

OFFICIALS

Joe Stear, Mayor
Chris Bruce, Council President
Greg McPherson, Council Member
Matt Biggs, Council Member
John Laraway, Council Member



CITY OF KUNA
Kuna City Hall Council Chamber, 751 W 4th Street, Kuna, Idaho 83634

City Council Meeting
MINUTES
Tuesday, May 20, 2025

6:00 P.M. REGULAR CITY COUNCIL

For questions, please call the Kuna City Clerk's Office at (208) 387-7726.

ALL ITEMS ON THE KUNA CITY COUNCIL AGENDA ARE CONSIDERED ACTION ITEMS UNLESS OTHERWISE INSTRUCTED BY THE CITY COUNCIL.

1. Call to Order and Roll Call

(Timestamp 00:00:18)

COUNCIL MEMBERS PRESENT:

Mayor Joe Stear - Present
Council President Chris Bruce - Present
Council Member John Laraway - Present
Council Member Matt Biggs - Present
Council Member Greg McPherson - Present

CITY STAFF PRESENT:

Marc Bybee, City Attorney
Jared Empey, City Treasurer
Mike Fratusco, Kuna Police Chief
Adam Wenger, Public Works Director
Doug Hanson, Planning & Zoning Director
Bobby Withrow, Parks Director
Nancy Stauffer, Human Resources Director
Nathan Stanley, City Clerk

Mayor Stear Nathan would you take the roll, please?

City Clerk Nathan Stanley Council Member McPherson.

Council Member McPherson Here.

City Clerk Nathan Stanley Council Member Biggs.

Council Member Biggs Here.

City Clerk Nathan Stanley Council Member Laraway.

Council Member Laraway Yes.

NOTICE: Copies of all agenda materials are available for public review in the Office of the City Clerk. Persons who have questions concerning any agenda item may call the City Clerk's Office at (208) 387-7726. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 387-7726 at least forty-eight (48) hours prior to the meeting to allow the City to make reasonable arrangements to ensure accessibility to this meeting.

City Clerk Nathan Stanley Council President Bruce.

Council President Bruce Here.

City Clerk Nathan Stanley Mayor Stear.

Mayor Stear Here.

2. Pledge of Allegiance: Mayor Stear

(Timestamp 00:00:30)

Mayor Stear And if you'll join me for the Pledge of Allegiance.

Multiple Speakers I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Mayor Stear Thank you.

3. Consent Agenda: ACTION ITEMS

All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the City Council. There will be no separate discussion on these items unless the Mayor, Council Member, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Business or as instructed by the City Council.

- A.** Regular City Council Meeting Minutes Dated May 06, 2025
- B.** Accounts Payable Dated May 15, 2025, in the amount of \$1,636,187.60
- C.** Final Plats
 - 1. Case No. 25-03-FP (Final Plat) Bellaro Springs No. 1
 - 2. Case No. 25-04-FP (Final Plat) Bellaro Springs No. 2
 - 3. Case No. 25-07-FP (Final Plat) Ashton Estates No. 8
- D.** Decision and Reason Statement
 - 1. Case No. 25-05-TE (Time Extension) Linrock Subdivision
- E.** Resolutions
 - 1. Resolution R39-2025

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE MAYOR TO SIGN; AND AUTHORIZING THE MAYOR TO EXECUTE THE OFFER TO PURCHASE REAL PROPERTY, PUBLIC RIGHT-OF-WAY WARRANTY DEED AND ACCEPTANCE FROM RLG PROPERTIES, LLC, AN IDAHO LIMITED LIABILITY COMPANY (GRANTOR) AND CITY OF KUNA (GRANTEE) FOR PUBLIC ROAD RIGHT-OF-WAY AND CONSTRUCTION PURPOSES, INCLUDING ALL PUBLIC

UTILITY USES ATTENDANT TO PUBLIC RIGHT-OF-WAY USE. AND THE CITY OF KUNA; AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE AND EXECUTION.

2. Resolution R40-2025

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO:

- PROVIDING RECITALS AND FINDINGS; AND
- APPOINTING A NEW COMMISSIONER TO SEAT NO. 1; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

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Mayor Stear First item is the consent agenda, any questions or comments or anything you want pulled for discussion?

Council Member McPherson I'm good.

Council President Bruce I move we approve the consent agenda, as published.

Council Member Laraway Second.

Mayor Stear We have a motion and a second for approval. Any discussion on that motion? Nathan, would you poll the Council, please?

City Clerk Nathan Stanley Council Member McPherson.

Council Member McPherson Yes.

City Clerk Nathan Stanley Council Member Biggs.

Council Member Biggs Yes.

City Clerk Nathan Stanley Council Member Laraway.

Council Member Laraway Yes.

City Clerk Nathan Stanley Council President Bruce.

Council President Bruce Yes.

Mayor Stear And that motion carries.

(Timestamp 00:01:05)

Motion To: Approve The Consent Agenda, As Published

Motion By: Council Member Bruce

Seconded By: Council Member Laraway

Further Discussion: None

Members Voting Aye: Council Members Laraway, McPherson, Biggs, Bruce

Members Voting Nay: None

Members Absent: None

Via: Roll Call Vote

4-0-0

4. Public Comment

(Timestamp 00:01:27)

Mayor Stear Next up, we have public comment. Is there anybody who wishes to address the Council tonight? Okay.

5. External Reports/Proclamations

6. Public Hearings:

Public Hearing Process: Items begin with the presentation of the project by staff for up to 15 minutes. The applicant is then allowed 10 minutes to present their project. Members of the public are allowed up to 3 minutes each, to address City Council with testimony restricted to the matter at hand. After all public testimony, the applicant is allowed 5 minutes for rebuttal.

City Council members may ask questions throughout the public hearing process.

Once the public hearing is closed, no further testimony or comments are heard.

City Council may move to continue the application to a future meeting or approve or deny the application.

(Timestamp 00:01:40)

- A.** Consideration to approve Case No. 24-10-AN (Annexation), 24-07-S (Preliminary Plat) – Applicant requests Annexation and Preliminary Plat Approval to subdivide an approx.. 3.31-acre parcel. Marina Lundy, Planner **ACTION ITEM**

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

(Timestamp 00:01:40)

Mayor Stear Well, then that takes us right to public hearings. Consideration to approve case #24-10-AN and 24-07-S Marina. Welcome your first time in doing this in front of Council, right?

Planner Marina Lundy Yes, that's correct.

Mayor Stear Alright.

Planner Marina Lundy Good evening, Mayor Stear and Members of the Council. For the record, Marina Lundy, Planner, Kuna Development Services Department. The application before you this evening requests preliminary plat and annexation approval for approximately 3.31 acres as R-4 zoning and to subdivide the site into six single-family lots and one common lot. The site is located at 8780 S Linder Rd. Meridian, ID and near West Columbia Rd. And West Hubbard Rd. Staff would like to note the project will be directly integrated and connected to the existing Paloma Ridge subdivision via W Velvet Leaf Ct. This will be developing an underutilized parcel and upon annexation, the project would not require any significant extension to the city, sanitary sewer, or water services. Upon annexation, the project should be considered orderly development, as the proposed zoning designation matches the neighboring Paloma Ridge Subdivision and can connect to municipal services located within Paloma Ridge subdivision. The project will include a pathway that integrates into the walking path within Paloma Ridge and Paloma Ridge West, and that in total will be approximately 6500 feet connecting West Columbia Rd. To South Linder Road and staff has reviewed the proposed annexation and pre plat for compliance with Kuna City

Code, Idaho Statutes 50-222, 67-65, and the Kuna Comprehensive Plan, and should the Council approve the annexation and pre plat staff recommends the applicant be subject to the proposed conditions. I'll be here for any questions that you have about the application and the applicant is present tonight and has prepared a presentation.

Mayor Stear Questions from Marina?

Council Member Laraway Yes.

Mayor Stear Okay, thank you.

Council Member Laraway Give me one minute.

Mayor Stear Yeah.

Council Member Laraway The one question I had was, there were some complaints about flooding in the earlier subdivision portion. And I'm just wondering what did Toll Brothers do to try to correct that versus adding more lots and might having more flooding problems? Because the homeowners got left with the sandbags.

Planner Marina Lundy I am actually not aware...

City Clerk Nathan Stanley Councilman Laraway, that was a separate subdivision for those flooding complaints came in.

Council Member Laraway Wasn't it Toll Brothers though?

City Clerk Nathan Stanley Same builder, separate subdivision. Just for the record.

Council Member Laraway Right, same builder.

