



KUNA PLANNING AND ZONING COMMISSION

Agenda for February 14, 2017

Kuna City Hall ▪ Council Chambers ▪ 751 W. 4th St. ▪ Kuna, Idaho

1. CALL TO ORDER AND ROLL CALL

Chairman Lee Young
Vice Chairman Dana Hennis
Commissioner Cathy Gealy
Commissioner Ron Herther
Commissioner Stephen Damron

2. CONSENT AGENDA

- a) Planning and Zoning Commission meeting minutes for January 24, 2017
- b) 16-03-CPM (Comprehensive Plan Map Amend) and 16-10-AN (Annexation) Ashton Estates Subdivision; Requesting approval to amend the Comprehensive Plan (Comp Plan) Map, from Medium Density Residential to Mixed-Use General over approximately 50.6 acres into Kuna City with the following zones; C-1 (Neighborhood Commercial), R-6 (Medium Density Residential) and R-20 (High Density Residential). The subject site is located on the south-east corner (SEC) of Meridian and Deer Flat Roads. ***Findings of Fact and Conclusions of Law.***

3. PUBLIC HEARING

- a) 16-12-AN (Annexation) – **Renascence Farm and Mason Creek Farms**; Applicants, Renascence Farm, LLC, Spaulding and Anderson and Mason Creek Farm, LLC, requests approval to annex approximately 165 +/- acres into the City of Kuna. Applicant requests the R-6 (Medium Density Residential) for all properties. 139 acres of the application are located between Ten Mile and Black Cat Roads, south of Amity Road. Approximately 26 acres are located near the NEC of Ten Mile and Lake Hazel Roads, east of Ten Mile and north of Lake Hazel.

4. COMMISSION DISCUSSION AND REPORTS

5. ADJOURNMENT

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

**MEETING MINUTES
Tuesday, January 24, 2017**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	Absent	Wendy Howell, Planning Director	X
Commissioner Dana Hennis	X	Troy Behunin, Senior Planner	X
Commissioner Cathy Gealy	X	Trevor Kesner, Planner II	
Commissioner Ron Herther	X	Nancy Stauffer, Planning Technician	X
Commissioner Stephen Damron	X		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

Vice Chairman Hennis called the meeting to order at **6:00 pm**.

1. CONSENT AGENDA

a. Planning and Zoning Commission meeting minutes for January 10, 2017

Chairman Herther motions to approve the consent agenda; Commissioner Gealy Seconds, all aye and motions carried 3-0.

Wendy Howell: We are requesting to pull item **3d** from the agenda.

Cathy Gealy: Mr. Vice Chairman, I motion to remove item 3d, 16-12-AN from the agenda, an annexation request for Renaissance Farm and Mason Creek Farms.

Commissioner Herther seconds, all aye and motion carried 3-0.

Vice Chairman Hennis: If there is anyone here for the Renaissance Farm, Mason Creek Farm annexation, we apologize, but that has been pulled from the agenda.

Troy Behunin: The Renaissance Farm and Mason Creek Farm Annexation will be re-noticed.

1. PUBLIC HEARING

a) 16-09-AN (Annexation); A request by **Michael Robinson** to annex approximately one (1) acre with an R-2 zoning designation. The site is contiguous to the city limits and is located at 1420 West Hubbard Road.

Michael Robinson: For the record, Michael Robinson, 1420 West Hubbard Road. I would like to bring my property into the City of Kuna.

Commissioner Herther: I understand you want to hook up to the water.

Michael Robinson: The irrigation, yes.

Nancy Stauffer: Commissioners, for the Record, Nancy Stauffer, Planning Technician. The application before you tonight, is from Michael Robinson. He is requesting an annexation into the City with an R-2 zoning designation. The agencies were notified on November 30th. Notices of tonight's meeting were sent out to neighbors within 300 feet of the property on January 4th and a legal notice was published in the Kuna Melba News on January 11th. The Comprehensive Plan's land Use map identifies this property as 'medium density'. The applicant has submitted all of the required documents for the request and they have fully complied with Planning and Zoning staff requests.

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Based on Staff's review of the application, Planning and Zoning concludes the application complies with Kuna City Code and forwards a recommendation of approval to the Commission.

Vice Chairman Hennis: I will open the public hearing at 6:14. As there is no one signed up to testify regarding this case, I will close the public hearing at 6:15. That leaves us with our discussion.

Commissioner Gealy: It seems pretty straight forward.

Commissioner Herther motions to approve 16-09-AN, annexation for Michael Robinson with the conditions stated in the staff report; Commissioner Gealy Seconds, all aye and motion carried 3-0.

- b) **15-05-S** (Subdivision) and **15-08-DR** (Design Review) – **Silvertrail Addition Subdivision;** *[The public hearing is being re-opened to remedy a noticing infraction for the public hearing on December 13, 2016, to solicit public testimony for those who did not have an opportunity to testify at the December 13th public hearing]* A request from Viper Investments, LLC for preliminary plat approval and design review for a new residential subdivision. Applicant proposes 421 single family homes and 56 common lots (approximately 8.68 ac.) on 130.55 acres already zoned R-6 in Kuna City.

David Crawford: For the record, David Crawford, B&A Engineers. Address is 5505 W. Franklin Rd. Boise, ID. I am representing the applicant who is also here tonight. We are here to discuss the Silvertrail Addition plans, which is almost an infill project in the City of Kuna. It abuts existing neighborhoods, Danskin and Silvertrail, and so that is why we are utilizing the Silvertrail Addition plans as the main project. We have previously provided in all the application documents a way of providing all of the necessary city services to the development complying with Kuna City code with stipulations that are related to maintaining the gravity irrigation ditches and discharge lines throughout the project so they can develop in an orderly manner. I guess rather than rehash everything that we already talked about in the previous meeting, I would just like to take a few moments, what I brought here tonight was the old layout. At the last meeting, we heard a lot of discussion about open space and at the end, you know, hodge podge throughout the development, and in that last meeting the owner elected to add some additional lands to that. Part of the interesting thing about how these projects run through is that we submit them months in advance and we ask all the agencies for review. We got the word back from Ada County Highway District and in the report, it was quite a bit further than what we anticipated originally. So, there is a new layout I believe that has been presented to you, in the layout I would like to point out a few things. ACHD has required traffic calming. They don't always tell us exactly what they want us to do, so we kind of have to guess. In this particular instance, they did afford an opportunity to reduce street sections in certain areas. We didn't want to do a (inaudible) but traffic calming is an important part of it, so there is an exhibit that is in your packet which has these reduced (inaudible) Provided in the development. So, there is just a few spots throughout that are primarily near intersections where we are required to use reduced width street section. One interesting item of note, that was kind of surprising to us, ACHD has also noted that there was to be a round a bout located at the intersection of school street and mason creek intersection. The new layout makes the round a bout take up a lot of room and required us to renew a substantial amount of the layout near the southwest corner of the development. Due to that imposition of the round a bout we were able to consolidate open space. We also added open space and we also added pathway sections throughout the development. We believe that these will be an attractive addition. We were able to, again, consolidate open space near the corridor ...irrigation drain that exists west of the round a bout and runs north west through the development. So, that being said, you heard in the last meeting we definitely made some modifications based on agency review comments and also what the public indicate. With that I will stand for any questions you may have.

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Commissioner Gealy: Did you work with ACHD on the traffic calming?

David Crawford: Yes, we certainly did. ACHD is an intricate part of developments and how they occur, so the discussions with them began very early. So yes.

Commissioner Gealy: Is it your expectation that this traffic calming will be acceptable to ACHD?

David Crawford: It is my understanding, yes.

Commissioner Damron: Those narrowed streets that you have set up in here, what is provided for parking on those?

David Crawford: In those particular sections of the road, parking will be most likely restricted on one side. The fire department is going to have to weigh in on those street sections. They typically require no parking on one side and a 29 foot back to back curb section. The ones that we are presenting here are primarily 33 foot. So, for just slightly narrower than a standard 36 foot back to back street, so we are losing basically gutter plate on either side of the road. So, it is not a terrible reduction in the road, it's just a small reduction to provide for some visual relief to slow traffic down.

Commissioner Damron: And with the Comp plan we have a trail system and a byway system for bikes, pedestrians. I don't see that in here to be contingent with the other layouts of the other property that is down south of you.

David Crawford: We have laid out an open space that goes with the pathway that exists adjacent to or parallel with the drain that runs through the project. So, that is an entire open space that runs north west just adjacent to the cul-de-sac.

Commissioner Damron: Ok, so that will be all interconnected with the properties to the south?

David Crawford: Yes, as it currently is.

Vice Chairman Hennis: I do appreciate you listening, adding some open space in there, it makes a big difference for us. Thank you. I think we are done with questions tonight.

Troy Behunin: Vice Chairman Hennis, Commissioners, for the record, Troy Behunin Kuna Planning and Zoning Planner 3. The application you have before you tonight, is a repeat of December 13, 2016. The reason why staff has recommended that we reopen the public hearing for this particular application was due to a noticing infraction on the signs that were posted at the site for the December 13th hearing, so we decided to repost the site and reopen up the public hearing. So, that is why we are here tonight. Just as a follow up to what David Crawford said, they have addressed some of the concerns that the commission had and also some of the residences concerns. The need for open spaces and connectivity and that's reflected in that layout that has been included in the packet that is available on line and also that has been passed out to you this evening. All of the noticing procedures were handled appropriately for this and followed the law and city code and basically what we are standing in front of you tonight is to ask for your recommendation to City Council about the technical portions of the preliminary plat as presented. The zoning for the property is already R-6, the developer and owner of the property is actually proposing something less than the R-6 zoning. That was the original layout. As you can see it has been modified and I do not know if it is even lower than what it was before. I will stand for any questions that you may have.

Commissioner Gealy: I just have one question for Troy. Do you know what the recommended service levels are for open space?

Troy Behunin: Yes, actually I do. The recommended service levels acre, for every 1000 residents, there should be 3.15 developed park acres. I believe that number came from a forecast from Compas.

Commissioner Gealy: That's developed parkland, not green open space?

Troy Behunin: It is defined as usable space.

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Vice Chairman Hennis: With the new additions to our meeting, are there any interest in testifying before us tonight? If we do, then you will need to fill out the sign-up sheet, if you would.

Troy Behunin: I will leave some copies of the new preliminary plat with the round a bout and the addition and the new street orientation and the addition of the open space up here for those that want to see them.

Vice Chairman Hennis: I am going to open up the public hearing for this section at 6:28 pm. I have no one listed in favor or neutral. I will start on the in-opposition column. Bryce Durrant, please come up and state your name and address for the record.

Bryce Durrant: Bryce Durrant, 2345 W. Columbia. I'm opposed to this plat map, one of the big things is the open space proposed for this subdivision. There is hardly any open space. It says 3 ½ acres for every 1000 residents and it is clearly going to have over 1000 residents. There is very little open developed (inaudible) playground equipment, things for the residents that live in that subdivision to be able to use. That is just one of the many complaints I have about this subdivision. I own a house... I have a one acre lot. When I bought the house, I was expecting some bigger subdivisions and all of a sudden, backed up to my one acre lot. There is going to be 3 houses backed up to it. What about the influence those 3 neighbors will have on the resale value of my home. I have a major collection street running right down the side of my property which would be the School Ave. How much traffic is that going to bring? Anybody who has traveled Columbia during rush hour times, knows that's a busy road. How many more traffic is that going to provide there and how much harder is it going to be for me to get in and out of my own house? I think there is a lot of things here that (inaudible) lot sizes, a variety of lot sizes. I have looked at the lot sizes and 90+ % of them are around 8000 square feet. What about some bigger lot sizes? (inaudible) We have plenty of these 8000 square foot lot sizes in Kuna, what about bigger lots. In the Comprehensive plan, they talk about rural track development, rural development (inaudible) This subdivision, this one and many other I see the agriculture heritage lost. Which is really what was...for kuna, let alone the impact it's going to have on our schools, the fire department, we have one fire station for the whole city and how much is this going to tax our fire department and who is going to end up paying for it? The people in this subdivision won't pay for all of it, it's going to be everybody. How many times are we going to have to repay for these city services, for school, for fire protection, I think these types of subdivisions are not what we need in the city. Thank you for your time.

Vice Chairman Hennis: Next up is Jacob Bell.

Jacob Bell: Good evening, my name is Jacob Bell I live in the Danskin Ridge Subdivision and I am on the home owners' association board. I wanted to, first, thank you guys for reopening the hearing. I also wanted to take a few minutes to reiterate several concerns from a neighborhood meeting from 2015 as well as December's meeting. One of the biggest concerns with this subdivision is the, our current Danskin Ridge subdivision and Silvertrail addition were planned at two different times and two different goals and densities. It's been a comment made by the developer. What we would like to see is a better planned transition between the two different subdivisions. If you look at the plat, and this is an older one, but I don't think it has changed on the newer one. Most of the houses along Danskin that are contiguous with Sivertrail Addition are 3-4 new neighbors along our back fences, in the worst case in the corner there, that house has seven new neighbors the way this is platted. I totally respect the R-6 and the effort to be well within the parameters of an R-6, but it would be great to see some planning in transition between the two different densities, I don't see that. Your last item that came up on December 13th was the School street, the access road (inaudible) This restriction here, that common space along the fence is a bare minimum and there was a comment in either the meeting notes or in the packet that came out, that that was constrained by ACHD and a 50-foot minimum for the road width. I understand that at the top where there are common lots that aren't for this subdivision, in this area here, there is nothing to prevent...(inaudible)

Commissioner Herther: Would you take the microphone with you when you go to the map?

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Jacob Bell: You bet. The other was, during the community meeting there was concerns about fencing material. The homeowners that are along those lines would like to have some input in what fencing material they want between the two subdivisions. There is also a question about the existing roads in the Danskin subdivision were designed to blend into this plat. We appreciate that they don't, but there is questions about how, is our existing road going to terminate into someone's backyard fence? That is the way it is drawn today. Lastly, the Silvertrail school that exists there today is nearing capacity and I'm concerned, as a homeowner, about the impact this is going to have (inaudible) The property the city owns, I don't know if that ever got answered, I'm not aware of any and I would hate to see us go put in this medium density subdivision without the school support. Lastly, I appreciate everybody's efforts to add parks and common space to the new plat. I appreciate your guys' focus (inaudible).

Vice Chairman Hennis: Lastly on the list is Ross Dando.

Ross Dando: Ross Dando 8070 S. Slide Creek. I have been a resident of the valley for over 20 years and watched cookie cutter subdivisions go in and watched the northern part of our valley develop into a rich, if you will, landscape of people that, where the money has moved north and the bedroom community has moved south. I moved into what I believed was a rich area and had a long-term plan based on the original plat that was done back in 2000 that I had a vision that possibly it would expand and continue that direction. This is a cookie cutter community and people are going to come and go to work and they are going to go to school. Running with the theme that was originally done for Danskin Ridge is more of the direction of what I think Kuna would like to be, (inaudible)

Vice Chairman Hennis: Ok, that is all that is listed on here, there was one person that came in last, did you have any interest in saying anything? Ok, so I will go ahead and close this public hearing at 6:38 pm. Would the applicant like some rebuttle time?

David Crawford: David Crawford, B&A Engineers, 5505 W Franklin Rd, Boise. We certainly enjoy the opportunity to hear people that come and take the time out of their day to come and discuss these things that impact their neighborhoods. We certainly appreciate and listen as well as we can, given the constraints that we have to work with. This project from the word go is always with the R-6 zoning that was afforded it, has always taken attack where we are well under the R-6 zone. We are sitting about 3.5 units per acre, that is so we don't just have large lots up against a plat many years ago, that was done in the county when it was more rural back then. The applicant, when he purchased this ground, had to come up with the money to pay for the LID assessment on the ground, so that's already all been paid. So, he didn't take it to the six units per acre, so those concessions were granted through the entire subdivision. Other developments in the area, Applewood subdivision, they have larger lots, the exceed 1000-12000 square feet. The Sivertrail addition, and now we are getting into the smaller lot areas. We have created a transition adjacent from Danskin which just simply can't compete with development that wasn't constructed to city standards at the time. So, that's what we have done. We have limited constraints and other things that do along with that. For example, the location of the School Street is dictated and in large part to the mid mile and the mile collectors and arterial roads that exist in the grid system, (inaudible) We were lucky to get the 50 foot all the way out to Columbia road. But that's all we have, there's no more. So, we have spread the densities out in an applicable manner, offer various housing types, different types of homes and architecture that is suitable for the area and definitely with the markets very well. We don't believe that it is a cookie job scenario. We also believe that the resale values in the area will continue to improve, like we have seen over the last several years. This is an area that exists outside of...this scenario exists closer to the city of Kuna than it did 15 years ago. The city is expanding we're in a growth pattern now and so that's what we are seeing, we're finally being able to work through. Sliding school street over to the east just simply doesn't work. It creates all kinds of nooks and crannies that just make for poor development. I believe that a lot of things we can address in the development when they are related to the development, but we are existing within the confines of the land use planning act

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here in the city of Kuna, the zone that's afforded for these areas and we simply didn't make a forward move to go above 4 units to the acre. We are sitting at 3.55 units to the acre. We believe that we have complied with what the city has asked us to do and we are offering an attractive addition to the city of Kuna and we hope to be here for a long time to come and to continue to work with the city, so we certainly would request that the project be approved as it's shown.

Commissioner Gealy: I have a question for you. Do you know...I'm sorry, I should introduce myself, I'm Cathy Gealy, I'm sorry I missed the December 13th hearing, I had someplace else I had to be, but I have reviewed all of the materials, I have reviewed the minutes from the previous meeting and I feel like I am prepared. I have to put that on the record. My question is, having reviewed the minutes from the previous meeting, I appreciate the efforts of the applicant to increase the open spaces available to the residences of this community. Do you have an idea of how much open additional open space you are providing now, no top of what was originally proposed?

David Crawford: I can tell you what the legend says.

Vice Chairman Hennis: But that's not your current...

David Crawford: Correct, I have that calculation over here as well. In the old plat, it was 8.68 acres of total open space throughout the development. The new one, we have over 11 acres. And as we talk about open space I think it is important to know that one thing that we were excited about that was mentioned in the last meeting that open space is always a topic of discussion. It has always been like, what does that open space look like. We create the pocket parks that we require the HOA to maintain, and then there are some challenges and issues with that. (inaudible) What we are excited about, and what we talked about in the meeting was the ability for the city of Kuna now, to have this park impact fee so that these developed parks can be maintained, and that's paid for in community development. With those impact fees that are assessed at building permits. So, I'll often believe and find that other jurisdictions that utilize those have a much better park system over time. But here, it's all going to be based on the homeowner's association to take care of it. No, the standing, there is still more than 11 acres of open development.

