
Office: 208-334-8377
Cell: 208-972-3190



YOUR Safety •••▶ YOUR Mobility •••▶ YOUR Economic Opportunity

From: Doug Hanson <dhanson@kunaid.gov>
Sent: Tuesday, November 19, 2024 1:00 PM
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>; Camille Burt (USPS) <camille.r.burt@usps.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>; D3 Development Services <D3Development.Services@itd.idaho.gov>; 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@meridiancity.org>; Meridian Fire (Steve Taublee) <staulbee@meridiancity.org>; Nampa Meridian Irrigation District <nmid@nmid.org>; New York Irrigation <terri@nyid.org>; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; Paris Dickerson <PDickerson@idahopower.com>; PWorkoffice <PWorkoffice@kunaid.gov>; Robbie Reno <rreno@kunaschools.org>; Scott Arellano (KRFD) <scott@fccnw.com>; Sparklight/Cable One (John Walburn) <john.walburn@cableone.biz>; Stacey Yarrington (Ada County) <syarrington@adacounty.id.gov>; Tim Jensen (Kuna School District) <tejensen@kunaschools.org>; TLawrence Kuna Fire <tlawrence@kunafire.com>
Subject: City of Kuna Request for Comment Case No. 24-01-CPM, 24-01-ZC Gemstone Technology Park

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Agency Transmittal – November 19 ,2024

Notice is hereby given by the City of Kuna the following actions are under consideration:

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PROJECT DESCRIPTION	The applicant requests a comprehensive plan map amendment changing the future land use designation of the subject site from Agriculture to Industrial, and a rezone from the A (Agriculture) to M-1 (Light Industrial/Manufacturing) zone. The site is located at 3250 S Locust Grove Road within SEC 5, T1N, R1E.
APPLICANT	Daniel Barillas 11401 Lamar Avenue, Overland Park, KS 66211 913.456.4894 barillasdm@diodeventures.com
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STAFF CONTACT	Doug Hanson 208.287.1771 dhanson@kunaid.gov
<ul style="list-style-type: none"> • 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> • <i>No response within 15 business days will indicate you have no objection or comments regarding this project.</i> • 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. 4th Street, Kuna, ID 83634. Please contact staff with questions. 	



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

Doug Hanson
Planning & Zoning Director
City of Kuna | Development Services

Phone: 208-287-1771
Email: dhanson@kunaid.gov
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.



KUNA LIBRARY DISTRICT
457 N Locust/P.O. Box 129
Kuna, Idaho 83634
208-922-1025

9-19-2024

To whom it may concern,

Now that this new project will be industrial and not residential as proposed back in 2008, there is no impact on the library.

Regards,

Jana Cutforth and Tam Svedin
Kuna Library Directors
457 N Locust Ave
Kuna, ID 83634
208-922-1025 x204



Michael Fratusco, Chief of Police

January 14th, 2025

Re: Gemstone Technology Park – 24-01-CPM & 24-01-ZC

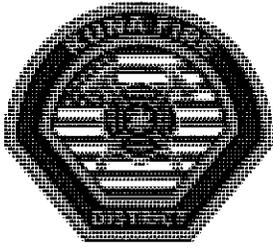
The City of Kuna is actively working with Diode Ventures to address the needs for Kuna Police services that may arise as a result of future development of the respective properties as required by “Article III Conditions of Development” of the approved Osprey Ridge Development Agreement (Case. No. 07-17-DA).

Diode Ventures and the City have come to agreement on terms to increase capacity and mitigate the impacts on the city-wide level of service and response times for police services. We anticipate that terms will be finalized in a Memorandum of Understanding that will accompany this application at City Council.

Respectfully,

A handwritten signature in cursive script that reads "Michael Fratusco".

Michael Fratusco
Kuna City Chief of Police



KUNA RURAL FIRE DISTRICT
EST. 1951

150 W BOISE ST
PO Box 607
Kuna, ID 83634
PHONE: (208) 922-1144
FAX: (208) 922-1982

January 23, 2025

**Re: Kuna Rural Fire District's Agency Comment on Gemstone Technology Park Proposal;
Case Number 24-01-CPM & 24-01-ZC.**

To Whom it May Concern:

The Kuna Rural Fire District ("District") has been engaged in conversations with representatives of Diode Ventures, LLC ("Diode") regarding the above project. It is the District's understanding that Diode is the developer for the above referenced project and cases, or represent the developer. These conversations have centered on the anticipated impacts this project would have on the District's ability to provide service, and have included negotiations for how Diode might mitigate against the adverse impacts its development will likely have on the District's service level.

