



## KUNA PLANNING AND ZONING COMMISSION

Agenda for July 14, 2015

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

### REGULAR MEETING

6:00 pm

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

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

#### 2. CONSENT AGENDA

a. Planning and Zoning Commission Meeting Minutes for June 23, 2015

#### 3. NEW BUSINESS:

- a. **15-01-ZC** – (Profile Ridge [South ½] Rezone) and **07-03-DA** – Development Agreement (Modification): A request by Iron Mountain Real Estate for a rezone of approximately 6.81 acres located at the southwest corner (SWC) of Meridian Road and Deer Flat Roads. This is a request to change the current zoning, R-6 (Medium Density Residential) in the City, to C-1 (Neighborhood Business District) within the previously approved Profile Ridge Subdivision.
- b. **15-01-ZOA** - (Lot Split Ordinance Amendment): A request to amend Kuna City Code (KCC), Title 5, Chapter 16, Section 3 entitled, "Lot Split" to amend the requirements of sidewalk construction; modify the sewer, water, and storm drainage requirements; deletion of septic tanks and private well placement requirement; and provide an effective date.

#### 4. PUBLIC HEARING

#### 5. DEPARTMENT REPORTS

a. To be determined

#### 6. CHAIRMAN / COMMISSIONER DISCUSSION

#### 7. ADJOURNMENT

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

**MEETING MINUTES  
Tuesday, June 23, 2015**

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

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

**Call to Order and Roll Call**

Chairman Young called the meeting to order at **6:01pm**.

**1. CONSENT AGENDA**

- a. Meeting Minutes for June 9, 2015

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

**2. NEW BUSINESS:**

- a. **15-03-DR – (Design Review), Enrique’s Mexican Restaurant:** Applicant requests approval for additions and modifications to the existing Sandstone Building Plaza (west end of Main Street) building and a proposed monument sign on North Avenue E.

Todd Arnold (applicant/representative): My name is Todd Arnold with KM Engineering. I am here representing for the Sandstone Plaza improvement. Our project is the redevelopment of 345 N. Avenue E in the Sandstone Plaza. If you’ll go to site plan in the DR packet, it consists of the internal remodel of the existing building and site improvements that will include paving of the existing gravel parking lot that is currently used north of Cowgirls, which does include storm drainage, it will also include paved parking on the southbound boundary near the new approach put in by the ACHD project and that will connect to the existing parking. The existing parking will remain as it is; striped and parking count –no changes will be made there. Storm drainage will also be included for the additional paved parking area on the south boundary. If you will turn to your landscaping plan, L1.0; the landscaping on the south boundary, the plan is to knock down the existing berm that is part of the old bike park and open that up and create a nice view down toward the river that is similar to the west of the project. We are going to be installing a seating area/eating area for the restaurant. We’ll be keeping the remaining trees around the existing house at 331 N. Avenue E, and save as many as we can there. If you’ll turn to the second sheet of the landscape plan; L.1.1 which is in the back of the staff report for some reason; we’ll also be installing some plants and trees along 4<sup>th</sup> Street as part of that parking development and landscape planters as required by city code in the parking stalls. One of the comments made in the DR staff report was for a trash enclosure; there is a current fenced trash enclosure. It’s a simple structure on the northwest corner of the Cowgirls building and we

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will work with the sanitation department to make sure that meets city standards as part of the development. It's a fairly simple project; not a lot of site improvements. Do you have any questions?

C/Young: On the site, itself?

Todd Arnold: On the site itself.

C/Young: The trees on the north end of the north parking lot or those that are shown; are those existing trees that are between the sidewalk and the new paving?

Todd Arnold: No, those are new trees.

C/Young: All of the landscaping there is going to be torn out as well?

Todd Arnold: Yes.

C/Young: Ok. And with regard to the trash enclosure you mentioned, did you say it was on the north...northwest?

Todd Arnold: North

C/Young: Ok, so it's on the northwest corner, ok. Are there any other questions for the applicant at this point?

C/Hennis: I don't at this point.

C/Young: Ok; If you will state your name and address please?

Chuck Tookie: My name is Chuck Tookie; I'm with Maxey-Tookie architects. My address is 1412 W. Idaho Street, Boise, Idaho. I guess the one comment was on the height of the sign; we had it showing ten (10) feet, and your requirements are seven (7), so we'll make it smaller.

C/Young: Ok.

C/Hennis: Easy enough. I have no questions on the sign; it's fine with me.

C/Young: Are you addressing the elevations as well?

Chuck Tookie: Yeah, we can; all we are doing with the elevation is on these two areas here, we are going to pop it up a few feet and put a roof on it so it accents it a little better and...*inaudible*...support and then have the covered roof so...*inaudible*...that's pretty much all we're doing with the outside...*inaudible*...the remodel and the sidewalk.

C/Young: Ok, are painting anything on the rest of the building?

Chuck Tookie: No, we're only going to paint to match where we install the Enrique's sign.

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C/Young: But not tower elements?

Chuck Tookie: And also the Enrique's sign.

C/Young: Ok.

Chuck Tookie: Do you have any questions for me?

C/Gealy: I don't have any.

Chuck Tookie: Thank you.

Troy Behunin: Commissioners, for the record, Troy Behunin, Kuna Planning and Zoning staff. The application you have before you tonight is 15-03-DR, the design review of the proposed redevelopment of the Sandstone Plaza or more specifically, the Cowgirls and future home of Enrique's Mexican Restaurant. Staff is pleased to let you know that the applicant has provided all of the information that was requested and they have provided quite a nice redevelopment package for this part of the downtown which will compliment the near completion of the downtown corridor revitalization project with sidewalks and some better streets and curb and gutter where there hasn't been before so we are really excited about what is happening in this part of the downtown and this is certainly going to be a nice little exclamation point at the end of that project. We know that the applicant is anxious to get going; they've done everything that we've asked them to do and actually gone above and beyond some of the requirements, especially with the landscaping. Again, just to highlight the monument sign that is being proposed; in the CBD (central business district), the requirement is seven (7) feet, however this body can address that down. You could allow for a slight increase should you decide that you want to strike a compromise between the proposed ten and the allowed seven. There is some wiggle room for you folks to make a decision on that. Other than that, this project follows the city code for design review and it does follow the proposed Kuna architectural guidelines booklet and we think it will be a very inviting and nice place that attracts people to the area and encourages them to stay for a while. With that, I will stand for any questions you have.

C/Young: I do have one question Troy; I didn't see in the packet where the city arborist had reviewed any of the landscaping and I saw the honey locust is one of the plants on there. I remember in the past these are kind of top-heavy and there has been comment on that.

Troy Behunin: I actually did send this to Natalie Purkey to look at and I will touch base with her just to make sure that she didn't miss something. I know that she is very busy but I actually haven't received and comments. But I will touch base with her on that. There is one think I failed to mention; the proposed parking on the north side of the building, while it is a complete transformation from what it is now –a gravel parking lot which doesn't really meet any of our standards; we are working with them on some of the depths and the widths and the encroachments to allow for that paving. It certainly beats what is out there by a long shot and really the only difference is about a foot and a half. The buffer should be wider than what is proposed. It is one foot and a half narrower than it should be, but other than that, it is a redevelopment in an already existing business so we are happy to accept what they have proposed.

C/Gealy: I have a question. Where is this sign?

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Troy Behunin: The sign is going to be directly south of where Idaho Pizza Company is. Where the new ACHD...

C/Gealy: South of Idaho Pizza?

Troy Behunin: *\*\*indicating to the site plan\*\** If you'll look right here...

C/Hennis: Yeah, Cathy; if you've got that sheet there?

C/Gealy: I think I need glasses.

Troy Behunin: its ok, if you can find this sheet here...

C/Gealy: I've got this one. Is this...?

Troy Behunin: It's really close; it's going in right here. It's going in this area, but it's not shown on this plan. But this is the area that it's going in. This is Idaho Pizza Company here.

C/Gay: So, this is Idaho Pizza?

C/Gealy: Oh, this is Idaho Pizza Company.

C/Lee: You get a good view of it as you come down Main Street there.

C/Gealy: Oh, Ok. He was going to show us something helpful I think. He's got a elevation...

C/Hennis: Cathy, if you go a couple more pages back, you should have this page in the back.

C/Lee: The color elevations there.

C/Gealy: Oh, sign location. Where's the flag pole?

Troy Behunin: The flag pole is further into the site. If you'll go back to the landscaping...the flag pole is right there.

C/Gealy: Oh, ok.

C/Hennis: That whole area is going to be new.

Troy Behunin: The flag pole will remain though. It's a bit of an icon.

C/Hennis: Yes.

Troy Behunin: In fact, it being a monument, the features around it will attempt to preserve that.

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C/Gay: That is good.

C/Gealy: So I guess what I am wondering with the height of the sign is, how it looks compared with that flag pole? As you approach...

Troy Behunin: You won't even see it really.

C/Gealy: You won't even see the sign compared to the monument?

Troy Behunin: No, meaning -there will not be a noticeable...

C/Gealy: Conflict?

Troy Behunin: Yes, conflict is the word I was looking for.

C/Gealy: At either seven or ten feet?

C/Lee: No.

Troy Behunin: Not really. Not unless you are standing right in front of the sign, say... from you to me. See, you can still see the flag from there.

C/Lee: No, that flag and flag pole are... rather sizable.

C/Gealy: Pretty big.

Troy Behunin: Just to give you an idea about what ten fee is; ten feet is not quite what that is right there.

C/Gay: The corner of... oh yeah.

C/Gealy: Where this wall hits the ceiling?

Troy Behunin *\*\*indicating toward the chambers wall\*\**: This is more than ten feet.

C/Hennis: The exit sign.

Troy Behunin: Yeah, that's about ten feet.

C/Gay: Ok, so where it says that it has to be seven feet, I think we mentioned in another situation where it's the frame that is actually ten feet high, but the sign isn't actually that high.

Troy Behunin: The sign itself, which is the 'sandstone' ... there are three pylons between the two sets of pillars; the top of the 'sandstone' appears to be right around the nine foot mark.

C/Gay: Right, yeah.

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Troy Behunin: So to the top of the pillars, that is the ten foot mark.

C/Hennis: On the south existing parking lot, is there any existing lighting over that way or is there a need for lighting in that particular parking lot? -Off the building? Because I know they're adding it to the new area south there towards the sign and then the north ...I just don't know if there is any existing lighting there. I can't tell by the photos.

Troy Behunin: Maybe that's a question for Todd or Chuck.

Todd Arnold: Which area are you indicating?

C/Hennis: On the south end of the building just off the building.

Troy Behunin: Are you talking about the area south of the building?

C/Hennis: Yes.

Todd Arnold: There is one light pole in the center of the building and then one in the parking lot.

C/Hennis: Ok.

Todd Arnold: Existing lighting, not proposed.

C/Hennis: Ok.

Troy Behunin: Good question.

C/Lee: Ok. Are there any other questions for staff/Troy?

C/Hennis: I don't.

C/Lee: Thank you Troy. And now that brings up our discussion. I think that the architectural improvements on the front of the building are great. I think a little more relief on the building gives it more architectural presence. I think the proposed landscaping, especially to the south is exceptional.

C/Hennis: Yeah definitely.

C/Gay: Oh, yes.

C/Lee: I think it will make everything look wonderful for the city, and especially as you come down Main Street, I think that it's going to be a wonderful addition back there.

C/Hennis: Yeah, even the north back there; I think it's going to give an unsightly little parking lot that always looks unfinished ...it's going to be really nice and it looks appropriate.

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Troy Behunin: Chairman Young, the architect, Chuck, would like to make an addition, or rather a rebuttal from staff. Is that ok?

C/Gealy: Yes, please.

C/Young: Yes, of course.

Chuck Tookie: Do I need to say my name again? Oh, Chuck Tookie. The reason that we had the sign ten feet tall, and I didn't realized that there might be some leeway in some ruling of the height of our sign as it is a fair distance from the building itself because its out on the street. We are highlighting the sandstone building and then the two lots next to the building so ... and that flag pole is probably thirty-five feet tall; it's not going to obscure the view of the flag pole at all and it would help their business in the relocation because it's not going to be on Avalon anymore, it's going to be around the corner so I would like you to consider, that being said, a chance to do a taller than seven foot sign. Because if we have to bring it down in height, then we have to bring it down in width to make it proportional, so it will be harder to see the graphics on it. Thank you.

C/Lee: Thank you; any other thoughts?

C/Hennis: Not on the building; I think all of that is fine. I think the next thing we will want to address is the sign. I personally don't think it is going to be overly large. And maybe as long as we maintain the height of about nine feet like we were talking about. And then the pillars can go to ten. I don't think it's going to obstruct anything; it's going to be far enough away from the building.

C/Lee: So we'll just be approving it as presented?

C/Hennis: Yes. I suppose we ought to amend it somehow to specify that the actual signage needs to be at nine.

C/Gay: Was it not seven that it was supposed to be?

C/Hennis: But we the ability to create a variance.

C/Gay: Right, right.

C/Hennis: And I think due to the distance from the building like he says, I think it's not close; it's not obstructing a view corridor or something to where you are trying to get into a parking lot and such. That's a lot of the problem with these signs out front is you can't see around them for traffic concerns.

C/Gealy: Well this is going to sound really odd, but I will say it anyway. I want to be careful that we are not inviting people to try and drive through the sign; that it is not looking like a gate and we're inviting people to see if they can fit.

C/Hennis: There has been weirder stuff around here; trust me.

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C/Gealy: I mean, sometimes people get confused. I'll give them the benefit of the doubt. Maybe they're not trying to drive their car through the sign but you don't want to confuse people.

C/Lee: I think so, but given the way that the sign is proposed, with the sandstone piece for the center, then by the time you get the other two pieces of signage installed, that it drops it down quite a bit so...anybody that tries to drive through that has spent way too much time at Cowgirls and probably shouldn't be driving anyhow.

*\*\* Laughter \*\**

C/Gealy: Now I didn't say that, you did.

Troy Behunin: Plus it's well off the roadway.

C/Hennis: Yes, it's a ways from the road.

C/Gealy: Well, because I was thinking if you're... I mean, I don't know. I have known people that do some very strange things and...

C/Hennis: Ah yes, that's certainly not out of our...

Chuck Tookie: Oh no, we're well back off of the sidewalk so... it actually sits back on the lot quite a ways.

C/Gealy: So, you're not concerned that someone is going to try and drive their mini-cooper under it?

*\*\* Laughter \*\**

C/Lee: Well now, why do you ask that?

C/Gealy: I don't have a mini.

C/Hennis: I know somebody who would, and they do have a mini. No, I mean, I think it is far enough back, plus you have a ramp and a sidewalk there. I don't think that is too much of a concern for me. But I have seen people do weird things.

C/Gealy: I'm really excited. I think this looks great.

C/Gay: You're right; this is exciting.

C/Lee: Any other points?

C/Hennis: No, sir.

C/Lee: Ok, I will stand for a motion.

C/Gealy: Well, did we decide about the sign?

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C/Lee: We will with the motion if someone wants to motion.

*Commissioner Hennis motions to approve **15-03-DR** for Enrique's Mexican Restaurant given the conditions addressed in the staff report with the exception on the signs (the sign looks to be fine at the present height with the ten foot pillars and approximately nine foot for the top of the standstone sign and to have the applicant work with the city and the city forester to ensure the Honey Locusts are not too numerous for the city; Commissioner Gealy Seconds, all aye and motion carried 4-0.*

-All Commissioners thanked the applicants and wished them good luck.