Commissioner Gealy: I was surprised to hear the comment that the roads from Danskin are not continued into this subdivision, they dead end. Is that correct?

David Crawford: Yes, that's absolutely correct. The roads that were in Danskin are private roads, they are not public roads. I that we have gotten a lot of feed-back from the neighbors that if we tried to open them up, a lot of traffic would flow through their subdivision.

Commissioner Gealy: I'm still concerned about the traffic calming, because there I don't see on the map in front of me, any traffic calming on School street itself or on the major north/south road or the major east/west road, except for the rotary.

David Crawford: ACHD kind of dictates how these roads are improved, the classification of those roads, what they require within their roadways. For example, arterial roadways exceed or can (inaudible) total right of way, 60 some odd feet back to back per collector road such as this school street or 36 foot back to back (inaudible) want to move the traffic in these mid mile collectors, so where the traffic calming was in the local roads where the speeds are much slower and where there is pedestrians presumably milling around, and they are not supposed to be doing that (inaudible) where there's a lot more traffic.

Commissioner Herther: I have a question about the speed limit. I talked with ACHD some time ago and they told me that all subdivisions in Kuna are 25 MPH. But in the staff report it says 35 MPH for this subdivision. Is that right?

David Crawford: I'm not exactly sure, I can't say if it is right or wrong, but what I can say is that it would be unusual for a local road to be 35 mph. they are typically designed for 25 mph.

Commissioner Herther: The thing that struck me was, it is in the area that we are talking about traffic calming?

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David Crawford: All I can say is that it would be unusual, it may be a typo in the report, but I don't know.

Troy Behunin: Commissioner Herther, that's a really good question. Typically, what happens is ACHD has a boiler plate language for speed limits and they always follow it up with "or otherwise posted" speeds. All internal speeds will be 25 mph. I don't recall exactly if this section that you are referring to, for the 35 mph, I wonder, I'm not sure, I have not read the report in more than a month, but I believe that was talking about the speed limit for school ave. Which is a collector road, which is intended to move traffic and to move pedestrian, it is not intended for playing or crossing or, it's really designed, and its entire purpose is to funnel traffic in and out efficiently. The other point is that Kuna Code does not allow for homes to front or to take access from a mid-mile collector or anything above that, so Kay ave, or mason creek, you will notice with both of the renditions of the preliminary plat has been proposed, no lots are proposing access to mason creek, which is the east/west, or to school ave., which is the proposed north/south because it is a funnel.

Vice Chairman Hennis: That leaves us for our discussion. I think they have done a nice job, they have reconfigured the bottom left area. It looks like it's reduced some of the lots in that area as well, provides a lot of open space down near the school street entrance, down towards the south. Another comment, I don't believe they can move school street over much further. What was talked about towards meridian road to the east, I believe that's a stated number of feet that it's required to be.

Commissioner Gealy: Because it's a collector?

Vice Chairman Hennis: It has to be away from the main arterial. I think there was previous conversation back on the 13th regarding the streets not tying in from the other subdivision, so that it would not have traffic flow through there. Otherwise I think, as we were looking at, that this is mostly whether they are complying with the actual zoning that has been included in the previous comprehensive land use map. They do comply. Are there any other comments? Could you please come up and state your name and address. Usually we don't allow...

Troy Behunin: Actually, if you take comment you will have to reopen the public hearing.

Vice Chairman Hennis: Ok, let's reopen the hearing at 6:52pm. Please approach the stand and state your name and address for the record.

Jacob Bell: Jacob Bell, 3481 S. Danskin Rd. I live in the Danskin Subdivision. I just didn't want you guys to close without having a discussion around transition between the two subdivisions. One of the ...that keeps coming up in all the meetings and discussions is the lack of cohesiveness in the planning and the transition between the different subdivisions, and I just didn't want you guys to close without ...

Vice Chairman Hennis: I will close the public hearing at 6:53pm and the applicant has the chance to rebut.

David Crawford: David Crawford, B&A Engineers. I certainly appreciate the input from the neighbors. We have discussed this a lot and there is so little, I think we did the densities around the transitions in my last discussion where we were talking about the densities throughout the entire development and they were reduced to a much lower density than the R-6 zone. Talking about the transition between one neighbor to another, we're really stuck with what we can do there. We can't amend the fence types, or, we can't do the cedar fencing, we are pretty limited to vinyl fencing. Most people don't like the wrought iron because you can see through it. So, those are the types of things that we are required to do, and we will do.

Vice Chairman Hennis: Unfortunately, he is right. There is no stated transition that needs to be addressed. And again, the density is defined by previous zoning.

Commissioner Herther: The density is much better than what it could be. We are looking at 3.5 vs 6.

Vice Chairman Hennis: I think he was talking about...

Commissioner Herther: I know, I understand. I think this was laid out some time ago. And that's what we live with.

Vice Chairman Hennis: Unfortunately, it has been pre-defined.

Vice Chairman Hennis: Any other discussion? Ok, I will stand for a motion.

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Commissioner Herther motions to recommend approval of 15-05-S subdivision and 15-08-DR Design Review Silvertrail addition subdivision as conditioned by staff; Commissioner Gealy Seconds, all aye and motion carried 3-0.

Vice Chairman Hennis: I would like to make another announcement as well that we have pulled the Renaissance Farm and Mason Creek Farms annexation from the agenda and will be re-noticed at a later date in case we have had some people come in afterword. Thank you.

- c) 16-03-CPM (Comprehensive Plan Map Amend) and 16-10-AN (Annexation) **Ashton Estates Subdivision**; Applicant, SDN, LLC, requests approval to amend the Comprehensive Plan (Comp Plan) Map, from Medium Density Residential to Mixed-Use General over approximately 50.6 acres. The site is contiguous to Kuna City limits and the applicant requests approval to annex the same parcel into Kuna City with the following zones; C-1 (Neighborhood Commercial), R-6 (Medium Density Residential) and R-20 (High Density Residential). The subject site is located on the south-east corner (SEC) of Meridian and Deer Flat Roads.

Kelly Kerrick: Kelly kerrick with KM Engineering, 9233 W. State Street, Boise Idaho. Commissioners, I'm excited to be here bringing forward a project along your guys' gateway corridor and we have been working real closely with staff to try and figure out a good way to develop this piece of property. It started off with the property is currently in the medium density in the comp plan and when you are working along incoming traffic streets like a state highway, it's obviously not ideal to have your single family pushed right up against the highway, you have the commercial right across the street. So, in coming up with a plan to develop this property, we figured how to adjust the transition for a commercial convention that's on the other side and take advantage of the traffic to a high density residential to a (inaudible) And so, the best way to do that was to come in with a comp plan amendment for the mixed use so that we can do the different zones and then coming in with a rezone to match that progression. Beyond that, I think the staff did a great job summarizing the project, so I am happy to stand for any questions.

Commissioner Gealy: I have no questions at this time.

Commissioner Herther: I don't have any questions.

Vice Chairman Hennis: Thank you very much. We will have staff come forward.

Troy Behunin: For the record, Troy Behunin, Planner 3, planning and Zoning. The application you have before you tonight 16-03-CPM Comp Plan Map Amendment and 16-10-An Annexation is a request by The SDN, LLC, the Don Newell property. The owner is here along with the engineer. Staff is here to tell you that we've worked very closely with the applicant and their representative, we just want to let you know that the noticing procedures have all been followed. We advertised in the paper, notices were sent out to land owners, actually beyond 300 feet, which is the minimum, and it was posted properly. The applicant has only proposed the map amendment to you folks for a recommendation to City Council and also annexation, which will be your recommendation to council. They are aware that in the future, that additional entitlements, at least a couple of other additional land use entitlements will be required, which would be included in the plat which would effectively divide the property. Right now it's a single parcel, it's just over 50 acres with frontage along Meridian road and Deer Flat. They have a number of things that they would like to do with their property and staff would support all of the reasons stated within the comp plan analysis that references the comprehensive plan text with mixing uses, like

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commercial and residential. The staff would only like to make a couple of suggestions to add to the overall conditions of approval, and I have typed them out, so I am going to read them so that this body does agree with those conditions, then you can discuss amongst yourselves and you can make a motion whether you want to follow that or not. I have talked with the applicant and their representative and at least on the surface they appear to be agreeable to them and they knew that they were coming...that staff would recommend that they be conditioned to this. The reason for these conditions is because in the zoning exhibit, which is part of the overall packet, it would appear that there could be a proposal for 3 different zones on a single property, which is not allowed in Kuna city code. So, we have construed a couple of different conditions that would remedy anything that would appear to be that. The first condition would be that we would add "If a PUD, planned unit development, is not applied for and approved, or, the project does not submit for a preliminary plat application within 2 years of the signing of the findings of fact the entire parcel shall be zoned and recorded as an R-6 medium density residential zone. The reason for that is, we cannot have multiple zones on a single parcel, this would eliminate that. A planned unit development would allow that to happen and it would also demonstrate the applicants wishes and desires to further this process along and then we would record the annexation with the proper zoning designations as demonstrated in their zoning exhibit. The second suggested condition would be the annexation ordinance shall not be recorded with Ada County until the preliminary plat for the entire project is approved by council. Other than that, I will stand for any questions that you might have.

Commissioner Damron: When we approved that parcel down the street, ACHD had no conditions for the approach on that. If this is approved with the commercial site in front. I don't see any conditions for that approach on the ACHD paperwork.

Troy Behunin: they will need to actually come before this body again through the public hearing process seeking a preliminary plat approval and that it would move to City Council. As a part of that application, because it is a public hearing item, ACHD would then offer full comments based on a preliminary plat. The other comments for this application were limited only to the annexation and the comprehensive plan map change. There are no development conditions, other than the few that you saw in the report. There full comments will come at preliminary plat, which they would be required to get.

Commissioner Damron: The extension on Deer Flat, according to ACHD, they are going to increase the size of that in the future. Are the set back on the property enough for that widening...

Troy Behunin: I believe the applicant is aware of that widening requirement and when it goes to the landscape buffer that is required along Deer Flat. We did discuss that at length.

Commissioner Gealy: I am confused by the first recommended additional condition. It seems that the proposal is to amend the comprehensive plan for a medium density residential to mixed use. Why wouldn't we just leave it at that and not stipulate that if they do not come in with a PUD or something...

Troy Behunin: Because it has to do with the zoning that's being requested.

Commissioner Gealy: But if the zoning that is being requested is for mixed use, is that correct?

Troy Behunin: the mixed-use designation on comprehensive plan is not actual zoned. It's just saying that in this area we would like to have different zones to complement one another.

Commissioner Gealy: Why wouldn't we just then leave it R-6 until they come in with their preliminary plat.

Troy Behunin: Because that would require a zone change, because even with a mixed-use designation, you still need the underlying zone, which is the actual zone.

Commissioner Gealy: But this time it is R-6, is that correct?

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Troy Behunin: At this time, it is. When a property annexes into the city, they need a zoning designation.

Commissioner Gealy: I am not happy with your additional condition.

Troy Behunin: We are doing it to prevent any confusion for any appearance that we are breaking code, because we are not. They can get the approval for those zones, but the annexation ordinance would not be recorded until future applications are brought forward.

Vice Chairman Hennis: I believe it is just basically trying to condition out that in for compliance with what they are doing with the commercial and the 2 residential zonings, they would have to comply and file a PUD to be able to accomplish that. So this is just saying that they would have to file that PUD within the first 2 years, or it will be rezoned as an R-6.

Troy Behunin: they would have to file for a preliminary plat, respectively, divides commercial from residential. They have provided legal descriptions, which do divide the property, but, without splitting the property so that we could effectively divide them, our code does not allow for that, does not allow for the splitting of the parcels even for a zoning designation. The only way to divide up the zones would be to actually divide the property on the Ada County assessors map.

Commissioner Gealy: For this amendment and this annexation?

Troy Behunin: For the zoning within this application.

Commissioner Herther: I am really confused. How did this get here?

Troy Behunin: this is actually a fairly standard way of doing...normally what happens, is we have a preliminary plat that follows along, complementary to this, but at this time, the preliminary plat is not written. This is standard practice.

Commissioner Gealy: So, if we go ahead with this additional condition that you have, and with the amendment that's been presented, then are we committed to those zoning designations?

Troy Behunin: Yes

Commissioner Gealy: the three? The commercial, the high density and the R-6?

Troy Behunin: Yes

Vice Chairman Hennis: And to protect, like we have had with issues in the past, where a development may not come about, due to certain reasons. What that first condition, as I understand it, would protect the city to be able to still comply with the comprehensive land use map as an R-6, if the PUD doesn't get filed and the plat doesn't get filed and something happens to the development then it gets kicked back to the R-6.

Troy Behunin: It would be straight compliant with the comprehensive plan map. Which would not require public hearings or anything like that.

Commissioner Gealy: I guess that's my question. Why don't they just have an R-6 zoning designation as they enter, and when they are ready with a plan that we can look at, we talk about commercial and R-20

Troy Behunin: Because that would require an additional rezoning hearing. They have to ask for a zone at this meeting, because RUT does not transfer into the city. If they do an R-6 right now in order to get that underlying zoning for an R-20 or a C-1, which they intend to do, they would have to come back through the public hearing process just for a rezone and that would be a huge expense on their part, it would be additional time that's not needed because they have to ask for a zone with their annexation request, which we are doing tonight.

Vice Chairman Hennis: That's fairly standard.

Commissioner Herther: All they are asking for is an annexation at this point?

Vice Chairman Hennis: Yes, and a comprehensive land use map change to address what they want to bring in to the city, and that's basically part of these steps. So, because they haven't got the plat ready,

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we haven't done the final step yet, that's going to have to come through when the plats' addressed. This is fairly typical to bring it in as such.

Commissioner Damron: In order to annex them in, they have to have a reason, and this is the primary reason to bring it from the county into the city.

Commissioner Herther: Now it's making some sense.

Troy Behunin: If it would make you more comfortable, Commissioner Gealy, you could identify the properties and their sizes as proposed, which is stated in the staff report under factual summary, it lists the requested zoning and the requested acreage.

Commissioner Gealy: C-1 is about 14.28, the R-6 is about 27 and the R-20 is 9.09 as stated in the factual summary. Thank you. That it more comfortable for me.

Vice Chairman Hennis: Are there any other questions for staff? No? I will now open this section up for public hearing at 7:17pm, and I have one person signed up to testify under neutral category. Rod Weins.

Rod Neims: Rodney Neims 2329 East Deer Flat Road. The development, the commercial, along Meridian and on the corner, there at Deer Flat, seems what would be expected, and the single family residences there, sound good to me, which the multi-family units that are possible there. If you put that together, the possibility is over 230 units. You start looking at that and the congestion on that corner, which is already extremely congested, it's going to get horrendous. That is my major concern. The high density residential that would be allowed. To me that's the major concern. I've heard from several people here in Kuna, I'm kind of a newcomer, but we look at that intersection as the gateway to Kuna. It's going to get mighty congested if we do this kind of thing there. We would have to do an awful lot of major work on that intersection, or something, something's got to be done. I would suggest not having quite that many people all trying to get through that intersection, that would be my concern.

Vice Chairman Hennis: Is there anyone else in the audience that did not sign up that would like to testify? Would you please come forward and sign in? Please state your name and address for the record.

David Andrus: David Andrus, 1920 E Deer Flat Road. I know the gentleman over here said that proper notices were sent out to everybody. We live kitty corner to that property, we were never given any kind of a notice about what was going on with this property, it is a concern to me that 300 feet in the country doesn't seem like much of a notice. I'm on five acres, so if I stood in the middle of my property, I wouldn't have to notify anybody. It seems like not much of a notice. I talked to the neighbors down the street, a lot of them didn't get any notification of this. Our neighbor did happen to tell us that there was a meeting going on. When we first went there, we were told by these people over here is that, they didn't even know what they were doing for sure, it was just kind of throwing some things out here, we want some commercial, we want to put some homes in here and we want to throw some multi homes in here. And so, it seems to me like this is being pushed through, rather, in a hurry, without the proper way of really figuring out what exactly wants to be here. It's also a concern to me that Kuna has stipulations that say we shouldn't have three different types of property within the same property, yet we're trying to find a way to do this, to help the developers, and that just doesn't seem right to me. I'm not sure what a PUD is, this is all new to me, I'm an accountant, I don't do this kind of stuff, but it appears to me that we're finding run arounds to benefit them instead of looking and saying there is probably a reason that these kinds of limitations are on these properties. So, that is all I have to say.

Vice Chairman Hennis: Please come forward and sign in. Please state your name and address for the record.

Theresa Perry: My name is Theresa Perry, 2150 E Deer Flat road. In a round a bout way our property does abut a very small, across the canal. I'm not opposed to development, I'm not opposed to growth,

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I'm opposed to irresponsible development. We moved out to Kuna 1993 and we moved out here for a reason, obviously, we didn't move out far enough. The big concern I have as well as everyone else has already stated, is a comment at the neighborhood meeting was said that this is going to be the hub of Kuna, this is what Kuna city wants, this corner is going to be it. Well, great, let's come into a bunch of multi housing units to welcome everyone to Kuna. Because you have three corners there that they are wanting to develop. You have one kitty corner from it that is going, I think that's going to be over 400 units, single family homes. I think that property, last I heard anyway, directly across from it on Deer Flat, they are requesting, at the neighborhood meeting, 14 four-plexes plus a gas station, stuff like this. This was all divulged at the neighborhood meeting. You know, Deer Flat is busy enough as it is and our road is, our house is right on Deer Flat. This summer with the construction going on at Ridley's and Tractor Supply and Family Dollar was ridiculous. I was trying to pull into my house and couldn't (inaudible) To have this type of development coming in right next to us, you know, as I said, I'm not opposed to development, I'm opposed the kind of development that devalues my property, my neighbors' property and what we came out here to have, and that was a little bit of peace and quiet, you know, and have some great neighbors. I don't want to have 400 neighbors within 300 feet of me. I didn't move out here for that reason. And then when you consider the other two properties that are coming in, you are under 1000 single units coming in on those three properties. Is that really what Kuna wants to do to welcome everyone to their beautiful city? I wouldn't want it. I think it turns me off if I wanted to come move out here again. I would really go a different way. And the other thing that concerns me is, I don't have children in the schools anymore, but the amount of overcrowding in the schools right now is ridiculous, it's crazy. Our kids came out and we were really satisfied with Kuna schools and they did great, but they are so overcrowded right now, and I don't know how the school district, the fire department, transportation department, or anyone else can keep up with the amount of development that Kuna is coming right now.