Planner Marina Lundy I'm not aware of any updates or anything regarding flooding, but I know that the applicant with Toll Brothers is here tonight. He might be able to answer that, but I'm not positive if any changes have been made.

Council Member Laraway Okay, thank you.

Mayor Stear Anything further? Yeah, the applicant would like to. You may have the floor please.

Kyle Pruitt, Toll Brothers *Good evening MR. Mayor, Council Members. My name is Kyle...Sorry, excuse me, I apologize. Once again, Mr. Mayor and Members of Council. My name is Kyle Pruitt. I'm the land entitlement manager for the Idaho Division of Toll Brothers, located at 3103 W Cheryl Drive in Meridian, ID. before you tonight, I'd like to thank Marina also for her initial presentation on the project, her coordination on this project has been greatly appreciated. Again, this is for a preliminary plat to annex and annexation of Paloma Ridge South Subdivision. I do you have a presentation. Is this a presentation for Marina or do I need to go to any other tabs?*

City Clerk Nathan Stanley No, you can control it just like PDF.

Kyle Pruitt, Toll Brothers *Just here. Okay, perfect. Hopefully Okay, there we go. Sorry about that, everybody. Again, this is where Paloma Ridge South subdivision. I think we can kind of skip over some of these items because a lot of these have been already incorporated into the already existing Palmer Ridge*

subdivision, which this is adjacent to, and it's surrounded by on two sides and also across the street on the West, which is plumber Ridge West Subdivision. But it has also been incorporated into the HOA and within Toll Brothers, we do consider. Paloma Ridge and Paloma Ridge West, essentially the same subdivision. But again, this is the parcel that is located to the South. *Excuse me, I can go down there. Perfect right here.* So again this is located to the southwest of Paloma Ridge subdivision. It's approximately 3 acres. And we propose building 6 single-family residential homes on the subject site. And we are not asking for any deviations from current R-4 zoning designation as that is what we are requesting to be annexed into the city as. I have added some on this slide here that you can see I've added in parentheses for the property size. This property size is 3.31 acres. I've added in parentheses, Paloma Ridge as a whole, so if this is integrated in the project and we'd consider it for all intensive intents and purposes Paloma Ridge that that would bring the entire site up to 138 acres total units. We would be looking at 354. This portion of the project because it's six homes on just over 3 acres, we're looking at a density specifically for this at 1.8 acres. So would bring the project as a whole to 3.4

For this these homes will have a significantly larger lot size at about 13,000 square feet and the collection that we would put here is actually our largest floor plans that we offer within the subdivision. An Average home is about 2400 square feet. So larger homes, larger lots and one quality of life aspect of this that I would like to point out is that we currently do have an extensive trail network that goes around the exterior of the site and those that the pathway plan it runs along both the painter lateral and the Kuna Canal. So, essentially this would help integrate it would complete the pathway to the south along the Kuna canal and then it would connect it to Linder. So, that that would create a more complete pathway network because it did dead end just to the east side of the...of this property so that would complete that connection to the West and add a complete pathway for the subdivision.

So currently with Paloma Ridge, we do have three more phases left to record. We're planning on recording or hoping to record Paloma Ridge West #2, which we consider phase eight of the project this summer. We would then complete and record at phase nine in this December and then we would then record hopefully phase 10 in January and then this if all things go as planned, we would hope to record this plat next summer to finalize the subdivision. We also Paloma Ridge did incorporate approximately 8 acres of commercial. I believe it's 5 lots that are currently... Hoping, hoping to sell at any point and then this would be again, this would be Phase 11 to closeout the subdivision. Again, we did offer some open space again with the, with the, the continuation of the pathway, I believe it's about a little bit less than half an acre of open space, which because of the small size of this, there's technically not a required open space through city code but we are at about 11% Just for this site.

Going through my notes from our initial pre application meeting with the city, one change that I was going to propose to the city was that we did show that our trees along that pathway along Kuna Canal we do show those on the South side of our pathway. I did have a note from Troy and City staff asking us to move those to the north side of the pathway. So I guess from what you see here that is just one change that that wasn't oversight on my part. It was not incorporated into this current plan. So if the city would like, we would still like to move those trees from the South side of the pathway to the north as requested by staff over at our pre-application meeting. It just was not incorporated tonight. And again, that's an oversight on my on my part. So I'd like to apologize.

Again, this site will feature our *[Inaudible]* collection. They are largest homes offered in the site. There's five different floor plans, three single story, 2 two story plans and each a range of exterior elevations, and that is all I have for you tonight. And I'll stand for any questions.

Mayor Stear Okay, questions for Mr. Pruitt?

Council Member Biggs Not at this time.

Council Member McPherson No.

Council President Bruce Did you have any questions?

Council Member Laraway I still have the same concerns as when I spoke earlier.

Kyle Pruitt, Toll Brothers Absolutely. So I believe the subdivision that you were speaking on was Sterling Ranch Subdivision and I did speak with our, he's essentially a warranty manager for Toll Brothers and you know we can't point to a specific issue that hey, when it comes to inspections, because we have to go through a couple different inspections, both internally with Toll brothers. We have at least two inspections that includes A crawl space and we have to go through a city inspection before we get a certificate of occupancy. And unless there is a weather event that brings a significant amount of moisture. You're not going to catch that issue because unless you know, unless that water is seeping down into the ground and then it hits clay and then it rather than seeping, you know, keep going down into, into the ground, it's going to start spreading when it hits that clay and go, unfortunately into crawl spaces. To my understanding at Paloma Ridge Subdivision, we do have not had any water incursion issues in any crawl spaces so far and we've sold over 100 homes. I'm not entirely sure how many we've closed on, but to my knowledge he was not aware of any water incursion problems at Paloma Ridge. We did have water incursion at Sterling Ranch. We absolutely did. And to my understanding, sump pumps were installed, and even I'm not entirely sure how many French drains, but I believe some homeowners did take it upon themselves since all French drains, that's not something that is typically offered with each home by the builder. But as these concerns you know, did progress. I know that some homeowners I can't speak for them, but I it's my understanding that some did install French drains. On the home to help divert that water, unfortunately it just diverts the water at that level. So if it hits Clay again, it's going to do the same. And hit that clay, spread out and go into crawl spaces. To my understanding, and again I can't. I can't speak for these homeowners, but our my warranty manager did let me know that outside of these extreme weather events, it seems that the sump pumps did do their job and that there hasn't been at least recently, not that I'm aware of or that he was aware of There hasn't been any reoccurring recently...Incursion issues. Now again, I don't think there's been any major weather events recently in Kuna that would cause those issues, but outside of those weather events, to my understanding, those issues have been addressed. But again, I can't, I cannot speak for those homeowners. I haven't spoken to each one, but I know our warranty department has been in contact with them and I believe they did try to do some mitigation efforts outside of that normal one year warranty period, which comes standard for Toll Brothers. And that's what I have for you.

Council Member Laraway And I understand everything you said. I guess my concern is we had...There was about 10 to 12, homeowners that had the flooding problem. And unfortunately, to my knowledge that I can remember all of them said Toll brothers did not step up and help. They were left to buy the sump pumps. They were left to get all that done themselves. It was all in the homeowners.

Kyle Pruitt, Toll Brothers Commissioner Laraway, I wish again, I wish I could... I wish I had. My warranty manager here with me today because he would be able to speak on each of those cases, and again to my understanding, that outside of these weather events, his issue should be cleared up either with the sump pumps and again. We... our wish is that those never happen and according to the warranty management these happen in less than, I'd say less than 5% of our homes overall. And he said sometimes when you look at even just one block, it may skip two homes and maybe hey, this lot heading cruise problems, this lot of heading conversion problems, whether it's clay, whatever type of material that home was built on, it'll skip a house and then the next two might have incursion problems, he said it's kind of a flip of a coin. Hopefully, it doesn't hit very often. Again, he'd say less than 5% of those homes throughout our subdivisions and the Valley have had incursion problems, and again we did go out and solve some pumps and I know Some home buyers did do it themselves. I wish I had that statistic for you for which we did and which they did when it was in the warranty period. I don't have those statistics and details for you. I know that Toll Brothers did something to try to help. I'm not sure how many of those folks, if you would like those details, I can go on and go out and get that for you.

Council Member Laraway Just another question I have for you is during the excavation and development of these properties, of the whole subdivision itself, do they not go down to find out where the how deep the clay is? That's a that's an educational question I'm asking.

Kyle Pruitt, Toll Brothers And that's that would be an education question for me as well. Unfortunately, I'm not the engineer who worked on the project either. And I I'm sure those are details that we could find for you because again, I could probably talk to our engineer and say hey for these earlier phases of Sterling Ranch, because we have different engineers working different projects, I could probably find that information for you. I don't have it for you tonight, but that's something I can check...