**3. PUBLIC HEARING**

a. None

**4. DEPARTMENT REPORTS:**

a. None

**5. CHAIRMAN / COMMISSIONER DISCUSSION:**

a. None

**6. ADJOURNMENT:**

*Commissioner Gealy motions to adjourn at **6:25pm**; Commissioner Hennis Seconds, all aye and motion carried 4-0.*

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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



# City of Kuna

## Planning and Zoning Staff Report

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

**To:** Kuna Planning and Zoning Commission

**File Numbers:** 15-01A-ZOA (Text Amendment)

Title 5: Zoning Regulations

KCC 5-1-6-2 (Meanings of Terms or Words)

KCC 5-1A-4 (Notice to Public)

KCC 5-3-2 (Official Schedule of District Regulations)

KCC 5-16-3-B.2 (Lot Split)

KCC 5-16-4 (Septic Tanks/Systems)

KCC 8-3-5 (Restrictions within Wellhead Protection Zone I)

**Planner:** Wendy I. Howell, PCED

**Hearing Date:** July 14, 2015

**Applicant:** City of Kuna  
PO Box 13  
Kuna, Idaho 83634

**A. Course of Proceedings**

Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states text amendments and ordinance changes are designated as public hearings, with the City Council as the final decision making body. This request was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

**a. Notifications**

- i. Agencies June 22, 2015
- ii. Kuna, Melba Newspaper June 24, 2015  
July 1, 2015

**B. Applicants Request**

To amend Kuna City Code, an ordinance of the city of Kuna, Idaho, amending Title 5, Chapter 1, Section 6, Subsection 2- entitled "Meanings of Terms or Words" to add five new definitions; amending Subsection C 1 entitled "Radius Notice" of Title 5, Chapter 1A, Section 4 entitled "Notice to Public" amending the building height requirement to five hundred (500) feet, amending Subsection D entitled "Alternate Forms of Notice" of Title 5, Chapter 1A, Section 4 entitled "Notice to Public" to provide for two (2) notices of the hearing are to be published when there are more than two hundred (200) property owners or purchasers of record to be noticed for the hearing; Title 5, Chapter 3, Section 2- entitled "Official Schedule of District regulations" amending the Land Use Table contained therein to add five new land uses to the table; amending Subsection B.2 of

Title 5, Chapter 16, Section 3 entitled “Lot Splits” to include a requirement for a Memorandum of Understanding to be entered into between the city and the property owner; repealing Title 5, Chapter 16, Section 4 and adopting a new section entitled “Septic tanks/systems” by providing for: Subsection 1- coverage for all septic system failures, a clarified distance measurement, a requirement for a Memorandum of Understanding; Subsection 2- a determination of when the property will “receive public sewer service in the foreseeable future”, an interim process for using a septic system until public sewer service is available, a clarified distance measurement, septic system development for a single lot and not for a subdivision development, a Memorandum of Understanding; Subsection 3- a requirement that the septic system be functioning according to Central District Health standards, and the distance requirement; Subsection 4- commercial or industrial development that will not receive public sewer service in the foreseeable future due to an extraordinary physical constraints where connection to the city sewer is prohibitively expensive in relation to the costs of the development, a development agreement regarding conditions of development including requirements of the city engineer, and a Memorandum of Understanding for connection to the city sewer; amending Title 8, Chapter 3, Section 5 entitled “Restrictions Within Wellhead Protection Zone I” to state that it is the greater of the distances of Central District Health or the city restrictions; providing for a repealer clause, and providing for an effective date.

**C. History:**

The City last updated KCC Title 5, Chapter 16, Section 4 entitled, “Septic Tanks/Systems” on December 20, 2011.

**D. Agency Responses**

- *Idaho Transportation Department* responded on June 26, 2015 stating they have no objection. (Exhibit C.1)
- *Central District Health Department* responded on June 26, 2015 (Exhibit C.2)

**E. Staff Comments:**

The proposed additions to the Land Use Table is being requested due to several inquiries that Kuna has received regarding renewable energy type industrial uses. The definitions were added for the new proposed uses to make it clear the intent of the uses.

The changes to the public notice are to clarify the extra notification requirement when a height variance is requested. Additionally, staff is asking to change the three publication requirement in Kuna City Code to two publications. This type of notification is required when there are more than 200 people within a 300’ radius of the subject property. Idaho Code only requires one publication. Three publications obviously take additional time which can be costly financially for the developer and City.

The proposed Septic Tank/Systems ordinance amendment is to better align with Central District Health requirements and to be less restrictive when someone wants to annex into the City and do a lot split. Typically the people that request to use septic tanks are on the borders of the city limit that do not have the option of hooking up to city sewer due to the distance to the closest connection consequently making it financially prohibitive. Other proposed modifications that relate to the septic tank/systems requirements are being revised to be consistent with the proposed ordinance.

The city engineer and attorney have reviewed and commented on the proposed changes. Those comments have been incorporated into this proposed ordinance.

**F. Applicable Standards:**

1. City of Kuna Zoning Ordinance Title 5
2. City of Kuna Comprehensive Plan
3. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act

**G. Proposed Findings of Fact:**

1. The Kuna Planning and Zoning Commission accept the facts outlined in the staff report, any public testimony and the supporting evidence list as presented.
2. Public notices were published in the Kuna Melba News on June 24, 2015 and July 1, 2015 for the Planning and Zoning Commission providing a summary, and date, place and time of public hearing.
3. All procedural items have been completed in accordance with Idaho Code and Kuna City Code.

**H. Proposed Conclusions of Law:**

*Based on the foregoing findings, staff report and testimony provided the Kuna Planning and Zoning Commission found...*

1. The amendment is not detrimental to the health, safety and general welfare of the public.
2. The amendment appears to be consistent with the Comprehensive Plan.
3. The ordinance amendment will advance the public interest and be a benefit to the City of Kuna.

**I. Proposed Order of Decision by Council:**

*The Commission should consider and discuss the evidence and testimony presented at the meeting prior to rendering its decision.*

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

- ▶ Based on the facts outlined in staff's report and the public testimony as presented (if any), the Planning and Zoning Commission of Kuna, Idaho, hereby recommends (approval or denial) of Case No. 15-01A-ZOA, which amends Kuna City Code (KCC), Title 5, Chapter 1, Section 6, Subsection 2- entitled "Meanings of Terms or Words" to add five new definitions; amending Subsection C 1 entitled "Radius Notice" of Title 5, Chapter 1A, Section 4 entitled "Notice to Public" amending the building height requirement to five hundred (500) feet, amending Subsection D entitled "Alternate Forms of Notice" of Title 5, Chapter 1A, Section 4 entitled "Notice to Public" to provide for two (2) notices of the hearing are to be published when there are more than two hundred (200) property owners or purchasers of record to be noticed for the hearing; Title 5, Chapter 3, Section 2- entitled "Official Schedule of District regulations" amending the Land Use Table contained therein to add five new land uses to the table; amending Subsection B.2 of Title 5, Chapter 16, Section 3 entitled "Lot Splits" to include a requirement for a Memorandum of Understanding to be entered into between the city and the property owner; repealing Title 5, Chapter 16, Section 4 and adopting a new section entitled "Septic tanks/systems" by providing for: Subsection 1- coverage for all septic system failures, a clarified distance measurement, a requirement for a Memorandum of Understanding; Subsection 2- a determination of when the property will "receive public sewer service in the foreseeable future", an interim process for using a septic system until public sewer service is available, a clarified distance measurement, septic system development for a single lot and not for a subdivision development, a Memorandum of Understanding; Subsection 3- a requirement that the septic system be functioning according to Central District Health standards, and the distance requirement; Subsection 4- commercial or industrial development that will not receive public sewer service in the foreseeable future due to an extraordinary physical constraints where connection to the city sewer is prohibitively

expensive in relation to the costs of the development, a development agreement regarding conditions of development including requirements of the city engineer, and a Memorandum of Understanding for connection to the city sewer; amending Title 8, Chapter 3, Section 5 entitled "Restrictions Within Wellhead Protection Zone I" to state that it is the greater of the distances of Central District Health or the city restrictions; providing for a repealer clause, and providing for an effective date.



**IDAHO TRANSPORTATION DEPARTMENT**

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

(208) 334-8300  
[itd.idaho.gov](http://itd.idaho.gov)

June 26, 2015

Wendy Howell  
City of Kuna, Planning and Zoning Department  
P.O. Box 13  
Kuna, ID 83634

**RECEIVED**

**JUN 30 2015**

**CITY OF KUNA**

**VIA EMAIL**

**RE: 15-01-ZOA ZONING ORDINANCE AMENDMENT**

The Idaho Transportation Department has reviewed the referenced zoning ordinance amendment application for the City of Kuna. ITD has the following comments:

1. ITD has no objection to this application.
2. ITD would like to remind the City of Kuna that 7 days for a response to an application could be difficult depending on the information needed, time of year, research needed for the application. ITD District 3 responds to applications from all Cities and Counties within the District.

If you have any questions, you may contact Shona Tonkin at 334-8341 or me at 332-7191.

Sincerely,

A handwritten signature in blue ink that reads "James K. Morrison".

James K. Morrison  
Development Services Manager  
[jim.morrison@itd.idaho.gov](mailto:jim.morrison@itd.idaho.gov)

## Trevor Kesner

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**From:** Jim Morrison (Development Services) [Jim.Morrison@itd.idaho.gov]  
**Sent:** Thursday, July 02, 2015 4:19 PM  
**To:** Trevor Kesner  
**Subject:** RE: City of Kuna agency notification and request for comment - Kuna Zoning Ordinance Amendment

Thanks for the clarification.

Jim Morrison  
Development Services Manager  
Work (208) 332-7191  
Fax (208) 334-8917  
jim.morrison@itd.idaho.gov



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**From:** Trevor Kesner [mailto:TKesner@cityofkuna.com]  
**Sent:** Thursday, July 02, 2015 9:36 AM  
**To:** Jim Morrison (Development Services)  
**Subject:** RE: City of Kuna agency notification and request for comment - Kuna Zoning Ordinance Amendment

Jim:

No worries.

You are absolutely reading it correctly; except we would not consider ITD the 'public', we would categorize ITD as an 'agency' or 'political subdivision', in which case KCC 5-1A-3 applies:

- NOTICE TO AGENCIES AND POLITICAL SUBDIVISIONS:

- A. The director shall send a summary of development applications to applicable agencies, as determined by the director. The notice shall be sent at least fifteen (15) days prior to the public hearing.
- B. The director shall send a summary of petitions for comprehensive plan amendments and applications for zoning ordinance amendments to applicable agencies and political subdivisions as referenced in IC § 67-6509(a). The notice shall be sent at least fifteen (15) days prior to the public hearing.

We always try to go above and beyond the 15 day requirement so we can allow for any changes other agencies might recommend. That's why I was perplexed about the 7-day note on the response.  
Again, no worries. Thanks again for the quick response on this proposed ZOA.

Enjoy your Independence Day weekend!

**Trevor Kesner**  
Planner I

(208) 387-7731  
[trevor@cityofkuna.com](mailto:trevor@cityofkuna.com)



City of Kuna  
763 W. Avalon  
Kuna, ID 83634

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**From:** Jim Morrison (Development Services) [<mailto:Jim.Morrison@itd.idaho.gov>]  
**Sent:** Thursday, July 02, 2015 8:31 AM  
**To:** Trevor Kesner  
**Cc:** Wendy Howell; Troy Behunin  
**Subject:** RE: City of Kuna agency notification and request for comment - Kuna Zoning Ordinance Amendment

Sorry for not being more clear on my response. I should have referenced the section. It is under 5-1A-4: - NOTICE TO PUBLIC: c. *Radius notice:* "At least seven (7) days prior to the public hearing, the director shall send a notice of the time, place, and a summary of the application to property owners or purchasers of record ..."

I am taking this as I could have 7 days to respond. Am I reading this incorrectly?

Jim Morrison  
Development Services Manager  
Work (208) 332-7191  
Fax (208) 334-8917  
[jim.morrison@itd.idaho.gov](mailto:jim.morrison@itd.idaho.gov)



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**From:** Trevor Kesner [<mailto:TKesner@cityofkuna.com>]  
**Sent:** Monday, June 29, 2015 10:14 AM  
**To:** Jim Morrison (Development Services)  
**Cc:** Wendy Howell; Troy Behunin  
**Subject:** RE: City of Kuna agency notification and request for comment - Kuna Zoning Ordinance Amendment

Jim:

Thank you for the swift response.

I am curious where the reminder on having 7 days for review/comment is coming from. Our standard is to allow 15 business days or more for agency review/comment.

This is the second request for comments on the this particular amendment so we didn't expect much feedback the second time around.

If you need some additional time, please let us know. The hearing isn't scheduled until July 14<sup>th</sup>. If we have comments as late as the 9<sup>th</sup>, that is completely fine.

Thanks again.

Have a good week.

**Trevor Kesner**

Planner I  
(208) 387-7731  
[trevor@cityofkuna.com](mailto:trevor@cityofkuna.com)



City of Kuna  
763 W. Avalon  
Kuna, ID 83634

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**From:** Jim Morrison (Development Services) [<mailto:Jim.Morrison@itd.idaho.gov>]  
**Sent:** Friday, June 26, 2015 12:05 PM  
**To:** Trevor Kesner  
**Subject:** RE: City of Kuna agency notification and request for comment - Kuna Zoning Ordinance Amendment

Attached is ITD's response to the application indicated.

Jim Morrison  
Development Services Manager  
Work (208) 332-7191  
Fax (208) 334-8917  
[jim.morrison@itd.idaho.gov](mailto:jim.morrison@itd.idaho.gov)



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**From:** Trevor Kesner [<mailto:TKesner@cityofkuna.com>]  
**Sent:** Monday, June 22, 2015 4:09 PM  
**To:** Ada County Development Services; Ada County Engineer; Boise-Kuna Irrigation District; Central District Health Department (CDHD); Mike Reno; DEQ; Gordon Law; [kathy.hansen@mdu.com](mailto:kathy.hansen@mdu.com); Nancy Skanter; [Clittle@achdidaho.org](mailto:Clittle@achdidaho.org); Sharon Ennis; Idaho Power; Jim Morrison (Development Services); J&M Sanitation Services; Kuna City Attorney; [carla.roberts@cableone.biz](mailto:carla.roberts@cableone.biz); [Carson.Miranda@westada.org](mailto:Carson.Miranda@westada.org); Kuna Police Chief; Ada County Sheriff; Kuna Rural Fire District Chief; Kuna School District ([ddelashmutt@kunaschools.org](mailto:ddelashmutt@kunaschools.org)); Natalie Purkey; Pat Jones; Jones Outside; [kgillman@digline.com](mailto:kgillman@digline.com); Ginny Greger; Janet Sanchotena; John Lee; [aortega@boiseproject.org](mailto:aortega@boiseproject.org)  
**Cc:** Troy Behunin; Attorney Icloud; Wendy Howell  
**Subject:** City of Kuna agency notification and request for comment - Kuna Zoning Ordinance Amendment

**Notice is hereby given by the City of Kuna that the following action is under consideration for:**

FILE NUMBER	15-01-ZOA (Zoning Ordinance Amendment)
PROJECT DESCRIPTION	<p>This request is to amend Kuna City Code (KCC), an ordinance of the city of Kuna, Idaho, amending Title 5, Chapter 1, Section 6, Subsection 2-entitled "Meanings of Terms or Words" to add five new definitions; amending Subsection C 1 entitled "Radius Notice" of Title 5, Chapter 1A, Section 4 entitled "Notice to Public" amending the building height requirement to five hundred (500) feet, amending Subsection D entitled "Alternate Forms of Notice" of Title 5, Chapter 1A, Section 4 entitled "Notice to Public" to provide for two (2) notices of the hearing are to be published when there are more than two hundred (200) property owners or purchasers of record to be noticed for the hearing; Title 5, Chapter 3, Section 2- entitled "Official Schedule of District regulations" amending the Land Use Table contained therein to add five new land uses to the table; amending Subsection B.2 of Title 5, Chapter 16, Section 3 entitled "Lot Splits" to include a requirement for a Memorandum of Understanding to be entered into between the city and the property owner; repealing Title 5, Chapter 16, Section 4 and adopting a new section entitled "Septic tanks/systems" by providing for: <u>Subsection 1-</u> coverage for all septic system failures, a clarified distance measurement, a requirement for a Memorandum of Understanding; <u>Subsection 2-</u> a determination of when the property will "receive public sewer service in the foreseeable future", an interim process for using a septic system until public sewer service is available, a clarified distance measurement, septic system development for a single lot and not for a subdivision development, a Memorandum of Understanding; <u>Subsection 3-</u> a requirement that the septic system be functioning according to Central District Health standards, and the distance requirement; <u>Subsection 4-</u> commercial or industrial development that will not receive public sewer service in the foreseeable future due to an extraordinary physical constraints where connection to the city sewer is prohibitively expensive in relation to the costs of the development, a development agreement regarding conditions of development including requirements of the city engineer, and a Memorandum of Understanding for connection to the city sewer; amending Title 8, Chapter 3, Section 5 entitled "Restrictions Within Wellhead Protection Zone I" to state that it is the greater of the distances of Central District Health or the city restrictions; providing for a repealer clause, and providing for an effective date.</p>
APPLICANT/ REPRESENTATIVE	City of Kuna PO Box 13

	Kuna, ID 83634
<b>SCHEDULED HEARING DATE</b>	Tuesday, <b>July 14, 2015</b> 6:00 pm
<b>STAFF CONTACT</b>	Wendy I. Howell, Planning & Zoning Director <a href="mailto:whowell@cityofkuna.com">whowell@cityofkuna.com</a> Phone: 208-922-5274 Fax: 208-922-5989
<p>We have enclosed information to assist you with your consideration and response. <b>No response within 15 business days will indicate you have no objection or concerns with this project.</b> We would appreciate any information you can supply us as to how this action would affect the service you provide. The public hearing is at 6:00 pm or as soon as it may be heard located at Kuna City Hall, 763 W. Avalon, Kuna, Idaho 83634.</p>	



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

- ACZ
Boise
Eagle
Garden City
Kuna
Meridian
Star

Rezone # 15-01-20A
Conditional Use #
Preliminary / Final / Short Plat

RECEIVED City of Kuna

JUL 06 2015

CITY OF KUNA

- 1. We have No Objections to this Proposal.
2. We recommend Denial of this Proposal.
3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
4. We will require more data concerning soil conditions on this Proposal before we can comment.
5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
8. After written approval from appropriate entities are submitted, we can approve this proposal for:
9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
12. We will require plans be submitted for a plan review for any:
13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

14. See attached comment Reviewed By: [Signature]

Date: 6/26/15

**Lori Badigian**

---

**From:** Lori Badigian  
**Sent:** Monday, June 29, 2015 1:15 PM  
**To:** 'Trevor Kesner'  
**Subject:** RE: City of Kuna agency notification and request for comment - Kuna Zoning Ordinance Amendment

**Importance:** High

Trevor,

I wanted to comment on this zoning amendment via email because our forms do not allow enough room for our comments.