Presently, no formal agreement has been reached between Diode and the District, but the parties are engaged in what the District considers good faith negotiations. Further, the District currently believes it will be able to come to terms with Diode for an appropriate mitigation agreement. Once the parties come to terms for such an agreement, the District will update this comment letter appropriately.

Sincerely,

A handwritten signature in black ink, appearing to read "TJ Lawrence".

TJ Lawrence

Fire Chief, Kuna Rural Fire District



KUNA RURAL FIRE DISTRICT

EST. 1951

150 W BOISE ST
PO Box 607
Kuna, ID 83634
PHONE: (208) 922-1144
FAX: (208) 922-1982

Date: 11/26/2024
From: Kuna Rural Fire District

Regarding: Agency Comments
24-01-CPM
24-01-ZC
Gemstone Technology Park
3250 S Locust Grove Road, Ada County, ID

Comments: The Kuna Rural Fire District can support the proposed application with the following conditions:

- The Kuna Rural Fire District shall be included in the subsequent building permit approval process. Final conditions of approval for each structure will be established during a more detailed architectural and civil plans fire code plan review concurrent with the building department commercial plan review process. 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 permits. All active fire protection system permits will be deferred under a separate submittal process and issued directly through the Fire District.
- Available firefighting water supply for the project site shall be included with the complete building permit application. Onsite firefighting water supply shall be available prior to storage of combustible materials for this new construction project. Temporary office trailers shall be permitted through the City of Kuna Building Department with collaborative approval by the Kuna Rural fire district.

Regards,

Kuna Rural Fire District
150 W Boise Street
Kuna, ID 83634
1.208.922.1144



Kuna School District

Empowering students to lead productive lives.

Date: 12/19/24

RE: Gemstone Technology Park

Dear Commissioners,

Kuna School District has reviewed the application of Case No. 24-01-CPM, 24-01-ZC and provides the following comments for your consideration.

The Kuna School District supports this commercial application. We believe that this development aligns with the vision and goals of our community and provide the following benefits:

Economic Growth: The project will create jobs, stimulate local spending, and contribute to the overall economic growth of our community. This growth is essential for maintaining a thriving business environment.

Property Tax Base Growth & Diversification: Currently, residential developments make up about 80% of our district’s tax base. Growing the commercial development in our community will help increase the tax base to support infrastructure for our community and schools reducing the burden on homeowners and families.

Community Partnerships: Our school system is focused on ensuring our students are “future ready.” We rely on collaboration with community and business partners to provide internships, mentorship programs, and fostering real-world learning experiences. Partnerships also strengthen community ties, promoting collaboration between schools and local businesses for mutual benefit and long-term success. Diode Ventures has agreed to a partnership with Kuna School District in relation to this application.

Sincerely,

Tim Jensen & Jason Reddy

Kuna School District Planning Team

Kim Bekkedahl
Superintendent

Brian Graves,
Asst. Superintendent

Jason ReddyElmira Feather,
Assistant Superintendent

Bradley Steadman
Chief Financial Officer

Allison Westfall,
Communications Director

Kevin Gifford,
Curriculum, Instruction &
Assessment Director

Kelly Schamber,
Special Education Director



CITY OF KUNA
751 W. 4th St
KUNA, ID 83634
www.kunacity.id.gov

Adam Wenger
Public Works Director
208.287.1727

Memorandum

TO: Daniel Barillas, EIT | Project Manager
Diode Ventures, LLC

FROM: Adam Wenger | Public Works Director
City of Kuna

RE: Gemstone Blowdown Water Onsite Disposal Option Memorandum

DATE: 17 January 2025

The City of Kuna Public Works Department has reviewed the Memorandum authored by James M. Oliver on behalf of BLACK & VEATCH in which an infiltration basin water disposal option for the Gemstone Technology Park project is summarized.