Vice Chairman Hennis: No one else, with that I will close the public hearing at 7:26pm.

Kelly Kerrick: Kelly Kerrick KM Engineering 9233 West Main Street, Boise. A couple of the concerns that were brought up. One is traffic. One of the things when you start the process with this is having a traffic study done on the property, working with ITD and ACHD to, one, look at the intersection and how our development impacts that and also the roads around it. We will be working with them to make sure that ...traffic impacts. The other thing that I just really want to make clear is that this is a small first step. The bigger steps are going to later on when we come in with a preliminary plat. That details out how the property is going to be divided, how everything is laid out, and we have it generally laid out, but that will really nail down what we're doing. With that, I'll be happy to stand for any questions.

Vice Chairman Hennis: The one question that I would have at this point, in kind of listening to what has been brought up, is, how stuck are you on the R-20, how close does it comply, your initial thoughts on this, are you going to be near R-20, are you going to be down lower, would it be something to be said that maybe an R-12 would be more appropriate for what you are doing? I don't know what your anticipation might be on that.

Kelly Kerrick: I don't anticipate it being close to the R-20. My guess is it's somewhere, based off of what I have seen in the area, realistically we may end up with just single family housing. My guess is, if it actually went multi-family it would be closer to the R-10 range than the R-20. For this area, I would not expect to be in the (inaudible)

Commissioner Gealy: I have no questions, thank you.

Commissioner Damron: The commercial lots you got in front, what's your plan for those? Office space or retail outlets?

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Kelly Kerrick: Again, a lot of with commercial, it's body driven, with these types of involvements, I would expect more professional office with the main corners being your higher use areas. I think having been through developing a lot of these commercial types sites, you don't end up with the high traffic uses because (inaudible) I would expect it to be more of a professional office more than anything, a medical office. Actually, the developer even has a dental office user interested in one of the parcels.

Vice Chairman Hennis: Thank you. Now that opens us up to discussion.

Commissioner Damron: I like the idea of the commercial office spaces in front, I'm still not really happy with the R-20 designation. That's a lot of homes right behind there, and then single family homes in back beside it. I would be a little bit happier with an R-10 or 12 designation in there.

Vice Chairman Hennis: Yeah, I kind of reflect the same opinion.

Commissioner Herther: I agree with that.

Vice Chairman Hennis: Over all I think it is a good mixed use and the intention of the PUD, like our audience was speaking about. Because that's what a PUD is supposed to do, bring in a couple of uses, mixed area so that it does a lot for that. I do have concerns with the R-20.

Kelly Kerrick: One of the things that the developer just over to me and said they would be satisfied going down to an R-12 with the zone.

Vice Chairman Hennis: That would be much appreciated, thank you.

Commissioner Damron: When I look at these developments, one of the big issues I have is traffic. Looking at the slated expansions of the roads that we have, we have the big development coming on the other side, those coming up. Those are small streets, that is, I don't know how to get ACHD to step those up in this area, as far as expansion goes. The one we just heard won't be coming on Columbia until about 13-14 years down the road. This one is going to be immediate with the two impacts that we have on that one. And as small as Deer Flat road is, they are right, the traffic is going to be a headache coming across here, or even trying to get on there. So, that...either approaches or something, we have to make sure...

Vice Chairman Hennis: And that is one of the things that we have seen in the past is ACHD approaches and ITD specifically on meridian road, they address and they prioritize these as it's approved. So, as these get approved, then it gets a lot more on their radar and they start bumping up priority levels, so we won't see any additional improvements on Deer Flat until some developments go along there, so, this does have the advantage, as once it is approved that most of the time ACHD will then reprioritize as they can to address that. At least this is on the other side versus a lot of the construction that's going on, on the west side.

Commissioner Damron: Ok, how are we as a city prepared to deal with those issues before they get to it?

Vice Chairman Hennis: Not speaking for staff, but typically they are constantly working with ACHD to make sure that their concerns are addressed.

Troy Behunin: It is very much an egg or chicken scenario, because ACHD does not have the funds to improve things unless there is a reason to improve things. They also, historically, do not require a lot in areas where it is not being developed. The city has actually taken the steps to get what is called a functionally classified road map framework for all collectors and everything above a collector, which would include arterials. Deer Flat road is an arterial and ACHD is well aware of the development and the things that are going on, the discussions that are being had here at the city, because, people like the Ridley's folks or this applicant, or the northwest corner, their talking to ACHD too, and they are revamping things as much as needed. So, they are aware of the traffic demands based on historic situations and they will make recommendations accordingly. They follow the national standards that are

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published and the people that review these applications at ACHD, they have more brain cell than I do, and that's what they do, they forecast and they predict and they put these recommendations together and they formulate all of the things that developers are required to do. They have traffic engineers and this is all they do, they look at cars and hueing, distance to intersections, things like that and they make their recommendations appropriately.

Commissioner Damron: So, as we continue to go on with the development in these areas that are, like that intersection that are tight. If we recognize a problem that we're having traffic issues, do we request a traffic study from ACHD to see if we can move that up or if they have a solution to that problem, or do we just wait for them to come in and expand the road?

Troy Behunin: Just for the audience and also the commission, a traffic impact study is a very expensive proposition. There is a trigger where ACHD requires it, no matter what. That trigger is 100 homes or a certain number of commercial users in any given development, and once that trigger is reached, then a traffic impact study is required. I believe that Kelly is on the record tonight, and they have committed to following the requirements for a traffic impact study, which ACHD will analyze and if it doesn't live up to their standards, they will kick it back to the applicant and they'll either make it right or they won't get approval.

Vice Chairman Hennis: Any other discussions?

Commissioner Gealy: I am still concerned with the three zoning designations. The corner, commercial makes absolute sense to me. But I look at the schematic here and it looks like the commercial is not a very wide strip, there is indication there a full access approach and a right in, right out approach, and it looks to me like that's a strip mall. I think that's about all that would fit there. I don't think it's going to look like an office park. I'm kind of thing about that office park at meridian and Victory on the left -hand side. And I don't think it would fit in that strip they have designated as commercial. That is a concern to me.

Vice Chairman Hennis: by scale, that's still between 200-300 feet in that strip. It's going to be similar to...

Commissioner Gealy: So, they are looking at full access, it indicates full access to Meridian road, t=right there, is that correct?

Vice Chairman Hennis: Yes, that is what is indicated, but that's all preliminary.

Commissioner Gealy: But that is up to ACHD? ITD for Meridian road and ACHD for Deer Flat.

Vice Chairman Hennis: So, this is all proposal, but I can still see it ending up like what you are thinking.

Commissioner Gealy: Access off of Deer Flat, not on Meridian road where there would be some depth to an office park, which is a nice kind of a buffer and a transition from a busy highway to more residential areas. But I don't see how you can have the 15 acres as commercial and the 37 acres residential and have a reasonable transition. The numbers are not working in my head and neither is this little map.

Vice Chairman Hennis: Right, this is all preliminary, so that specifically would be...

Commissioner Gealy: They have asked to approve these designations, for this amount of ground, for that kind of zoning. I think it is too preliminary, but I completely support the idea. The commercial makes sense on that corner and it's nice to have a transition to the residential, but the rural residential that exists there now. So, I support both of those things, but I don't know how we can approve these acreages, these percentages, these proportions and not have it come back and bite us.

Vice Chairman Hennis: Any clarification I might offer would be, this is just, we're hearing for the comprehensive land use map amendment and the annexation to the city. These specifics would have to be presented during the PUD and the plat when it is presented to us. That is when we would be

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specifically seeing how those areas are designated, there transitions, borders, etc. I don't know if that helped, but...but this is just the comprehensive land use map, so we are saying that they are allowed, they are coming into the city under the annexation, the comprehensive land use map would then define that they are looking to make a planned unit development to include this proportions or ratios.

Commissioner Herther: If we were to recommend approval and this were to come back to us, could we stipulate that all of their homework would have to be completed and all the platwork done before we would see it again?

Vice Chairman Hennis: Yes, it does have to be. That's the whole idea, the next step, and that's what the first condition that Troy presents is that would need to be presented in the next step or it goes back to an R-6 completely.

Troy Behunin: the only difference between this and other typical applications, is that this shows the boundary, just the boundary of those zones, that's all it shows. A preliminary plat does the same thing. It shows the boundary of the zones, it also shows the inside, but more importantly, it shows the boundary between the different zones. That's it. So, the developer is actually the one taking the risk, because if their preliminary plat does not match what they have asked for, then they would have to come back through for a rezone for any changes they want to make that don't coincide with what's being proposed tonight. Or, what is approved by City Council. Yes, a preliminary plat does show more detail, but, make no mistake about it, if you had the streets and the lots drawn inside that bubble diagram, the boundaries would still be the same. And all you are approving is the zone for that particular area on this parcel. Does that help at all?

Commissioner Damron: I think one way to look at it is they have to have something to give to the county to allow them to bring this and be annexed into the city. They have to have a plan. Once we annex it in, then it comes back to us and we talked about the R-20, they agreed to go down to R-12. If we don't designate what this property will be, we can't annex it into the city. The county won't allow us to do that. So, he's coming in with a pre-approval, and then we can work on that, what he's going to put on there. Keeps them from having to go through several meetings, rezoning, it's easier on the staff, reduces their time and paperwork into this.

Commissioner Gealy: I guess the concern I have is in the case before this one, we said the zoning is set, that's not a conversation we can have tonight. And what we are doing with this one, we are setting the zoning, so we won't be able to have that conversation again.

Vice Chairman Hennis: Correct, but it doesn't have anything to do with any boundaries or transitions or anything in there, so, again, you would still...that's where you are concerned about transitions and boundaries. That is where we can deal in the next meeting, but, yes, you are correct, this will be setting those acreages.

Commissioner Gealy: If we approve these acreages, then that I think we are locked into that.

Vice Chairman Hennis: Yes, we are. But the difference, how it transitions from, even the shape of that acreage isn't necessarily defined here. That 15 acres can be moved a little bit or stretched out. As I understand it, were just stating that 15 acres is commercial. We don't have a specific shape or dimensions. So, that can be worked on still.

Commissioner Gealy: But then, should the applicant decide that they want 20 acres of commercial, they have to come in for a rezone. Or should the applicant decide they want 20 acres of multi family, they would have to come in for a rezone.

Vice Chairman Hennis: Right.

Commissioner Herther: Are we just talking about annexing this piece of property?

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Vice Chairman Hennis: Yes

Commissioner Herther: That's all we are doing tonight?

Vice Chairman Hennis: And the comprehensive plan map amendment stating that instead of the R-6, they want to go into this mixed use.

Commissioner Gealy: But we don't have a mixed use designation. So, we have to parcel it out.

Commissioner Herther: After tonight and before the next meeting...I'm still on board.

Commissioner Damron: How do we, do we have to re-hear this if we bring it down to an R-12?

Vice Chairman Hennis: No, it wouldn't have to be.

Troy Behunin: Commissioner Damron, the reason why a re-hearing would not be required to go from 20-12 is because it has been notice as an R-20, which is a more intense use. If the developer wishes to relax that, then the state doesn't require that and city code does not require a re-hearing for a less intense purpose than was advertised.

Commissioner Gealy: But, it's correct, if they want to change the proportions within the three zoning designations based upon what is in the factual summary, that would require a rezone?

Troy Behunin: Yes. According to your recommendation to council, if it gets approved, as presented, if they want to change any of those lines or any of those areas at all, they will have to do a rezone public hearing for whatever they want to change.

Commissioner Gealy: Could I ask you to state again what your second condition of approval was?

Troy Behunin: That the annexation ordinance shall not be recorded with Ada County until the preliminary plat for the entire project is approved by City Council, or a PUD approved.

Commissioner Damron: One question for staff. If the developer agrees to an R-12, once this is all approved and then they say no, we are going to put an R-20 in there.

Troy Behunin: They would not be allowed to.

Commissioner Damron: Ok, I just wanted to make that clear.

Vice Chairman Hennis: If there is no further discussion, I will stand for a motion. Either recommend, or deny to council.

Commissioner Herther motions to recommend approval of 16-03-CPM comprehensive plan map amendment and 16-10-AN annexation Ashton Estates Subdivision as conditioned by staff in the staff report, including the two additional requirements listed by staff, and the commitment made by the representative tonight of revising the R-20 to an R-12.; Commissioner Damron Seconds, Commissioners Herther and Damron in favor, Commissioner Gealy opposed. Motion carried 2-1.

- d) 16-12-AN (Annexation) – **Renaissance Farm and Mason Creek Farms**; Applicants, Renaissance Farm, LLC, Spaulding and Anderson and Mason Creek Farm, LLC, requests approval to annex approximately 165 +/- acres into the City of Kuna. Applicant requests the R-6 (Medium Density Residential) for all properties. 139 acres of the application are located between Ten Mile and Black Cat Roads, south of Amity Road. Approximately 26 acres are located near the NEC of Ten Mile and Lake Hazel Roads, east of Ten Mile and north of Lake Hazel. All parcels are contiguous to Kuna City limits.

Vice Chairman Hennis: 16-12-AN (annexation) Renaissance Farm and Mason Creek Farms has been pulled from the agenda and will be re-noticed when that will be heard.

ADJOURNMENT:

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*Commissioner Gealy motions to adjourn at 7:40 **pm**; Commissioner Damron Seconds, all aye and motion carried 3-0.*

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Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

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



City of Kuna

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P & Z Findings of Fact & Conclusions of Law

To: Planning and Zoning Commission (**P & Z**)

Case Numbers: 16-03-CPM (Comprehensive Plan Map Amend) and 16-10-AN (Annexation)
Ashton Estates Subdivision

Location: Southeast Corner (SEC) Meridian and Deer Flat Roads, Kuna, Idaho 83634

Planner: Troy Behunin, Planner III

Hearing Date: *January 10, 2017*
Tabled Until: *January 24, 2017*
Findings of Fact: *February 14, 2017*

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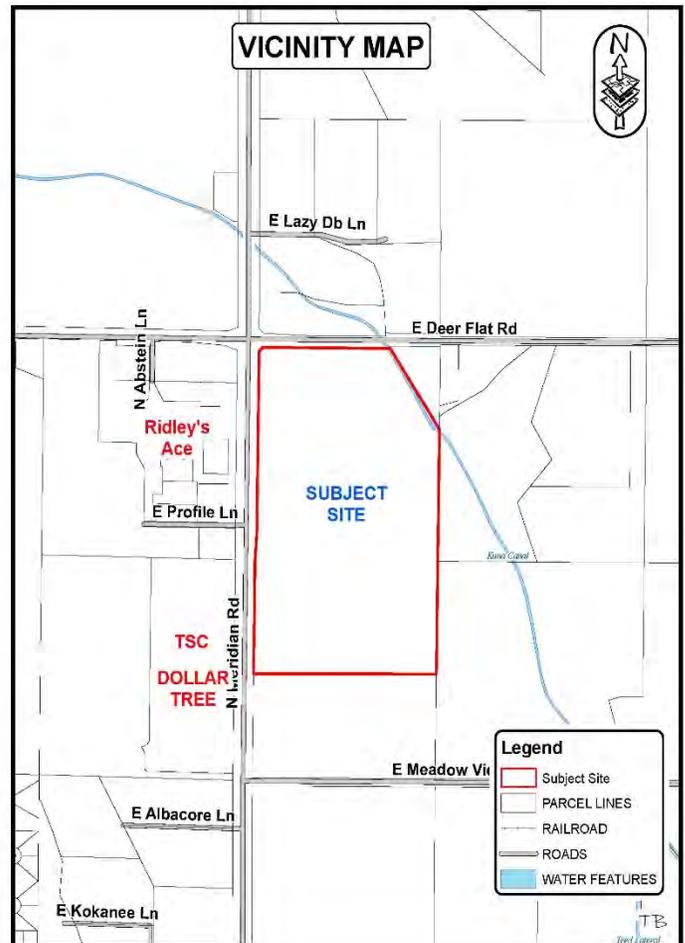


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| G. Applicable Standards | N. Recommended Conditions of Approval |

A. Process and Noticing:

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states that Comprehensive Plan Map Amendments and Annexations are designated as public hearings, with the P & Z Commission as a recommending body and City

Council as the decision making body. These land use applications were given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

a. Notifications

- | | |
|----------------------------------|--------------------------------------|
| i. Neighborhood Meeting | October 6, 2016 (13 people attended) |
| ii. Agency Comment Request | November 14, 2016 |
| iii. 315' Property Owners Notice | December 14, 2016 |
| iv. Kuna, Melba Newspaper | December 14, 2016 |
| v. Site Posted | December 28, 2016 |

B. Applicant's Request:

On behalf of SDN, LLC, the applicant, Kirsti Grabo with KM Engineering, requests approval to amend the Comprehensive Plan (Comp Plan) Map designation for the site, from Medium Density Residential to Mixed-Use General over approximately 51 acres. The site is contiguous to Kuna City limits and the applicant requests approval to annex the same parcel into Kuna City with the following zones throughout the site; C-1 (Neighborhood Commercial), R-6 (Medium Density Residential) and R-20 (High Density Residential). The subject site is located on the southeast corner (SEC) of Meridian and Deer Flat Roads.