1. Section 4 regarding Lot Splits. "Parcels located in Nitrate Priority Areas shall not be split without connecting to city sewer and water. A waiver of this subsection may be allowed when the applicant provides a treatment system in which the effluent can demonstrate the 10 parts per million or less of nitrates.."

The 10 ppm level is currently unattainable. There are no septic systems capable of achieving 10 mg/L total nitrogen. The options are to treat to 27 mg/L or 16 mg/L.

2. Section 5 Septic tanks/systems 1.b. "The separation distance between the replacement septic tank/drain field and existing off-site wells consumption shall be 150 feet."

In accordance with IDAPA 58.01.03, CDHD cannot require greater than 100' separation from drainfield to well and 50' separation from septic tank to well.

Thank you and please contact me if you have any questions.

Regards,

Lori Badigian, REHS | Sr. Environmental Health Specialist  
Central District Health  
707 N. Armstrong Place | Boise, ID 83704  
P: (208) 327-8517 | F: (208) 327-8553 | C: (208) 869-9118

**From:** Trevor Kesner [mailto:TKesner@cityofkuna.com]  
**Sent:** Monday, June 22, 2015 4:12 PM  
**To:** Ada County Development Services; Ada County Engineer; Boise-Kuna Irrigation District; Lori Badigian; Mike Reno; DEQ; Gordon Law; kathy.hansen@mdu.com; Nancy Skanter; Clittle@achdidaho.org; Sharon Ennis; Idaho Power; Idaho Transportation Dept.; J&M Sanitation Services; Kuna City Attorney; carla.roberts@cableone.biz; Carson.Miranda@westada.org; Kuna Police Chief; Ada County Sheriff; Kuna Rural Fire District Chief; Kuna School District (ddelashmutt@kunaschools.org); Natalie Purkey; Pat Jones; Jones Outside; kgillman@digline.com; Ginny Greger; Janet Sanchotena; John Lee; aortega@boiseproject.org  
**Cc:** Troy Behunin; Attorney Icloud; Wendy Howell  
**Subject:** City of Kuna agency notification and request for comment - Kuna Zoning Ordinance Amendment

**Notice is hereby given by the City of Kuna that the following action is under consideration for:**

<b>FILE NUMBER</b>	<b>15-01-ZOA (Zoning Ordinance Amendment)</b>
<b>PROJECT DESCRIPTION</b>	This is request is to amend Kuna City Code (KCC),an ordinance of the city of Kuna, Idaho, amending Title 5, Chapter 1, Section 6, Subsection 2-entitled "Meanings of Terms or Words" to add five new definitions; amending Subsection C 1 entitled "Radius Notice"of Title 5, Chapter 1A, Section 4 entitled "Notice to Public"amending the building height requirement to five hundred

ZONING ORDINANCE AMENDMENT  
DEFINITIONS, LAND USES, NOTIFICATION REQUIREMENT  
AND SEPTIC TANKS/SYSTEMS

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING TITLE 5, CHAPTER 1, SECTION 6, SUBSECTION 2- ENTITLED “MEANINGS OF TERMS OR WORDS” TO ADD FIVE NEW DEFINITIONS AMENDING SUBSECTION C 1 ENTITLED “RADIUS NOTICE” OF TITLE 5, CHAPTER 1A, SECTION 4 ENTITLED “NOTICE TO PUBLIC” AMENDING THE BUILDING HEIGHT REQUIREMENT TO FIVE HUNDRED (500) FEET, AMENDING SUBSECTION D ENTITLED “ALTERNATE FORMS OF NOTICE” OF TITLE 5, CHAPTER 1A, SECTION 4 ENTITLED “NOTICE TO PUBLIC” TO PROVIDE FOR TWO (2) NOTICES OF THE HEARING ARE TO BE PUBLISHED WHEN THERE ARE MORE THAN TWO HUNDRED (200) PROPERTY OWNERS OR PURCHASERS OF RECORD TO BE NOTICED FOR THE HEARING; TITLE 5, CHAPTER 3, SECTION 2- ENTITLED “OFFICIAL SCHEDULE OF DISTRICT REGULATIONS” AMENDING THE LAND USE TABLE CONTAINED THEREIN TO ADD FIVE NEW LAND USES TO THE TABLE; AMENDING SUBSECTION B.2 OF TITLE 5, CHAPTER 16, SECTION 3 ENTITLED “LOT SPLITS” TO INCLUDE A REQUIREMENT FOR A MEMORANDUM OF UNDERSTANDING TO BE ENTERED INTO BETWEEN THE CITY AND THE PROPERTY OWNER; REPEALING TITLE 5, CHAPTER 16, SECTION 4 AND ADOPTING A NEW SECTION ENTITLED “SEPTIC TANKS/SYSTEMS” BY PROVIDING FOR: SUBSECTION 1- COVERAGE FOR ALL SEPTIC SYSTEM FAILURES, A CLARIFIED DISTANCE MEASUREMENT, A REQUIREMENT FOR A MEMORANDUM OF UNDERSTANDING; SUBSECTION 2- A DETERMINATION OF WHEN THE PROPERTY WILL “RECEIVE PUBLIC SEWER SERVICE IN THE FORESEEABLE FUTURE”, AN INTERIM PROCESS FOR USING A SEPTIC SYSTEM UNTIL PUBLIC SEWER SERVICE IS AVAILABLE, A CLARIFIED DISTANCE MEASUREMENT, SEPTIC SYSTEM DEVELOPMENT FOR A SINGLE LOT AND NOT FOR A SUBDIVISION DEVELOPMENT, A MEMORANDUM OF UNDERSTANDING; SUBSECTION 3- A REQUIREMENT THAT THE SEPTIC SYSTEM BE FUNCTIONING ACCORDING TO CENTRAL DISTRICT HEALTH STANDARDS, AND THE DISTANCE REQUIREMENT; SUBSECTION 4- COMMERCIAL OR INDUSTRIAL DEVELOPMENT THAT WILL NOT RECEIVE PUBLIC SEWER SERVICE IN THE FORESEEABLE FUTURE DUE TO AN EXTRAORDINARY PHYSICAL CONSTRAINTS WHERE CONNECTION TO THE CITY SEWER IS PROHIBITIVELY EXPENSIVE IN RELATION TO THE COSTS OF THE DEVELOPMENT, A DEVELOPMENT AGREEMENT REGARDING CONDITIONS OF DEVELOPMENT INCLUDING REQUIREMENTS OF THE CITY ENGINEER, AND A MEMORANDUM OF UNDERSTANDING FOR CONNECTION TO THE CITY SEWER; AMENDING TITLE 8, CHAPTER 3, SECTION 5 ENTITLED “RESTRICTIONS WITHIN WELLHEAD PROTECTION ZONE I” TO STATE THAT IT IS THE GREATER OF THE DISTANCES OF CENTRAL DISTRICT HEALTH OR THE CITY RESTRICTIONS; PROVIDING FOR A REPEALER CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article XII, Section 2 of the Idaho Constitution and Idaho Code Section 50-302 allow municipal corporations to adopt regulations which are not contrary to the general laws; and

WHEREAS, this text amendment is in agreement with the spirit and intent of Kuna Comprehensive Plan; and

WHEREAS, it is deemed to be in the best interest of the City of Kuna to amend Title 5; and

WHEREAS, this zoning amendment is pursued in accordance with Kuna City Code 5-13, "ZONING AMENDMENTS"; and

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, IDAHO, ADA COUNTY, IDAHO, as follows:

**Section 1:** Title 5, Chapter 1, Section 6, Subsection 2 of the Kuna City Code, entitled "MEANING OF TERMS OR WORDS" shall be amended as follows:

BIOMASS: Plant material used for production of such things as fuel alcohol and nonchemical fertilizers. Biomass sources may be plants grown especially for that purpose or waste products from livestock, harvesting, milling, or from agricultural production or processing.

DISTILLERY: where beer, wine, and alcoholic beverages are brewed.

ENERGY SYSTEM, PRODUCTION THROUGH RENEWABLE SOURCES: Any facility or installation such as a windmill, hydroelectric unit or solar collecting or concentrating array, which is designed and intended to produce energy from natural forces such as wind, water, sunlight, or geothermal heat, or from biomass.

PUBLIC: Administrative and cultural buildings, uses, and structures, including buildings, lots, and facilities owned, used or operated by any governmental agency.

QUASI-PUBLIC: A use conducted by, or a facility or structure owned or operated by, nonprofit, religious, or intuition that provides educational, cultural, recreational, religious, or other similar type of public services under private ownership or control.

**Section 2:** Title 5, Chapter 1A, Section 4 of the Kuna City Code, entitled "NOTICE TO PUBLIC" shall be amended as follows:

5-1A-4: - NOTICE TO PUBLIC:

A. *Legal notice:* At least fifteen (15) days prior to the public hearing, the ~~D~~irector shall ~~cause to be published~~publish a notice ~~stating of~~the time, ~~and~~place, and a summary of the application in the official newspaper or paper of general circulation (~~KCCsection 1-11-1-of this Code~~) ~~within the jurisdiction~~. ~~Supplemental n~~Notice may also be made ~~available to in~~ other newspapers ~~and/or~~ radio and television stations serving the jurisdiction for use as a public service announcement.

B. *Site notice:* Applicant will follow the sign procedures in ~~section KCC 5-1A-8\_ -of this article~~ ~~chapter~~regarding the posting of signs for the ~~to post signs for a~~ public hearing.

C. *Radius notice:* At least seven (7) days prior to the public hearing, the ~~d~~irector shall send a notice of the time, ~~and~~place, and a summary of the application to property owners or purchasers of record (as listed in the current records of the Ada County Assessor) owning property within three hundred (300) feet of the property being considered.

~~1D.~~ If a variance special-use permit is being sought for an exception to the building height requirements of the KCC, the notice shall be individually mailed ~~notice must be provided individually by mail to~~ all property owners within ~~an area within no less than three (3) times the distance of the height of the allowed height of a structure when more than one hundred (100) feet and within no less than one (1) mile when the peak height of a structure in an unincorporated area is four~~ five hundred (400500) feet ~~or more and, when four hundred (400) feet or more of the property being considered.~~ T, the structure's proposed location and height shall be stated in the notice.

~~DE.~~ *Alternate forms of notice:* When posted or mailed notice is required of two hundred (200) or more property owners or purchasers of record, alternate forms of notice may be provided as follows: In lieu of mailed notice, two (2) ~~additional~~ notices of the time, ~~and~~ place of the hearing, and summary of the proposal shall be published in the official newspaper or paper of general circulation (~~KCC section 1-11-1 of this Code~~) ~~within the jurisdiction for two (2) consecutive publications~~. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement, not less than seven (7) days prior to the hearing. (~~Ord. 2006-43, 6-6-2006; Ord. No. 2012-16, § 1, 11-6-2012~~)

**Section 3:** Title 5, Chapter 3, Section 2, of the Kuna City Code, entitled “OFFICIAL SCHEDULE OF DISTRICT REGULATIONS” is amended to add the following to the LAND USE TABLE:

Land Uses	Districts															
	A	R-2	R-4	R-6	R-8	R-12	R-20	O	C-1	C-2	C-3	CB-D	M-1	M-2	P	
<u>Biomass</u>	<u>S</u>														<u>P</u>	
<u>Distillery Production</u>	<u>P</u>								<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>	<u>P</u>		
<u>Energy System, production through renewable sources.</u>	<u>S</u>												<u>S</u>	<u>S</u>		
<u>Public</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Quasi-public</u>	<u>P</u>							P	P	P	P	P	P	P	P	P

**Section 4:** Title 5, Chapter 16, Section 3, Subsection B.2 of the Kuna City Code, entitled “LOT SPLIT” shall be amended as follows:

~~2. Sewer and water: Applicant shall extend public sewer and water to each parcel created when public sewer and water are available within three hundred (300) feet of the newly created parcel or parcels or as determined by the City Engineer. If any of the parcels do not connect to sewer or water at the time of lot split, the owner shall agree to connect each parcel to public sewer and water when these public utilities are available within three hundred (300) feet of the property line closet to the sewer line. Parcels located in Nitrate Priority Areas shall not be split without connecting to city sewer and water. A waiver of this subsection may be allowed when the applicant provides a treatment system in which the effluent can demonstrates the 10 part per~~

~~million or less of nitrates, the drinking water supply meets all drinking water standards, and meets Central District Health Department's septic system requirements in existence at the time of the current application.~~ : Applicant shall extend public sewer and water to each parcel created when public sewer and water are available within three hundred (300) feet of the newly created parcel or parcels or as determined by the City Engineer. If any of the parcels do not connect to sewer or water at the time of lot split, the owner shall agree to connect each parcel to public sewer and water when these public utilities are available within three hundred (300) feet of the property line closest to the sewer line. The property owner shall enter into a Memorandum of Understanding with the City that will provide, at a minimum, the following conditions: 1) if public sewer becomes available within three hundred (300) feet of the property (as measured at the property line closest to the nearest available sewer connection) the property owner, shall within ninety (90) days of being notified in writing as to the availability of the sewer connection, dismantle the septic system and connect to the City's sewer system in compliance with this chapter; 2) the property owner shall participate in any Local Improvement District or other funding mechanism to fund City sewer infrastructure extension costs and City sewer connections fees and provide for any easements; and 3) if the property owner fails to connect to the City sewer system within ninety (90) days of being notified, the City may make the connection and charge the owner for the costs associated with the connection and the property owner consents to a lien upon the property for failure to pay, and the City shall designate the land and structure as nonconforming and no building permits will be issued until the property is brought into compliance. This Memorandum of Understanding will be recorded with the Ada County Recorder. Parcels located in Nitrate Priority Areas shall not be split without connecting to city sewer and water. A waiver of this subsection may be allowed when the applicant provides a treatment system in which the effluent can demonstrate the 10 part per million or less of nitrates, the drinking water supply meets all drinking water standards, and meets Central District Health Department's septic system requirements in existence at the time of the current application.

**Section 5:** Title 5, Chapter 16, Section 4 of the Kuna City Code, entitled "SEPTIC TANKS/SYSTEMS" shall be amended as follows:

5-16-4: - SEPTIC TANKS/SYSTEMS:

A. ~~Use of Sseptic tanks/systems: Use of s~~Septic tanks or septic systems within the cityCity limits shall be permitted is allowed according to the following criteria: in the following circumstances:

1. ~~Septic tank-system failure:~~

a. If ~~an existing residence on a property zoned residential experiences a~~ septic system fail~~sure~~, and the closest public sewer connection point is located a distance of more than three hundred (300) feet from the property (as measured at the property line closest to the nearest available sewer connection); and the ~~cityCity~~ has no plans to extend public sewer to the subject property within ninety (90) days, it is eligible for a septic tank-system replacement, subject to the requirements of and obtaining a permit from the Central District Health Department ~~may grant the property owner a permit for replacement of the septic system.~~

b. The separation distance between the replacement septic tank/drain field and an existing ~~potable on- and off-site well, subject to potable consumption-head, head shall be according to-comply with KCC 8-3-5 and all-central district health~~ Central District Health Department guidelines-requirements in existence at the time of the application for the current septic system permit, whichever distance is greater. The separation distance between the replacement septic tank/drain field and existing off-site wells consumption shall be one hundred fifty (150) feet in accordance with subsection E of this section.

c. The replacement of a septic system under this ~~circumstance-subsection~~ shall not be considered an enlargement or an expansion of a nonconforming use.