In the summary BLACK & VEATCH does not anticipate the need for City water or wastewater utility services for the proposed project. As such, the City does not anticipate the project would impose significant impact on City infrastructure, utilities, capacities, or existing users.

As the Memo strictly details industrial process water source and disposal, the City verified with Mr. Barillas that potable water and sanitary sewer would also be managed within the project and would not require connection to City infrastructure.

With the understanding that the anticipated water and wastewater system impact to the City will be inconsequential, there are various other commenting agencies that will need to grant approval before the City would move forward issuing construction permits. These are expected to include, at minimum, approvals from Idaho Department of Environmental Quality (IDEQ) for small water system (potable) operation, Idaho Department of Water Resources (IDWR) regarding aquifer recharge water quality regulations, and Central District Health (CHD) acceptance of on-site septic systems.

With the above approvals satisfied, Public Works would support the project's proposal of an Onsite Disposal Option as summarized in the Memorandum.



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

Adam Wenger
Director
City of Kuna | Public Works

Phone: 208.287.1727
Email: awenger@kunaid.gov
www.kunacity.id.gov

Chad and Tricia Waters

4872 N Hickory Twig Way

Boise, ID 83713

Chad_waters@hotmail.com

208 850 0194

September 26, 2024

City of Kuna

Planning and Zoning Department

751 W 4th street]

Kuna, ID 83634

Dear Members of the Planning and Zoning Department,

We are writing to express our strong support for the proposed rezoning of the D. Yamamoto property from agricultural use to mixed-use industrial. As native Kuna residents with strong family ties to Kuna, we believe this change is not only appropriate but will also bring numerous economic and social benefits to the City of Kuna while preserving the small hometown heritage.

While many have discussed the economic benefits Gemstone Technology Park will bring to the community; I believe my experience as a former Environmental Health official for Ada County Central District Health Department, allows me a unique perspective specific to Environmental Responsibility.

It is important to note, the subject land is located in an area what is known as, a High Nitrate priority area. Such areas have enormous consequences to the drinking/ground water condition, and subsequently, public health. High nitrate priority areas refer to regions where nitrate concentrations in soil and water exceed safe or sustainable levels, often due to intensive agricultural activities. Nitrates are essential for plant growth and are commonly found in fertilizers. However, when present in excessive amounts or moderate amounts over a long period of time, they can cause significant environmental and health issues.

1. Water Contamination and Overuse Create Public Health Risks

One of the most critical impacts of high nitrate concentrations is the contamination of groundwater sources, which are vital for drinking water and irrigation. Water pollution and water resources have been strained by large-scale farming, both in terms of pollution and excessive use.

- **Pesticides and Fertilizers:** Agriculture often relies on chemical inputs, such as synthetic fertilizers and pesticides, to increase yields. These chemicals can seep into ground water, as well as contaminating creeks, rivers, canals and lakes. Nitrogen and phosphorus from fertilizers can be

difficult to remove leading to long-term water quality issues. Groundwater contamination is particularly concerning in rural areas, such as Kuna, where private wells are used for drinking water.

- **Irrigation and Water Overuse:** Large-scale farms also consume VAST amounts of water for irrigation. Thereby depleting local water sources, particularly groundwater, which is often not replenished quickly enough.

2. Public Health Risks

High nitrate levels in drinking water pose serious health risks, especially for vulnerable populations such as infants, young children and pregnant women which is known to cross the blood brain barrier and placenta barrier. This can cause:

- **Blue Baby Syndrome (Methemoglobinemia):** Water consumption or formula prepared with water high in nitrates increase their risk of developing methemoglobinemia, commonly known as “blue baby syndrome.” This condition occurs when nitrates interfere with the ability of hemoglobin in the blood to carry oxygen, causing the skin to turn blue and, in severe cases, leading to death.
- **Cancer and Other Health Concerns:** Long-term exposure to high nitrate levels in drinking water has been linked to an increased risk of certain cancers, including gastric and colorectal cancers. Nitrates can be converted into nitrites in the body, which can then form nitrosamines, compounds that are known to be carcinogenic.