C. Aerial Map:



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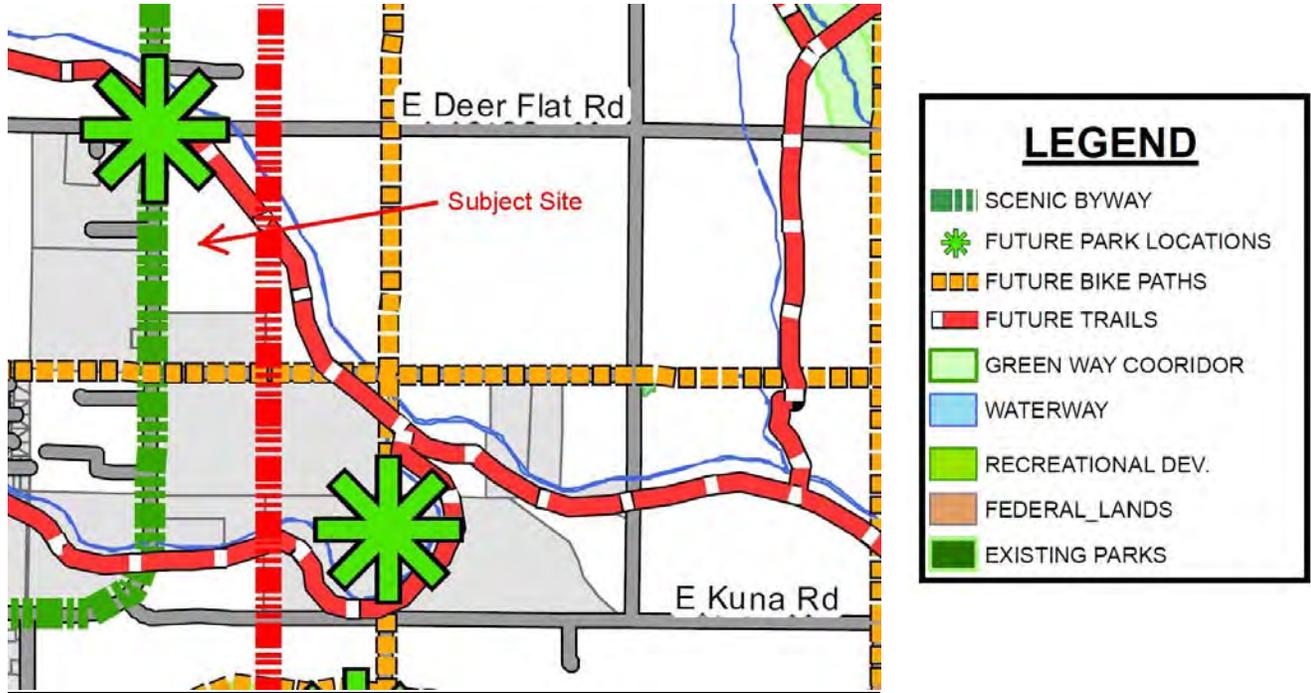
D. Site History:

This site is currently in the County, and historically has been farmed. It is directly east of two Kuna City commercial subdivisions – the Merrell Family Center and Ensign Subdivisions.

E. General Projects Facts:

1. **Comprehensive Plan Map:** The Future Land Use Map (Comprehensive [Comp] Plan Map) is intended to serve as a *guide* for the decision making body for the City. This map indicates land use designations generally speaking, it is not the actual zone. The Comp Plan Map identifies this site as Medium Density Residential.

2. **Recreation and Pathways Map:** The Recreation and Pathways Master Plan Map indicates a future trail through the northeast corner (NEC) of the site, situated along the Kuna Canal. Accordingly, it is the City’s goal and desire to increase the number of trails and pathways in Kuna. It is necessary for each parcel to develop trails and pathways along frontages of their canals and ditches to comply with the Master Plan goals by either starting a pathway, or extending one in that area.



3. **Surrounding Land Uses:**

North	RUT	Rural Urban Transition – Ada County
South	A	Agriculture – Kuna City
East	RR	Rural Residential – Ada County
West	C-1	Neighborhood Commercial – Kuna City

4. **Parcel Sizes, Current Zoning, Parcel Number(s):**

- Parcel Size: 51 acres (approximately).
- Zoning: RUT; Rural Urban Transition, (Ada County).
- Parcel #: S1419223151.

5. **Services:**

- Sanitary Sewer– City of Kuna (Nearby and required to connect)
- Potable Water – City of Kuna (Nearby and required to connect)
- 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:**

The land is currently being used for agricultural purposes. Applicant anticipates that the land will continue the historic agricultural uses on the lands until development occurs. This site is generally flat, with a slight slope

from the north end to the center of the site, and a slight slope from the south end toward the center of the site. The site has a slight “V” shape. The soils appear to be a Hydrologic Group D for the majority of the site with a general slope of less than 2%.

7. Transportation / Connectivity:

The applicant proposes four access points for the site. Two access points on Meridian Road, to include one full public road access on the south and a Right-in/Right-out (RIRO) driveway on the north. The applicant has proposed two access points on Deer Flat Road, including one full public access on the east side, and a second RIRO (driveway) on the west side. Staff notes that the Highway Overlay District standards state that connection to Meridian Road shall be at the full and/or mid-mile alignment.

8. Environmental Issues:

Staff is not aware of any environmental, health or safety conflicts.

9. Agency Responses:

The following agencies returned comments: City Engineer (Gordon Law, P.E.) *Exhibit B 1*, Ada County Highway District (Stacey Yarrington) *Exhibit B 2*, Boise Project Board of Control (Bob Carter) *Exhibit B 3*, Central Dist. Health Dept. (Lori Badigian), *Exhibit B 3*, Department of Environmental Quality (DEQ) *Exhibit B 5*, which are included with this case file and are included with this report.

F. Staff Analysis:

This project will be required to submit a subdivision application, and a Planned Unit Development (PUD) application in the future to introduce mixed-uses along with a design review application as uses are identified. The property abuts Kuna City limits on the west (Profile Ridge). This project is adjacent to a principle arterial (Meridian Rd./Highway 69) and minor arterial (Deer Flat Rd.). All major public utilities are within 300 feet, or adjacent to this site. Applicant intends to prepare the site for a mixed-use development to include commercial pads, new single-family and multi-family housing options. It is anticipated this development will take a number of phases for complete build-out.

This project proposes a mixed-use development. The project size is approximately 51 acres in size and proposes three different zones. The C-1 (Neighborhood Commercial) is approximately 14.28 acres or 28 % of the overall site. The R-6 (Medium Density Residential) is approximately 27.26 acres or 53.8% of the overall site. The R-20 (High Density Residential) is approximately 9.09 acres or 17.9 % of the overall site. The proposed Commercial will front Meridian and Deer Flat Roads in compliance with recommendations from the Comprehensive Plan. The medium residential provides a buffer between the proposed commercial and current uses on the east and southern sides of the site and complies with mixed-use design principles. The high density residential is centrally located (and surrounded by medium density residential and the commercial uses) and maintains the good design principles for mixed-uses and is the smallest use for the project.

Staff has reviewed Kuna’s Comprehensive Plan (Comp Plan), which encourages commercial developments, and a variety of housing types for all income levels numerous times throughout the Comp Plan. The sections of the Comp Plan that address new commercial and various housing types are included below, in Section K (Comp Plan analysis) of this report. The City attempts to balance new commercial uses as well as all housing types within the City. Staff will work with the applicant for future preliminary plat and PUD applications to assure technical compliance with Kuna City Code (KCC), as required. Staff recommends the applicant work with Kuna Rural Fire District (KRFD) to conform to the secondary access limits of the KRFD, for the number of homes utilizing access points for all proposed access and circulation at time of development.

Staff has determined this application complies with Title 5 and 6 of the Kuna City Code; Idaho Statute § 67-6511; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case No’s 16-03 –CPM and 16-10-AN, subject to the conditions of approval by Kuna’s Commission and Council.

G. Applicable Standards:

1. City of Kuna Zoning Ordinance Title 5, Chapter 13
2. City of Kuna Comprehensive Plan, adopted September 1, 2009
3. Idaho Code, Title 67, Chapter 65- the Local Land Use Planning Act.

H. Procedural Background:

On January 24, 2017, the Planning and Zoning Commission considered the applications, including agency comments, staff's report, application exhibits and public testimony presented or given.

I. Factual Summary:

This site is located on the southeast corner of Meridian and Deer Flat Roads. The project consists of 51 (approx.) acres that are adjacent to City limits and currently zoned RUT (Rural Urban Transition – Ada County). Applicant requests amending the Comp Plan Map designation from Medium Density Residential to Mixed-Use General; to annex the same parcel into Kuna City with the following zones throughout the site; C-1 (Neighborhood Commercial - approximately 14.28 acres), R-6 (Medium Density Residential - approximately 27.26 acres), and R-20 (High Density Residential; approximately 9.09 acres). If approved, this project will take access from Meridian Road (principle arterial) in two places, and from Deer Flat Road (minor arterial) in two places. Both roads are classified roadways.

J. Findings of Fact:

16-03-CPM and 16-10-AN: Based upon the record contained in Case No's 16-03-CPM and 16-10-AN, including the Comprehensive Plan, Kuna City Code, staff's memorandums, the exhibits, and the testimony during the public hearing, Kuna Commission hereby recommends *approval of* the Findings of Fact and Conclusions of Law, and conditions of approval for Case No's 16-03-CPM and 16-10-AN, a request for Comprehensive Plan Map amendment and annexation into Kuna City limits request by the applicant follows:

The Commission concludes that the applications comply with the City of Kuna's Zoning regulations (Title 5) of KCC.

1. The Kuna Commission accepts the facts as outlined in the staff memo, the public testimony and the supporting evidence list presented.

Comment: *The Kuna Commission held a public hearing on the subject applications on January 24, 2017, to hear from City staff, the applicant and to accept public testimony. The decision by the Commission is based on the application, staff report and public testimony, both oral and written.*

2. Based on the evidence contained in Case No's 16-03-CPM and 16-10-AN, this proposal appears to *generally* comply with the Comprehensive Plan and Comp Plan Map.

Comment: *The Comp Plan has listed numerous goals for providing commercial, single-family and multi-family housing in Kuna. The Comp Plan Map designates this property as Medium Density. As this project proposes to accommodate commercial and residential uses the project generally follows the goals of the Comp Plan and the Comp Plan Map.*

3. The Kuna Commission has the authority to recommend approval or denial of these applications.

Comment: *On January 24, 2017, Kuna's Commission voted to recommend approval for case No's 16-03-CPM and 16-10-AN.*

4. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

Comment: As noted in the process and noticing sections, notice requirements were met to hold a public hearing on January 24, 2017.

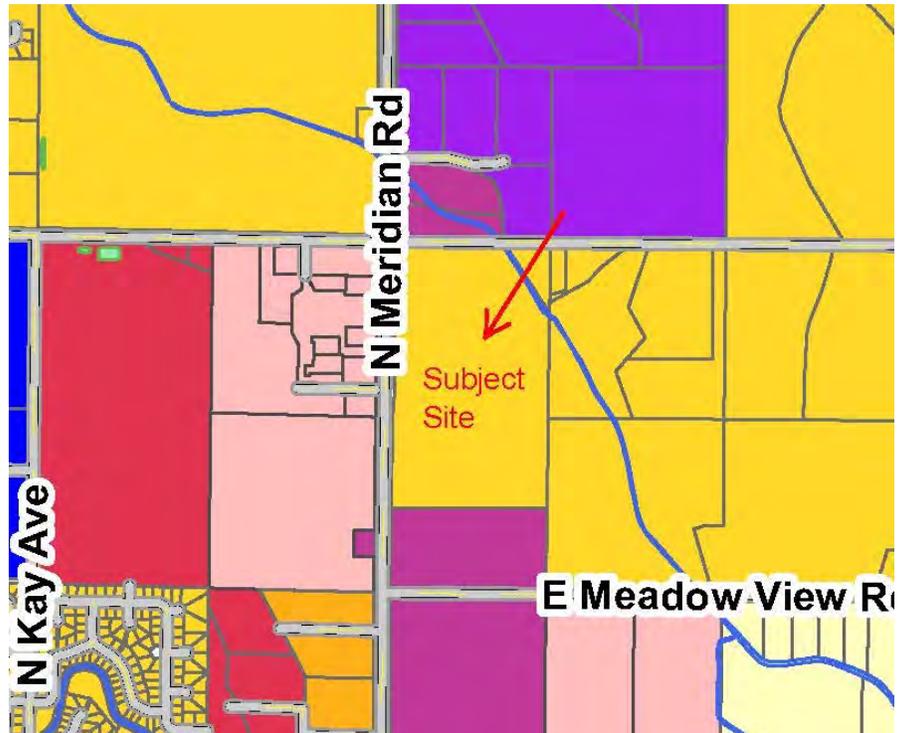
K. Commissions Comprehensive Plan

Analysis:

Commission determines the proposed subdivision for the site is/is not consistent with the following Comp Plan components:

Housing:

Residents envisioned higher densities in the City's core to include opportunities for mixed residential and light commercial activity. They expressed interest in a mix of residential type dwellings applications; including single-family, multi-family, apartments and condominiums. They were receptive to a greater mix of lot sizes and house price to appeal to a variety of people. A goal expressed by many was the preservation of large lots and rural cluster development in appropriate balance with a complement of other types of residential development (Page 21 [Comprehensive Plan –CP]).



LEGEND

- | | |
|---------------------------------------|------------------------|
| AGRICULTURE | PROFESSIONAL OFFICE |
| RURAL CLUSTER | FEDERAL & STATE LANDS |
| LOW DENSITY RESIDENTIAL | NEIGHBORHOOD CENTER |
| MEDIUM DENSITY RESIDENTIAL | NEIGHBORHOOD DISTRICT |
| HIGH DENSITY RESIDENTIAL | BIRDS OF PREY BOUNDARY |
| MIXED USE GENERAL*** | |
| MIXED USE CITY CENTER | |
| COMMERCIAL (NEIGHBORHOOD & COMMUNITY) | |
| LIGHT INDUSTRIAL | |
| HEAVY INDUSTRIAL | |
| PUBLIC | |

*** MIXED USE GENERAL EXPECTED RESIDENTIAL DENSITIES CAN RANGE FROM 2 TO 20 UNITS PER ACRE

Residents hoped for the creation of business and light commercial use centers within neighborhoods. These centers would include restaurants, gas stations, churches, multi-family use facilities, and other mixed-use developments (Page 13 - CP).

Comment: The Comp Plan and the corresponding Future Land Use Map (with land use designations) provides for a mix of medium density and high density residential uses and commercial uses. This project has proposed a variety of densities mixed with commercial, therefore it generally conforms to the Comp Plan and the Future Land Use Map.

Private Property Rights Goals and Objectives - Section 2 - Summary:

Ensure the City land use policies, restrictions, conditions and fees do not violate private property rights and ensure that land use actions, decisions, and regulations do not effectively eliminate all economic value of the subject property. Ensure that City land use actions, decisions, and regulations do not prevent a private property owner from taking advantage of a fundamental property right and 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.

Comment: Utilizing the Idaho Attorney General's criteria, and a review by the City Attorney, the proposed project does not constitute a "takings" and the Economic value is intact.

Economic Development Goals and Objectives - Section 5 - Summary:

Promote and support a diverse and sustainable economy that will allow more Kuna residents to work in their community, and develop policies to provide incentives and assistance to attract companies. Ensure an adequate supply of housing for all income levels and facilitate pedestrian connections, both visually and physically, to enhance pedestrian movement (Pg. 42 – 1.5, Pg. 43 – 3.1 and Pg. 41 – 1 & 1.3 [CP]).

Comment: The Comp Plan encourages a mix of commercial uses and adequate housing for all income levels and calls for increasing pedestrian connections. This project supplies a number of additional housing types to Kuna's inventory and provides opportunities for quality housing. This development should add to the City's pedestrian network for non-motorized transportation, by proposing pathway connections for development to connect to in the future.

Land Use Goals and Objectives - Section 6 - Summary:

Encourage and support mixed uses to accommodate a diverse range of business and commercial activity balanced with residential uses. Provide a broad mix of services within walking distances while strengthening the economy and providing opportunity for social interactions. Encourage commercial development on transportation corridors. Adopt a future land use plan and map that includes natural and developed open spaces, while providing a variety of housing densities and types to accommodate various lifestyles, ages and economic groups. Protect existing neighborhoods and ensure new development is sustainable and keeps Kuna desirable. Develop cohesive neighborhoods with character and quality while incorporating a variety of densities and styles (Pg. 63 – 1.1, Pg. 64 – 2.1, 2.2, 2.2.1, 3.1 & Goal 3, Pg. 65 – 4.3 and 6.4.1 Def. Pg. 89 [CP]).

Comment: This project adds a number of quality commercial opportunities and multiple housing varieties to the City's inventory for all types of lifestyles, ages and economic groups.

Transportation - Section 9: Encourage developers to create mixed-use developments that will reduce travel demand through trip capture. Increase Kuna's employment opportunities as a means of reducing commuter trips (Page 119 – Obj. 3.2 Policy 1 and 2 [CP]).

Comment: Applicant proposes a mixed-use development adding to employment opportunities and may reduce commuter trips, therefore, it complies with the comp plan goals and policies

Housing Goals and Objectives - Section 12 - Summary:

Adopt mixed-use land strategies which assure the self-sufficiency of neighborhoods Encourage developers to provide high-quality development with a variety of lot sizes, dwelling types, densities and price points to meet the needs of current and future population while creating safe and aesthetically-pleasing neighborhoods. Ensure housing is available throughout the community for all income levels and those with special needs. Encourage logical and orderly mixed-use development while discouraging developers from developing land divisions greater than one half acre because large lot subdivisions increase municipal costs, require public subsidy and create sprawl (Pg. 155 – Obj. 1.1, Pg. 163 12.4 and Pg. 165 – 2.1 [CP]).

Encourage mixed-use development that includes town centers, single-family, *multi-family*, accessory units, and other types of residential development. – Policy 1.1.2, Section 12, Housing (Page 155 [CP]).

Comment: Applicant proposes a high-quality development for commercial development along with a variety of dwelling types, densities, and price points for all income levels in this part of Kuna as encouraged by the Comp Plan. This project significantly adds to the City's overall network of commercial uses, utilities, sidewalks and roadways, therefore it complies with logical, orderly development and discourages land divisions and development greater than one half acre, and avoids increased municipal services costs and sprawl.

Community Design Goals and Objectives - Section 13 - Summary:

Strengthen Kuna's Image through good community and urban design principles that create mixed-uses and self-sufficient neighborhoods. Foster good community design concepts that incorporate landscape features to serve as buffers between incompatible uses while reducing scale and creates a sense of place (Pg.167 – Goal 1 and Pg. 168 – 1.2 and 2.1[CP]).

Comment: Applicant proposes good community and urban design principles through creation of Mixed-Uses and a self-sustaining development, adding to the pedestrian pathway network and adding to the City's sidewalk network. Applicant also proposes improving Deer Flat Road, which adds to the roadway system thereby complying with the adopted Master Street Plan of Kuna (Functional Classified Road Map). This development should also incorporate landscape buffers creating a sense of place for citizens. Therefore, this project fosters sound community design concepts and complies with the Comp Plan goals and strengthens Kuna's image.

Neighborhoods:

Kuna's updated Plan is an advocate for the development of self-sufficient and mixed-use neighborhoods. These neighborhoods are intended to be connected by transit and other non-motorized methods of transportation. Each neighborhood will have a center, a core and an edge (Page 179 [CP]).