Council Member Laraway Just trying to avoid problems.

Kyle Pruitt, Toll Brothers Oh, absolutely. And again, Toll brothers wants to avoid those problems as well. It's not our intention to cause any sort of headache for these homeowners. It's not, because it's a headache for us, too, and we don't we, you know that is not our intention. We want to do a good job for these folks moving in. So...

Council Member Laraway Thank you.

Kyle Pruitt, Toll Brothers Thank you.

Council Member Biggs I'd just like to add, and I can appreciate everything that you're not in in your explanation, but when we, when we say extreme weather, this is Idaho, we got to expect you can get anything from a well, We even had a hurricane I think last year came up here but to me it's a relationship with the community and when we had dozens of people show up to express their concern about this and everyone had the same concern and it seemed like my impression anyway, that fell on deaf ears. I have a concern about that with the relationship with the Community, when you come back, you know for another for another project, this one obviously fits a small puzzle piece to what has already been approved. But it give me a little bit of pause now when, if, if some things like this are going to maybe be looked past to is it a quality control issue? Is it a warranty issue? Did they not meet the one year and then we just let them out to let them out to dry. I get the rules. May may have been followed, but again it's a

community relationship. When you have that many people with the same complaint. And I think just to, I guess, follow on what Councilman Laraway saying. So I just want to say.

Kyle Pruitt, Toll Brothers Absolutely. Completely understandable. Again, we will again we want to do a good job for these folks.

Planning & Zoning Director Doug Hanson For the record, Doug Hanson, Kuna Development Services, Planning & Zoning Director. just so the Council is aware, when Winfield Springs or Sterling Ranch was initially approved in the mid 2000-teens, there were different requirements for preliminary plat submittals. Since that has occurred and the code changes have happened, we now require a geotechnical report to be submitted with primary plots so we can see if they have surveyed the site. They've taken core samples, they know what the ground is composed of and this application does have a geotechnical evaluation within the materials.

Council Member Laraway Question for Doug, since you just brought that up, is that a procedure that's now blanket on all subdivisions?

Planning & Zoning Director Doug Hanson Yeah. For the record, Doug Hanson. yes, that is required for every preliminary plat submittal.

Council Member Laraway Thank you.

Mayor Stear Okay, further question.

Council Member Laraway No, thank you.

Kyle Pruitt, Toll Brothers Thank you very much.

Mayor Stear All right, this is the public hearing. I didn't have anybody sign up to testify in this matter, is there someone who would like to? Only an uncapped pen. Oh, you got a pen? Mr. Rocco, you may have the floor, please.

Michael Rocco Councilman Laraway, thank you for having a long memory. Thank you. Thank you all for having a long memory. We I would, I would implore you to not approve this annexation. And I would, as he mentioned, I would have the engineer come in from when it was Sterling Ranch and maybe have the warranty manager come in also because as you remember there was about 12 homeowners that came in. There's 25 homes that are affected and they still have problems. There's people that have spent over \$30,000 for remediation. What Toll did was a very ancillary, it was just they threw in a couple of pumps. There was really never that concern. And you know, also they built Timber Mist four or five years earlier, and now Timber Mist people because we were getting so much attention as to the problems we were having. The Timber Mist, which is a toll development, also has crawl space problems because of that the it then it goes out a little bit further and there's people in Star and we're out of Kuna now. But there's a development that started there currently building that is having and there's. There's really no resolution. So again, I'm just I'm. I'm just here to just implore you to just delay this until they can actually answer a little more thoroughly. Thank you.

Council President Bruce Mr. Rocco, can You state your name and address for the record?

Michael Rocco Thank you, Michael Rockwell, 1286 E Fort Eerie St. in Kuna.

Council President Bruce Thank you, Sir.

Mayor Stear Okay, anybody else who wishes to testify in this matter? Okay, seeing none.

Council President Bruce I move we close evidence presentation and move to deliberation.

Council Member McPherson Second.

Mayor Stear Motion is made and seconded any further discussion on that motion? All those in favor say 'aye.'

All Council Members Aye.

Mayor Stear Any opposed? Motion carries.

(Timestamp 00:20:45)

Motion To: Close Evidence Presentation And Proceed To Deliberation

Motion By: Council Member Bruce

Seconded By: Council Member McPherson

Further Discussion: None

Members Voting Aye: Council Members Laraway, McPherson, Biggs, Bruce

Members Voting Nay: None

Members Absent: None

Via: Voice Vote

4-0-0

Council President Bruce Mr. Marc? Do you...?

Planning & Zoning Director Rebuttal. There's a rebuttal opportunity for the applicant.

Mayor Stear Yes, sorry about that, Rebuttal.

City Attorney Marc Bybee And since we closed, you'd have to reopen. Sorry.

Council President Bruce I move we open evidence presentation and allow for the developer to his rebuttal time.

Council Member Biggs Second.

Mayor Stear Motion made and seconded. We didn't vote on the last one, does that? No, we didn't vote on it. Or did we? We did.

Council President Bruce We did.

Council Member Biggs We did.

Mayor Stear All right. All in favor, say aye.

All Council Members Aye.

Mayor Stear All opposed? Motion carried. Here we go.

(Timestamp 00:21:20)

Motion To: Open Evidence Presentation

Motion By: Council Member Bruce

Seconded By: Council Member Biggs

Further Discussion: None

Members Voting Aye: Council Members Laraway, McPherson, Biggs, Bruce

Members Voting Nay: None

Members Absent: None

Via: Voice Vote

4-0-0

Kyle Pruitt, Toll Brothers All right. Again, this is Kyle Pruitt, 3103 W Cheryl. Dr. Meridian, ID 83642. And again, to speak, to the previous subdivisions. I'm sure with there are some geotechnical reports I may be able to find. I'm not. I'm unfortunately not entirely sure if we have them for each of the subdivisions. We do have one for Paloma Ridge that I can pull for you. I'm secondly, to my understanding, after speaking again with the warranty manager, the sump pumps and they when it comes to water incursion, there is no magical fix it button. This will never happen again. The sump pumps will assist in keeping those crawl spaces dry. That is the main thing and especially when it comes to builder, when we do the landscaping, the main thing is grading those help push that water away from the home. And I know sometimes and again this is no fault of the homeowner themselves, but when other, you know, landscapers come in and sell landscaping. Maybe the grading wasn't done correctly. The builder, unless we installed ourselves, we're just unsure of that. But again the sub pumps are a way to help alleviate those water incursion problems. The French drains are another way to help with the water incursion problems, but again, those are unsolved at a certain level and there is no magical fix it button. But those are things that can be done to help alleviate those issues. And again Toll Brothers had done and I empathize with those homeowners and throwing ranch, I'm not sure how many of those things we can make go away at the end of the day, the issues with whether vents will happen and again it's. You know that I'm. I'm just not sure that we can ever keep it from not happening again. The sump pumps are a way to do it or the water or the French drains are a way to do it. But outside of that, I don't. I'm not sure how many other steps can be taken to alleviate that issue specifically.

Mayor Stear Okay, any further questions?

Council Member Laraway Yes, again, I'll follow up with same thing and then you're saying that the homeowners... What kind of bothers me about this is?, the homeowners have to take care of everything and Toll Brothers turned a blind eye, even though the complaints were brought to their attention. If it's predictable, it's preventable. That's what I'm looking at as far as what are we going to do different to protect the citizens of Kuna , you know, from buying a dream home and turning out to be a nightmare? This could cost them 30,000 plus. What is Toll brothers doing different? And as you have another, I think 80 acres on Columbia near 69 that you're looking at also.

Kyle Pruitt, Toll Brothers Again, the most that I can say now is that we are going to adhere to city code. We're going to do all of our at our inspections to make sure that these homes are built to the quality and the code of the City of Kuna and to Toll Brothers. I can go back and ask our warranty manager to see

what kind of correspondence we can pull up for these homeowners at Sterling Ranch to see what was done because unfortunately I'm not sure of each step that was taken with these homeowners. I can find out for you but at this time I don't have those specifics for each homeowner. And I want to say that if it was within the warranty through period and beyond, and even slightly beyond, I can't give an exact number, but I do know that our warranty manager does a good job to try and help folks as much as he possibly can. And I'd like to say that we, we did some things to help address that. And I can find those specifics for you.

Council Member Laraway And please understand I am not downgrading the quality of your home, I'm talking about the excavation portion of this before foundations were poured. That's where the concern is.

Kyle Pruitt, Toll Brothers Absolutely. Absolutely. Yeah.