3. Eutrophication: Excessive nutrients in the water cause harmful algal blooms. These blooms deplete oxygen levels and can produce toxins, killing fish, other aquatic life, and other animals making them unsafe for recreational use or as a source of clean water. Eutrophication can also promote the growth of opportunistic species at the expense of native species, disrupting biodiversity and the food chain.

4. Economic Impact on Agriculture

While nitrates are used to enhance agricultural productivity, the unintended environmental consequences can have negative economic effects on farmers and local economies in high nitrate priority areas.

- **Cost of Water Treatment:** In regions with high nitrate contamination, local governments and water suppliers may need to invest in costly water treatment technologies to ensure that drinking water meets safety standards. These costs often have to be passed onto local citizens in the form of higher water bills or taxes.
- **Reduced Agricultural Productivity:** In some cases, nitrate pollution can reduce agricultural productivity, forcing farmers to invest more in soil amendments, irrigation systems, or alternative farming practices.

- **Regulatory and Compliance Costs:** Farmers in high nitrate priority areas may also face increased regulatory pressures, such as restrictions on fertilizer use or requirements to implement nitrate-reducing practices. While these measures are necessary to protect the environment, they can add additional financial burdens to farmers in a time of unsustainable inflation.

Ground water scarcity is a growing local problem in our state, and the over-extraction of water for farming threatens both agricultural sustainability and the availability of clean drinking water.

Environmental Impact Conclusion

Transitioning to a Mixed-use industrial zoning is ideally suited for this subject property in a high nitrate priority area. It may help to reduce any current environmental damage caused by its existing farming operations and encourage the adoption of modern, eco-friendly practices in construction and operation. With careful planning and oversight, the development can be designed to minimize environmental impact and promote sustainable practices well into the future.

****Generate Economic Growth and Retaining Residents**:**

By opening the door for industrial and commercial development, the rezoned area can attract new businesses, providing diverse employment opportunities, foster entrepreneurship of local businesses to preserve the small-town heritage feel we grew up in. The additional tax base from a new commercial/industrial zone will help accelerate solutions to connect the north side of Kuna to the South and fund urban renewal projects downtown. This will attract and retain residents who currently drive to nearby Meridian, Nampa and Boise for goods, services, employment and entertainment.

The proposed Gemstone Technology Park would be a valuable economic tool to accelerate city projects and strengthen the city's financial stability. This aligns with the city's urban renewal goals to ensure the underdeveloped areas become a true extension of the city rather than becoming a collection of subdivisions. As the Treasure Valley continues to see unprecedented growth, diversifying growth opportunities creates balance to the overrepresented residential to commercial/industrial balance Kuna is experiencing.

On a personal note: I have known the Yamamoto family for 40+ years. My grandfather, Harley Forrey, from one of the founding families of Kuna, knew Duane Yamamoto even longer. They became great friends in a time when post WWII prejudice ran high. They joined the Lions Club together and he volunteered as Duane's campaign manager for his mayoral run, in which he won. Duane was elected Mayor of Kuna for the 1976-1980 term. The next four years Duane implemented a comprehensive plan to progress Kuna from a town to a City. My grandfather and myself have always been inspired by the perseverance and triumphs Duane achieved from a history filled with injustice, financial hardships and sacrifice. Being a farmer himself, my grandfather appreciated the qualities of strong work ethic, trustworthiness and caring for family and community; qualities Duane possesses two-fold. They remained good friends until my grandfather's passing in 2013.

In addition, I am a proud military veteran, serving in the U. S. Navy and Army National Guard out of high school and college. I believe strongly in the freedoms afforded to us by the Constitution and appreciate the City's Comprehensive Plan to include "respecting and protecting private property rights."