Comment: Applicant proposes an extension of the sidewalk and roadway system which complies with the Master Street Plan adopted by Kuna. Applicant should also propose connections to adjacent parcels by adding stub streets, pathways and sidewalks for pedestrian and non-motorized transportation. Applicant proposes R-6, and R-20 housing densities thereby complying with call for a variety of housing types outlined within the Comp Plan and Comp Plan Map.

L. City Council's Idaho State Code Analysis:

1. **IC §67-6511 (2) C** requires that the Commission analyze the proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, **or** would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.
2. **IC §67-6513** provides that the City provide for mitigation of the effects of subdivision development on the ability of political subdivisions of the state, including school districts, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision.
3. Through discussions and comments submitted by public service providers, the project would not create demonstrable adverse impact to quality of emergency service and/or delivery of said services, or impose substantial additional costs to current residents.

M. The Commission's Conclusions of Law:

The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

1. The Commission feels the site *is* physically suitable for subdivision and development into a single-family subdivision, as proposed.

Comment: *The 51 acre (approximate) project does appear to be suitable for subdivision and development as a mixed-use subdivision, as proposed.*

2. The subdivision uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.

Comment: *The land to be subdivided is not used as wildlife habitat. Roads, driveways, family units and open spaces are planned for construction according the City and ACHD requirements and best practices and will therefore not cause environmental damage or loss of habitat.*

3. The Comprehensive Plan Map amendment and annexation applications are not likely to cause adverse public health problems.

Comment: *The subdivision of the property would generally comply with the Comp Plan. The project would connect to public sewer and potable water systems, therefore eliminating the occurrence of adverse public health problems.*

4. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.

Comment: *Through correspondence with public service providers and application evaluation, this project appears to avoid detriment to surrounding uses. Commission did consider the subdivision and the location of the property with adjacent uses.*

5. The existing and proposed street and utility services in proximity to the site are suitable or adequate for commercial and residential purposes.

Comment: *Correspondence from ACHD and Kuna Public Works confirms that the streets and utility services are suitable and adequate for the residential project.*

6. Based on the evidence contained in Case No's 16-03-CPM and 16-10-AN, Commission finds Case No's 16-03-CPM and 16-10-AN adequately comply with Kuna City Code.

7. Based on the evidence contained in Case No's 16-03-CPM and 16-10-AN, Council finds Case No's 16-03-CPM and 16-10-AN generally comply with Kuna's zoning Code.

N. Recommended Conditions of Approval:

On January 24, 2017, the Planning and Zoning Commission voted 3-1 to recommend approval for case No's 16-03-CPM and 16-10-AN, based upon the Comp Plan, Kuna City Code, the record before the Commission, the applicant's presentation, testimony and Commission discussion at the public hearing, the Kuna Commission votes to recommend approval for Case No's 16-03-CPM and 16-10-AN with the following conditions of approval at time of development in the future:

- Applicant shall follow all conditions outlined in the staff report.
 - If a PUD is not applied for and approved, or, if the project does not submit for preliminary plat application within two (2) years of the signing of the findings of fact, the entire parcel (as shown in the application – parcel S1419223151) shall be zoned and recorded as an R-6, medium density residential zone (follows Comp Plan Map).
 - The annexation ordinance shall not be recorded with Ada County until a PUD or preliminary plat for the entire project is approved by Council.
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 request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation system of the City (KMID).
 6. Street lights and parking lights for the site shall be LED lighting and must 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). Perimeter fencing (and permit) is required prior to requesting final plat signatures from Kuna City Clerk and Engineer.
 9. All signage within/for the project shall comply with Kuna City Code and shall be approved in the design review process with all new commercial and multi-family.
 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. Applicant shall be conditioned to add appropriate and necessary pathways along water bodies to comply with the Master Recreation and Pathways Map at time of development.
 12. The land owner/applicant/developer, and/or any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
 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 _____, 2017.



City of Kuna

P & Z Staff Memo

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

To: Planning and Zoning Commission (**P & Z**)

Case Numbers: 16-12-AN (Annexation)
Renascence Farms and Mason Creek Farms

Location: Near the northwest and northeast Corner of Ten Mile and Lake Hazel Roads,
Meridian, Idaho 83642

Planner: Troy Behunin,
Planner III

Hearing Date: February 14, 2017

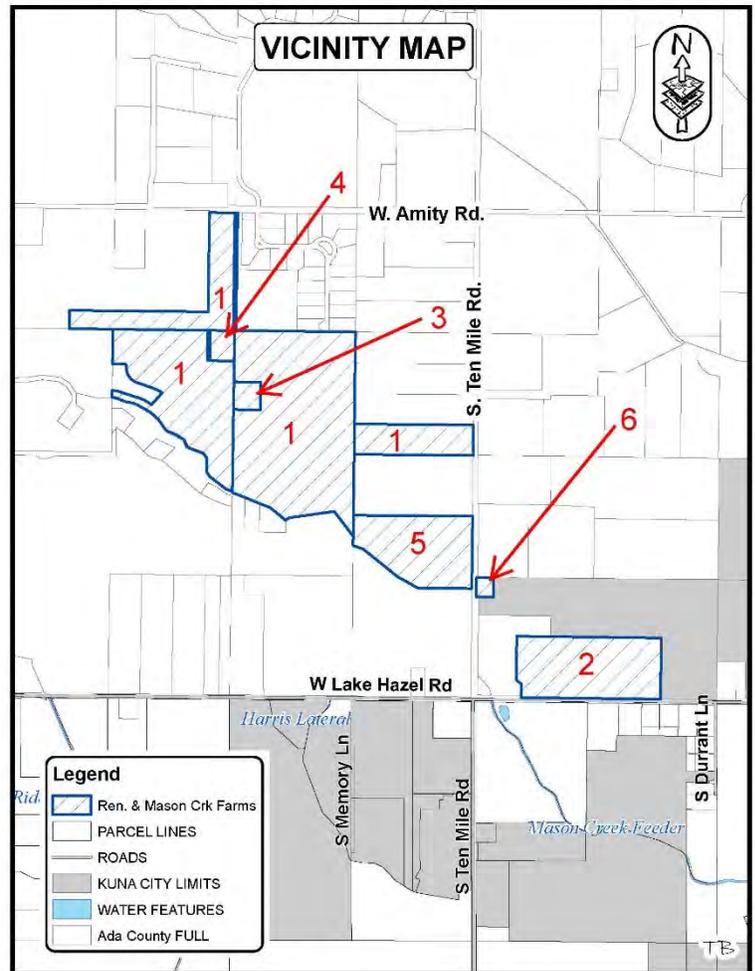
Engineer: **KM Engineering**
Kirsti Grabo
9233 W. State St,
Boise, ID 83714
208.639.6930
KGrabo@kmengllp.com

Owners (6): **1-Renascence Farm, LLC and**
2-Mason Creek Farm, LLC,
6152 W. Half Moon Ln.
Eagle, ID, 83616

3-Roy & Jeanne Spaulding **4-Brent & Leslie Anderson** **5-Alan & Kathryn Colson** **6-Doug & Susan Roberts**
3975 W. Amity Rd. 3985 W. Amity Rd. 5975 S. Ten Mile Rd. 6020 S. Ten Mile Rd.
Meridian, ID 83642 Meridian, ID 83642 Meridian, ID 83642 Meridian, ID 83642

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| D. Site History | K. Proposed Comprehensive Plan Analysis |
| E. General Project Facts | L. Idaho Code Analysis |
| F. Staff Analysis | M. Proposed Conclusions of Law |
| G. Applicable Standards | N. Recommended Conditions of Approval |



A. Process and Noticing:

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states that annexations are designated as public hearings, with the P & Z Commission as a recommending body and City Council as the decision making body. These land use applications were given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

a. Notifications

- | | |
|----------------------------------|--|
| i. Neighborhood Meeting | October 19, 2016 (13 persons attended)
January 4, 2017 (2 persons attended) |
| ii. Agency Comment Request | December 15, 2016 |
| iii. 315' Property Owners Notice | January 23, 2017 |
| iv. Kuna, Melba Newspaper | January 25, 2017 |
| v. Site Posted | February 3, 2017 |

B. Applicant's Request:

On behalf of Renaissance Farm, LLC, Mason Creek Farm, LLC, Melvin and Jeanne Spaulding, Brent and Leslie Anderson, Alan and Kathryn Colson and Doug and Susan Roberts, the applicant Kirsti Grabo with KM Engineering, requests approval to annex approximately 165 acres into Kuna City with an R-6 (Medium Density Residential) zone. Approximately 139 acres of the application are located between Ten Mile and Black Cat Roads, south of Amity Road. Approximately 26 acres are located east of Ten Mile and north of Lake Hazel near the NEC of Ten Mile and Lake Hazel Roads. *These lands are not seeking development entitlements at this time.*

C. Aerial Map:



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D. Site History:

These parcels are currently in the County, with varying historical uses, ranging from residential to farming.

E. General Projects Facts:

1. **Comprehensive Plan Map:** The Future Land Use Map (Comp Plan Map) is intended to serve as a *guide* for the decision making body for the City. The Comp Plan map indicates land use designations generally speaking, it is not the actual zone. In January of 2017, Kuna received approval for an Area of City Impact Boundary line (ACI) expansion by Ada County Board of County Commissioners. With that approval, the new ACI boundary has been extended to Lake Hazel Road. The Comprehensive Plan Map guides development for lands within the City limits and lands within the ACI. This application is for lands north of Lake Hazel and as such, this project has no Comprehensive Plan Map designations for these lands.
2. **Recreation and Pathways Map:** The Recreation and Pathways Master Plan Map indicates a future trail through the NEC of the site, situated along the Mason Creek feeder among other water bodies in the area. Accordingly, it is the City’s goal and desire to increase the number of trails and pathways in Kuna. It is necessary for each parcel to develop trails and pathways along frontages of their canals and ditches to comply with the Master Plan’s goals by either starting a pathway, or extending one in that area at time of development.



3. Surrounding Land Uses:

North	RUT	Rural Urban Transition – Ada County
South	A	Agriculture – Kuna City
East	RR	Rural Residential – Ada County
West	C-1	Neighborhood Commercial – Kuna City

4. Parcel Sizes, Current Zoning, Parcel Numbers:

Property Owner	Parcel Size (Approximately)	Current Zone: (RUT) Rural Urban Transition	Parcel Number
Mason Creek Farms, LLC	24.61 acres	RUT – Ada County	S1235347051
Renascence Farms, LLC	14.96 acres	RUT – Ada County	S1234212935
Renascence Farms, LLC	0.44 acres	RUT – Ada County	S1234212405

<i>Renascence Farms, LLC</i>	0.44 acres	RUT – Ada County	S1234121105
<i>Renascence Farms, LLC</i>	0.20 acres	RUT – Ada County	R0967660151
<i>Renascence Farms, LLC</i>	30.38 acres	RUT – Ada County	R0967660155
<i>Renascence Farms, LLC</i>	57.12 acres	RUT – Ada County	R0967660156
<i>Renascence Farms, LLC</i>	10 acres	RUT – Ada County	S1234142350
<i>Anderson, Brent & Leslie</i>	2 acres	RUT – Ada County	S1234244200
<i>Spaulding, Melvin & Jeanne</i>	2 acres	RUT – Ada County	S1234131300
<i>Colson, Alan & Kathryn</i>	20.07 acres	RUT – Ada County	S1234417520
<i>Roberts, Doug & Susan</i>	1 acre	RUT – Ada County	S1235336450

5. **Services:**

- Sanitary Sewer– City of Kuna (*at time of development*)
- Potable Water – City of Kuna (*at time of development*)
- Irrigation District – Boise-Kuna Irrigation District, and the Nampa & Meridian Irrigation District
- Pressurized Irrigation – City of Kuna (KMID) (*at time of development*)
- 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:**

Approximately 154 acres of the land is being used for agricultural purposes. The remaining lands are being used as residential. Applicant anticipates that the land will continue the historic agricultural uses on the lands until development occurs. The current residences will remain as residential uses.

7. **Transportation / Connectivity:**

The applicant has not proposed connection to public streets at this time, as the application is solely for annexation into Kuna City limits. At the time of future development, access points will need to follow design standards according to City and ACHD (Ada County Highway Dist.) codes in place at that time. Current legal points of access being used at this time by any of these land owners may remain until development requires a change.

8. **Environmental Issues:**

Staff is not aware of any environmental, health or safety conflicts.

9. **Agency Responses:**

The following agencies returned comments: City Engineer (Gordon Law, P.E.) *Exhibit B 1*, Ada County Highway District (Stacey Yarrington) *Exhibits B 2 & 3*, Boise Project Board of Control (Bob Carter) *Exhibit B 4*, Central Dist. Health Dept. (Lori Badigian), *Exhibit B 5*, COMPASS Idaho, (Carl Miller) *Exhibit B 6*, and Nampa & Meridian Irrigation Dist. (Greg Curtis), *Exhibit B 7* which are included with this case file and are included with this report.

F. **Staff Analysis:**

The applicant is only interested in annexation of the Renascence Farms and Mason Creek Farms sites, however, in the future when development is desired, the project will be required to submit for subdivision and design review approvals and follow the public hearing process for that entitlement.

The properties are adjacent to Kuna City limits as demonstrated within *Exhibit A 2 c*. This project is adjacent to three principle arterials, Ten Mile, Amity and Lake Hazel Roads. All major public utilities are approximately 700 feet south of Lake Hazel Road. Applicant has been made aware that development of the Renascence and Mason Creek Farm parcels will require connection to city services and require connection fees for that

purpose. It is anticipated when Renaissance Farms and Mason Creek Farms lands move forward with development *in the future*, it will require a number of phases for complete build-out.

Among the Category ‘A’ annexation requirements for annexing lands into the city, a land owner must submit an request for annexation. Furthermore, it requires that parcels must touch current city limits. The following land owners have submitted a “consent to annex” letter, which has been recorded with Ada County records and these consent letters are included as exhibits with this memo – See Exhibits C 5, C 6, C 7 and C 8.

<u><i>Exhibit C 5</i></u> <i>Brent & Leslie Anderson</i> 3985 W. Amity Rd. Meridian, ID 83642 APN - S1234244200	<u><i>Exhibit C 6</i></u> <i>Alan & Kathryn Colson</i> 5975 S. Ten Mile Rd. Meridian, ID 83642 APN - S1234417520
<u><i>Exhibit C 7</i></u> <i>Doug Roberts & Susan Hickman</i> 6020 S. Ten Mile Rd. Meridian, ID 83642 APN - S1235336450	<u><i>Exhibit C 8</i></u> <i>Jeanne & Melvin Spaulding</i> 3975 W. Amity Rd. Meridian, ID 83642 APN - S1234131300

It is important to outline the annexation pathway relied upon for this application. The Roberts’ property touches current city limits. The Coulson property touches the Roberts’ property (across Ten Mile Road – public Rights-Of-Way do not block a touch). The Renaissance Farm, LLC, property touches the Coulson property. The Anderson and Spaulding properties are completely surrounded by the Renaissance Farm properties. The Mason Creek Farm property touches the City limits on its north and east side. The pathway is depicted on the map of page one of this memo.

These lands are north of Lake Hazel Road and Kuna’s recently approved ACI boundary. However, it is noted that Tim Eck (Renaissance and Mason Creek Farms, LLC’s), met with the City of Meridian and notably, Mayor de Weerd, about this annexation request prior to application submittal. The City of Meridian has agreed to support the annexation of these properties (See *Exhibit C 1*).

Staff has reviewed Kuna’s Comprehensive Plan (Comp Plan), and found that the Comp Plan encourages a variety of housing types for all income levels numerous times throughout the document. Pertinent sections of the Comp Plan that address housing types are included below, in Section K (Comp Plan Analysis) of this report. The City attempts to balance all housing types within the City. Staff will work with the applicant as future applications come forward for a preliminary plat to ensure technical compliance with Kuna City Code (KCC), as required. Staff would recommend that the applicant work with Kuna City, ACHD, and Kuna Rural Fire District (KRFD) to conform to each agency’s requirements.

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute § 67-6511; and the Kuna Comprehensive Plan document; and forwards a recommendation of approval for Case No’s 16-12-AN, subject to any conditions of approval outlined by Kuna’s Commission and City Council.

G. Applicable Standards:

1. City of Kuna Zoning Ordinance Title 5, Chapter 13.
2. City of Kuna Comprehensive Plan, adopted September 1, 2009.
3. Idaho Code, Title 67, Chapter 65- the Local Land Use Planning Act.

H. Procedural Background:

On February 14, 2017, the Planning and Zoning Commission considered the case, including the application, agency comments, staff’s memo, the application exhibits and public testimony presented or given.

I. Factual Summary:

This parcels are located near the northeast and northwest corners of Ten Mile and Lake Hazel Roads. The project consists of 165 (approx.) acres that are adjacent to City limits and all parcels are currently zoned RUT (Rural Urban Transition – County). Applicant requests to annex the same parcels into Kuna City with the R-6 (Medium Density Residential) zone for each parcel. All parcels in this application are adjacent to either Ten Mile Road, Lake Hazel Road or Amity Road; all roads are classified as principle arterials.

J. Proposed Findings of Fact:

Based upon the record contained in Case No. **16-12-AN**, including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, including the exhibits, and the testimony during the public hearing, the Kuna Commission hereby recommends *approves/denies* the Findings of Fact and Conclusions of Law, and conditions of approval for Case No. 16-12-AN, a request for Comp Plan Map amendment and annexation into Kuna City limits request by the applicant follows:

The Commission concludes that the applications do/do not comply with the City of Kuna's Zoning regulations (Title 5) of KCC and/or the Subdivision regulations outlined in title 6 of KCC.

1. The Kuna Commission accepts the facts as outlined in the staff memo, the public testimony and the supporting evidence list presented.

Comment: *The Kuna Commission held a public hearing on the subject applications on January 24, 2017, to hear from City staff, the applicant and to accept public testimony. The decision by the Commission is based on the application, staff report and public testimony, both oral and written.*

2. Based on the evidence contained in Case No. 16-12-AN, this proposal appears to *generally* comply with the Comprehensive Plan.