Council Member Laraway Thank you.

Kyle Pruitt, Toll Brothers Thank you.

Mayor Stear Okay, anything further?

Council President Bruce Now I move we close the evidence presentation and move to deliberation.

Council Member Laraway Second.

Mayor Stear Motion is made and seconded any further discussion on that motion? All those in favor say 'aye.'

All Council Members Aye.

Mayor Stear Any opposed? Motion carries.

(Timestamp 00:25:33)

Motion To: Close Evidence Presentation And Proceed To Deliberation

Motion By: Council Member Bruce

Seconded By: Council Member Laraway

Further Discussion: None

Members Voting Aye: Council Members Laraway, McPherson, Biggs, Bruce

Members Voting Nay: None

Members Absent: None

Via: Voice Vote

4-0-0

Mayor Stear Well, I must say I am surprised that it's 5% of homes. I had no idea.

Council President Bruce Do you want you want to start or do you have any thoughts or?

Council Member Biggs Well, I I'm I don't know. I just I think I'd like to hear the answers about the commitment to, you know, Sterling Ranch owners if there's going to be doesn't, I mean by City Code,

there's like Doug explained, it sounds like that issue has been resolved but doesn't resolve what happened to the Sterling Ranch Owners by the builder.

City Attorney Marc Bybee Marc Bybee, City attorney. I feel like I have to weigh in here because I am...I'm quite concerned that we're going to possibly decide an application about this plat and about whether this plat complies with city code based on events that have happened in a separate subdivision entirely unrelated to this plat. This is about a plat applications or about whether they've satisfied their requirements of city code with their they complied with process, whether designs of the plat are appropriate and adding this criteria goes outside of you know, holding them to the standards of city code. You're basically saying you have to satisfy the homeowners in a separate subdivision, you have to deal with these warranty claims and I don't... I don't find that to be consistent with how LLUPA works, how your city code works. And so I'm concerned about applying that type of standard to approval of a plat on an entirely different project. So that's my advice. I'd dissuade you from using that as a decision-making criteria on this application.

Council Member Laraway May I say something?

Mayor Stear Yes, go ahead.

Council Member Laraway I kind of disagree with you because here's what I... here's my point. It might be a separate subdivision. It might be different phase, but we are turning over homes that are built by the same builder that caused that problem. So if we can't protect based on allowing certain. I'm not gonna use any negative word if a certain builders that have a history of poor products. I don't see that being wrong.

City Attorney Marc Bybee I guess I'd point back and say what criteria of city code have they not applied or complied with in your plating process? That's how it respond. Because you're saying there's a problem with the prior product. So in this application, how is their application not in compliance with city codes and standards?

Council Member Laraway I guess I'm losing the logic in this. Is that the same builder we had people in this audience months ago? Complaining and talking about the flooding that existed in their home. Mm-hmm. That was built by this builder. So there has to be some... I understand what you're saying is all the boxes have been checked. But if we're here to prevent stuff from happening, it seems feasible that we should be able to do that.

City Attorney Marc Bybee And your if you there's a decision to deny a plat, it needs to be based on not complying with the procedures and requirements of what is needed to get a preliminary plat approved. And I think when you talk about this issue, maybe it has to do with a grading issue, an excavation issue as you cited, that's I don't see that as a plating problem that has to do with the turning of the dirt at the construction phase and we're talking about a plat approval and I guess if there's errors in the plat with gradient, I don't know enough about plat designs this other say whether or not they have grading plans and elevation plans that would be an engineer question. And so if there's a serious flaw in that that causes... that doesn't comply with code that causes these incursion issues that's one thing, and if your staff is telling you that, okay, but if it's a construction and excavation process that happened in an entirely different neighborhood and we're going to say that now this plat doesn't comply with City Code because of that, I don't see the connection that doesn't that those. There's a factual disconnect between flood incursion in another neighborhood for issues that I don't or for reasons I don't think are even clear to this

Council. I don't think those facts are in the record. I don't see how that connects to denial of a plat for non-technical compliance with your code requirements.

Council Member Laraway Yeah. The only comfort I find in this is that Doug had brought up that they have changed the standard for this excavation and with samples you brought up. That's my only saving grace that I see in this. That's that changed something in the process. So thank you. And I understand what you're saying.

Council President Bruce I have a question.

Mayor Stear Yes.

Council President Bruce I understand what you're saying as well as we're just looking at the legal aspect of it, it meets all the criteria to approve the plat. If we have a developer who has had the history of things like this, what can the city do to kind of mitigate that impact on the homeowner or citizen moving forward? Is there something that we can do as a, as a community, as a city, that that holds them accountable for the future projects, not looking back at any, but we say, hey, we see a history of this, you know, in the in the Valley area, we would like to protect our residents rather than just saying....?

City Attorney Marc Bybee Again Marc Bybee, City Attorney. Part of the problem with your question for me is I'm not an engineer and you're asking, I think, largely for an engineering answer, but there is a legal component to it as well, and it's basically putting like because you need to understand from an engineering perspective why the incursions happen, right? And I know enough about water incursions that a single answer is not the answer to all water incursions, right and to crawl spaces and so understanding you know, is this an actual... was it something with design? Is it something else causing it as are even in that neighborhood all the incursions the same thing. So under understanding, you know what is causing the problem I think is the is the first component and then adopting ordinances that you know require design standards and those types of things that would prevent that issue from occurring again, but without yeah, just from.

Council President Bruce And I'm just asking in a broader sense, right?

City Attorney Marc Bybee The first component would be investigation of the issue to understand it thoroughly to then actually put in ordinances that actually address it, because otherwise, if we're just trying to fix it from a legal perspective, we're just throwing out ordinances that might not do anything.

Council President Bruce Yeah, that might be right.

Mayor Stear And I think that's the issue with this particular one that we rollback to is that Some were reported during the warranty period. And the reasoning for the intrusion was never answered. There was never. There was never anything done and there were there were some pumps put in and things like that, but there was never an answer to the question as to why it happened in the first place. So I think that's why this one came up and why it's going to continue to come up. Anything further?

Council President Bruce Councilmen Laraway, do you have any other questions?

Council Member Biggs I guess I'll throw this part out there at the quality control part. You know, in the in the aftermath. So if it meets standards at the time of bill or when they're putting in the in the plat application and the house falls down, hypothetically speaking. And then then it happens again and again

and again. We're going back to the original question. I think Councilman Laraway had, or I think that you brought up was that how do we hold that particular builder...

Council President Bruce Accountable.

Council Member Biggs And I don't know that answer. Other than modifying code for, you know...

Council President Bruce And it's something we could look into for, you know, for...

Council Member McPherson Well, and it's been addressed with their Geotechnical survey's they do.

Council President Bruce Do you have anything further?

Council Member McPherson No, I think we need to keep the focus on what's in front of us, not something bad that happened elsewhere.

Council President Bruce Yeah.

Council Member McPherson I think we're getting too far off. I understand everyone's point to that, but the point is this 6 houses in the corner of the fill in this subdivision.

Council President Bruce I agree.

Council Member McPherson And I get it. I mean there is an issue there. We still need to address. It'd be great to get all that info from Mr. Pruitt, but...

Council President Bruce Yeah. Councilman Biggs? Councilman Laraway? Well, I mean, if we have...I think Mark does speak to you know, a lot to...What are your thoughts?

Council Member Laraway Well, I guess... I understand what her attorney is saying. I kind of disagree, but I understand what he's saying. But if this problem didn't happen once it happened 12 times, I'm sure that numbers give or take because I don't remember the whole. Accountability. But if again, I'm trying to look at this logic, if the if the warranty on these homes are one year. And they have a product that they know is very good one year is fine. Why wouldn't they give two-year warranties on these on these houses?

Council President Bruce And I think that's a question that they would have to decide. You know something...

Council Member Laraway Yeah. We can't make them.

Council President Bruce And if and if we look at where we're at, they meet all the requirements for sewer schools, water. Plat. They've checked all the boxes, so even if we were to deny it, I think we're putting ourselves in more of a pickle than not. It should be something that we should get some information on, I think.

Council Member Laraway And if anything has come from this case is I hope that the developer, his representatives, take this information back and understand what we're talking about and try to make things better in the future.

Council President Bruce I agree.

Mayor Stear Okay.