Growing up in Kuna and living currently in Boise, my wife and family also feel the frustrations of unprecedented growth and 'losing' the simple conveniences of living in an agriculturally dominant area. We can appreciate the community's desire to keep agriculture as part of the area's identity. However, as farming often does, it has stolen Duane's health and physicality. Recognizing his own rapidly declining health, Duane has had the property available for sale for the past 20 years as his exit strategy/retirement plan. During this time there has been no real interest from other farmers or other Ag related entities. Duane has expressed to me a multitude of times over the past 15 years, his wish for his wife Judy to realize the fruits of their labor for the 6 decades of sacrifice of being a farmers wife, sacrificing her own profession as a registered nurse and providing for their son Bryce, who has special needs, and will need support when both Judy and Duane pass on. Duane has certainly endured a lifetime of Love/Hate with the subject land resulting in an unyielding emotional attachment to it. Duane has always been adamant that a potential sale would only be considered to interested parties who had a proven record of being a good steward of the land or it be used in a responsible, sustainable way benefiting both the family and the community. I believe Gem Stone Technology Park meets both of his criteria.

I have witnessed Duane's rapid decline in health over the past 5 years. The descent has been significant leaving Duane incapable of participating in daily farming operations in any capacity. I have observed from the sidelines the enormous effort the immediate family has taken to care for Duane at home and the tiresome efforts to preserve the farm at their own financial risk; particularly the daughters. The cost prohibitive risks by any standard were openly considered by the daughters to co-sign and or supplement the 750K+ bank loan needed to upgrade the irrigation infrastructure to attract interest from other farmers or Ag related entities; or supplement the land tax when it is no longer farmed. A financial risk which does not generate a positive cash flow in either circumstance. Such a financial decision directly affects my own family and is an extremely controversial topic between my wife and I. The dedication and sacrifices the immediate family has extended to care for Duane and the legacy of Yamamoto Farms is commendable and incomprehensible to most. Sadly, Duane's current health status has robbed him of realizing the fruits of his labor over a lifetime of sacrifice. I hope your decision will not rob Judy of hers.

We understand that zoning changes must be carefully considered, balancing growth with the preservation of community character. The opportunity to transform this property into a productive and dynamic industrial hub to best serve the community at large is one that should not be overlooked.

Thank you for your time and consideration of this proposal. I respectfully urge you to approve the rezoning request and allow this property to reach its full potential for the benefit of the community Duane and Judy has deeply cared for.

Sincerely,

Chad Waters and Tricia (Yamamoto) Waters

Enrique's Mexican Restaurant

9/6/2024

Daniel Barillas

Project Manager

Gemstone Technology

barillasDM@diodeventures.com

To Whom It May Concern,

We are pleased to formally express our support for Gemstone Technology in the management and utilization of land as you move forward with the proposed development of a hyperscale data center campus over 620 acres. Our approval encompasses the necessary rezoning to accommodate local businesses, new facilities, and warehouses, which will significantly enhance job opportunities in our community. We acknowledge that the establishment of these data centers will not only serve to grow and generate support for data users in the area but will also bring about limited environmental disruption while improving local infrastructure. We look forward to witnessing the positive impact this development will have and are committed to supporting this initiative as it progresses.

Sincerely,

Enrique F. Contreras

Owner

Enrique's Mexican Restaurant

Info@enriqueskuna.com

(208) 761-3005

Re: Gemstone Technology Park
Honorable Members of Planning & Zoning and City Counsel
September 16, 2024

I am submitting this letter in support of the proposed rezoning of the D Yamamoto Development property and development of Gemstone Technology Park on behalf of myself and husband, Duane Yamamoto.

We have owned and farmed the subject property for several decades, transforming it from sagebrush and lava rock to our family farm of over 60 years. This same property will be able to continue to contribute to the Kuna Community with the development of Gemstone Technology Park.

We have been citizens of Kuna for 56 years, raising our children here from infancy to high school and college graduation. We have seen firsthand the changes and growth of Kuna since then. Duane even served as Mayor of Kuna in the late 1970s. During his term, several major projects were completed, including replacing downtown boardwalks with concrete, building the Senior Citizens Building, and creating a City Park. Financing these projects and programs was challenging as there were few businesses and many were owned by private citizens. The lack of tax revenue then is still an issue today, but magnified to a higher degree.

Recently, due to Duane's declining and fragile health, he was forced to step back from the daily tasks and duties of the farm's operation. We are at a point where we must sell the property to afford ourselves a retirement. We have considered all options for the land and Diode's Gemstone Technology Park is the best fit.