Comment: *The Comp Plan has listed numerous goals for providing commercial, single-family and multi-family housing in Kuna. The Comp Plan Map designates this property as Medium Density. As this project proposes to accommodate commercial and residential uses the project generally follows the goals of the Comp Plan and the Comp Plan Map.*

3. The Kuna Commission has the authority to recommend approval or denial of these applications.

Comment: *On February 14, 2017, the Commission voted to recommend approval/denial of case No. 16-12-AN.*

4. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

Comment: *As noted in the process and noticing sections, notice requirements were met to hold a public hearing on February 14, 2017.*

K. City Commissions Comprehensive Plan Analysis:

Commission determines the proposed annexation and zoning request for the *site is/is not* consistent with the following Comp Plan components:

Housing:

Residents expressed interest in a mix of residential type dwellings applications; including a variety of housing. They were receptive to a greater mix of lot sizes and house price to appeal to a variety of people. A goal expressed by many was the preservation of large lots and rural cluster development in appropriate balance with a complement of other types of residential development (Page 21 Comprehensive Plan [CP]).

Comment: *The Comp Plan provides for a mix of residential uses. This project has proposed a zone that provides an opportunity for a variety of densities, therefore it generally conforms to the Comp Plan goals and policies.*

Private Property Rights Goals and Objectives - Section 2 - Summary:

Ensure the City land use policies, restrictions, conditions and fees do not violate private property rights and ensure that land use actions, decisions, and regulations do not effectively eliminate all economic value of the subject property. Ensure that City land use actions, decisions, and regulations do not prevent a private property owner from taking advantage of a fundamental property right and 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.

Comment: *Utilizing the Idaho Attorney General's criteria, and a review by the City Attorney, the proposed project does not constitute a "takings" and the Economic value is intact.*

Economic Development Goals and Objectives - Section 5 - Summary:

Promote and ensure an adequate supply of housing for all income levels and facilitate pedestrian connections, both visually and physically, to enhance pedestrian movement (Pg. 42 – 1.5 and Pg. 43 – 3.1 [CP]).

Comment: *The Comp Plan encourages an adequate mix of housing for all income levels and calls for increasing pedestrian connections. The requested zoning for this project provides an opportunity for a number of additional housing types to Kuna's inventory and quality housing. At time of development, this project should be conditioned to add to the City's pedestrian network for non-motorized transportation, by proposing pathway connections for development to connect to in the future.*

Land Use Goals and Objectives - Section 6 - Summary:

Adopt a future land use plan and map that includes natural and developed open spaces, while providing a variety of housing densities and types to accommodate various lifestyles, ages and economic groups. Protect existing neighborhoods and ensure new development is sustainable and keeps Kuna desirable. Develop cohesive neighborhoods with character and quality while incorporating a variety of densities and styles (Pg. 64 – 3.1 & Goal 3, and Pg. 65 – 4.3 [CP]).

Comment: *The requested zoning provides for quality housing opportunities and multiple housing varieties to the City's inventory for all types of lifestyles, ages and economic groups.*

Housing Goals and Objectives - Section 12 - Summary:

Encourage developers to provide high-quality development with a variety of lot sizes, dwelling types, densities and price points to meet the needs of current and future population while creating safe and aesthetically-pleasing neighborhoods. Ensure housing is available throughout the community for all income levels and those with special needs. Encourage logical and orderly development while discouraging development of land divisions greater than one half acre because large lot subdivisions increase municipal costs, require public subsidy and create sprawl (Pg. 155 – Obj. 1.1, Pg. 163 12.4 and Pg. 165 – 2.1 [CP]).

Comment: *With the requested zoning, applicant proposes a future high quality development with a variety of dwelling types, densities, and price points for all income levels Kuna as encouraged by the Comp Plan. In the future, this project could significantly add to the City's overall network of, utilities, sidewalks and roadways, therefore it complies with logical, orderly development and discourages land divisions and development greater than one half acre, and could avoid increased municipal services costs and sprawl.*

Community Design Goals and Objectives - Section 13 - Summary:

Strengthen Kuna's Image through good community and urban design principles that create well planned neighborhoods. Foster good community design concepts that incorporate landscape features to serve as buffers between incompatible uses while reducing scale and creates a sense of place (Pg.167 – Goal 1 and Pg. 168 – 1.2 and 2.1[CP]).

Comment: Applicant should be conditioned to offer good community and urban design principles through creation of greenspaces, add to the pedestrian pathway network and add to the City's sidewalk network. At time of future development, applicant shall improve classified roadways, which add to the roadway system thereby complying with the adopted Master Street Plan of Kuna (Functional Classified Road Map). At time of development, the applicant should be conditioned to incorporate landscape buffers creating a sense of place for citizens. In the future, applicant should be conditioned to follow sound community design concepts and comply with the Comp Plan goals and help strengthen Kuna's image.

L. City Council's Idaho State Code Analysis:

1. **IC §67-6511 (2) C** requires that the Commission analyze the proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, **or** would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.
2. **IC §67-6513** provides that the City provide for mitigation of the effects of subdivision development on the ability of political subdivisions of the state, including school districts, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision.
3. Through discussions and comments submitted by public service providers, the project would not create demonstrable adverse impact to quality of emergency service and/or delivery of said services, or impose substantial additional costs to current residents.

M. The Commission's Conclusions of Law:

The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

1. The Commission feels the site *is/is not* physically suitable for development in the future.
Comment: *The 165 acre (approximate) proposal does/does not appear to be suitable for annexation, as proposed.*
2. The zoning requests are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.

Comment: *The land to be annexed is not used as wildlife habitat. Roads, driveways, family units and open spaces are planned for construction according the City and ACHD requirements and best practices and will therefore not cause environmental damage or loss of habitat.*

3. The annexation application is not likely to cause adverse public health problems.

Comment: *The annexation of the property would generally comply with the Comp Plan. In the future, the project would connect to public sewer and potable water systems, therefore eliminating the occurrence of adverse public health problems.*

4. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.

Comment: *Through correspondence with public service providers and application evaluation, this annexation request appears to avoid detriment to surrounding uses. Commission did consider the annexation and the location of the property with adjacent uses.*

5. The existing and proposed street and utility services in proximity to the site are suitable *or* adequate for future residential purposes.

Comment: *Correspondence from ACHD and Kuna Public Works confirms that the streets and utility services are suitable and adequate for a future project.*

6. Based on the evidence contained in Case No. 16-12-AN, Commission finds Case No. 16-12-AN does/does not adequately comply with Kuna City Code.
7. Based on the evidence contained in Case No. 16-12-AN, Council finds Case No. 16-12-AN generally does/does not comply with Kuna's Zoning Code.

N. Recommended Conditions of Approval:

Based upon the Comp Plan, Kuna City Code, the record before the Commission, the applicant's presentation and testimony at the February 14, 2017, and discussion at the public hearing, the Kuna Commission votes to recommend approval/denial for Case No. 16-12-AN with the following conditions of approval at time of development in the future:

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 request to annex the irrigation surface

water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation system of the City (KMID).

6. Street lights and parking lights for the site shall be LED lighting and must 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). Perimeter fencing (and permit) is required prior to requesting final plat signatures from Kuna City Clerk and Engineer.
9. All signage within/for the project shall comply with Kuna City Code and shall be approved in the design review process with all new commercial and multi-family.
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. Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
13. Developer/owner/applicant shall comply with all local, state and federal laws.

DATED: This ____ day of _____, 2017.

VICINITY MAP

Exhibit A 2 c



Renaissance Site

Mason Creek Farm Site

Kuna WWTP

Legend

-  PARCEL LINES
-  ROADS
-  KUNA CITY LIMITS
-  WATER FEATURES
-  Ada County FULL

W Lake Hazel Rd

Harris Lateral

S Memory Ln

S Ten Mile Rd

S Durrant Ln

Mason Creek Feeder

TB

Exhibit A 2 c

Subject Parcels

Subject Parcels

Kuna WWTP

Legacy Ln

Memory Ln

S Ten Mile Rd

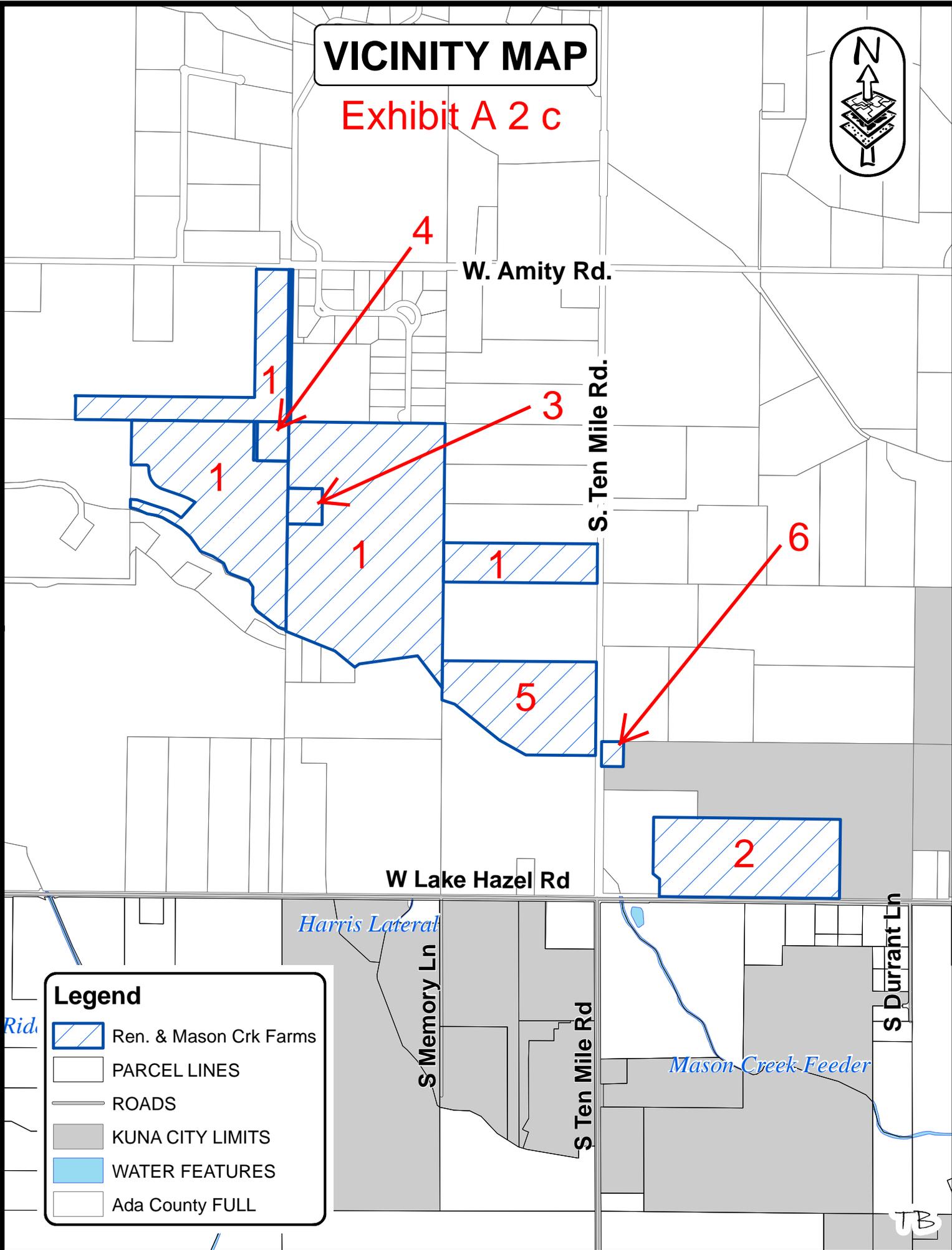
S Lake Haze Rd

S Durant Ln



VICINITY MAP

Exhibit A 2 c



Legend

-  Ren. & Mason Crk Farms
-  PARCEL LINES
-  ROADS
-  KUNA CITY LIMITS
-  WATER FEATURES
-  Ada County FULL

Exhibit C 2

Troy Behunin

From: Timothy Eck <timothyeck@me.com>
Sent: Friday, January 20, 2017 12:54 PM
To: Troy Behunin
Subject: Meridian Support of Annexation into Kuna

Troy:

There is significant history behind the pending annexation application that must be understood.

Bitter creek Meadows was developed into 24 residential lots. This development was approved in the county with a sole, stand alone, domestic water supply system, a stand alone pressure irrigation system and a temporary waste water treatment system, to serve for what was anticipated to be a short term. The Approval required the developer to bring domestic water from Meridian to the site and connect it into the sole stand alone system. The city of Meridian was going to build a lift staton and force main to service the homes taking the entire temporary system off line and decommission it.

As a result of the economic downturn and revised growth patterns the developer determined it was not in his financial best interest to proceed with the domestic water extension. Without the domestic water extension from Meridian to Bittercreek and including to the anticipated lift station the lift station could not be built. After some intense negotiation between the developer and Meridian it was determined to be prudent to scrap the plans for the domestic water extension and the lift station.

This left the owners at Bittercreek with a sole stand alone domestic water system and a temporary waste water treatment facility with no ability to permanently address the wastewater. As a result the homeowners filed suit against Meridian and the developer. Their temporary wastewater treatment facility would some day become unacceptable and they would have no way to dispose of or treat their wastewater.

Owning the majority of the property in the current annexation application and having been intensely involved in the Kuna LID i was aware of the fact that Kuna had entered an agreement with Key Bank to allow wastewater connections from outside the annexed city limits. I proposed and worked closely with the cities of Meridian and Kuna to facilitate a wastewater connection for the Bittercreek homes to the Kuna Wastewater treatment facility. Of course the only way to accomplish this is to allow their connection into a lift station that we will build that will pump to Kuna. The only viable way to develop this property, build the lift station connected to Kuna and connect the Bittercreek homes is through a City of Kuna Annexed plat. Extensive negotiation took place and it was understood by Meridian that the development of the property, construction of the lift station, connection of the Bittercreek homes to Kuna sewer and settlement of the litigation between the Bittercreek HOA and Meridian required annexation of our property into Kuna and in addition to our properties there would be a couple additional properties that would require annexation to obtain our annexation corridor (Coulson & Roberts).

It has taken several years to secure the annexation corridor by recorded consents to annexation on the Coulson and Roberts properties. Shortly after we obtained the annexation corridor I suggested a meeting with Meridian Mayor to bring her up to date. The meeting was conducted in chambers on October 4, 2016 at 3:15. Present was Mayor DeWeerd, City Attorney, a couple council members and I believe their facilities director. I explained that I had obtained my annexation corridor and was preparing to proceed with application. I proposed that there were some additional properties that I would like to include in the application and several other property owners that had expressed in annexing with our application.

The 2 properties that I wanted to include were Anderson's and Spaulding's. These are both 2 acre parcels that are fully within the boundaries of our property and application. Since they would be fully surrounded by property annexed into Kuna it made sense for them to be included. Mayor DeWeerd and all present at the meeting supported my annexation into Kuna and in addition had no opposition to Anderson and Spaulding annexing. They recognized the needed annexation corridor and supported the annexation of the Coulson and Roberts properties.

At the time of that meeting they could not voice an opinion on weather they would support annexation of the neighboring properties that wanted to annex with us. They indicated that there had already been considerable

Exhibit C2

discussion with city council about our annexation that was supported as the means to settle their litigation with the Bittercreek homeowners but that they would have to have meetings with their long term facilities planner and city council members to develop a position on the additional surrounding properties.

It is my understanding the Meridian fully supports the annexation application of the Renaissance properties including the addition of Anderson, Spaulding, Coulson and Roberts.

The Mason Creek parcel included in this application is a parcel we also own through another entity. It is predominantly surrounded by Kuna annexed land and is currently in the process of being Platted as part of the Caspian Sub. Layouts for Caspian have been completed and pre-application meetings have been held with Kuna P&Z and ACHD. Modifications to the Caspian plat have been completed to meet all recommendations of Kuna P&Z and ACHD. The traffic impact study has been completed and submitted to agencies. The Preliminary Plat application is in process and we hope to see it in front of P&Z commission within the next few weeks. Since this parcel is the only parcel Owned by Mason Creek Farms LLC that owns all of the parcels within Caspian that is not annexed it made sense to include the annexation of this parcel with this application.

Sincerely

Timothy W Eck
Member of Manager of
Renaissance Farm LLC and
Mason Creek Farm LLC

Exhibit A 2 b



9233 WEST STATE STREET | BOISE, ID 83714 | 208.639.6939 | FAX 208.639.6930

November 7, 2016
Project No.: 16-152

Mr. Troy Behunin
Planning & Zoning Department
City of Kuna
751 West 4th Street
Kuna, ID 83634

**RE: Renaissance Farm and Mason Creek Farm Parcels – Ada County, ID
Annexation Application**

Dear Mr. Behunin:

On behalf of Renaissance Farm, LLC, and Mason Creek Farm, LLC, we are pleased to submit the attached application and required supplements for an annexation of the parcels referenced above.

Renaissance Farm Parcels

The majority of the subject property is approximately 114 acres of agricultural ground located south of Amity Road between Ten Mile and Black Cat Roads. The parcels are presently located in Ada County, but a path of annexation is available via two properties, the owners of which have recorded annexation consent forms on file with the City. The site is currently zoned RUT in the County with a comprehensive plan designation of Medium-Density Residential. As a part of this application, we are requesting to annex the property into the City of Kuna with the R-6 zone, which is consistent with the comprehensive plan. The table below outlines the information for the Renaissance Farm parcels, including the parcels providing the path for annexation.

Parcel Number	Address	Owner	Approximate Acreage
R0967660156	S. Bittercreek Ave.	Renaissance Farm, LLC	57.12
R0967660155	S. Bittercreek Ave.	Renaissance Farm, LLC	30.38
S1234142351	5561 S. Ten Mile Rd.	Renaissance Farm, LLC	9.64
R0967660151	S. Bittercreek Ave	Renaissance Farm, LLC	0.20
S1234212935	W. Amity Rd.	Renaissance Farm, LLC	14.97
S1234244310	S. Bittercreek Ave.	Renaissance Farm, LLC	0.42
S1234121105	W. Amity Rd.	Renaissance Farm, LLC	0.44
S1234212405	W. Amity Rd.	Renaissance Farm, LLC	0.44
			113.61
S1234417520	5975 S. Ten Mile Rd.	Colson (Consent)	20.07
S1235336450	6020 S. Ten Mile Rd.	Roberts (Consent)	1.0

The majority of these parcels have been contemplated for development in the past. With the economic downturn, the ownership group elected to postpone further entitlements until market conditions recovered and availability of utility services was better understood. With this property's location between Meridian and Kuna, it was unknown until now which municipality could provide services. With Kuna's extension of sewer and water facilities in Ten Mile Road, annexation into Kuna makes the most sense. This will not only provide enhanced



Exhibit A 2 b

development opportunities for the property, but will also aid the City in expanding vital infrastructure for its growing population.