City Attorney Marc Bybee If I may, Marc Bybee, City attorney. I think something of my help here is when I hear you, Councilman Laraway, discussing this, keep in mind. We're at subdivision phase. We're at platting phase. I think it gets confused here because the at the end developer is also Toll or end builder. Sorry not end developer and builder. And at a planning phase, the Council is approving a drawing of where street improvements will go, where or where boundary lots will be drawn. Doug, you might need to weigh in and correct me on this. I think there's a drainage plan component with this as well. And so those are the things that are getting approved right now. And so you're talking about other things too that I think come in at building inspection when it's the builder. Granted it's a Toll organization that builds, but we're talking about right now, what are you approving a drawing of lines of future improvements and parcel locations. Whereas when we get into these other things, the building permit phase, the building inspection phase, they're going to be the builders going to be dealing with these issues. And yes, if there's a drainage plan right now thing that would be relevant, I think to this discussion, if there's a problem with the drainage plan. But if the drainage plan is appropriate and it's accepted by the city engineer approved. These things, these other things that are happening, you're talking about a building phase, right? Yes, it's a Toll entity that builds unless they change their business model and let somebody else build on their parcels. But. I don't expect that to be the case, since but it will be building permit, building inspection phase. I don't know if that helps kind of add some structure around the thoughts you're having, but I thought I want, I wanted to offer that.

Council Member Laraway Thank you.

Council President Bruce I don't have anything else. I move we approve case #24-10-AN and 24-07-S.

Council Member McPherson Second.

Mayor Stear We have a motion and a second for approval. Is there any further discussion on that motion? All those in favor say 'aye.'

All Council Members Aye.

Mayor Stear Any opposed? That motion carries.

(Timestamp 00:38:48)

Motion To: Approve Case #24-AN And #24-07-S

Motion By: Council Member Bruce

Seconded By: Council Member McPherson

Further Discussion: None

Members Voting Aye: Council Members Laraway, McPherson, Biggs, Bruce

Members Voting Nay: None

Members Absent: None

Via: Voice Vote

4-0-0

B. Consideration to approve Case No. 25-01-S (Preliminary Plat) – Applicant requests Preliminary Plat approval to subdivide an approx.. 7.95-acre parcel. Marina Lundy, Planner ACTION ITEM

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

(Timestamp 00:39:17)

Mayor Stear That brings us to consideration to approve the Case 25-01-S Preliminary Plat. Marina, again

Council President Bruce She's busy tonight.

Planner Marina Lundy Good evening, Mr. Mayor, and members of Council. For the record, Marina Lundy, Planner, Kuna Development Services Department. The application before you this evening requests Preliminary Plat approval for approximately 7.95 acres already zoned R-4 for Medium Density Residential and to subdivide the site into 17 residential lots with three common lots. One dwelling unit is currently being constructed and, if the application is approved this will... this evening, that will be incorporated into the subdivision and three common lots. The site is located at 360 South Stroble Road. And Staff has reviewed the proposed preplat for compliance with Kuna City Code, Idaho Statutes, and the Kuna Comprehensive Plan. And should the... should you approve the application, staff recommends the applicant be subject to the proposed recommendation... recommended conditions as outlined in the staff report and I'll be here if you have any questions and the applicant is present tonight as well.

Mayor Stear Questions?

Council Member Laraway No.

Mayor Stear All right. Thank you. And if the applicant would like to step up.

Charlie Tipton Good Evening, City Council. Charlie Tipton, applicant and homeowner. As Marina said, this is 7.95 acres. We originally sought to wer... Me and my husband personally building our house on it, and are doing the subdivision in part because in dealing with City Engineers and everybody, they've asked that if we tap into City sewer, we do it for the entire future growth of the property. We originally sought to have the northern road be more in the center of the parcel and we were desiring 8, almost acre lots. ACHD after comments and working with them has asked that we consider continue Odyssey all the way to the north. For that reason if you look at the plat we had to add a few more, few more lots, unfortunately, just to offset that cost. But we really are as homeowners in the subdivision trying to give back as much as we can to the City in this development. So you'll see there's Greenbelt access and a path that extends all the way around to continue it up. We've tried to make the lots as big as possible. Our average density is 2.39 and we were giving back almost half an acre through a park and Greenbelt access. Yeah. So if you have any questions. I'm here to answer those, but I hope it satisfies the City's plan for some diversity in residences.

Mayor Stear Okay, questions for the applicant?

Council President Bruce No, ma'am. Thank you.

Mayor Stear All right, Thank you. All right, this is a public hearing, and I have Sid Anderson sign up to testify. Is there anybody else who wishes to testify in this matter that didn't get a chance to sign in? Go ahead, Sir, you may have the floor.

Sid Anderson Good Evening, Mayor, Council Members, Sid Anderson, 2500 East Rock Falls Lane. I live and own the property adjacent to this project and as was stated originally, the applicants had planned to do 8 lots. But because of ACHD requirements, they had to add significantly more road than they had anticipated and so they added more lots to offset the cost. I simply bring that up again just to remind everybody how much, how often our regulations make us end up having the same products in the end and obviously these are still larger than most lots in Kuna, nearly a half-acre until you subtract the roads and common lots. But it does... This project does increase the diversity of housing stock within the Kuna and it does fit the rural nature of the Community we have there. And for that I support it and I'll answer any questions if you have any.

Mayor Stear Any questions for Mr. Anderson?

Council Member Biggs No, Sir.

Council President Bruce Thank you. Thank you, Mr. Anderson.

Mayor Stear All right. Anybody have anything else they wanted to testify on this? Okay, seeing none.

Council President Bruce I actually had a question for the applicant.

Mayor Stear Too late. Just kidding.

Council Member Laraway The bell went off.

Mayor Stear Council Member Bruce, you may have the floor.

Council President Bruce What is the time frame for construction with this project?

Charlie Tipton So we are personally holding the loan, so we want to move as quick as possible. We've already submitted all of our engineer drawings to City for approval. So, as soon as this is approved we hope to work hand in hand and get done by the end of the summer, would be our goal.

Council President Bruce Okay.

Charlie Tipton Absent that, we're going to have some issues.

Council President Bruce Thank you.

Mayor Stear Okay.

Council President Bruce ACHD strikes again. I move we close evidence presentation and move to deliberation.

Council Member Biggs Second.

Mayor Stear Motion is made and seconded, any further discussion on that motion? All those in favor say aye.

All Council Members Aye.

Mayor Stear Any opposed? That motion carries.

(Timestamp 00:44:31)

Motion To: Close Evidence Presentation And Proceed To Deliberation

Motion By: Council Member Bruce

Seconded By: Council Member Biggs

Further Discussion: None

Members Voting Aye: Council Members Laraway, McPherson, Biggs, Bruce

Members Voting Nay: None

Members Absent: None

Via: Voice Vote

4-0-0

Council Member Biggs I drive by this one almost every day and I said that there's a house out there being constructed in that area. Pretty big, pretty nice. Nice area. It's right across from the pickleball courts.

Council Member Laraway Yeah, I'm just glad to see R-4s. I don't think we have enough of them in this town.

Council President Bruce I didn't have anything else to say. I think she's going to live on the project if it's her surrounding areas. I didn't see any...

[Short Pause]

Council President Bruce Okay, I move we approve case #25-01-S.

Council Member Laraway Second.

Mayor Stear Motion is made and seconded. Any further discussion on that motion? All those in favor say aye.

All Council Members Aye.

Mayor Stear Any opposed? That motion carries.

Council President Bruce Thank you.

(Timestamp 00:45:52)

Motion To: Approve Case #25-01-S

Motion By: Council Member Bruce

Seconded By: Council Member Laraway

Further Discussion: None

Members Voting Aye: Council Members Laraway, McPherson, Biggs, Bruce

Members Voting Nay: None

Members Absent: None

Via: Voice Vote

4-0-0

C. Consideration to approve Case No. 25-01-CPM (Comprehensive Plan Map Amendment) for Jasper Solar – Troy Behunin, Senior Planner. ACTION ITEM

Applicant requests a comprehensive plan map amendment to remove this land from the Kuna Area of City Impact Boundary (ACI). The request includes seven (7) parcels and approx. 876381 acres, in the eastern part of the Kuna ACI Boundary within Sections 29, 30, 31 and 32, T2N, R2E.

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

(Timestamp 00:46:20)

Mayor Stear And that takes us to approval consideration to approve case #25-01-CPM Comprehensive Plan Map Amendment for Jasper Solar. Troy Beunin, Behunin.

Senior Planner Troy Behunin Close enough. Good evening, Mr. Mayor, and members of the Council. For the record, Troy Behunin, Kuna Development Services Department. So the application before you this evening is requesting a Comprehensive Plan Map Amendment of the City of Kuna. In order to remove the proposed lands within the application from the Kuna area of city impact boundary, also known as the ACI. This request includes 7 total parcels, which covers approximately 876 acres, most of which is owned by the Department of Corrections or the BLM. And this is located in the Eastern part of the Kuna ACI boundary. I would like to emphasize that this request is only to amend the Comprehensive Plan Map. It does not include a land use component. That's all I have for the Council. The applicant is here. They have a presentation. And I will be here for any questions that you might have.