Growth is inevitable in our area and the farming industry is going through many changes and challenges. Commodity prices are at their lowest levels in years and that does not factor in inflation. The cost of farming continues to increase, while active farmers continue to age out. Our farm manager is set to retire and it is difficult to find employees to work our operation. We are at a point where we can no longer farm beyond 2025, possibly 2026, depending on our manager's retirement. With each passing month, our financial well-being is more at risk. We explored leasing the property, however, the potential renters we contacted had no interest unless we installed center pivot irrigation at the cost of three quarters of a million dollars. Any dollar amount the renter would agree to pay would not cover the cost of installing pivots and we would suffer negative cash flow after clearing the debt. An additional issue with leasing is the uncertainty of the contract duration and we would still be the property owners requiring involvement. Even if the numbers made sense, that scenario would place us in the same predicament we are in today.

Our land was annexed into the City of Kuna around 2007 to provide a pathway to another development. That annexation approval is indicative that the City's long-term plan was to

see the land developed. It would be highly unusual for a city to annex farmland with the intent for it to permanently remain farmland.

Gemstone Technology Park is favorable for several reasons. First, it is not a solar project, several of which have met opposition in our area. It is also not a housing development, which requires more school, police, fire, safety and other services, let alone the traffic and noise hundreds or thousands of homes would bring to our neighbors. Gemstone Technology Park will provide a solid property tax base and bring good paying, local jobs to our community, all with a significantly lower burden on the same services than a housing development.

On behalf of my husband Duane, we thank you for your consideration and ask for your approval of the Gemstone Technology Park.

Sincerely,


Judy Yamamoto

Kristy Yamamoto
2617 Century Park Blvd
Austin TX 78727

November 1, 2024

City of Kuna
City Council; Planning and Zoning Department
751 W. 4th Street
Kuna, ID 83634

This letter is in support of the proposed rezoning of the Yamamoto property and development of Gemstone Technology Park.

My family has a long history in Idaho and Kuna. During World War II, my father, Duane Yamamoto, and his family were forcibly removed from the Seattle area and imprisoned in the Minidoka Japanese internment camp in eastern Idaho. After enduring this painful event with patience and grace, they were released from the camp with virtually nothing, as they were forced to leave everything behind in Washington. Post-war prejudice ran high, and his family moved several times within the Treasure Valley, only able to rent poorly maintained fields for short periods until the landowners took back the property after they were cleaned up by my grandparents. They were eventually able to buy property in west Kuna in the 50s, where they established a small farm and dairy. As a teenager, my father worked on the farm and upon graduation, attended college for two years before being forced back to the farm to assist and eventually take over the farm due to his father's failing health. Recognizing the need to expand operations to support both his immediate and future family, he later purchased our family farm over 60 years ago. Post-war prejudice and a lack of credit history made it difficult to find financing, but he was able to secure a loan from the Kuna branch of Idaho State Bank based on his reputation as a high producer with a strong work ethic. Through decades of literal blood, sweat, and tears, he transformed it from its original state of sagebrush and lava rock. This property is a testament to his perseverance and resiliency through decades of physical hardship, financial hardship, and prejudice without complaint or bitterness for what he endured. He and my family are extremely proud of his accomplishments.

As a long-time resident of Kuna, he has cared for and been actively engaged with the community. He was a member of the Kuna Lions Club for decades and supported local 4-H and FFA members during auctions at the local fairs. After developing a reputation for having a strong work ethic, high integrity, and concern for the well-being of the community, he was asked by a group of residents to run for Mayor. Under his leadership as Mayor from 1976-1979, the first Comprehensive Plan was adopted in 1977. The first concrete sidewalks were installed in downtown Kuna, the water system was upgraded, and the Kuna Senior Center was constructed. For many years, he represented the Boise Kuna Irrigation District on the Board of Directors for the Boise Project Board of Control. He and my mother

were founding members of the Kuna Boys and Girls Club Steering Community for ~15 years until a few years ago when his health prevented them from continuing, and they donated a significant amount to help bring the Club to fruition.