~~d. The property owner shall enter into a Memorandum of Understanding with the City that will provide, at a minimum, the following conditions: 1) if public sewer becomes available within three hundred (300) feet of the property (as measured at the property line closest to the nearest available sewer connection) the property owner, shall within ninety (90) days of being notified in writing as to the availability of the sewer connection, dismantle the septic system and connect to the City's sewer system in compliance with this chapter; 2) the property owner shall participate in any Local Improvement District or other funding mechanism to fund City sewer infrastructure extension costs and City sewer connections fees and provide for any easements; and 3) if the property owner fails to connect to the City sewer system within ninety (90) days of being notified, the City may make the connection and charge the owner for the costs associated with the connection and the property owner consents to a lien upon the property for failure to pay, and the City shall designate the land and structure as nonconforming and no building permits will be issued until the property is brought into compliance. This Memorandum of Understanding will be recorded with the Ada County Recorder with the City. If, however, public sewer is available within three hundred (300) feet distance of the property (as measured at the property line nearest available connection) and capable of serving the residence, the property owner shall immediately dismantle the septic system according to the provisions of subsection C and of this section. The property owner shall connect to the city's sewer system in compliance with this chapter according to provisions of subsection A.4 of this section. Further, tassociated with the~~

~~d. Potable water issues will be evaluated separate from wastewater issues.~~

~~e. Septic tank failure associated with existing nonresidential properties shall be addressed by the City Engineer and/or Central District Health Department on a case by case basis.~~

2. *New single-family sSeptic sSystems installs: Physical Cconstraints make it unlikely the property residentially zoned land will be connected to public sewer in the foreseeable future:*

~~a. If the Ceity engineer When a property owner applies for permits to construct a single family residence on a lot, tract or parcel where the city engineer determines~~

~~that it is unlikely~~ the subject propertyland will ~~not ever~~ receive public sewer service in the foreseeable future due to ~~some an~~ extraordinary physical constraint, the property owner may be permitted to install a septic system. An example of an extraordinary physical constraint would be extension of a public sewer line across Indian Creek where the benefit is limited to a single-family residential property.

b. If the Ceity engineer determines that the property will not receive public sewer service in the foreseeable future due to a physical constraint, such as the property being located a significant distance from the closet public sewer service that makes the immediate connection prohibitively expensive (as determined by the City engineer) in relation to the costs of the development of the project, the property, the property -owner may be permitted to install a septic system as an interim for sewer service until the public sewer service becomes available.

c. If the property is being developed as a single-family residence and the closest public sewer connection point is more than three hundred (300) feet from the property (as measured at the property line closest to the nearest available sewer connection) and the City engineer determines that there are no plans to extend public sewer to the property contemplated in the foreseeable future.

d. The septic tank installation shall be limited to a single-family lot, tract or parcel, and not a part of a subdivision.

e. Only one (1) residence may be connected to a septic tank system per lot, tract or parcel and only one (1) septic system is allowed per lot, tract or parcel.

f. The property owner shall pay the City's standard wastewater treatment and sewer interceptor fees at time of building permit application. These fees are fixed in time and therefore not subject to inflation or other monetary adjustments regardless when the subject property is connected to public sewer, unless the use or volumes increased beyond one (1) EDU (equivalent dwelling unit).

g. The property owner shall enter into a Memorandum of Understanding with the City that will provide, at a minimum, the following conditions: 1) if public sewer becomes available within three hundred (300) feet of the property (as measured at the property line closest to the nearest available sewer connection) the property owner, shall within ninety (90) days of being notified in writing as to the availability of the sewer connection, dismantle the septic system and connect to the City's sewer system in compliance with this chapter; 2) the property owner shall participate in any Local Improvement District or other funding mechanism to fund City sewer infrastructure extension costs and City sewer connections fees and provide for any easements; and 3) if the property owner fails to connect to the City sewer system within ninety (90) days of being notified, the City may make the connection and charge the owner for the costs associated with the connection and the property owner consents to a lien upon the property for failure to pay. ~~The property owner shall enter into an Memorandum of Understanding agreeing to connect to the public sewer system when it is available within three hundred (300) feet of property (as measured at the property line closest to the nearest available~~

~~sewer connection) within ninety (90) days of being informed in writing of the availability of the connection, and participate in a Local Improvement District or other funding mechanism to provide public sewer service and provide any necessary easements. The Memorandum of Understanding shall also provide that if the property owner fails to connect to the City sewer system, and the City shall designate the land and structure as nonconforming and no building permits will be issued until the property is brought into compliance. T, and the City may make the connection and charge the owner for all costs associated with the connection and the property owner also consents to a lien upon the property if they fail to pay the connection costs. This Memorandum of Understanding will be recorded with the Ada County Recorder.~~

~~h. The City engineer may require the residence to be double plumbed to facilitate future public sewer connection.~~

~~i. At the time of public sewer connection availability, the property owner shall immediately dismantle the septic system according to the provisions of chapter. The City may require the property owner to enter into a Memorandum of Understanding requiring the property owner to participate in a Local Improvement District or other funding mechanism to bring public sewer service to the property and when the public sewer service is available, the septic system shall be dismantled. The Memorandum of Understanding shall also provide that if the property owner fails to connect to the City sewer system, the City may make the connection and charge the owner for the costs of connection and the property owner consents to a lien upon the property for failure to pay~~

~~e. The septic tank installation shall comply with central district headdepartment (CDHD)Central District Health Department requirements in existence at the time of the current application for the septic system permit or building permit. standards.~~

~~d. The single family lot shall be of sufficient size to accommodate the septic tank placement and the accompanying drainage lines, while also meeting the statutory distance separation requirements for public or private potable water facilities, including future public facilities such as those noted in the city's water master plan.~~

~~e. The separation distance between the new septic tank/drain field and any on or off site well subject to potable consumptionconsumption shall comply with KCC 8-3-5 and the current Central District Health Department requirements, whichever distance is greaterbe one hundred fifty (150) feet, in accordance with subsection E, of this section. The septic system shall not be placed within a the one hundred (100) year floodplain as designated by Federal Emergency Management Agency (FEMA) and/or the best available data.~~

~~data. New septic tank/drain field systems shall not be placed within one hundred fifty (150) feet of a wellhead – see KCC 8-3-5 (KCC 5-3-4-9:C).~~

~~e. Potable water issues will be evaluated separate from wastewater issues.~~

3. *Replacement of a single-family dwelling reliant upon a viable septic system:* If a property owner submits an application for building permit to the City to replace ~~a~~ their entire single-family dwelling that is served by an existing septic system with another single-family dwelling, ~~that is constructed to city codes,~~ the existing septic system may be relied upon under the following conditions:

~~a. The dwelling's replacement does not require additional land use actions.~~

~~ba.~~ The property owner shall ~~demonstrate~~ provide all required testing as required by the City and Central District Health Department regulations, showing to the city ~~City's satisfaction~~ that the septic system is functioning according to all Central District Health Department requirements ~~regulations, as amended and the continued use of the septic system does not cause an increase in the nitrate level within the immediate area.~~

~~b.~~ ~~T-existing at the time of the current testing viable and~~ the availability of public sewer is more than three hundred (300) feet from the property (as measured at the property line closest to the nearest available sewer connection). Additionally, the ~~city~~ City engineer shall determine that there are no ~~publicly initiated~~ plans to extend sewer within three hundred (300) feet of to the property within ~~three (3) years~~ the foreseeable future ~~from the date of the application for the building permit.~~

~~b.~~ ~~The Central District Health Department shall determine that the continued use of the septic system does not violate Central District Health requirements in existence at the time of the current determination, qualify the continuance of the the septic system does not pose a health concern and the septic system does not cause an increase in the nitrate level within the immediate area.~~

~~e.~~ The separation distance between the existing septic tank/drain field and any on-site well shall be according to ~~CDHD~~ Central District Health Department requirements. ~~guidelines.~~ The separation distance between the septic tank/drain field and existing off-site wells shall be one hundred fifty (150) feet in accordance with subsection E of this section.

~~c.~~ Only one (1) single family residence may be connected to a septic tank system per lot, tract or parcel and/or only one (1) septic system is allowed per lot, tract or parcel.

~~d.~~ The replacement of a septic system under this circumstance shall not be considered an enlargement ~~or of an~~ expansion of a nonconforming use.

~~f.~~ The property owner shall enter into a Memorandum of Understanding with the City that will provide, at a minimum, the following conditions: 1) if public sewer becomes available within three hundred (300) feet of the property (as measured at the property line closest to the nearest available sewer connection) the property

owner, within ninety (90) days of being informed in writing of the availability of the connection, shall immediately dismantle the septic system and connect to the City's sewer system in compliance with this chapter; 2) the property owner shall participate in any Local Improvement District or other funding mechanism to fund City sewer infrastructure extension costs and City sewer connections fees and provide for any easements; and 3) if the property owner fails to connect to the City sewer system, the City may make the connection and charge the owner for the costs associated with the connection and the property owner consents to a lien upon the property for failure to pay, and the City shall designate the land and structure as nonconforming and no building permits will be issued until the property is brought into compliance. This Memorandum of Understanding will be recorded with the Ada County Recorder.

~~g. Potable water issues will be evaluated separate from wastewater issues.~~

~~4. A single family dwelling eDevelopmentonstructed on vacant land zoned residential or agriculture and not requiring other land use actions a.~~ A property owner ~~possessing of~~ a vacant land parcel that is zoned appropriately and complies with the comprehensive plan map ~~designated for single family use~~ may install a septic tank or septic system under the following conditions:

~~a. where the closest public sewer connection point is more than three hundred (300) feet from the property (as measured at the property line closest to the nearest available sewer connection) and the city engineer shall determines that there are no publicly initiated plans to extend public sewer to the property contemplated within three (3) years.~~

~~b. Septic tank installation shall be limited to a single family lot, tract or parcel, not a part of an existing subdivision, where the installation does not require additional land use actions. Only one (1) residence may be connected to a septic tank system per lot, tract or parcel and only one (1) septic system is allowed per lot, tract or parcel. The septic tank installation shall be according to Central District Health Department central district health department standardsrequirements.~~

~~c. The septic system shall not be placed within the a one hundred (100) year floodplain as designated by Federal Emergency Management Agency (FEMA) and/or the best available data. The single family lot shall be of a size and configuration to accommodate septic tank placement and accompanying drainage lines. The separation distance between the new septic tank/drain field and any on- or off site well subject to potable consumptionconsumption shall comply with the current Central District Health Department requirements, be one hundred fifty (150) feet in accordance with subsection E of this section.~~

~~d. The single family residence shall be installed according to all applicable zoning, building and other statutory requirements.~~

~~e. The property owner shall pay the city's standard wastewater treatment and sewer interceptor fees at time of building permit application. These fees are fixed in time and therefore not subject to inflation or other monetary adjustments regardless when the subject property is connected to public sewer, unless the use or volumes increased beyond one (1) EDU (equivalent dwelling unit). The property owner shall also enter into an agreement to connect to public sewer when it becomes available within three hundred (300) feet of property (as measured at the property line closest to the nearest available sewer connection). the city shall designate the land and structure as nonconforming and file a notice of sewer connection noncompliance violation with the Ada County Recorder's Office. This enforcement document will be recorded and follow the land until public sewer is installed according to the provisions of this section. The nonconforming status shall prevent any building permits from being issued until the property is in compliance.~~

~~This agreement will be recorded and run with the land. The city engineer may require the residence to be double plumbed to facilitate future public sewer connection, participate in an LID petition and provide necessary easements.~~

~~f. At time of public sewer availability, the property owner shall immediately dismantle the septic system according to the provisions of subsection C<sub>2</sub> of this section.~~

~~g. Potable water issues will be evaluated separate from wastewater issues.~~

~~hg. The property owner shall acknowledge that in the event they do not connect to public sewer when it is available and within ninety (90) days of being informed of that fact in writing, the city shall designate the land and structure as nonconforming and file a notice of sewer connection noncompliance violation with the Ada County Recorder's Office. This enforcement document will be recorded and follow the land until public sewer is installed according to the provisions of this section. The nonconforming status shall prevent any building permits from being issued until the property is in compliance. If the property is being developed as commercial or industrial and the City engineer determines that the property will not receive public sewer service in the foreseeable future due to an extraordinary physical constraint, such as the property being located a significant distance from the closet public sewer service that makes the immediate connection prohibitively expensive in relation to the costs of the development of the property.~~

~~b. The septic tank or public septic system may be installed only after complying with the conditions of this chapter and all conditions, as may be required by the City engineer. The property owner shall enter into a Development Agreement or Memorandum of Understanding outlining all required conditions of approval prior to the issuance of any building permits.~~

~~c. The property owner shall pay for all connections to the City's standard wastewater treatment system and sewer interceptor fees at the time of building~~

permit application, as calculated by the City engineer, based upon the designated use of the property. These fees are fixed in time and therefore not subject to inflation or other monetary adjustments regardless when the subject property is connected to public sewer.

d. The property owner shall enter into a Memorandum of Understanding with the City that will provide, at a minimum, the following conditions: 1) if public sewer becomes available within three hundred (300) feet of the property (as measured at the property line closest to the nearest available sewer connection) the property owner, within ninety (90) days of being informed in writing of the availability of the connection, shall immediately dismantle the septic system and connect to the City's sewer system in compliance with this chapter; 2) the property owner shall participate in any Local Improvement District or other funding mechanism to fund City sewer infrastructure extension costs and City sewer connections fees and provide for any easements; and 3) if the property owner fails to connect to the City sewer system, the City may make the connection and charge the owner for the costs associated with the connection and the property owner consents to a lien upon the property for failure to pay, and the City shall designate the land and structure as nonconforming and no building permits will be issued until the property is brought into compliance. This Memorandum of Understanding will be recorded with the Ada County Recorder. ~~The property owner shall enter into an Memorandum of Understanding agreeing to connect to the public sewer system when it is available within three hundred (300) feet of property (as measured at the property line closest to the nearest available sewer connection) within ninety (90) days of being informed in writing of the availability of the connection, and participate in any Local Improvement District or other funding mechanism and provide all necessary easements. The Memorandum of Understanding shall also provide that if the property owner fails to connect to the City sewer system, the City may make the connection and charge the owner for all costs associated with the connection and the property owner also consents to a lien upon the property if they fail to pay the connection costs. This Memorandum of Understanding will be recorded with the Ada County Recorder.~~

e. The City engineer may require the development to be double plumbed to facilitate future public sewer connection.

ih. ~~The City has adopted the Nitrate Priority Map. All sSeptic-system installations within in Kuna is subject tothe Nitrate Priority Area shall comply with the Central District Health Department's requirements as may be updated from time to time, regarding nitrate reduction design and installation of the septic system. All septic systems installed under this section shall comply with the strictest standards adopted by the Central District Health Department. a city wide septic tank threshold limit, whereby no more than two (2) single family septic systems shall be installed and functioning, at any given time, from the date of adoption hereof within each of Kuna's township quarter sections. Accordingly, septic tanks will be allowed within each township quarter section on a first come, first served basis until the two (2) dwelling threshold is achieved; the area septic tank limitation shall apply only to this subsection.~~

~~j. The city's planning staff shall be responsible for monitoring septic tank replacement processes. Septic tanks in current use will not be included as part of this quarter section septic tank limitation unless they experience failure and are replaced with another septic system according to the provisions of subsection A.1 of this section.~~

~~ki. The intent of the cap is to minimize contamination of groundwater, lessen the formation of septic system enclaves that may discourage future public sewer installation, and to protect the city's public sewer rate base.~~

5. *Public and quasi-public uses:*

a. A property owner ~~with possessing~~ a vacant land parcel that is zoned to allow ~~or permit~~ and is intended to construct a public or quasi-public use such as a school, administrative, public safety, cultural, church, college, hospital or similar type building or structure may install a septic ~~tank~~ system on the parcel where the closest public sewer connection point is more than three hundred (300) feet from the property (as measured at the property line closest to the nearest available sewer connection) and the ~~city~~City engineer determines the cost of providing a public sewer extension from its present location(s) would be prohibitive and provided there are ~~no o immediate~~ plans to publicly extend sewer service to within three hundred (300) feet of the property within the foreseeable future.