Mayor Stear Okay. Any questions for Troy? All right. Thank you if the applicant would like to come forward.

Caitlin Clancy, DESRI Just to make sure I can... Hi everyone. My name is Caitlin Clancy. I work for DESRI and I live at 262 East 2nd St., Unit 3E, New York, New York. I'm here today to talk to you about a request for a Comprehensive Plan Map Amendment for development of the Jasper Solar Project. Troy has been a huge help throughout this process, and I want to say thank you for his introduction today in order to ask for this Comprehensive Plan Map Amendment, I'm going to first tell you about our company, DESRI, and then about the Jasper Solar Project specifically. And finally, about the benefits of the project to Ada County. I do want to reiterate that we will be going through an Ada County permitting process

later on should we be approved for this map amendment. And so that will be an actual approval of the project itself.

So just to give you a sense of DESRI, we are a nationwide renewable energy developer, owner, and operator. We construct, operate, and own our projects over typically a 40-year life. Both solar and wind, as well as battery storage. As long-term owners, we are invested in the quality of our projects and the relationships that we have with the local communities. So, we work from day one to get to know our neighbors, to make sure that our project fits in, is built with quality, is not going to cause any sort of erosion, flooding, you know, neighboring impacts to our host communities. We have about 11 gigawatts of operating in construction or contracted projects across 25 states, give or take, and 75 projects. More specifically, I can show you a map of our projects. Here, we have a big presence out West. I personally work out West along with my colleague, Megan Knutson, here. And sorry, I realized I just forgot to introduce my team. But this is Megan Knutson from DESRI and then Nate Jones from SWCA, our environmental consultant for the project. But yes, I mostly work out West. As you can see here, we have a big focus in Utah. We are the largest solar owner and operator in Utah. We also have a project in Eastern Idaho called the Power County Wind Projects. This was actually our first, you know, completion of development and start of construction back in 2011.

So just to talk a little bit about the project specifically, I know this font is a bit small for everyone to see. But this is a 150-megawatt solar plus 150-megawatt 4-hour battery project. And it's located over at the intersection of Kuna Mora Road and South Pleasant Valley Road. As Troy mentioned, this project is sited on 1500 acres of land in total. 1,000 of which are leased from the Idaho Department of Corrections. We don't have any BLM lands in this project, but everything that we are seeking to remove from Kuna's Area of City Impact belongs to the Department of Corrections. This project is probably looking at like a mid-2027 start of construction with a late 2028 start of operations date. We are working through the interconnect process and are almost complete with Idaho Power, seeking to connect pretty much on site adjacent to a substation that is owned by Idaho Power at the Meta Data Center. In this map you can see there's a little construction area in the Southwest corner; that's actually the Meta Data Center. The imagery just wasn't up to date, but we've also completed all of our environmental and other, you know, geotechnical studies for the project to date. No anticipated impact to wetlands, special status species, or any cultural artifacts. So, this map just shows you the boundary of Kuna's Area of City Impact in orange and then our project parcels are shown in orange outline. So, you can see roughly half the project, or 877 acres, fall within Kuna's ACI, whereas the other half falls East of South Pleasant Valley Road and is not included. Currently, these Department of Corrections parcels, since they are technically state land, they don't generate any property tax revenue for Kuna or the county. So, removing them from the ACI will not have an impact to Kuna's property tax base. We are also not seeking to change the zoning here. This is going to stay zoned as Rural Preservation land and will instead just be under the jurisdiction generally of the county. The reasoning for that is since the county requires centralized power facilities to not be located within an ACI of any town. I think that was mainly it here, but on the next slide I know this is pretty zoomed out but the blue parcels are what is Kuna city limits whereas the orange is the ACI. So this project is about 7 miles from here, 7 miles East, kind of in a... I would say more industrial part of the county near the Meta Data Center, a couple of gun clubs, and the beef processing plant out there.

To talk through the benefits to Ada County, as you all have seen, I'm sure there are a ton of data centers and other large loads coming to the area. Jasper Solar seeks to provide clean, reliable power through, you

know, solar project with a stored battery which will help to alleviate some of that evening load as well. Additionally, this project is going to supply about 150 to 200 construction jobs for about a year and a half. As well as up to three, probably three exactly actually based on the size, full time site tech positions throughout the 40-year life of the project. Additionally, as I mentioned before. There's no property tax being paid on roughly two-thirds of the parcels making up this project. Right now, the solar project will generate property tax revenues via a gross receipts tax, which is a state code, 3.5% of the project's revenues, which is then redistributed to Ada County. As we've been told, pretty much along the current parcel allocation, so some of that will go to Kuna resources such as the Kuna schools, Kuna Cemetery, Kuna Library. I would say also solar projects use very little water, especially during operations. Obviously, during any construction there is water use to mitigate dust spread, anything like that. This will not really use any water during operations of the project. Additionally, we are required by Ada County to provide a veg management plan. Sorry, vegetation management plan and also you know, run off grading drainage, similar things via our building permit eventually. I think that was pretty much everything that I had today. Our contact information can be found here. If you guys have any follow up questions but happy to take any questions now.

Mayor Stear Okay, questions for the applicant, yes.

Council Member Laraway I have an educational question. On the solar panels that you put up, is there any history of the solar panels generating fire hazards?

Caitlin Clancy, DESRI So typically the solar panels, if you and let me see if I can pull up a photo of one. So this is smaller, but you can see they're dark colored and that's designed to basically absorb sunlight to transfer that energy into the grid rather than reflecting, causing a fire on nearby infrastructure. Anything like that. The panels themselves. I don't have a technical background, and I don't know exactly how... We haven't had any history of starting fires that way, but also in terms of vegetation on the site. We keep that pretty well kept so as to avoid fires like that. We don't get let our vegetation get out of hand and touch the infrastructure.

Council Member Laraway Second question I have for you, the land that you're getting from BLM and Idaho Corrections, are you leasing that?

Caitlin Clancy, DESRI Yeah. So just to clarify, we don't have any land that is owned by the BLM in the project, but, the Idaho Department of Corrections Land is leased, yes.

Council Member Laraway Okay. Thank you.

Mayor Stear Okay, further questions?

Council Member Biggs I have a quick question.

Mayor Stear Go ahead.

Council Member Biggs You mentioned that the power of this nature, I guess isn't allowed inside a City's Area of Impact... Okay. This... so that was the... that was the reason, it was a little fast. Sorry, I was trying to write it down.

Caitlin Clancy, DESRI Sorry. Yeah, yeah. Ada County doesn't allow a CUP application for any centralized power facility which solar, I think it's above 20 megawatts, falls within. So, we can't apply for CUP without first going through this process.

Council Member Biggs Okay, thank you.

Mayor Stear Okay. Further questions?

Council President Bruce Not for the applicant.

Caitlin Clancy, DESRI Thank you, all.

Mayor Stear Thank you. All right, this is a public hearing. I didn't have anybody signed up to testify. Is there somebody who wishes to testify in this matter? Okay, seeing none.

Council President Bruce I have a question for Doug. If you don't mind.

Mayor Stear Yes, Council Member Bruce.

Council President Bruce We're not approving this project, so why? I'm confused that we're looking at all the information on the project when we're not approving the project is that normal?

Planning and Zoning Director Doug Hanson Yeah. So, for the record, Doug Hanson, Planning and Zoning Director. So, the applicant provided solar information within their presentation, but truly all we're looking at is the removal of these parcels from our Area of City Impact. Area of City Impacts are established to identify areas that you are likely to annex in the near future and to be able to provide services too, at this point, the city can do neither. So that's why we recommended to the applicant that they submit an application to be removed from our ACI and that's really what we're looking at tonight.

Council President Bruce Okay. Because...alright.

Mayor Stear Good, anything further?

Council President Bruce Greg, or Councilman McPherson.

Council Member McPherson *[Inaudible]*

Council President Bruce I move we close evidence presentation and move to deliberation.

Council President McPherson Second.

Mayor Stear Motion is made and seconded, any further discussion on that motion? All those in favor say 'aye.'

All Council Members Aye.

Mayor Stear Any opposed? That motion carries.