Mason Creek Parcel

The remainder of the subject property is approximately 23 acres of agricultural ground located north of Lake Hazel Road east of Ten Mile Road. This parcel is also presently located in Ada County, but is contiguous to City limits on the north and east. This parcel is also currently zoned RUT in the County with a comprehensive plan designation of Medium-Density Residential. As a part of this application, we are requesting to annex this property into the City of Kuna with the R-6 zone, which is consistent with the comprehensive plan. Information for this parcel is as follows.

Parcel Number	Address	Owner	Approximate Acreage
S1235347051	3068 W. Lake Hazel Rd.	Mason Creek Farm, LLC	22.87

This parcel is intended to become part of the neighboring Mason Creek Subdivision project currently under development.

Public Utilities

The owner has conducted multiple meetings with Kuna's City Engineer to understand sewer, water, and pressure irrigation facilities, all of which are available for connection in Ten Mile Road with development of this site. As the project progresses, we will also work with the remaining public utilities including power, gas, phone, and cable to ensure that adequate utilities are provided.

Schedule

It is our intention to follow this application package with a preliminary plat submittal in the coming months. Before expending resources to prepare the full preliminary plat, we felt it prudent to obtain the City's feedback on the zoning for the Renaissance project.

Should you have questions or require further information in order to process this application, please feel free to contact me.

Sincerely,
KM Engineering, LLP



Kirsti Grabo
Development Coordinator

cc: Renaissance Farm, LLC
Mason Creek Farm, LLC

Exhibit A 2 a



**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

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)	16-12-AU
Project name	RENASCENCE FARMS
Date Received	11.8.16
Date Accepted/ Complete	12.2.16
Cross Reference Files	-
Commission Hearing Date	1.24.17
City Council Hearing Date	

Contact/Applicant Information

Owners of Record: <u>Renescence Farm, LLC</u>	and <u>Mason Creek Farm, LLC</u>
Address: <u>6152 West Half Moon Lane</u>	E-Mail: _____
City, State, Zip: <u>Eagle, ID 83616</u>	Fax #: _____
Applicant (Developer): <u>same</u>	Phone Number: _____
Address: _____	E-Mail: _____
City, State, Zip: _____	Fax #: _____
Engineer/Representative: <u>KM Engineering</u>	Phone Number: <u>208.639.6939</u>
Address: <u>9233 West State Street</u>	E-Mail: <u>kgrabo@kmengllp.com</u>
City, State, Zip: <u>Boise, ID 83714</u>	Fax #: <u>208.693.6930</u>

Subject Property Information

Site Address: <u>West Amity, South Ten Mile, & 3068 West Lake Hazel</u>	
Site Location (Cross Streets): <u>South of Amity between Ten Mile & Black Cat</u>	
Parcel Number (s): <u>see letter and North of Lake Hazel east of Ten Mile</u>	
Section, Township, Range: <u>Section 34 & 35, T3N, R1W</u>	
Property size: <u>+/- 114.4 acres (Renescence) and +/- 24.6 acres (Mason Creek)</u>	
Current land use: <u>Agricultural</u>	Proposed land use: <u>Residential</u>
Current zoning district: <u>Ada County RUT</u>	Proposed zoning district: <u>R6</u>



Exhibit A 2 a

Project Description

Project / subdivision name: <u>Renascence Subdivision and Mason Creek Subdivision</u>
General description of proposed project / request: <u>annexation and zoning for future residential development</u>
Type of use proposed (check all that apply):
<input checked="" type="checkbox"/> Residential _____
<input type="checkbox"/> Commercial _____
<input type="checkbox"/> Office _____
<input type="checkbox"/> Industrial _____
<input type="checkbox"/> Other _____
Amenities provided with this development (if applicable): _____

Residential Project Summary (if applicable)

Are there existing buildings? <input type="checkbox"/> Yes <input type="checkbox"/> No
Please describe the existing buildings: _____
Any existing buildings to remain? <input type="checkbox"/> Yes <input type="checkbox"/> No
Number of residential units: _____ Number of building lots: _____
Number of common and/or other lots: _____
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)

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: 11-7-16



00304759201601166030050050

**CONSENT TO ANNEXATION
INTO THE CITY OF KUNA, IDAHO**
Idaho Code §50-222

WHEREAS, the city limits of the city of Kuna, Idaho are contiguous to the real property as described herein, however said real property is not within the city limits of the City of Kuna, Idaho.

NOW THEREFORE, Brent and Leslie Anderson, being first duly sworn upon oath, deposes and states:

1. I am the record owner of the property described below, and I hereby consent (agree) to the annexation of said property into the City of Kuna, Idaho, pursuant to Idaho Code §50-222(3)(a) Category A Annexation.

Physical Address: 3985 W Amity Rd Meridian ID 83642

Legal Description: See attached

Location Map: See attached **Exhibit A**.

2. I understand and agree that the City of Kuna has a right under Idaho Law to annex lands that are reasonably necessary to assure the orderly development of the City in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable orderly development of private lands that benefit from the cost-effective availability of municipal services in urbanizing areas, and to equitably allocate the costs of public services in management of development on the urban fringe.
3. I understand and agree that this annexation is a Category A Annexation and I do not have a right to have it judicially reviewed by any court.

signature page follows

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Exhibit C 5

EXHIBIT A

PARCEL A

A tract of land in the Southeast quarter of the Northwest quarter of Section 34, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho; more particularly described as follows:

Commencing at the quarter section corner common to Sections 27 and 34, Township 3 North, Range 1 West, Boise Meridian, thence
South 0 degree 06'54" West, along the North-South mid-section line, of said Section 34, 1,327.14 feet to a steel pin at the Northeasterly corner of the Southeast quarter of the Northwest quarter of said Section 34, THE REAL POINT OF BEGINNING; thence continuing
South 0 degree 06'54" West 330.60 feet to a steel pin; thence
South 89 degrees 55' West along the centerline of a certain irrigation ditch, 263.60 feet to a steel pin; thence
North 0 degree 06'54" East 330.66 feet to a steel pin on the North line of said Southeast quarter of the Northwest quarter; thence
North 89 degrees 55'43" East along said line, 263.60 feet to the REAL POINT OF BEGINNING.

PARCEL B

A private road 30 feet in width, 15 feet on each side of the half section line running North and South from the Northwest corner of the Southwest quarter of the Northeast quarter of Section 34, Township 3 North, Range 1 West of the Boise Meridian, Ada county, Idaho to the North section line of said section.

247607
CP/WO

ADA COUNTY RECORDER J. DAVID NAVARRO AMOUNT 6.00 2
BOISE IDAHO 09/17/04 04:30 PM
DEPUTY Vicki Allen
RECORDED - REQUEST OF Pioneer
104119812



A Pioneer Company
PIONEER TITLE COMPANY
OF ADA COUNTY
8151 W. Rifleman Ave. / Boise, Idaho 83704
(208) 377-2700

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

Federal National Mortgage Association

a corporation duly organized and existing under the laws of The United States of America, grantor, does hereby Grant, Bargain, Sell and Convey unto

Edgar Gathagan and Susan Gathagan, husband and wife

whose address is: 3985 W. Armuty Road, Meridian, ID 83642, grantee, the following described real estate, to-wit:

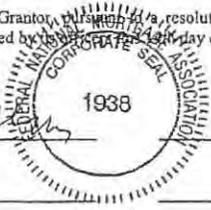
SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision, restrictions, U.S. patent reservations, easements of record and easements visible upon the said premises.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in a fee simple of said premises; that they are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, by its duly authorized officers, a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its duly authorized officer, this 15th day of September, 2004.

Federal National Mortgage Association
By: *[Signature]*
Donna Ghassemi, Vice President

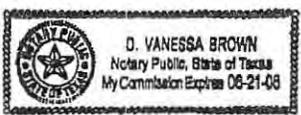


[Signature]
Sheryl Martin
Assistant Secretary

STATE OF TEXAS, County of Dallas, ss.

On this 15th day of September, in the year of 2004, before me the undersigned, a notary public, personally appeared Donna Ghassemi, known or identified to me to be the Vice President of the corporation that executed the instrument or the person/persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

[Signature]



Notary Public of Texas
Residing at DALLAS
Commission expires:

Gathagan - original deed

RECORD OF SURVEY NO. 779

A TRACT OF LAND IN THE SE 1/4 NW 1/4 AND THE NE 1/4 SW 1/4 OF SECTION 34, T.3 N., R.1 W., B.M.
— ADA COUNTY, IDAHO —

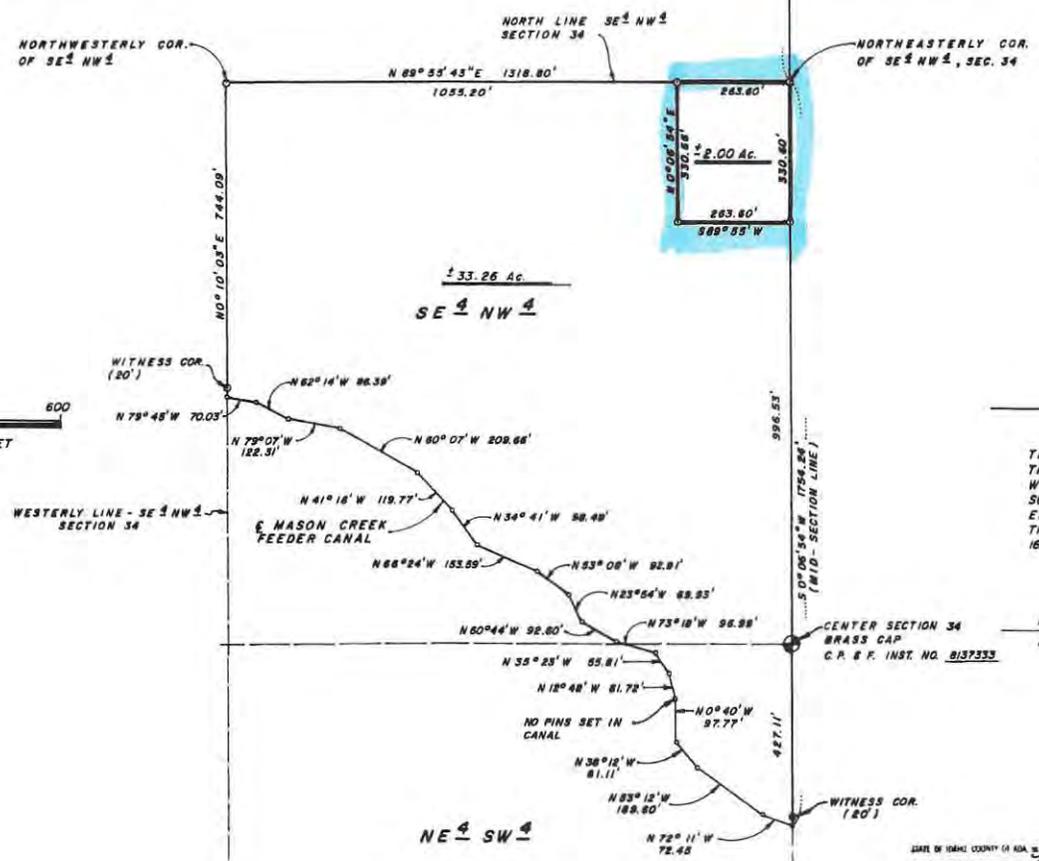
Exhibit C 5

SECTION CORNER
BRASS CAP
C.R. & F. INST. NO. 841250

EAST 2635.16'
AMITY ROAD

1/4 COR. 27
34 T.3 N., R.1 W., B.M.
BRASS CAP
C.R. & F. INST. NO. 8137334

INSTRUMENT NUMBER 8542117
BOOK NUMBER F PAGE NUMBER 791
SURVEY INDEX NUMBER 314-34-1-3



LEGEND
○ 5/8\"

SURVEYOR'S CERTIFICATE

I, DON G. PAYNE DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF IDAHO, AND THAT THIS SKETCH WAS PREPARED FROM THE NOTES OF AN ACTUAL SURVEY MADE ON THE GROUND IN 1976 BY TUDDOR ENGINEERING COMPANY. I FURTHER CERTIFY THAT I HAVE COMPLIED WITH TITLE 55, CHAPTER 16, IDAHO CODE.

DON G. PAYNE
IDAHO NO. 887



FOR SAM PARKER

STATE OF IDAHO COUNTY OF ADA, ss
I, Don G. Payne, Surveyor, do hereby certify that the above is a true and correct copy of the original as recorded in the records of the State of Idaho, Book F, Page 791, Instrument No. 8542117.
Witness my hand and the seal of my office this 7th day of August, 1985.
Don G. Payne, Surveyor
\$ 500 fee

AUG. 7, 1985

TOOTHMAN-ORTON ENGINEERING CO.
1802 N. 35TH STREET
BOISE, IDAHO-83703
PHONE: 208-342-5511

EX A



00278497201600914830040043

**CONSENT TO ANNEXATION
INTO THE CITY OF KUNA, IDAHO**
Idaho Code §50-222

WHEREAS, We are the record of owners of the real property as described herein; and

WHEREAS, said real property is not currently within the city limits of the City of Kuna, Idaho; and

WHEREAS, as the record owners of said real property, it is our desire to annex the same into the City of Kuna, Idaho; and

WHEREAS, said real property will be contiguous to the city limits of the City of Kuna, Idaho upon the City Council for the City of Kuna, Idaho approving the annexation of several parcels of property, including ours; and

WHEREAS, upon these several parcels of properties making application to the City of Kuna, Idaho for annexation, we agree to make or join in the consolidated application to annex into the City of Kuna, Idaho, at the same time; and

WHEREAS, it is our desire to annex into the City of Kuna, Idaho.

NOW THEREFORE, G. Alan Colson and Kathryn A. Colson, husband and wife, being first duly sworn upon oath, depose and state:

1. We are the record owners of the property described below, and we hereby consent (agree) to the annexation of said property into the City of Kuna, Idaho, pursuant to Idaho Code §50-222(3)(a) Category A Annexation.

Physical Address: 5975 S. Ten Mile Road, Meridian, Idaho 83642

Legal Description: See attached **Exhibit A**.

Location Map: See attached **Exhibit B**.

2. We understand and agree that the City of Kuna has a right under Idaho Law to annex lands that are reasonably necessary to assure the orderly development of the City in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable orderly development of private lands that benefit from the cost-effective availability of municipal services in urbanizing areas, and to equitably allocate the costs of public services in management of development on the urban fringe.
3. We understand and agree that our decision to annex into the City of Kuna, Idaho is voluntary on my part; no promises or threats have been made to induce me into signing this Consent to Annex agreement, and the decision to sign is of our own free will.
4. We understand and agree that this annexation is a Category A Annexation and we do not have a right to have it judicially reviewed by any court.

Exhibit C 6



EXHIBIT A
B & A Engineers, Inc.
Consulting Engineers & Surveyors
5505 W. Franklin Rd. Boise, Id. 83705
Phone. 208-343-3381 Facsimile 208-342-5792

Colson Legal Description

May 2, 2006

A portion of the Southeast Quarter of the Southeast Quarter and a portion of the Northeast Quarter of the Southeast Quarter of Section 34, Township 3 North, Range 1 West, B.M., Ada County, Idaho, more particularly described as follows:

Commencing at the Southeast Corner of said Section 34; thence $N00^{\circ}03'36''E$, 1,202.83 feet along the East boundary of said Section 34 to the Point of Beginning;

Thence $N89^{\circ}56'22''W$, 611.00 feet to the center-line of Mason Creek;

Thence the following courses and distances along the center-line of Mason Creek:

$N61^{\circ}12'09''W$, 257.06 feet;

$N51^{\circ}37'32''W$, 483.98 feet;

$N72^{\circ}13'56''W$, 107.15 feet to the westerly boundary of the Northeast Quarter of the Southeast Quarter of said Section 34;

Thence $N00^{\circ}12'31''E$, 330.96 feet along the westerly boundary of the Northeast Quarter of the Southeast Quarter of said Section 34;

Thence $S89^{\circ}55'03''E$, 1,317.36 feet to the East boundary of the Northeast Quarter of the Southeast Quarter of said Section 34;

Thence $S00^{\circ}03'38''W$, 663.17 feet along the East boundary of the Northeast Quarter of the Southeast Quarter of said Section 34 to the Northeast corner of the Southeast Quarter of the Southeast Quarter of said Section 34;

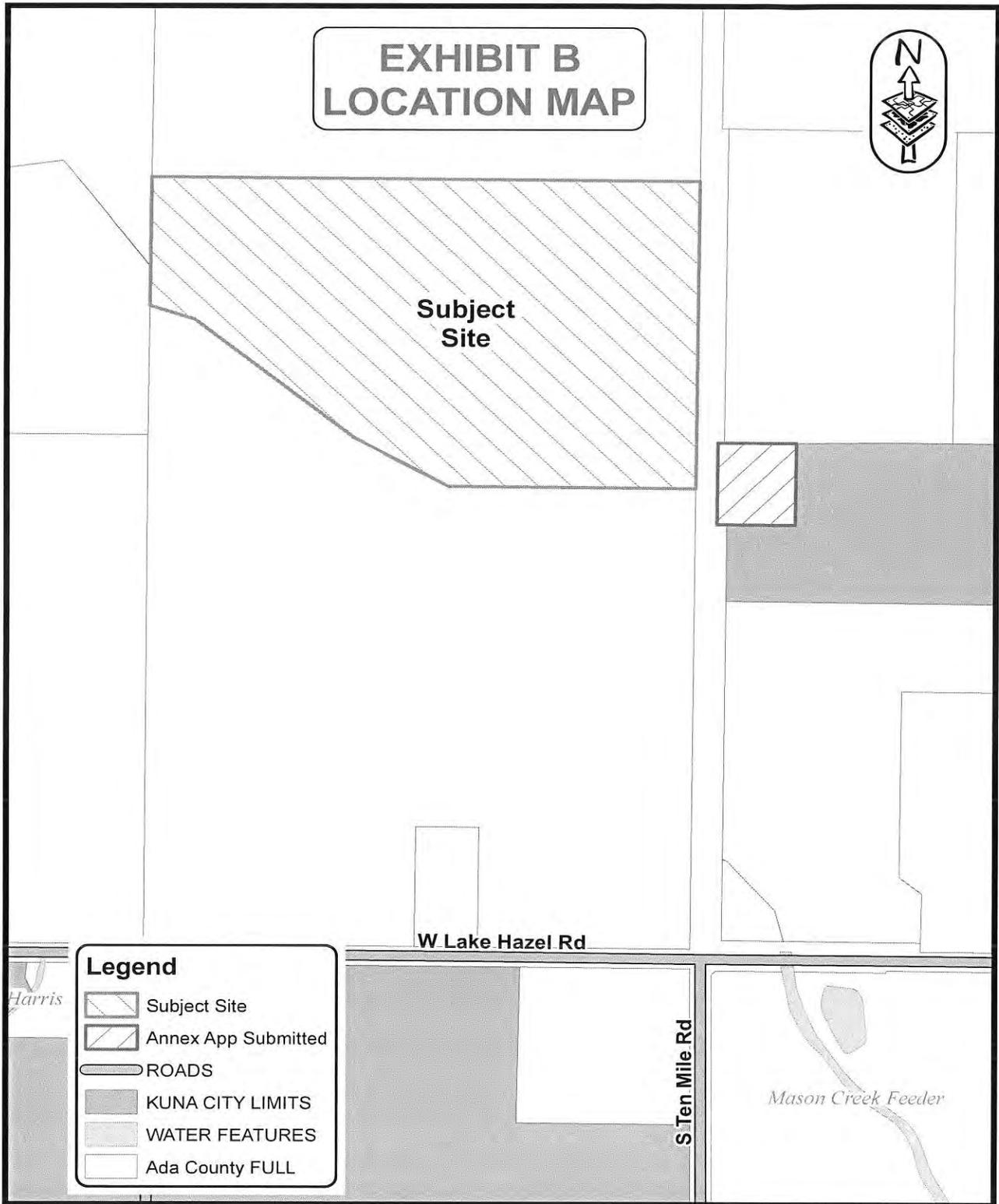
Thence $S00^{\circ}03'38''W$, 123.52 feet along the East boundary of the Northeast Quarter of the Southeast Quarter of said Section 34 to the Point of Beginning.