~~b. The septic tank system installation shall be according to Central District Health Department central district health department standards or other regulatory agencies with oversight control.~~

~~eb.~~ Once public sewer is available within three hundred (300) feet distance of the property (as measured at the property line closest to the nearest available sewer connection) and capable of serving the public or quasi-public use, the property owner shall immediately extend the public sewer to the site, dismantle the on-site septic system and connect to the ~~city~~City's sewer system according to the provisions of the regulatory agencies with oversight control. The property owner shall pay the ~~city~~City's standard wastewater treatment and sewer interceptor fees at time of building permit application according to the EDU assignment for that type of use as identified in the ~~city~~City's sewer fee resolution. Should there be uncertainty about the EDU assignment and associated costs, the ~~city~~City engineer shall interpret the ~~city~~City's sewer fee resolution.

~~cd.~~ The property owner shall acknowledge that in the event they do not connect to public sewer when it is available and within ninety (90) days of being informed of that fact in writing, the ~~city~~City shall designate the land and structure as nonconforming and file a notice of sewer connection noncompliance violation with the Ada County Recorder's Office. This enforcement document will be recorded and follow the land until public sewer is installed according to the provisions of this section. If the property owner has entered into a development agreement with the ~~city~~City concerning the subject property, the agreement shall be amended to include provisions for sewer connection compliances.

~~e. The septic system shall not be placed within a the one hundred (100) year floodplain as designated by Federal Emergency Management Agency (FEMA) and/or the best available data. The land parcel shall be of a size and configuration to accommodate the septic system placement. The separation distance between the septic system and any on- or off-site well subject to potable consumption shall be one hundred fifty (100) feet in accordance with subsection E of this section.~~

B. ~~*New and existing septic tanks/systems failure:*~~ Septic tanks or septic systems constructed according to the provisions of this chapter are that fail are subject to ~~8~~the regulations of all agencies with oversight authority. All septic tank or septic system installs shall comply with all Central District Health Department regulations, as amended, at the time of the current application for the septic system permit or building permit.

C. ~~*Nitrate Priority Map:*~~ The City has adopted the Nitrate Priority Map. All septic system installations within the Nitrate Priority Area shall comply with the Central District Health Department's requirements as amended, regarding nitrate reduction design and installation of the septic system. All septic systems installed under this section shall comply with the strictest standards adopted by the Central District Health Department or other regulatory agency.

D. ~~*Intent:*~~ The intent of this chapter is to minimize the contamination of groundwater, lessen the formation of septic system enclaves that may discourage future public sewer installation, and to protect the City's public sewer rate base.

~~EE.~~ *Removal or abandonment of failed septic tanks/systems:* The property owner shall dismantle the septic system, by pumping the tank, collapsing the lid, backfilling and compacting it with earth ~~according to the State of Idaho Plumbing Bureau inspection processes and~~ in compliance with ~~central district health department~~ Central District Health requirements. Septic systems that accommodate more than one (1) household or nonresidential septic systems shall be abandoned as determined by the ~~city~~ City engineer in consultation with ~~central district health department~~ the Central District Health Department.

~~FD.~~ *Water discharge:* No person shall discharge or cause to be discharged any stormwater, surface water, runoff, subsurface drainage, cooling water, heating water, water from swimming pools, or industrial process water through a septic system.

~~GE.~~ *Placement:* The separation distance between the replacement septic tank/drain field and an existing potable well head shall comply with KCC 8-3-5 and all Central District Health Department regulations, as amended, at the time of the application for the current septic system permit, whichever distance is greater. No new or replacement septic system shall be placed within the one hundred (100) year floodplain, as designated by Federal Emergency Management Agency (FEMA) and other best available data.

H. ~~*City's Master Plan:*~~ All septic tanks and septic systems shall comply with the future public facilities as noted in the city's water master plan.

~~I~~New septic tank/drain field systems shall not be placed within one hundred fifty (150) feet of a wellhead (see section 8-3-5 of this code). The separation distance between a pre-existing or

~~replacement septic tank/drain field (due to failure) and an existing on-site well as noted in subsections A.1. and A.3. of this section, shall may comply with the current Central District Health Department requirements, be according to central district health department guidelines.~~

~~F. Prohibited:~~ Septic tanks are not to be permitted in manufactured home parks, recreation vehicle (RV) parks or campgrounds (see KCC 4-2A-2:5 and 4-2B:11).

~~I.G. Temporary dwellings:~~ An RV or trailer used as a temporary dwelling must be placed on private property and cannot be connected to a septic system.

~~K.H. Setbacks:~~ Septic tank setbacks shall be in accordance with DEQ setback standards found on their website.

~~L.I. Replacement system area:~~ Where individual septic tanks are authorized, sufficient area shall be provided for a replacement sewage disposal system and t-he lot shall be of sufficient size to accommodate the septic tank placement and the accompanying drainage lines. (Ord. No. 2011-14, § 1, 12-20-2011)

**Section 6:** Title 8, Chapter 3, Section 5, of the Kuna City Code, entitled “RESTRICTIONS WITHIN WELLHEAD PROTECTION ZONE I” shall be amended as follows:

8-3-5: - RESTRICTIONS WITHIN WELLHEAD PROTECTION ZONE I: The following uses, including but not limited to any other use which may have a detrimental effect upon the quality of water shall be and are hereby prohibited within Zone I of the wellhead protection area.

A. Surface use or storage of hazardous or toxic material, expressly including herbicide and pesticide applications to the soils, ground water or surface water within fifty feet (50') of a wellhead.

B. Sanitary land fills or garbage disposal.

C. Storage disposal or waste of potentially hazardous or toxic material.

D. Underground storage tanks.

E. Sanitary sewer lines within fifty feet (50') of a wellhead. ~~and~~

F. Septic systems within one hundred fifty feet (150') of a wellhead or Central District Health Department, as amended, or other regulatory agency(ies), whichever provides the greater distance protection.

~~F.G.~~ Livestock and animals.

~~G.H.~~ Drainage canals.

**Section 7:** Repealer Clause. All Ordinances and Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

**Section 8:** This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED by the Council of the City of Kuna this \_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2015.

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W. Greg Nelson  
Mayor

ATTEST:

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Chris Engels  
City Clerk

(Seal)

CITY OF KUNA IDAHO ORDINANCE NO. 2015-11

ZONING ORDINANCE AMENDMENT  
DEFINITIONS, LAND USES, NOTIFICATION REQUIREMENT  
AND SEPTIC TANKS/SYSTEMS

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING TITLE 5, CHAPTER 1, SECTION 6, SUBSECTION 2- ENTITLED “MEANINGS OF TERMS OR WORDS” TO ADD FIVE NEW DEFINITIONS AMENDING SUBSECTION C 1 ENTITLED “RADIUS NOTICE” OF TITLE 5, CHAPTER 1A, SECTION 4 ENTITLED “NOTICE TO PUBLIC” AMENDING THE BUILDING HEIGHT REQUIREMENT TO FIVE HUNDRED (500) FEET, AMENDING SUBSECTION D ENTITLED “ALTERNATE FORMS OF NOTICE” OF TITLE 5, CHAPTER 1A, SECTION 4 ENTITLED “NOTICE TO PUBLIC” TO PROVIDE FOR TWO (2) NOTICES OF THE HEARING ARE TO BE PUBLISHED WHEN THERE ARE MORE THAN TWO HUNDRED (200) PROPERTY OWNERS OR PURCHASERS OF RECORD TO BE NOTICED FOR THE HEARING; TITLE 5, CHAPTER 3, SECTION 2- ENTITLED “OFFICIAL SCHEDULE OF DISTRICT REGULATIONS” AMENDING THE LAND USE TABLE CONTAINED THEREIN TO ADD FIVE NEW LAND USES TO THE TABLE; AMENDING SUBSECTION B.2 OF TITLE 5, CHAPTER 16, SECTION 3 ENTITLED “LOT SPLITS” TO INCLUDE A REQUIREMENT FOR A MEMORANDUM OF UNDERSTANDING TO BE ENTERED INTO BETWEEN THE CITY AND THE PROPERTY OWNER; REPEALING TITLE 5, CHAPTER 16, SECTION 4 AND ADOPTING A NEW SECTION ENTITLED “SEPTIC TANKS/SYSTEMS” BY PROVIDING FOR: SUBSECTION 1- COVERAGE FOR ALL SEPTIC SYSTEM FAILURES, A CLARIFIED DISTANCE MEASUREMENT, A REQUIREMENT FOR A MEMORANDUM OF UNDERSTANDING; SUBSECTION 2- A DETERMINATION OF WHEN THE PROPERTY WILL “RECEIVE PUBLIC SEWER SERVICE IN THE FORESEEABLE FUTURE”, AN INTERIM PROCESS FOR USING A SEPTIC SYSTEM UNTIL PUBLIC SEWER SERVICE IS AVAILABLE, A CLARIFIED DISTANCE MEASUREMENT, SEPTIC SYSTEM DEVELOPMENT FOR A SINGLE LOT AND NOT FOR A SUBDIVISION DEVELOPMENT, A MEMORANDUM OF UNDERSTANDING; SUBSECTION 3- A REQUIREMENT THAT THE SEPTIC SYSTEM BE FUNCTIONING ACCORDING TO CENTRAL DISTRICT HEALTH STANDARDS, AND THE DISTANCE REQUIREMENT; SUBSECTION 4- COMMERCIAL OR INDUSTRIAL DEVELOPMENT THAT WILL NOT RECEIVE PUBLIC SEWER SERVICE IN THE FORESEEABLE FUTURE DUE TO AN EXTRAORDINARY PHYSICAL CONSTRAINTS WHERE CONNECTION TO THE CITY SEWER IS PROHIBITIVELY EXPENSIVE IN RELATION TO THE COSTS OF THE DEVELOPMENT, A DEVELOPMENT AGREEMENT REGARDING CONDITIONS OF DEVELOPMENT INCLUDING REQUIREMENTS OF THE CITY ENGINEER, AND A MEMORANDUM OF UNDERSTANDING FOR CONNECTION TO THE CITY SEWER; AMENDING TITLE 8, CHAPTER 3, SECTION 5 ENTITLED “RESTRICTIONS WITHIN WELLHEAD PROTECTION ZONE I” TO STATE THAT IT IS THE GREATER OF THE DISTANCES OF CENTRAL DISTRICT HEALTH OR THE CITY RESTRICTIONS; PROVIDING FOR A REPEALER CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article XII, Section 2 of the Idaho Constitution and Idaho Code Section 50-302 allow municipal corporations to adopt regulations which are not contrary to the general laws; and

WHEREAS, this text amendment is in agreement with the spirit and intent of Kuna Comprehensive Plan; and

WHEREAS, it is deemed to be in the best interest of the City of Kuna to amend Title 5; and

WHEREAS, this zoning amendment is pursued in accordance with Kuna City Code 5-13, "ZONING AMENDMENTS"; and

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, IDAHO, ADA COUNTY, IDAHO, as follows:

**Section 1:** Title 5, Chapter 1, Section 6, Subsection 2 of the Kuna City Code, entitled "MEANING OF TERMS OR WORDS" shall be amended as follows:

**BIOMASS:** Plant material used for production of such things as fuel alcohol and nonchemical fertilizers. Biomass sources may be plants grown especially for that purpose or waste products from livestock, harvesting, milling, or from agricultural production or processing.

**DISTILLERY:** where beer, wine, and alcoholic beverages are brewed.

**ENERGY SYSTEM, PRODUCTION THROUGH RENEWABLE SOURCES:** Any facility or installation such as a windmill, hydroelectric unit or solar collecting or concentrating array, which is designed and intended to produce energy from natural forces such as wind, water, sunlight, or geothermal heat, or from biomass.

**PUBLIC:** Administrative and cultural buildings, uses, and structures, including buildings, lots, and facilities owned, used or operated by any governmental agency.

**QUASI-PUBLIC:** A use conducted by, or a facility or structure owned or operated by, nonprofit, religious, or institution that provides educational, cultural, recreational, religious, or other similar type of public services under private ownership or control.

**Section 2:** Title 5, Chapter 1A, Section 4 of the Kuna City Code, entitled "NOTICE TO PUBLIC" shall be amended as follows:

5-1A-4: - NOTICE TO PUBLIC:

A. *Legal notice:* At least fifteen (15) days prior to the public hearing, the Director shall cause to be published a notice stating the time, place, and a summary of the application in the official newspaper or paper of general circulation (KCC 1-11-1). Supplemental notice may also be made in other newspapers and/or radio and television stations serving the jurisdiction for use as a public service announcement.

B. *Site notice:* Applicant will follow the sign procedures in KCC 5-1A-8 regarding the posting of signs for the public hearing.

C. *Radius notice:* At least seven (7) days prior to the public hearing, the Director shall send a notice of the time, place, and a summary of the application to property owners or purchasers of record (as listed in the current records of the Ada County Assessor) owning property within three hundred (300) feet of the property being considered.

1. If a variance is being sought for an exception to the building height requirements of the KCC, the notice shall be individually mailed to all property owners within five hundred (500) feet of the property being considered. The structure's proposed location and height shall be stated in the notice.

*D. Alternate forms of notice:* When posted or mailed notice is required of two hundred (200) or more property owners or purchasers of record, alternate forms of notice may be provided as follows: In lieu of mailed notice, two (2) notices of the time, place of the hearing, and summary of the proposal shall be published in the official newspaper or paper of general circulation (KCC 1-11-1) for two (2) consecutive publications. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement, not less than seven (7) days prior to the hearing.

**Section 3:** Title 5, Chapter 3, Section 2, of the Kuna City Code, entitled “OFFICIAL SCHEDULE OF DISTRICT REGULATIONS” is amended to add the following to the LAND USE TABLE:

Land Uses	Districts														
	A	R-2	R-4	R-6	R-8	R-12	R-20	O	C-1	C-2	C-3	CB-D	M-1	M-2	P
Biomass	S													P	
Distillery Production	P								S	S	S		S	P	
Energy System, production through renewable sources.	S												S	S	
Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Quasi-public	P							P	P	P	P	P	P	P	P

**Section 4:** Title 5, Chapter 16, Section 3, Subsection B.2 of the Kuna City Code, entitled “LOT SPLIT” shall be amended as follows:

2. *Sewer and water:* Applicant shall extend public sewer and water to each parcel created when public sewer and water are available within three hundred (300) feet of the newly created parcel or parcels or as determined by the City Engineer. If any of the parcels do not connect to sewer or water at the time of lot split, the owner shall agree to connect each parcel to public sewer and water when these public utilities are available within three hundred (300) feet of the property line closest to the sewer line. The property owner shall enter into a Memorandum of Understanding with the City that will provide, at a minimum, the following conditions: 1) if public sewer becomes available within three hundred (300) feet of the property (as measured at the property line closest to the nearest available sewer connection) the property owner, shall within ninety (90) days of being notified in writing as to the availability of the sewer connection, dismantle the septic system and connect to the City's sewer system in compliance with this chapter; 2) the property owner shall participate in any Local Improvement District or other funding mechanism to fund City sewer infrastructure extension costs and City sewer connections fees and provide for

any easements; and 3) if the property owner fails to connect to the City sewer system within ninety (90) days of being notified, the City may make the connection and charge the owner for the costs associated with the connection and the property owner consents to a lien upon the property for failure to pay, and the City shall designate the land and structure as nonconforming and no building permits will be issued until the property is brought into compliance. This Memorandum of Understanding will be recorded with the Ada County Recorder. Parcels located in Nitrate Priority Areas shall not be split without connecting to city sewer and water. A waiver of this subsection may be allowed when the applicant provides a treatment system in which the effluent can demonstrate the 10 part per million or less of nitrates, the drinking water supply meets all drinking water standards, and meets Central District Health Department's septic system requirements in existence at the time of the current application.

**Section 5:** Title 5, Chapter 16, Section 4 of the Kuna City Code, entitled "SEPTIC TANKS/SYSTEMS" shall be repealed in its entirety and the following adopted as follows:

5-16-4: - SEPTIC TANKS/SYSTEMS:

A. *Septic tanks/systems:* Septic tanks or septic systems within the City limits shall be permitted according to the following criteria:

1. *Septic system failure:*

a. If a septic system fails and the closest public sewer connection point is located a distance of more than three hundred (300) feet from the property (as measured at the property line closest to the nearest available sewer connection) and the City has no plans to extend public sewer to the subject property within ninety (90) days, it is eligible for a septic system replacement.

b. The separation distance between the replacement septic tank/drain field and an existing potable on- and off-site wells, subject to potable consumption, head shall comply with KCC 8-3-5 and all Central District Health Department requirements in existence at the time of the application for the current septic system permit, whichever distance is greater. The separation distance between the replacement septic tank/drain field and existing off-site wells consumption shall be one hundred fifty (150) feet in accordance with subsection E of this section.

c. The replacement of a septic system under this subsection shall not be considered an enlargement or an expansion of a nonconforming use.

d. The property owner shall enter into a Memorandum of Understanding with the City that will provide, at a minimum, the following conditions: 1) if public sewer becomes available within three hundred (300) feet of the property (as measured at the property line closest to the nearest available sewer connection) the property owner, shall within ninety (90) days of being notified in writing as to the availability of the sewer connection, dismantle the septic system and connect to the City's sewer system in compliance with this chapter; 2) the property owner shall participate in any Local Improvement District or other funding mechanism to fund City sewer infrastructure extension costs and City sewer connections fees

and provide for any easements; and 3) if the property owner fails to connect to the City sewer system within ninety (90) days of being notified, the City may make the connection and charge the owner for the costs associated with the connection and the property owner consents to a lien upon the property for failure to pay, and the City shall designate the land and structure as nonconforming and no building permits will be issued until the property is brought into compliance. This Memorandum of Understanding will be recorded with the Ada County Recorder.