(Timestamp 00:59:02)

Motion To: Close Evidence Presentation And Proceed To Deliberation

Motion By: Council Member Bruce

Seconded By: Council Member McPherson

Further Discussion: None

Members Voting Aye: Council Members Laraway, McPherson, Biggs, Bruce

Members Voting Nay: None

Members Absent: None

Via: Voice Vote

4-0-0

[Brief Silence]

Council President Bruce Do you have anything?

Council Member Laraway I do not. I don't... I look at it as if the land, most of the land, belongs to BLN and Department of Corrections, it's not like it's ever going to be a future benefit for us that I can foresee.

Mayor Stear I don't think there's anything we could ever do with that property anyways.

Council Member Laraway No, unless the prison builds another prison on it, but.

Council President Bruce It leaves it to Ada County to make a decision.

Mayor Stear Right.

Council President Bruce Do you have anything, Councilman Biggs?

Council President Bruce I move we approve case #25-01-CPM, the Comprehensive Plan Map Amendment.

Council Member Biggs Second.

Mayor Stear Motion made and seconded for approval. Is there any further discussion on that motion? All those in favor say 'aye.'

All Council Members Aye.

Mayor Stear Any opposed? That motion carries.

(Timestamp 01:00:12)

Motion To: Approve Case #25-01-CPM

Motion By: Council Member Bruce

Seconded By: Council Member Biggs

Further Discussion: None

Members Voting Aye: Council Members Laraway, McPherson, Biggs, Bruce

Members Voting Nay: None

Members Absent: None

Via: Voice Vote

4-0-0

7. Business Items:

(Timestamp 01:00:36)

A. Consideration to approve Case No. 25-06-TE (Time Extension) Grand Prado No. 4. Marina Lundy, Planner ACTION ITEM

(Timestamp 01:00:36)

Mayor Stear And that takes us to Business Item 7A Consideration.... Consideration to approve case #26-06-TE, Grand Prado #4, Marina Lundy.

City Clerk Nathan Stanley Mayor, I just wanted to make for the record. It's case number 25-06-TE.

Mayor Stear Oh, 25-06-TE. Okay.

Planner Marina Lundy Good evening, Mr. Mayor, and members of the Council for the record Marina Lundy, Planner, Kuna Development Services Department. The application before you this evening requests time extension approval for Grand Prado #4, which is approximately 15.46 acres with an R-4 zone and will consist of 51 buildable lots and 10 common lots. The site is located at South Bitter Creek Ave. near the intersection of Amity Road and South Ten Mile. Staff would like to note that a time extension was previously approved by Council on May 7, 2024, and the application was submitted prior... this application was submitted prior to the expiration date of May 7th, 2025. The applicant is requesting their second time extension due to unforeseen delays involving coordination with the City and Ada County Highway District on design changes and additional coordination with Idaho Power on a transformer location. The requested time extension should provide them with the time to complete the necessary development improvements and record the final plat for Phase 4. The construction drawings are approved by the regulatory agencies and construction is substantially underway. The final plat application was approved by Council on March 4th, 2025. And Staff has reviewed the proposed time extension for compliance with Kuna City Code, and should the Council approve the application, Staff recommends the applicant be subject to the proposed conditions as outlined in the Staff Report. The applicant is present tonight and I will also be here for any questions that you have.

Mayor Stear Okay. Questions?

Council Member Biggs I have a question. What was the... I guess, what are their issues with the City, the coordination with the City?

Planner Marina Lundy I believe that that was just moving through with all of the ACHD design changes and getting approval through that process, making sure that everything complied properly.

Planning and Zoning Director Doug Hanson For the record, Doug Hansen, Planning and Zoning Director and Adam Wenger can correct me if I'm wrong, but there was also some coordination involved with us going through the construction drawings on this phase, in particular with the county subdivision to the north, so that did cause some delays.

Council President Bruce I have a question.

Mayor Stear Yes, Council Member Bruce.

Council President Bruce So we've already approved an extension once, was there an extension provided previous to us voting on one? I know that we... this may be for Doug actually.

Planning and Zoning Director Doug Hanson For the record, Doug Hanson. So, there was an... a time extension previously approved by you, with recent code changes. Any time extension that you hear, it's coming before you because this is the second request, or a subsequent request.

Council President Bruce Because I think we updated our code to where you could approve one...

Council Member Biggs The first year, right.

Council President Bruce The first year. And then we start approving them after that. So, are we on the third one? Or are we on the second one?

Planning and Zoning Director Doug Hanson For the record, Doug Hansen, Planning and Zoning, this is the second request. Staff would also note as a part of that code change, time extensions used to be good for one year. They are now good for two years. Because we were finding that just the timelines in general, their ability to mobilize and build out a subdivision, one year which is not enough to complete it based off of our review timelines and them actually making the improvements.

Council President Bruce I didn't mean to cut you off.

Planner Marina Lundy Oh, no, you're good.

Council Member McPherson He does it all the time.

Council President Bruce I have no further questions.

Mayor Stear Okay, anything further?

Council President Bruce I mean, I guess since it's Doug's fault.

Council Member McPherson Yeah. No. No, you know which section this is, it's difficult because of the connection of that other sub and all that

Council President Bruce Right. I don't see any issue with it. Do you, anyone else? I move we approve case #25-06-TE.

Council Member Biggs Second.

Mayor Stear Motion is made and seconded to approve case #25-06-TE. Is there any further discussion? All those in favor say 'aye.'

All Council Members Aye.

Mayor Stear Any opposed? And that motion carries.

(Timestamp 01:05:06)

Motion To: Approve Case #25-06-TE

Motion By: Council Member Bruce

Seconded By: Council Member Biggs

Further Discussion: None

Members Voting Aye: Council Members Laraway, McPherson, Biggs, Bruce

Members Voting Nay: None

Members Absent: None

Via: Voice Vote

4-0-0

- B.** Consideration to approve Decision and Reasoned Statement Case No. 24-01-CPM (Comprehensive Plan Map Amendment), 24-01-ZC (Rezone) – Gemstone Technology Park. Doug Hanson, Planning and Zoning Director ACTION ITEM

(Timestamp 01:05:39)

Mayor Stear That takes us to item B, consideration to approve the Decision and Reasoned Statement Case #24-01-CPM. Comprehensive Plan Map Amendment, 24-01-ZC, Rezone Gemstone Technology. Doug Hanson.

Planning and Zoning Director Doug Hanson For the record, Doug Hansen, Planning and Zoning Director. No formal presentation prepared for you this evening. This is just the Decision and Reason Statement for the Gemstone Technology Park. Traditionally, you will see these on the Consent Agenda, but it was moved, and it was previously tabled for us to get the MOU's signed by Diode as a condition of approval. And we are here to answer any questions you may have.

Mayor Stear And those have been signed now so.

Council Member Laraway You say they have, or they haven't.

Mayor Stear What's that?

Council Member Laraway You say they have, or they have not been signed?

Mayor Stear They have been signed. Except for the next item on the agenda is for you to permit me to sign them, but that they have been signed by the applicant.

Council President Bruce Go ahead.

Council Member Biggs Oh, the letter that that came in from the school district today, that wasn't in the packet. I don't know how we need add it into the...

Mayor Stear Well, it wasn't added into the packet, no, because it was, it was sent...

Council Member Biggs Today. Right, I didn't know if we had...

Mayor Stear And it's really not part of the Reasoned Statement so. That was just that was sent to you and so I forwarded it... or it was sent to me and I handed it off to you because I couldn't tell by the way they

sent it, who they had sent it to. So that's why you received it this evening. However, it didn't receive mine until this morning.

City Attorney Marc Bybee Marc Bybee, City Attorney.

Mayor Stear Marc Bybee.

City Attorney Marc Bybee I just offer that you're approving, basically, a written version of the decision you've already made right? And the decision you already made is based on the record of proceedings that occurred in the public hearing. And so those late submissions like that are outside of that public hearing process. And so that's why it's not and it was late for this meeting. It was definitely not part of the public hearing and I point this out because if this case were, you know, to get reviewed in any regard, meaning to like a judicial review or something like that, the record is the public hearing record and the written decision. It's not things that happen outside of it. And so that's important that our decisions be based on what was presented during the public hearing.

Council President Bruce And I have a question if I could.

Mayor Stear Yes.

Council President Bruce Since we approved this project, I've had several folks reach out to me about different things. If I made a motion to do a reconsideration on these case numbers, since we haven't finished this project, could that be voted on? I looked through the Roberts Rules section. Since we haven't, you know, expedited out of our committee, since it's not finished. Could I make that motion?