The development of Gemstone Technology Park aligns with both my father's long-time interest in supporting the community and the City's goal in the Comprehensive Plan of being "economically diverse and vibrant". Over the next decade, the Park will require a significant investment that will create immediate jobs during construction for local contractors, construction workers, and suppliers. Once operational, the project will provide residents with opportunities for permanent high-paying jobs in IT, security, facility management, and engineering. Kuna's current tax base is primarily residential and agriculture property, which is inadequate to support the remainder of the Comprehensive Plan's goals that include expanding parks, greenbelt, and recreation facilities; creating opportunities for public transportation and expanding city infrastructure for current and future populations; supporting public schools and developing community facilities; and increasing access to health and wellness services. The ongoing tax revenue generated from this facility will enable the city to make greater strides toward realizing these goals. Additionally, this facility will help attract other businesses, which will further enhance the city's overall economic health and richness.

We understand the community's desire to preserve agricultural lands and acknowledge the property's current classification as Agriculture in the City's Comprehensive Plan. However, for the last 20 years, this property has been available for sale as an exit strategy to fund my parents' retirement. During this time, there has been no serious interest from any farmers or other ag-related entity, due in part to the size and location of this property. Further, the design of the irrigation infrastructure precludes the ability to reasonably subdivide this property into smaller farming parcels or for it to be farmed by more than one party.

This is not a multi-generational farm; my siblings and I do not have the knowledge, means, or desire to continue farming. We have unsuccessfully attempted to lease the property to other farmers in the valley and none are willing due to distance from their existing farms, extraordinarily high input costs associated with our irrigation infrastructure, narrowing farm margins, or without a \$750,000+ upgrade to the irrigation system, which would not generate positive cash flow after debt servicing. My father's health is such that he has been incapable of participating in the farming operations or decision making in any capacity for the last 3+ years and we are relying upon his long-time foreman, Ray Nebeker, who is of retirement age himself, to completely manage the farm. While Ray is highly capable, this has placed us in a very high-risk situation that jeopardizes my parents' financial stability.

My father is now 90 and in failing health, my mother is 83, and there is a significant sense of urgency to sell this property. This offer from Diode Ventures represents the first and only viable opportunity that has presented itself in almost 20 years. While we had previously explored offers for the development of both solar and residential projects in the last two

years, neither came to fruition. We are aware of recent, moderate to severe local opposition to both types of developments on other properties in the area, which further reduces future opportunities to sell this property. Rezoning this property would finally allow my parents the ability to retire in a critical time of need.

It is worth noting the Comprehensive Plan also includes a goal of “respecting and protecting private property rights”. Approving this rezoning request would allow my parents to exercise their ability to disposition their property as they desire and capitalize on their lifetime of hard work and dedication for an opportunity that has proven to be very rare for both them and the community at large. The rejection of this rezoning application would have a significant impact on my parents’ economic interest by forcing them to consider selling it as a distressed property at agricultural valuation, which would be 1/4 – 1/3 of the fair market value.

As a former mayor and long-time resident, my father has long understood the economic challenges of a small town with a relatively small and narrow tax base. Because of what he endured to be able to purchase and later transform this property, he has an emotional attachment to it. As he contemplated the eventual sale of the property, he was adamant that it be sold to someone with a proven record of being a good steward of the land and that it be used for a higher purpose to benefit both the family and the community. The development of Gemstone Technology Park meets both criteria and would contribute to his legacy of economic stability and resiliency for the community for which he so deeply cares.

For the reasons above, my family and I strongly encourage you to approve the rezoning application.

Thank you for your consideration and please feel free to reach out should you have any additional questions or concerns.

Sincerely,



Kristy Yamamoto

November 1, 2024

Kuna Planning and Zoning

51 W 4th St

Kuna, ID 83634

Dear Planning and Zoning Staff,

I am writing to express my support for the proposed data center project on The Yamamoto's property located off S. Locust Grove Rd. As a neighbor who has known the Yamamoto Family for nearly my entire life, I am confident that they considered the needs and wants of their neighbors, just as they did their own. Simply put, I trust their judgement.

After careful consideration, I believe that a data center is a far more suitable use of this property compared to residential or solar developments. A data center will have a minimal impact on our daily lives, as it operates quietly and efficiently without the noise and traffic associated with residential areas. Additionally, it will not alter the rural character of our community as significantly as a large-scale solar farm or a high density housing development might.