*2. New single-family septic systems installs: Physical constraints make it unlikely the property will be connected to public sewer in the foreseeable future:*

a. If the City engineer determines that the subject property will not receive public sewer service in the foreseeable future due to an extraordinary physical constraint, the property owner may be permitted to install a septic system. An example of an extraordinary physical constraint would be extension of a public sewer line across Indian Creek where the benefit is limited to a single-family residential property.

b. If the City engineer determines that the property will not receive public sewer service in the foreseeable future due to a physical constraint, such as the property being located a significant distance from the closest public sewer service that makes the immediate connection prohibitively expensive (as determined by the City engineer) in relation to the costs of the development of the property, the property owner may be permitted to install a septic system as an interim for sewer service until the public sewer service becomes available.

c. If the property is being developed as a single-family residence and the closest public sewer connection point is more than three hundred (300) feet from the property (as measured at the property line closest to the nearest available sewer connection) and the City engineer determines that there are no plans to extend public sewer to the property contemplated in the foreseeable future.

d. The septic tank installation shall be limited to a single-family lot, tract or parcel, and not a part of a subdivision.

e. Only one (1) residence may be connected to a septic tank system per lot, tract or parcel and only one (1) septic system is allowed per lot, tract or parcel.

f. The property owner shall pay the City's standard wastewater treatment and sewer interceptor fees at time of building permit application. These fees are fixed in time and therefore not subject to inflation or other monetary adjustments regardless when the subject property is connected to public sewer, unless the use or volumes increased beyond one (1) EDU (equivalent dwelling unit).

g. The property owner shall enter into a Memorandum of Understanding with the City that will provide, at a minimum, the following conditions: 1) if public sewer becomes available within three hundred (300) feet of the property (as measured at the property line closest to the nearest available sewer connection) the property owner, shall within ninety (90) days of being notified in writing as to the

availability of the sewer connection, dismantle the septic system and connect to the City's sewer system in compliance with this chapter; 2) the property owner shall participate in any Local Improvement District or other funding mechanism to fund City sewer infrastructure extension costs and City sewer connections fees and provide for any easements; and 3) if the property owner fails to connect to the City sewer system within ninety (90) days of being notified, the City may make the connection and charge the owner for the costs associated with the connection and the property owner consents to a lien upon the property for failure to pay, and the City shall designate the land and structure as nonconforming and no building permits will be issued until the property is brought into compliance. This Memorandum of Understanding will be recorded with the Ada County Recorder.

h. The City engineer may require the residence to be double plumbed to facilitate future public sewer connection.

i. At the time of public sewer connection availability, the property owner shall immediately dismantle the septic system according to the provisions of chapter.

3. *Replacement of a single-family dwelling reliant upon a viable septic system:* If a property owner submits an application for building permit to the City to replace their entire single-family dwelling that is served by an existing septic system with another single-family dwelling, the existing septic system may be relied upon under the following conditions:

a. The property owner shall provide all testing as required by the City and Central District Health Department regulations, showing that the septic system is functioning according to all Central District Health Department regulations, as amended and the continued use of the septic system does not cause an increase in the nitrate level within the immediate area.

b. The availability of public sewer is more than three hundred (300) feet from the property (as measured at the property line closest to the nearest available sewer connection). Additionally, the City engineer shall determine that there are no plans to extend sewer within three hundred (300) feet of the property within the foreseeable future.

c. Only one (1) single family residence may be connected to a septic tank system per lot, tract or parcel and/or only one (1) septic system is allowed per lot, tract or parcel.

d. The replacement of a septic system under this circumstance shall not be considered an enlargement or expansion of a nonconforming use.

d. The property owner shall enter into a Memorandum of Understanding with the City that will provide, at a minimum, the following conditions: 1) if public sewer becomes available within three hundred (300) feet of the property (as measured at the property line closest to the nearest available sewer connection) the property owner, within ninety (90) days of being informed in writing of the availability of

the connection, shall immediately dismantle the septic system and connect to the City's sewer system in compliance with this chapter; 2) the property owner shall participate in any Local Improvement District or other funding mechanism to fund City sewer infrastructure extension costs and City sewer connections fees and provide for any easements; and 3) if the property owner fails to connect to the City sewer system, the City may make the connection and charge the owner for the costs associated with the connection and the property owner consents to a lien upon the property for failure to pay, and the City shall designate the land and structure as nonconforming and no building permits will be issued until the property is brought into compliance. This Memorandum of Understanding will be recorded with the Ada County Recorder.

4. *Development on vacant land:* A property owner of a vacant land parcel that is zoned appropriately and complies with the comprehensive plan may install a septic tank or septic system under the following conditions:

a. If the property is being developed as commercial or industrial and the City engineer determines that the property will not receive public sewer service in the foreseeable future due to an extraordinary physical constraint, such as the property being located a significant distance from the closest public sewer service that makes the immediate connection prohibitively expensive in relation to the costs of the development of the property.

b. The septic tank or public septic system may be installed only after complying with the conditions of this chapter and all conditions, as may be required by the City engineer. The property owner shall enter into a Development Agreement or Memorandum of Understanding outlining all required conditions of approval prior to the issuance of any building permits.

c. The property owner shall pay for all connections to the City's standard wastewater treatment system and sewer interceptor fees at the time of building permit application, as calculated by the City engineer, based upon the designated use of the property. These fees are fixed in time and therefore not subject to inflation or other monetary adjustments regardless when the subject property is connected to public sewer.

d. The property owner shall enter into a Memorandum of Understanding with the City that will provide, at a minimum, the following conditions: 1) if public sewer becomes available within three hundred (300) feet of the property (as measured at the property line closest to the nearest available sewer connection) the property owner, within ninety (90) days of being informed in writing of the availability of the connection, shall immediately dismantle the septic system and connect to the City's sewer system in compliance with this chapter; 2) the property owner shall participate in any Local Improvement District or other funding mechanism to fund City sewer infrastructure extension costs and City sewer connections fees and provide for any easements; and 3) if the property owner fails to connect to the City sewer system, the City may make the connection and charge the owner for the costs associated with the connection and the property owner consents to a lien

upon the property for failure to pay, and the City shall designate the land and structure as nonconforming and no building permits will be issued until the property is brought into compliance. This Memorandum of Understanding will be recorded with the Ada County Recorder.

e. The City engineer may require the development to be double plumbed to facilitate future public sewer connection.

*5. Public and quasi-public uses:*

a. A property owner with a vacant land parcel that is zoned to allow or permit and is intended to construct a public or quasi-public use such as a school, administrative, public safety, cultural, church, college, hospital or similar type building or structure may install a septic system on the parcel where the closest public sewer connection point is more than three hundred (300) feet from the property (as measured at the property line closest to the nearest available sewer connection) and the City engineer determines the cost of providing a public sewer extension from its present location(s) would be prohibitive and provided there are no plans to publicly extend sewer service to within three hundred (300) feet of the property within the foreseeable future.

b. Once public sewer is available within three hundred (300) feet distance of the property (as measured at the property line closest to the nearest available sewer connection) and capable of serving the public or quasi-public use, the property owner shall immediately extend the public sewer to the site, dismantle the on-site septic system and connect to the City's sewer system according to the provisions of the regulatory agencies with oversight control. The property owner shall pay the City's standard wastewater treatment and sewer interceptor fees at time of building permit application according to the EDU assignment for that type of use as identified in the City's sewer fee resolution. Should there be uncertainty about the EDU assignment and associated costs, the City engineer shall interpret the City's sewer fee resolution.

c. The property owner shall acknowledge that in the event they do not connect to public sewer when it is available and within ninety (90) days of being informed of that fact in writing, the City shall designate the land and structure as nonconforming and file a notice of sewer connection noncompliance violation with the Ada County Recorder's Office. This enforcement document will be recorded and follow the land until public sewer is installed according to the provisions of this section. If the property owner has entered into a development agreement with the City concerning the subject property, the agreement shall be amended to include provisions for sewer connection compliances.

*B. New and existing septic tanks/systems failure:* Septic tanks or septic systems constructed according to the provisions of this chapter are subject to the regulations of all agencies with oversight authority. All septic tank or septic system installs shall comply with all Central District Health Department regulations, as amended, at the time of the current application for the septic system permit or building permit.

C. *Nitrate Priority Map*: The City has adopted the Nitrate Priority Map. All septic system installations within the Nitrate Priority Area shall comply with the Central District Health Department's requirements as amended, regarding nitrate reduction design and installation of the septic system. All septic systems installed under this section shall comply with the strictest standards adopted by the Central District Health Department or other regulatory agency.

D. *Intent*: The intent of this chapter is to minimize the contamination of groundwater, lessen the formation of septic system enclaves that may discourage future public sewer installation, and to protect the City's public sewer rate base.

E. *Removal or abandonment of failed septic tanks/systems*: The property owner shall dismantle the septic system, by pumping the tank, collapsing the lid, backfilling and compacting it with earth in compliance with Central District Health requirements. Septic systems that accommodate more than one (1) household or nonresidential septic systems shall be abandoned as determined by the City engineer in consultation with the Central District Health Department.

F. *Water discharge*: No person shall discharge or cause to be discharged any stormwater, surface water, runoff, subsurface drainage, cooling water, heating water, water from swimming pools, or industrial process water through a septic system.

G. *Placement*: The separation distance between the replacement septic tank/drain field and an existing potable well head shall comply with KCC 8-3-5 and all Central District Health Department regulations, as amended, at the time of the application for the current septic system permit, whichever distance is greater. No new or replacement septic system shall be placed within the one hundred (100) year floodplain, as designated by Federal Emergency Management Agency (FEMA) and other best available data.

H. *City's Master Plan*: All septic tanks and septic systems shall comply with the future public facilities as noted in the city's water master plan.

I. *Prohibited*: Septic tanks are not to be permitted in manufactured home parks, recreation vehicle (RV) parks or campgrounds (see KCC 4-2A-2:5 and 4-2B:11).

J. *Temporary dwellings*: An RV or trailer used as a temporary dwelling must be placed on private property and cannot be connected to a septic system.

K. *Setbacks*: Septic tank setbacks shall be in accordance with this Chapter.

L. *Replacement system area*: Where individual septic tanks are authorized, sufficient area shall be provided for a replacement sewage disposal system and the lot shall be of sufficient size to accommodate the septic tank placement and the accompanying drainage lines.

**Section 6:** Title 8, Chapter 3, Section 5 of the Kuna City Code, entitled RESTRICTIONS WITHIN WELLHEAD PROTECTION ZONE I" shall be amended as follows:

8-3-5: - RESTRICTIONS WITHIN WELLHEAD PROTECTION ZONE I: The following uses, including but not limited to any other use that may have a detrimental effect upon the quality of water shall be and are hereby prohibited within Zone I of the wellhead protection area.

- A. Surface use or storage of hazardous or toxic material, expressly including herbicide and pesticide applications to the soils, ground water or surface water within fifty feet (50') of a wellhead.
- B. Sanitary land fills or garbage disposal.
- C. Storage disposal or waste of potentially hazardous or toxic material.
- D. Underground storage tanks.
- E. City public sewer lines within fifty feet (50') of a wellhead.
- F. Septic systems within one hundred fifty feet (150') of a wellhead or Central District Health Department, as amended, or other regulatory agency(ies), whichever provides the greater distance protection.
- G. Livestock and animals.
- H. Drainage canals.

**Section 7:** Repealer Clause. All Ordinances and Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

**Section 8:** This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED by the Council of the City of Kuna this \_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
W. Greg Nelson  
Mayor

ATTEST:

\_\_\_\_\_  
Chris Engels  
City Clerk

(Seal)



# City of Kuna

## P&Z Staff Report

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

**To:** City Council

**File Numbers:** 15-01-ZC (Zone Change), 07-03-DA (Modification / Release) Profile Ridge So. 1/2

**Location:** 1403 N. Meridian Road, Kuna, Idaho

**Planner:** Troy Behunin, Senior Planner

**Hearing date:** July 14, 2015

**Applicant:** Iron Mountain Real Estate, Inc. – Jeremy Amar  
3681 N. Locust Grove Rd. Ste. 100  
Meridian, ID, 83646  
208.895.0500  
[Jeremy@biltmoreco.com](mailto:Jeremy@biltmoreco.com)

**Representative:** Kent Brown  
3161 E. Springwood Dr.  
Meridian, ID 83642  
208.871.6842  
[Kentkb@gmail.com](mailto:Kentkb@gmail.com)

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### A. Course of Proceedings:

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

#### a. Notifications

- |                            |                                     |
|----------------------------|-------------------------------------|
| i. Neighborhood Meeting    | May 7, 2015 (four persons attended) |
| ii. Agency Comment Request | June 2, 2015                        |
| iii. 300' Property Owners  | June 23, 2015                       |
| iv. Kuna, Melba Newspaper  | June 24, 2015                       |
| v. Site Posted             | July 6, 2015                        |

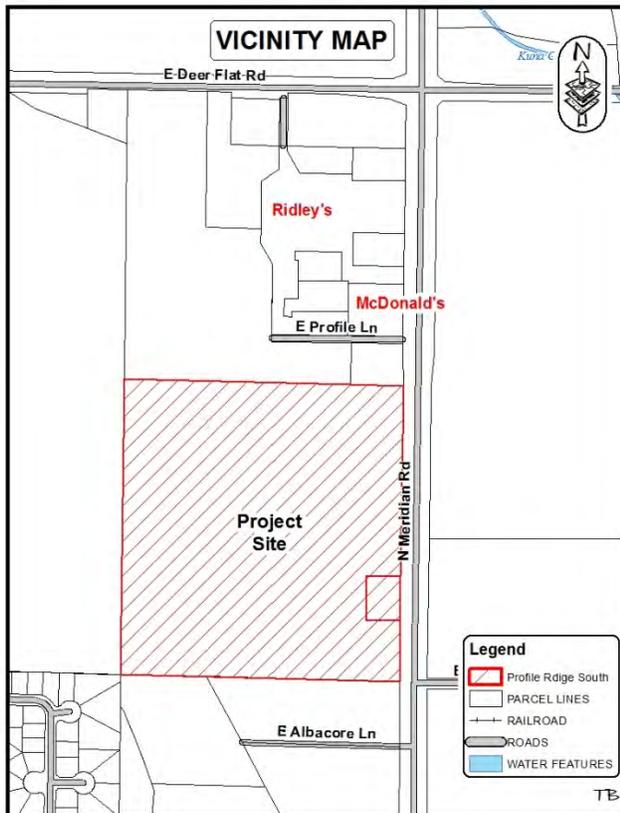
2. Case No. (15-01-ZC – Profile Ridge [South ½] Rezone) and 07-03-DA (Mod.), and the supplementary documents for this application are available for review in the Planning and Zoning Department. The public is invited to make arrangements for copies by calling (208) 922-5274, or visiting Planning and Zoning located at 763 W. Avalon Street, Kuna, Idaho, during normal business hours.

**B. Applicants Request:**

**1. Request:**

- A request by Iron Mountain Real Estate for a rezone of approximately 6.81 acres located at the southwest corner (SWC) of Meridian Road and Deer Flat Roads. This is a request to change the current zoning, R-6 (Medium Density Residential) in the City, to C-1 (Neighborhood Business District) within the previously approved Profile Ridge Subdivision.

**C. Vicinity and Aerial Maps:**





**D. History:**

This site historically has been farmed. In 2007, a Master Plan for approximately 76 acres named the Profile Ridge Subdivision was approved by Council and included approximately 39 acres of commercial area with remainder to be developed as residential homes. In 2013 construction began on the north half for the Ridley’s Family Market subdivision adding the first new commercial uses to the area. The south half has remained as a farmed field. The rezone of these lands is preparatory to attracting additional commercial business to this area of the City.