City Attorney Marc Bybee Marc Bybee, City Attorney. In regards to Robert... Roberts Rules, the City has not formally adopted Roberts Rules and they don't govern your procedure process. You... you follow. I... kind of something like Roberts Rules but not Roberts Rules. As far as in City Code, does it like, the Council as a whole voted. Well, obviously there well, you voted on the application. Not everybody voted to approve. That's what I'm saying. But this was already gone through that process and so I am not aware of any, any motion or option that you have to essentially undo a vote that you already did. Yeah, I just don't. I'm not aware of that in order.

Council President Bruce So, so what rules are we governed by as a Council then?

City Attorney Marc Bybee As far as like your procedural rules, I think there are some procedural rules in City Code, fairly limited though. But it's... I mean, most city councils in the entire state follow some they... they just follow something that kind of looks like Roberts Rules, but I'm not aware of any council that's actually formally adopted and said we follow their Rules of Procedure, those procedure in order. And so as far as do you have authority as a council member to make that motion to to reconsider, I'm aware in your City Code that... and in State Code that applicants and affected persons have the ability to seek reconsideration after a written decision. But for a council member to do that pre... actually issuing the written decision, that's a novel question to me.

Council President Bruce And I was looking through it just because it said we haven't, you know, finished the actual... We haven't approved the final decision, so it was still before the committee and so that's why I was asking. I was just curious.

City Attorney Marc Bybee Yeah, and I'd say...

Council President Bruce So you answered some of my question as well. Once the final statements issued and the other folks could have an, an option to it.

City Attorney Marc Bybee Okay.

Council President Bruce I don't have anything further.

Mayor Stear Okay, further comment?

Council President Bruce Someone want to make a motion. You can go ahead.

01:11:05 **Council Member McPherson** Oh, sure. Make sure I'm on the right one here. I would move we approve the Decision and Reasoned Statement Case #24-01-CPM, #24-01-ZC.

Council Member Laraway Second.

Mayor Stear Motion is made and seconded. Any further discussion on that motion? All those in favor say 'aye.'

Council Members Aye.

Mayor Stear Any opposed?

Council Members Nay.

(Timestamp 01:11:05)

Motion To: Approve The Decision And Reasoned Statement (Findings of Fact And Conclusions Of Law And Order) For Case #24-01-CPM And #24-01-ZC

Motion By: Council Member McPherson

Seconded By: Council Member Laraway

Further Discussion: None

Members Voting Aye: Council Members Laraway, McPherson,

Members Voting Nay: Council Members Biggs, Bruce

Members Absent: None

Via: Voice Vote

2-2-0

[A Roll Call Vote On This Motion Was Requested, The Final Vote And Resolution For This Motion Appears On Page 30 Of These Minutes]

Mayor Stear Nate, would you poll the Council, please?

City Clerk Nathan Stanley Council Member McPherson.

Council Member McPherson Yes.

City Clerk Nathan Stanley Council Member Biggs.

Council Member Biggs Nay.

City Clerk Nathan Stanley Council Member Laraway.

Council Member Laraway Yes.

City Clerk Nathan Stanley Council President Bruce.

Council President Bruce No.

Mayor Stear And...

City Clerk Nathan Stanley Mayor Stear.

Mayor Stear And Mayor Stear, Aye. And that motion carries.

(Timestamp 01:11:05)

Motion To: Approve The Decision And Reasoned Statement (Findings of Fact And Conclusions Of Law And Order) For Case #24-01-CPM And #24-01-ZC

Motion By: Council Member McPherson

Seconded By: Council Member Laraway

Further Discussion: None

Members Voting Aye: Council Members Laraway, McPherson, Mayor Stear

Members Voting Nay: Council Members Biggs, Bruce

Members Absent: None

Via: Roll Call Vote

3-2-0

B.1. Resolution R41-2025 Authorizing the Mayor to Sign MOU Voluntary Police Contribution – Gemstone Project. ACTION ITEM

(Timestamp 01:12:24)

Mayor Stear That takes us to B1, Resolution R41-2025, Authorizing the Mayor to Sign the MOU Voluntary Police Contribution for Gemstone Project. And they have been signed again by...

Council President Bruce Do you have anything? I move we approve resolution R41-2025.

Council Member McPherson Second.

Mayor Stear Motion is made and seconded to... for approval. Is any further discussion on that motion? All those in favor say 'aye.'

All Council Members Aye.

Mayor Stear Any opposed? And that motion carries.

(Timestamp 01:12:29)

Motion To: Approve Resolution R41-2025

Motion By: Council Member Bruce

Seconded By: Council Member McPherson

Further Discussion: None

Members Voting Aye: Council Members Laraway, McPherson, Mayor Stear

Members Voting Nay: Council Members Biggs, Bruce

Members Absent: None

Via: Roll Call Vote

4-0-0

8. Ordinances:

9. Executive Session:

10. Mayor/Council Announcements:

(Timestamp 01:12:46)

Mayor Stear And that is all we have on the agenda for tonight. Does Council have any announcements?

Council President Bruce I saw your... Did you go to the school the other day, Mr. Mayor? Was that the school you were at?

Mayor Stear Yeah, I got to go to a couple different things. Judging a science fair at the middle school. What else did I go for...something else. I did have the honor of going to Sun Valley Monday before last to speak to the Idaho State Fire Commissioner Association at their conference and I was actually president of that association about 12 years ago. So, 13 years ago maybe so, it was nice to see those folks again.

Council President Bruce I did attend the Housing Committee, which was interesting. You know, we had the Mayor of Star was there, several mayors from different areas, just trying to deal with housing for workforce. You can always go back and listen to that. I think they replay it so. Interesting to hear what different cities are doing to deal with their workforce issues. And then the fire OPS training. I don't know if I talked to you since then, that was wild. Kicked my behind like a lot.

Council Member McPherson Told you so.

Council President Bruce Like a lot.

Council President Bruce It's, you know, you're not only trying to carry a hose and to put out a fire, you're trying not to trip over it at the same time, so.

Mayor Stear And so what did that do to give you an appreciation for firefighters?

Council President Bruce A good bit, yeah.

Council Member Laraway Firefighters, really.

Council President Bruce Yeah. That's the fire. Yeah, well..

Mayor Stear and it's... The purpose of that actually they've, they've done that quite a few years, but it was to give people an opportunity to go in and actually see what they do in fire situations. They did it at the training center in Meridian and...

Council President Bruce Yeah.

Mayor Stear Tell them what all you did.

Council President Bruce Yeah. Well, we did the the four story ladder climb on the ladder truck, we broke into or what do they call it entry... forced entry for commercial and residential. So that was... and they kept saying that just get you tickets to the show. You know, you climb the ladder that's just a ticket to the show. Break down the door. It's just a ticket to the show. CPR in the back of an ambulance, just to take it to the show. And so, you know, if any of you pass out over here and have to ambulance ride, I can perform CPR in the back.

Mayor Stear While it's moving and going around.

Council President Bruce While it's moving.

Mayor Stear They drive a little crazy.

Council President Bruce Yeah, they do drive crazy. So it was good. It was a good experience. If you ever get a chance to.

Council Member Laraway And the firefighters have to have an axe or something like that... Police use their foot.

Council President Bruce Called a Halligan tool.

Council Member Laraway I want some recognition for the guys in blue.

Council President Bruce That's all I had. It was. It was a good experience.

Mayor Stear Glad you had the opportunity to do it. It's a cool thing.

Council Member Laraway And I don't know if everybody read this, but out of 100 cities in the United States, Kuna is #51 as far as growth.

Council President Bruce 8% if you look at the COMPASS report.

Council Member Laraway Caldwell beat us out just a hair.

Council Member McPherson I believe it.

Council President Bruce Star, Star's up there.

Council Member Biggs Meridian's on there too.

Mayor Stear I've told Mayor Chadwick he can have that bonus distinction...

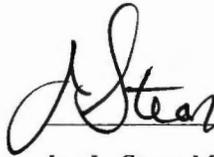
Council Member Laraway Trevor, Trevor would probably take it.

Council President Bruce He's at 9%, Star's at 9% growth. So, well, thank you.

11. Adjournment:

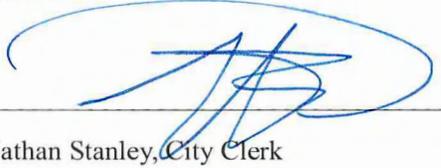
(Timestamp 01:16:16)

Mayor Stear All right. Thank you. Meeting is adjourned.



Joe L. Stear, Mayor

ATTEST:



Nathan Stanley, City Clerk



Minutes prepared by Garrett Michaelson, Deputy City Clerk, and Cortnee Manning, City Clerk's Office
Date Approved: CCM 06.03.2025