Moreover, the data center will bring substantial economic benefits to our area. The increased tax revenue generated by the data center will help to offset residential taxes, shifting the burden from homeowners to a more commercial tax base. This will provide much-needed financial relief to many families in our community. Importantly, the data center will generate limited traffic, ensuring that our roads remain safe and uncongested.

In conclusion, I wholeheartedly support the data center project and believe it will be a positive addition to our community. I trust that the Yamamoto family will continue to act in the best interests of our neighborhood, and I urge you to approve this project.

Thank you for your time and consideration.

Sincerely,

Marc C. Boyer

4000 E Kuna-Mora Rd

Michael E. Huter
CPA – Retired
459 E. Riversedge Ln.
Eagle, ID 83616

September 24, 2024

City of Kuna
City Council: Planning and Zoning Department
751 W. 4th Street
Kuna, ID 83634

I am writing in support of the proposed rezoning of the Yamamoto property and the development of Gemstone Technology Park.

Duane and Judy Yamamoto were clients of mine for nearly 30 years before my retirement as a CPA. I served as their trusted tax advisor and financial consultant during that time and still continue to advise them from time to time on real estate matters. I continue to consult with other parties on real estate developments in Meridian, Nampa, Middleton and Caldwell and have an extensive background with assisting farm clients transitioning their property.

I also have a vast appreciation for the farm industry and the desire to maintain our rural and farm heritage. I am fourth generation Idahoan on my Mom's side and third generation Idahoan on my Dad's side. My great-grandfather, both grandfathers, parents and five of my uncles were all farmers in the Nampa and Homedale communities. Unfortunately, farming was not in the cards for most of my cousins and myself due to the financial hardships of farming that existed 50-60 years ago. Farming has always had its challenges and we are once again in a cycle of low commodity prices and high input costs. Farming is a high risk, low return industry and always has been. The 401(k) for most farmers and ranchers has been the ability to sell their land at the point of their retirement.

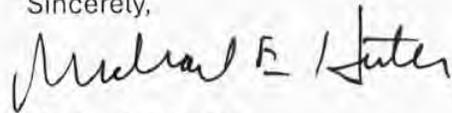
The reality is that farmers are aging out and the number of potential farmers that have the ability and financial wherewithal to rent, let alone purchase a farm of the Yamamoto's size, is severely limited. In addition, the attitudes of new neighbors is driving local farmers out of the immediate area to places such as Parma, Wilder and other places in the western valley. Local farmers have to deal with complains of making noise too early or too late or on weekends, making dust, spraying and having people trespass with the

mindset that it's public lands. If people think traffic is bad to drive in, try moving tractors, combines and other equipment on these same roads. The location of the Yamamoto farm makes this place even less desirable to rent or purchase due to these factors.

Towns and cities are either growing or they're dying. The Gemstone Technology Park presents a unique opportunity to the greater community that has demand and will be located somewhere else, if rejected by Kuna. The project will produce local jobs in a clean industry while adding a much needed diversified tax base to Kuna and do so without adding an outsized burden on the schools, police, fire and safety departments.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Michael E. Huter". The signature is written in a cursive style with a large initial "M" and a distinct "H".

Michael E. Huter

J&M Sanitation

P.O. Box 236
Kuna, Id 83634
208 941-5603

September 6, 2024

Kuna Planing & Zoning

751 W. 4th St.
Kuna, Id.

Dear Planing & Zoning Staff

I would like to take this opportunity to show my support for the approval of Gemstone Technology Park.

The reasons I support this project are multiple, starting with the significant increase in light industrial and commercial land and tax base to the city. This new, higher use tax base over its current agriculture tax base will be a tremendous offset for the residents of Kuna, who shoulder the lion's share of taxes in our growing but still bedroom community.

This project is appealing to the city because it doesn't come with the additional burden of significant traffic and additional houses with the potential for the need of additional schools, fire and police, while at the same time, it provides the tax base to support the current and future school, fire and police infrastructure.

As well, this proposed project is in an appropriate location on the periphery of the city, creating its own infrastructure and is a low impact land use.

And finally this project offers the current land owners the opportunity to exercise their property rights and transition into their golden years.

Best regards

Tim Gordon
J&M Sanitation