**E. General Projects Facts:**

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

3. **Surrounding Land Uses:**

<b>North</b>	C -1	Neighborhood Commercial – Kuna City
<b>South</b>	RUT	Rural Urban Transition – Ada County
<b>East</b>	RUT, Ag	Rural Urban Transition & Agriculture (Ag) – Ada County
<b>West</b>	RUT	Rural Urban Transition – Ada County

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

- Parcel Size: 37.23 acres (Approximately)
- Zoning: Neighborhood Commercial District; (C-1) & R-6 Med. Res. Density.
- Parcel #: S1324141801

5. **Services:**

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

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

There are no structures on site. The vegetation is crops typically associated with farming.

7. **Transportation / Connectivity:**

The site has frontage along Highway 69 on the east side of the property, and E. Profile Lane on the north side.

8. **Environmental Issues:**

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

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

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

10. **Agency Responses:**

The following agencies returned comments: City Engineer (Gordon Law, P.E.), Idaho Transportation Department (ITD). The responding agency comments are included with this case file and are included with this report.

**F. Staff Analysis:**

This property was part of a greater master planned project, approved in 2007. During the 2008 economic downturn, ownership for several properties changed while others retained their lands. A development agreement (DA) was recorded for the project as a whole with several project wide improvements (including a pathway from Deer Flat Road to Kay Ave. and a road down the west side of Profile Ridge, among others). The DA has been modified twice through the public hearing process since it was originally approved. The original Profile Ridge development no longer has the same owner composition for the 76 acres. Additionally, buildable lots within the Ridley's Family Center No.1 Subdivision are being sold/leased to other businesses, including McDonalds who were successfully released from the DA in 2014.

What started out as a unified project has now split into multiple owners that were not involved in the projects creation in 2007, this number will continue to increase with time. With the exception of the pathway on Deer Flat Road, the DA deals with Code related requirements. It is staff's recommendation that the City consider releasing the DA for the entire project, rather than modifying the recorded DA several more times in order to hold developers to the standards already required in Kuna City Code.

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case # 15-01-ZC, subject to the recommended conditions of approval.

**G. Applicable Standards:**

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

**H. Comprehensive Plan Analysis:**

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

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

**GOALS AND POLICIES – Property Rights**

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

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

**GOALS AND POLICIES – Economic Development**

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

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

**GOALS AND POLICIES – Land Use**

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

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

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

**I. Findings of Fact:**

1. The site is physically suitable for a commercial use.
2. The commercial use is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
3. The commercial use is not likely to cause adverse public health problems.
4. The commercial use appears to be in compliance with all ordinances and laws of the City.
5. The commercial use appears to not be detrimental to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
6. The existing and proposed street and utility services in proximity to the site are suitable and adequate for commercial purposes.
7. The Commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.
8. The Commission, has the authority to recommend approval or denial of this application.
9. The neighborhood meeting was held and the public notice requirements were met.
10. The public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**J. Conclusions of Law:**

1. Based on the evidence contained in Case No. 15-01-ZC, Commission finds Case No. 15-01-ZC complies with Kuna City Code.
2. Based on the evidence contained in Case No. 15-01-ZC, Commission finds Case No. 15-01-ZC are consistent with Kuna’s Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

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

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

Based on the facts outlined in staff's report and the public testimony during the public hearing by the Planning and Zoning Commission of Kuna, Idaho, the Commission hereby recommends (*approval / denial*) for Case No. 15-01-ZC, a rezone request from Iron Mountain Real Estate, (with/without) the following conditions of approval:

At the time of development:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
  - a. The City Engineer shall approve the sewer hook-ups.
  - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
  - d. The *Boise-Kuna* Irrigation District shall approval any modifications to the existing irrigation system.
  - e. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to *issuance* of any building permit(s).
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District and Idaho Transportation Department. No public street construction may commence without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
  - 2.1- With development and as necessary, dedicate right-of-way in sufficient amounts to follow City and ACHD standards and widths.
3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see **KCC 6-4-2-W**.
4. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
5. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation system of the City (KMID).
6. Lighting within the site shall comply with Kuna City Code and established Dark Skies practices.
7. Parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
8. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted).
9. All signage within the site shall comply with Kuna City Code.
10. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.

11. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
12. Any development will be subject to landscaping, parking lot and building design reviews, among other possible land use applications as applicable, at time of development.
13. Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
14. Developer/Owner/Applicant shall comply with all local, state and federal laws.

DATED this \_\_\_\_\_, day of July, 2015

MAY 14 2015

CITY OF KUNA



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

**Commission & Council Review Application**

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

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

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

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

For Office Use Only	
File Number (s)	15-01-2C
Project name	50. 1/2 Profit Ridge
Date Received	5.14.2015
Date Accepted/ Complete	
Cross Reference Files	
Commission Hearing Date	
City Council Hearing Date	

**Contact/Applicant Information**

Owners of Record: <u>IDAHO MUTUAL TRUST</u>	Phone Number: <u>895-0500</u>
Address: <u>12594 W EXPLORER DR STE 100</u>	E-Mail: <u>jeremy@biltmoreco.com</u>
City, State, Zip: <u>BOISE ID 83713</u>	Fax #: _____
Applicant (Developer): <u>Iron Mountain Real Estate Inc.</u>	Phone Number: <u>895-0500</u>
Address: <u>3681 N. Locust Grove Rd Ste 100</u>	E-Mail: <u>jeremy@biltmoreco.com</u>
City, State, Zip: <u>Meridian ID 83646</u>	Fax #: _____
Engineer/Representative: <u>Kent Brown</u>	Phone Number: <u>871-6842</u>
Address: <u>3161 E Springwood Dr</u>	E-Mail: <u>kentlkb@gmail.com</u>
City, State, Zip: <u>Meridian ID 83642</u>	Fax #: _____

**Subject Property Information**

Site Address: <u>817 N MERIDIAN ROAD KUNA ID</u>
Site Location (Cross Streets): _____
Parcel Number (s): _____
Section, Township, Range: <u>SECTION 24, T2N; R1W</u>
Property size : _____
Current land use: <u>Vacant</u> Proposed land use: <u>Commerical</u>
Current zoning district: <u>R-6</u> Proposed zoning district: <u>C-1</u>

**Project Description**

Project / subdivision name: _____
General description of proposed project / request: _____
Type of use proposed (check all that apply): <input type="checkbox"/> Residential _____ <input checked="" type="checkbox"/> Commercial _____ <input type="checkbox"/> Office _____ <input type="checkbox"/> Industrial _____ <input type="checkbox"/> Other _____
Amenities provided with this development (if applicable): <u>n/a</u>

**Residential Project Summary (if applicable)**

Are there existing buildings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Please describe the existing buildings: _____
Any existing buildings to remain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Number of residential units: <u>n/a</u> Number of building lots: _____
Number of common and/or other lots: <u>n/a</u>
Type of dwellings proposed: <input type="checkbox"/> Single-Family _____ <input type="checkbox"/> Townhouses _____ <input type="checkbox"/> Duplexes _____ <input type="checkbox"/> Multi-Family _____ <input type="checkbox"/> Other _____
Minimum Square footage of structure (s): _____
Gross density (DU/acre-total property): _____    Net density (DU/acre-excluding roads): _____
Percentage of open space provided: _____    Acreage of open space: _____
Type of open space provided (i.e. landscaping, public, common, etc.): _____

**Non-Residential Project Summary (if applicable) N/A**

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

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



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

### Rezone Checklist

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

Project name: <i>Meridian Road REZONE</i>	Applicant: <i>IRON MOUNTAIN Real ESTATE INC</i>
--	---

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

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

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

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

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MAY 14 2015

CITY OF KUNA



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

### Development Agreement Checklist

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

<b>Project name:</b>	<b>Applicant:</b>
----------------------	-------------------

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

Applicant (v)	Description	Staff (v)
	Completed and signed Commission & Council Review Application.	
	The proposed Development Agreement shall include the following information: <ul style="list-style-type: none"> <li>◇ The specific use or uses of the parcel for which the development agreement is sought.</li> <li>◇ The allowed or conditional use in the conditional zone for which application has been made.</li> <li>◇ A concept plan of the project to be developed on the parcel. The concept plan shall include a description of the density allowed or sought and maximum height, size and location of any structures on the property.</li> <li>◇ The time required to begin the use on the property.</li> <li>◇ A statement by the owner of the parcel that failure to comply with the commitments in the development agreement shall be deemed consent to rezone the use to the preexisting zone or, in the case of an initial zone at annexation, a zone deemed appropriate by the council.</li> <li>◇ Any other matter mutually agreeable to the parties.</li> </ul>	
	Commitment of Property Posting form signed by the applicant/agent.	
	Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application).	
	Affidavit of Legal interest (All parties involved)	

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

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

KENT BROWN  
PLANNING SERVICES

RECEIVED  
MAY 14 2015  
CITY OF KUNA

May 11, 2015

Planning and Zoning,  
City Council  
PO Box 13  
Kuna, ID 83634

**RE: Application for Rezone & Development Agreement of Profile Ridge**

Dear Commissioners and Council Members:

On behalf of Iron Mountain Real Estate Inc., please accept this request to rezone of 14.35 acres in the Profile Ridge Development. The site is located 1300 feet south of intersection of Deer Flat and Meridian.

The purpose of this Rezone & Development Agreement request is to increase the size of the C-1 zoning to match the size of the existing commercial development to the north.

In Iron Mountain Real Estates effort to move the Profile Ridge development forward it became very clear that the existing C-1 zoning was not large enough to really do any commercial development on that portion of overall development. Therefore after working with many interested parties. The decision was made to increase the size of the commercial zoning in this development to match buyers concerns.

We look forward to your approval of this Rezone & Development Agreement Applications.

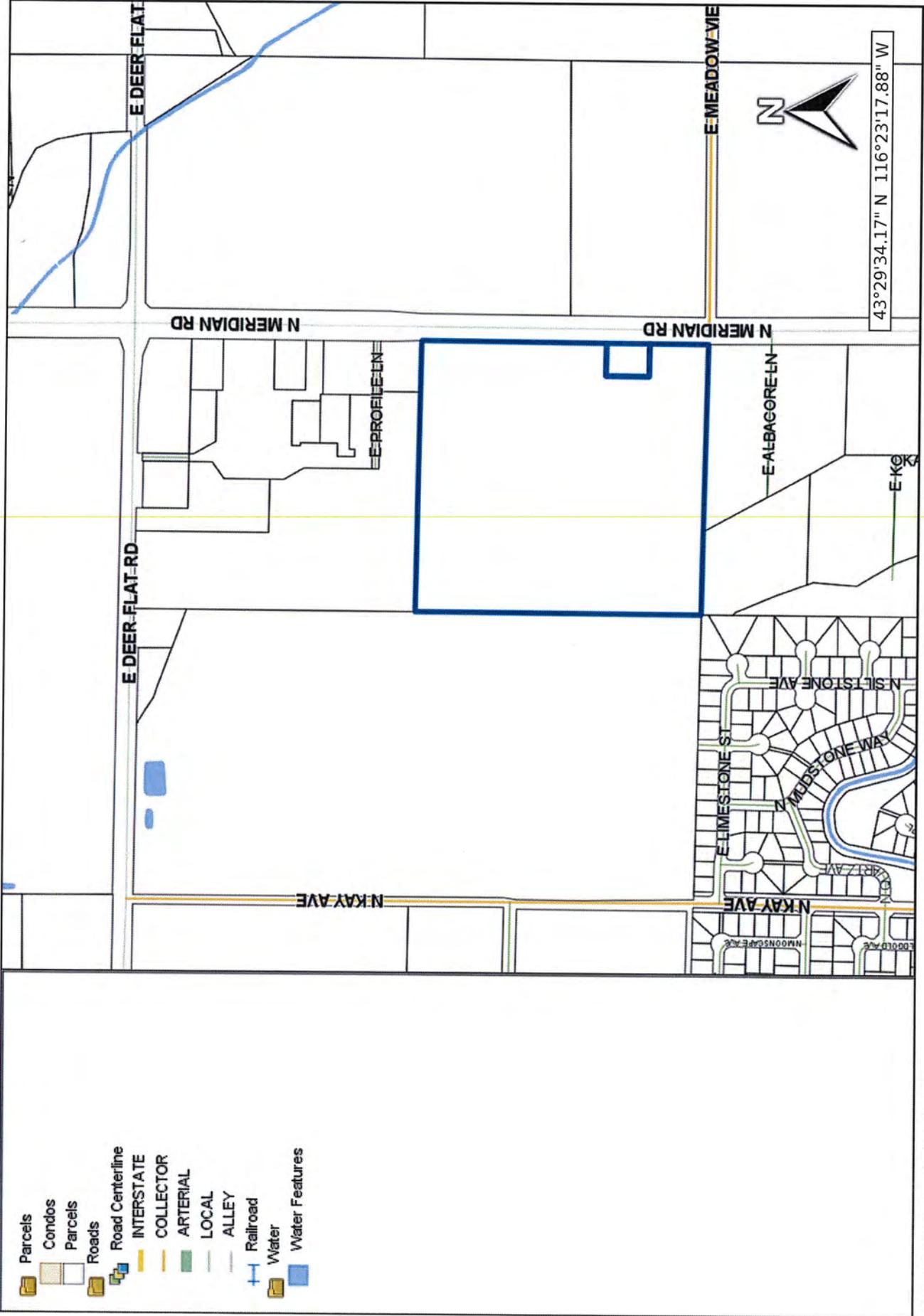
Sincerely,



Kent Brown  
Planner

# Profile Ridge

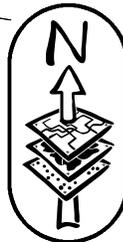
## Vicinity Map



# VICINITY MAP

E Deer Flat Rd

Kuna



Ridley's

McDonald's

E Profile Ln

Project Site

N-Meridian Rd

E Albacore Ln

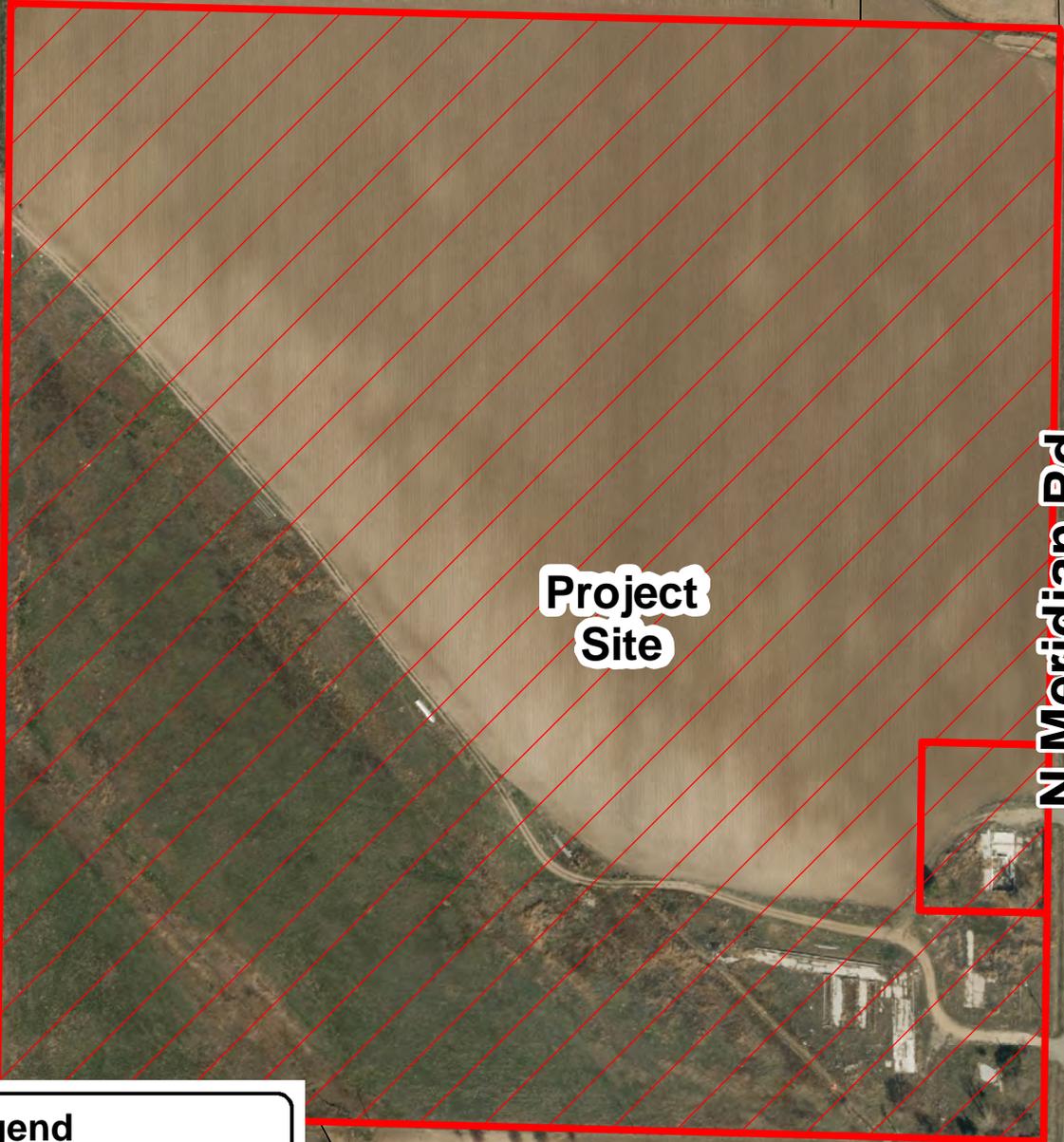
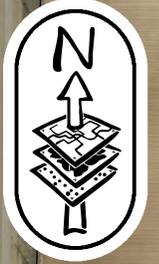
## Legend

-  Profile Rdige South
-  PARCEL LINES
-  RAILROAD
-  ROADS
-  WATER FEATURES

# AERIAL MAP

McDonald's

E Profile Ln



Project Site

N Meridian Rd

E Albacore Ln

## Legend

-  Profile Rdige South
-  PARCEL LINES
-  RAILROAD
-  ROADS
-  WATER FEATURES



PROPOSED  
REZONE AREA  
TO C-1

E DEER FLAT RD

N-MERIDIAN RD

N-MERIDIAN RD

N-MERIDIAN RD

E-MEADOW VIEW RD

E-ALHAGORE LN

E-PROBIE LN

C-1

C-1

R-6

A

Rapid Creek Ln

Rapid Creek Ln

N SILSTONE AVE

N MUDSTONE WAY

N ARTZ AVE

E LIMESTONE ST

E FULL MOON ST

N BOLLOW AVE

Kuna Joint Elementary School

Kuna Joint School District

P

MAY 14 2015

CITY OF KUNA

May 1, 2015

**PROFILE RIDGE PROJECT  
COMMERCIAL PARCEL DESCRIPTION**

A portion of the Southeast 1/4 of the Northeast 1/4 of Section 24, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho being more particularly described as follows:

Commencing at the East 1/4 corner of said Section 24 from which the Northeast corner of said Section 24 bears North 00°46'12" East, 2,649.30 feet; Thence along the East boundary line of said Section 24 North 00°46'12" East, 1,324.65 feet to the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of said Section 24; Thence along the North boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 24 North 88°36'31" West, 70.00 feet to the West right-of-way line of North Kuna-Meridian Road (St. Hwy. 69) said point being the **REAL POINT OF BEGINNING**;

Thence leaving said North boundary line and along said West right-of-way line South 00°46'12" West, 1,284.45 feet;

Thence leaving said West right-of-way line North 88°26'50" West, 546.26 feet;

Thence 31.14 feet along the arc of a curve to the right having a radius of 20.00 feet, a central angle of 89°13'02" and a long chord which bears North 43°50'19" West, a distance of 28.09 feet;

Thence North 00°46'12" East, 70.22 feet;

Thence 59.32 feet along the arc of a curve to the left having a radius of 74.00 feet, a central angle of 45°55'52" and a long chord which bears North 22°11'44" West, a distance of 57.75 feet;

Thence 57.25 feet along the arc of a non-tangent curve to the right having a radius of 70.00 feet, a central angle of 46°51'46" and a long chord which bears North 68°06'56" East, a distance of 55.67 feet;

Thence South 88°27'11" East, 37.77 feet;

Thence 38.02 feet along the arc of a curve to the left having a radius of 24.00 feet, a central angle of 90°46'37" and a long chord which bears North 46°09'30" East, a distance of 34.17 feet;

Thence North 00°46'12" East, 1,093.82 feet to a point on the North boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 24;

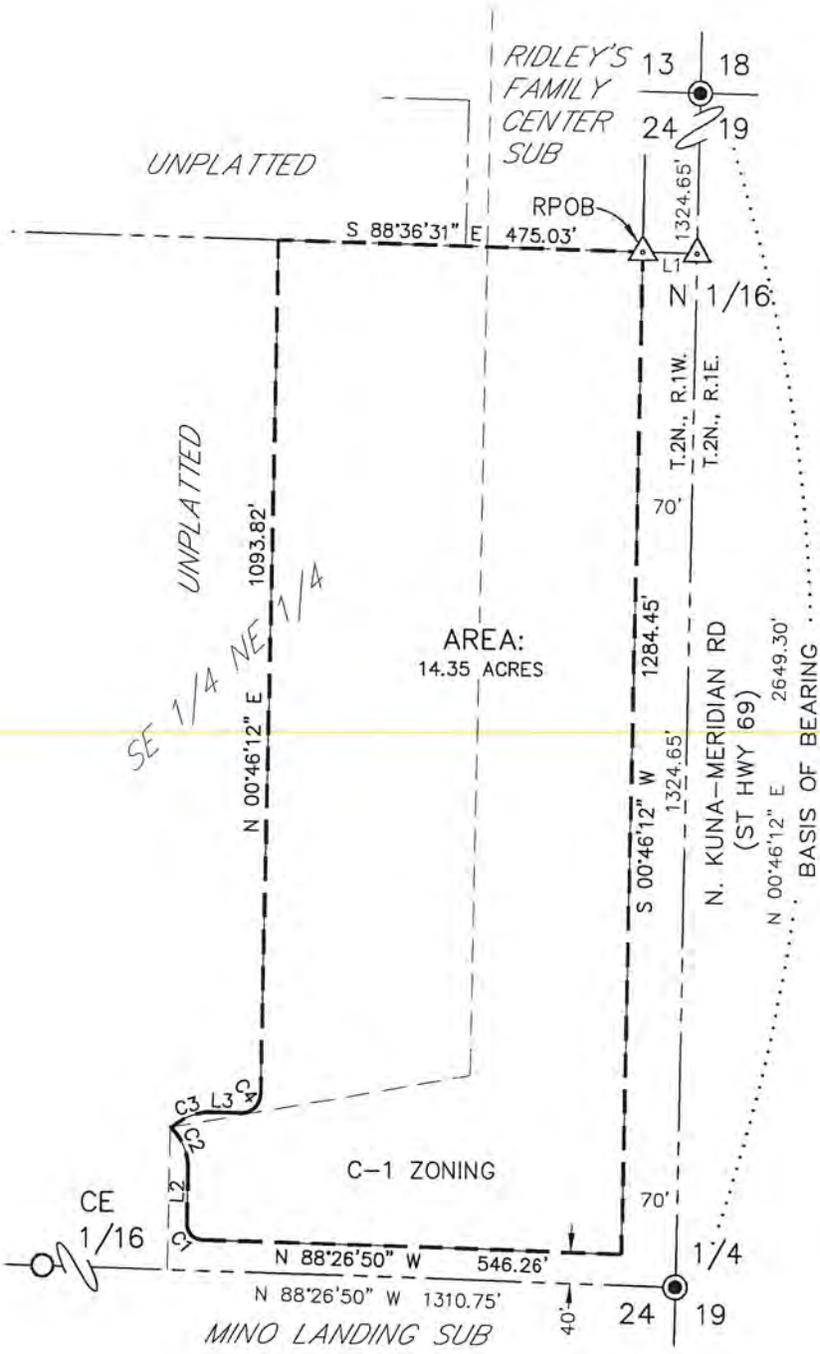
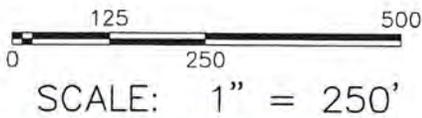
Thence along said North boundary line South 88°36'31" East, 475.03 feet to the **REAL POINT OF BEGINNING**. Containing an area of 14.35 acres, more or less.



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CITY OF KUNA



CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CHORD BRG.	DELTA
C1	20.00'	31.14'	28.09'	N 43°50'19" W	89°13'02"
C2	74.00'	59.32'	57.75'	N 22°11'44" W	45°55'52"
C3	70.00'	57.25'	55.67'	N 68°06'56" E	46°51'46"
C4	24.00'	38.02'	34.17'	N 46°09'30" E	90°46'37"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 88°36'31" W	70.00'
L2	N 00°46'12" E	70.22'
L3	S 88°27'11" E	37.77'

S:\VSG Projects\Profile Ridge Misc Services 15-096\dwg\Commercial zone EXB.dwg 5/1/2015 3:40:39 PM MDT

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

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

EXHIBIT FOR  
**COMMERCIAL PARCEL**  
PROFILE RIDGE PROJECT

LOCATED IN A PORTION OF THE SE 1/4 OF THE NE 1/4 OF SECTION 24,  
T2N R1W R.M. CITY OF KUNA ADA COUNTY IDAHO

JOB NO. 15-096
SHEET NO. 1
DWG. DATE 05-01-15

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MAY 14 2015

CITY OF KUNA

May 1, 2015

**PROFILE RIDGE PROJECT  
R-6 TO C-1 REZONE DESCRIPTION**

A portion of the Southeast 1/4 of the Northeast 1/4 of Section 24, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho being more particularly described as follows:

Commencing at the East 1/4 corner of said Section 24 from which the Northeast corner of said Section 24 bears North 00°46'12" East, 2,649.30 feet; Thence along the East boundary line of said Section 24 North 00°46'12" East, 1,324.65 feet to the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of said Section 24; Thence along the North boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 24 North 88°36'31" West, 273.02 feet to the **REAL POINT OF BEGINNING**;

Thence South 00°46'12" West, 1,060.57 feet;

Thence South 79°53'38" West, 391.07 feet;

Thence 55.22 feet along the arc of a non-tangent curve to the right having a radius of 70.00 feet, a central angle of 45°12'03" and a long chord which bears North 68°56'48" East, a distance of 53.80 feet;

Thence South 88°27'11" East, 37.77 feet;

Thence 38.02 feet along the arc of a curve to the left having a radius of 24.00 feet, a central angle of 90°46'37" and a long chord which bears North 46°09'30" East, a distance of 34.17 feet;

Thence North 00°46'12" East, 1,093.82 feet to the North boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 24;

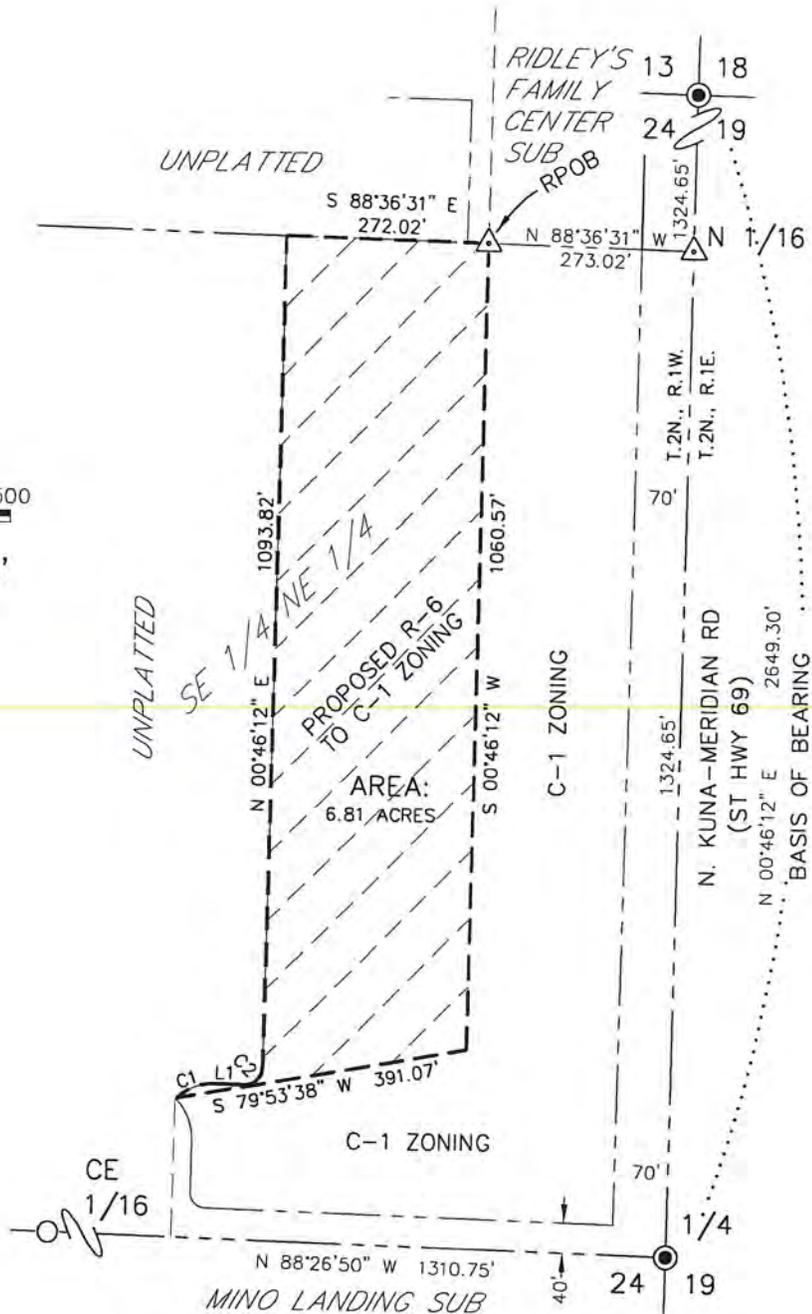
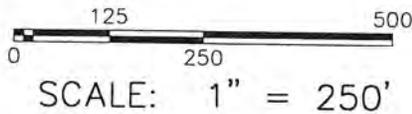
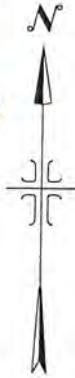
Thence along said North boundary line South 88°36'31" East, 272.02 feet to the **REAL POINT OF BEGINNING**. Containing an area of 6.81 acres, more or less.



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MAY 14 2015

CITY OF KUNA



LINE TABLE		
LINE	BEARING	LENGTH
L1	S 88°27'11\" E	37.77'

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CHORD BRG.	DELTA
C1	70.00'	55.22'	53.80'	N 68°56'48\" E	45°12'03\"
C2	24.00'	38.02'	34.17'	N 46°09'30\" E	90°46'37\"

S:\ISG Projects\Profile Ridge Misc Services 15-096\dwg\R6-C1 rezone EXB.dwg 5/1/2015 3:42:42 PM MDT

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

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

R-6 TO C-1 REZONE EXHIBIT "B"  
CITY OF KUNA  
PROFILE RIDGE PROJECT

LOCATED IN A PORTION OF THE SE 1/4 OF THE NE 1/4 OF SECTION 24,  
T.2N., R.1W., B.M., CITY OF KUNA, ADA COUNTY, IDAHO

JOB NO.  
15-096

SHEET NO.  
1

DWG. DATE  
05-01-15

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MAY 14 2015

CITY OF KUNA

May 1, 2015

PROPOSED R-6 TO C-1 REZONE REQUEST

PROFILE RIDGE PROJECT

City of Kuna

North: 668576.98 East : 2453941.00  
**Line Course: S 00-46-12 W Length: 1060.57**  
 North: 667516.51 East : 2453926.75  
**Line Course: S 79-53-38 W Length: 391.07**  
 North: 667447.89 East : 2453541.75  
**Curve Length: 55.22 Radius: 70.00**  
**Delta: 45-12-03 Tangent: 29.14**  
**Chord: 53.80 Course: N 68-56-48 E**  
 Course In: S 43-39-14 E Course Out: N 01-32-49 E  
 RP North: 667397.24 East : 2453590.07  
 End North: 667467.22 East : 2453591.96  
**Line Course: S 88-27-11 E Length: 37.77**  
 North: 667466.20 East : 2453629.72  
**Curve Length: 38.02 Radius: 24.00**  
**Delta: 90-46-37 Tangent: 24.33**  
**Chord: 34.17 Course: N 46-09-30 E**  
 Course In: N 01-32-49 E Course Out: S 89-13-48 E  
 RP North: 667490.19 East : 2453630.36  
 End North: 667489.87 East : 2453654.36  
**Line Course: N 00-46-12 E Length: 1093.82**  
 North: 668583.59 East : 2453669.06  
**Line Course: S 88-36-31 E Length: 272.02**  
 North: 668576.98 East : 2453941.00

Perimeter: 2948.50 Area: 296,815. sq.ft. 6.81 acres

Error Closure: 0.00 Course: S 45-37-07 W  
 Error North: -0.003 East : -0.003  
 Precision 1: 2,948,490,000.00