Comprising 20.08 acres more or less.

Page 2 of 4

Description was written from the record of survey ROS # recorded in Ada County.

Exhibit C 6





**CONSENT TO ANNEXATION
INTO THE CITY OF KUNA, IDAHO**
Idaho Code §50-222

WHEREAS, We are the record of owners of the real property as described herein; and

WHEREAS, said real property is not currently within the city limits of the City of Kuna, Idaho; and

WHEREAS, as the record owners of said real property, it is our desire to annex the same into the City of Kuna, Idaho; and

WHEREAS, said real property is contiguous to the city limits of the City of Kuna, Idaho upon the City Council for the City of Kuna, Idaho approving the annexation of several parcels of property, including ours; and

WHEREAS, upon these several parcels of properties making application to the City of Kuna, Idaho for annexation, we agree to make or join in the consolidated application to annex into the City of Kuna, Idaho, at the same time; and

WHEREAS, it is our desire to annex into the City of Kuna, Idaho.

NOW THEREFORE, Douglas H. Roberts, an unmarried man and Susan Hickman, an unmarried woman, being first duly sworn upon oath, depose and state:

1. We are the record owners of the property described below, and we hereby consent (agree) to the annexation of said property into the City of Kuna, Idaho, pursuant to Idaho Code §50-222(3)(a) Category A Annexation.

Physical Address: 6020 South Ten Mile Road, Meridian, Idaho 83642

Legal Description: See attached **Exhibit A**.

Location Map: See attached **Exhibit B**.

2. We understand and agree that the City of Kuna has a right under Idaho Law to annex lands that are reasonably necessary to assure the orderly development of the City in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable orderly development of private lands that benefit from the cost-effective availability of municipal services in urbanizing areas, and to equitably allocate the costs of public services in management of development on the urban fringe.
3. We understand and agree that our decision to annex into the City of Kuna, Idaho is voluntary on my part; no promises or threats have been made to induce me into signing this Consent to Annex agreement, and the decision to sign is of our own free will.
4. We understand and agree that this annexation is a Category A Annexation and we do not have a right to have it judicially reviewed by any court.

Exhibit C 7

Dated this 31 day of August, 2016

Douglas H. Roberts
Douglas H. Roberts

Dated this 31 day of August, 2016

Susan Hickman
Susan Hickman

STATE OF IDAHO)
) ss.
County of Ada)

I, Rochelle L. Williams, a Notary Public in and for said State of Idaho, do hereby certify that on this 31st day of August, 2016, before me, personally appeared Douglas H. Roberts, known or identified to me, who, being by me, first duly sworn, declared under oath that the statements contained with the foregoing document are true and correct, and acknowledged to me that he/she executed the same as such.

S
E
A
L



Rochelle L. Williams
Notary Public for State of Idaho
My commission expires on 2-12-20

STATE OF IDAHO)
) ss.
County of Ada)

I, Rochelle L. Williams, a Notary Public in and for said State of Idaho, do hereby certify that on this 31st day of August, 2016, before me, personally appeared Susan Hickman, known or identified to me, who, being by me, first duly sworn, declared under oath that the statements contained with the foregoing document are true and correct, and acknowledged to me that he/she executed the same as such.

S
E
A
L



Rochelle L. Williams
Notary Public for State of Idaho
My commission expires on 2-12-20

Exhibit C 7

EXHIBIT A

A tract of land in the Southwest quarter of Section 35, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, described as follows:

Beginning at a point which is North along the section line, 1,111.71 feet from the section corner common to Sections 34 and 35, in Township 3 North, Range 1 West, Boise Meridian, and Sections 2 and 3 in Township 2 North, Range 1 West, Boise Meridian; thence

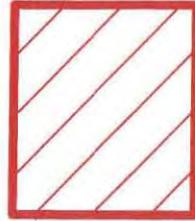
North 208.72 feet; thence

North 89°48' East, 208.72 feet; thence

South 208.72 feet; thence

South 89°48' West, 208.72 feet to the PLACE OF BEGINNING.

**EXHIBIT B
LOCATION MAP**



W Lake Hazel Rd

S Ten Mile Rd



Legend

-  Subject Site
-  ROADS
-  KUNA CITY LIMITS
-  WATER FEATURES
-  Ada County FULL

Exhibit C 8

CONSENT TO ANNEXATION INTO THE CITY OF KUNA, IDAHO Idaho Code §50-222

WHEREAS, the city limits of the city of Kuna, Idaho are contiguous to the real property as described herein, however said real property is not within the city limits of the City of Kuna, Idaho.

NOW THEREFORE, Jeane Spaulding, being first duly sworn upon oath, deposes and states:

1. I am the record owner of the property described below, and I hereby consent (agree) to the annexation of said property into the City of Kuna, Idaho, pursuant to Idaho Code §50-222(3)(a) Category A Annexation.

Physical Address: 3975 W. Amity Rd. Meridian, ID 83642

Legal Description: PAR #1300 of NE4 - Sec. 34 3N1W #2725R

Location Map: See attached **Exhibit A**.

2. I understand and agree that the City of Kuna has a right under Idaho Law to annex lands that are reasonably necessary to assure the orderly development of the City in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable orderly development of private lands that benefit from the cost-effective availability of municipal services in urbanizing areas, and to equitably allocate the costs of public services in management of development on the urban fringe.
3. I understand and agree that this annexation is a Category A Annexation and I do not have a right to have it judicially reviewed by any court.

signature page follows

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ADA COUNTY RECORDER Christopher D. Rich
BOISE IDAHO Pgs=5 BONNIE OBERBILLIG
KUNA CITY

2016-121896
12/16/2016 09:18 AM
NO FEE



00310294201601218960050052

Exhibit C 8

CONSENT TO ANNEXATION INTO THE CITY OF KUNA, IDAHO Idaho Code §50-222

WHEREAS, the city limits of the city of Kuna, Idaho are contiguous to the real property as described herein, however said real property is not within the city limits of the City of Kuna, Idaho.

NOW THEREFORE, Melvin A Spaulding, being first duly sworn upon oath, deposes and states:

1. I am the record owner of the property described below, and I hereby consent (agree) to the annexation of said property into the City of Kuna, Idaho, pursuant to Idaho Code §50-222(3)(a) Category A Annexation.

Physical Address: 3975 W. Amity Rd. Meridian, ID 83642

Legal Description: PAR # 1300 of NE 4 - Sec 34 3 N 1 W # 3725R

Location Map: See attached **Exhibit A**.

2. I understand and agree that the City of Kuna has a right under Idaho Law to annex lands that are reasonably necessary to assure the orderly development of the City in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable orderly development of private lands that benefit from the cost-effective availability of municipal services in urbanizing areas, and to equitably allocate the costs of public services in management of development on the urban fringe.
3. I understand and agree that this annexation is a Category A Annexation and I do not have a right to have it judicially reviewed by any court.

signature page follows

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Exhibit C 8

EXHIBIT A LOCATION MAP



**Subject
Site**

W Lake Hazel Rd

Harris Lateral

S Memory Ln

S Ten Mile Rd

Legend

-  Spaulding Parcel
-  PARCEL LINES
-  ROADS
-  KUNA CITY LIMITS
-  WATER FEATURES
-  Ada County FULL

Exhibit C 8

ADA COUNTY RECORDING
200 W. Front Street
Room 1207
Boise ID 83702

Receipt #: 175313
Station: 13
Receipt Name: KUNA CITY

Receipt Date: 12/16/2016 09:19 AM
Cashier: AUOBERBB

Comments:

RECORDING

Document # 2016-121896 Recording Date 12/16/2016 09:18:28 AM Doc Type REC-915: KUNA ANNEXATION

Doc Fee	Add A/R	Other	Total
\$0.00	\$0.00	\$0.00	No Fee \$0.00

Thank You

Receipt Total \$0.00

Exhibit B 1



CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.gov

GORDON N. LAW
CITY ENGINEER

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

Email: glaw@kunaid.gov

MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Gordon N. Law
Kuna City Engineer

RE: Renascence Farms
North of Lake Hazel, East and West of Ten Mile Roads
Annexation
16-12-AN

DATE: December 16, 2016

The City Engineer has reviewed the annexation request of the above applicant dated December 9, 2016. It is noted that specific development plans are not provided except those implied as allowed or permitted in a "R-6" zone.

The recommendation of the City Engineer is to proceed with this annexation and address the more specific issues of extending the City services in connection with the future land-use actions. Accordingly, the City Engineer provides the following comments:

1. Sanitary Sewer Needs

- a) The applicant's property to be annexed is presently used for agricultural and scattered residential purposes, has multiple private sewer systems and does not require immediate City service. With additional development, it will require municipal sewer service. The City Engineer recommends ultimate connection to City facilities at such time as existing systems fail or in connection with future development.
- b) Wastewater from the applicant's property has the future option of being treated at the North Treatment Plant which has sufficient capacity to serve this site. The nearest point of connection for the Renascence property is in the Memory Lift Station adjacent to Ten Mile Road approximately 400 feet south of Lake Hazel Road. The Lift Station and associated pipelines are presently under construction. When connecting to the sewer system, the applicant will need to abide by any relevant sewer reimbursement policies and agreements and any relevant connection fees.
- c) For assistance in locating existing facilities and understanding issues associated with connection, please contact the City Engineer at 287-1727.

Exhibit B 1

2. Potable Water Needs

- a) The applicant's property to be annexed is presently used for agricultural and scattered residential purposes, has multiple private water system and does not require immediate City service. With additional development, it will require municipal water service. The City Engineer recommends ultimate connection to City facilities at such time as existing systems fail or in connection with future development.
- b) The nearest point of connection for the Renaissance property is in Ten Mile Road approximately 700 feet south of Lake Hazel Road. When connecting to the water system, the applicant will need to abide by any relevant water reimbursement policies and agreements and any relevant connection fees.
- c) For assistance in locating existing facilities, please contact the City Engineer at 287-1727.

3. Pressure Irrigation

- a) The property's irrigation needs are presently served from surface water rights delivered through local canals and from private wells and does not require immediate City service. With additional urban development, it will require municipal pressure irrigation service. The City Engineer recommends ultimate connection to City facilities in connection with future development.
- b) The nearest point of connection for the Renaissance property is in Ten Mile Road approximately 700 feet south of Lake Hazel Road. When connecting to the pressure irrigation system, the applicant will need to abide by any relevant pressure irrigation reimbursement policies and agreements and any relevant connection fees.
- c) As a condition related to paragraph 3(a), connection to pressure irrigation shall constitute an automatic petition for inclusion in the municipal irrigation system and an agreement to the pooling of this property's water rights for delivery purposes.
- d) For assistance in locating existing facilities, please contact the City Engineer at 287-1727.

4. Grading and Storm Drainage

The following is not required for annexation but will be required when alteration of surface features is proposed (such as grading or paving) in connection with future land use applications:

- a) Please provide a grading and drainage plan which supports and maintains all upstream drainage rights and all downstream irrigation delivery rights as they presently exist for this property.
- b) If impervious area is increased, please provide a storm water disposal plan acceptable to the City Engineer which accounts for the increased storm water drainage. Please provide detail drawings of drainage facilities for review.
- c) Any increase in quantity or rate of runoff or decrease in quality of runoff from the site compared to historical conditions must be detained, treated and released at rates no greater than historical amounts.

Exhibit B 1

- d) If offsite disposal of storm water in excess of historical rates or conditions is proposed, or disposed at locations different than provided historically, the approval of the affected entities is required.

5. General

- a) With the addition of this property into the corporate limits of Kuna and its potential connection to water (and perhaps irrigation) services, this property will be placing demand not only on constructed facilities but on water rights provided by others. It is the reasonable expectation, in return, that this property transfer to the City at time of connection (ie development) any conveyable water rights by deed and “Change of Ownership” form from IDWR that are presently associated with the property. The domestic water right associated solely with a residence and ½ acre or less is not conveyable. The water right held in trust by an irrigation district is also not conveyable.
- b) A plan approval letter will be required if this project affects any local irrigation districts.
- c) Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties.
- d) State the vertical datum used for elevations on all drawings.
- e) Provide engineering certification on all final engineering drawings.

6. Inspection Fees

An inspection fee will be required for City inspection of the construction of any **public** water, sewer and irrigation facility associated with this development. The developer will still require a qualified responsible engineer to do sufficient inspection to justly certify to DEQ the project was completed in accordance with approved plans and specifications and to provide accurate as-built drawings to the City. The developer’s engineer and the City’s inspector are permitted to coordinate inspections as much as possible. The current inspection fee is \$1.00 per lineal foot of sewer, water and pressure irrigation pipe and payment is due and payable prior to City’s approval of final construction plans. **If no public water, sewer and irrigation construction work is done (such as with a stand-alone annexation), no fees are required.**

7. Right-of-Way

The subject property fronts on existing section line arterial streets (Lake Hazel and Ten Mile Roads). The following conditions are related to these classified streets and future quarter line classified streets and apply at the time of additional development:

- a) Sufficient half right-of-way on the quarter line and section line for existing and future classified streets should be provided pursuant to City and ACHD standards.
- b) It is recommended new approaches onto the classified streets comply with ACHD approach policies.
- c) It is recommended sidewalk, curb and gutter, street widening and any related storm drainage facilities, consistent with city code and policies, are provided at the time of land-use change or re-development.

Exhibit B 1

8. As-Built Drawings

As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the developer's engineer. The city may help track changes, but will not be responsible for the finished product. As-built drawings will be required before occupancy or final plat approval is granted. **If no public facilities are constructed (such as with a stand-alone annexation), no as-built drawings are required.**

9. Property Description

a) The applicant provided a metes and bounds property description of the subject parcel.

Exhibit B 2



Paul Woods, President
Rebecca W. Arnold, Vice President
Kent Goldthorpe, Commissioner
Sara M. Baker, Commissioner
Jim D. Hansen, Commissioner

January 12, 2017

To: Tim Eck
DB Development, LLC
6152 W. Half Moon Lane
Eagle, ID 83616

Subject: KUNA16-0021/ 16-12-AN
Lake Hazel Road east of Ten Mile Road
Annexation & Rezone for Mason Creek Farm

This application is for annexation & rezone only. Listed below are some of the relevant policies that the District may administer when it reviews a future development application (additional policies may be considered with a specific redevelopment application):

A. Findings of Fact

1. Lake Hazel Road

a. Policy:

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

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

Street Section and Right-of-Way Width Policy: District Policies 7205.2.1 & 7205.5.2 state that the standard 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a principal arterial.

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

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

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

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

Exhibit B 2

to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

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

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

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

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. The segment of Amity and Ten Mile Roads abutting the site is designated in the MSM as a Residential Arterial with 5-lanes and on-street bike lanes, a 72-foot street section within 96-feet of right-of-way.

- b. Staff Comments/Recommendations: The applicant should be required to dedicate right-of-way to total 48-feet from the centerline of Lake Hazel Road abutting the site.

The applicant should be required to construct a 5-foot wide detached concrete sidewalk located a minimum of 42-feet from the centerline of Lake Hazel Road abutting the site.

Additionally, the applicant should be required to widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site on Lake Hazel Road.

2. Access

a. Policy

Collector Street Intersection Spacing on Principal Arterials: District policy 7205.4.2 states that the optimum spacing for new signalized collector roadways intersecting principal arterials is one half-mile.

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

Local Offset Policy: District policy 7206.4.5, requires local roadways to align or offset a minimum of 330-feet from a collector roadway (measured centerline to centerline).

District policy 7207.4.2, requires local roadways to align or provide a minimum offset of 125-feet from any other street (measured centerline to centerline).

- b. Staff Comments/Recommendations: All access and roadway offsets within the site should comply with the policies listed above.

Exhibit B 2

3. Traffic Impact Study

a. Policy

Traffic Impact Study: District policy 7106.1 requires a traffic impact study for developments which generate 100 or more PM peak hour trips. This equates to 100 single family dwelling units.

- b. Staff Comments/Recommendations: A traffic impact study will be required for this application. The applicant's engineer should schedule a scoping meeting with ACHD staff prior to starting the study.

B. Traffic Information

Trip Generation

A single family dwelling unit is estimated to generate 9.52 vehicle trips per daybased, with 1 trip in the PM peak hour based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition.

Condition of Area Roadways: Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Lake Hazel Road	1,500-feet	Principal Arterial	76	Better than "E"

* Acceptable level of service for a two-lane principal arterial is "E" (690 VPH).

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

- The average daily traffic count for Lake Hazel Road east of 1,031 on 2/29/12.

C. Attachments

- Vicinity Map
- Standard Conditions of Approval
- Request for Appeal of Staff Decision

If you have any questions, please feel free to contact me at (208) 387-6178.

Sincerely,



Mindy Wallace, AICP
Planner III
Development Services

cc: City of Kuna

Exhibit B 2

VICINITY MAP

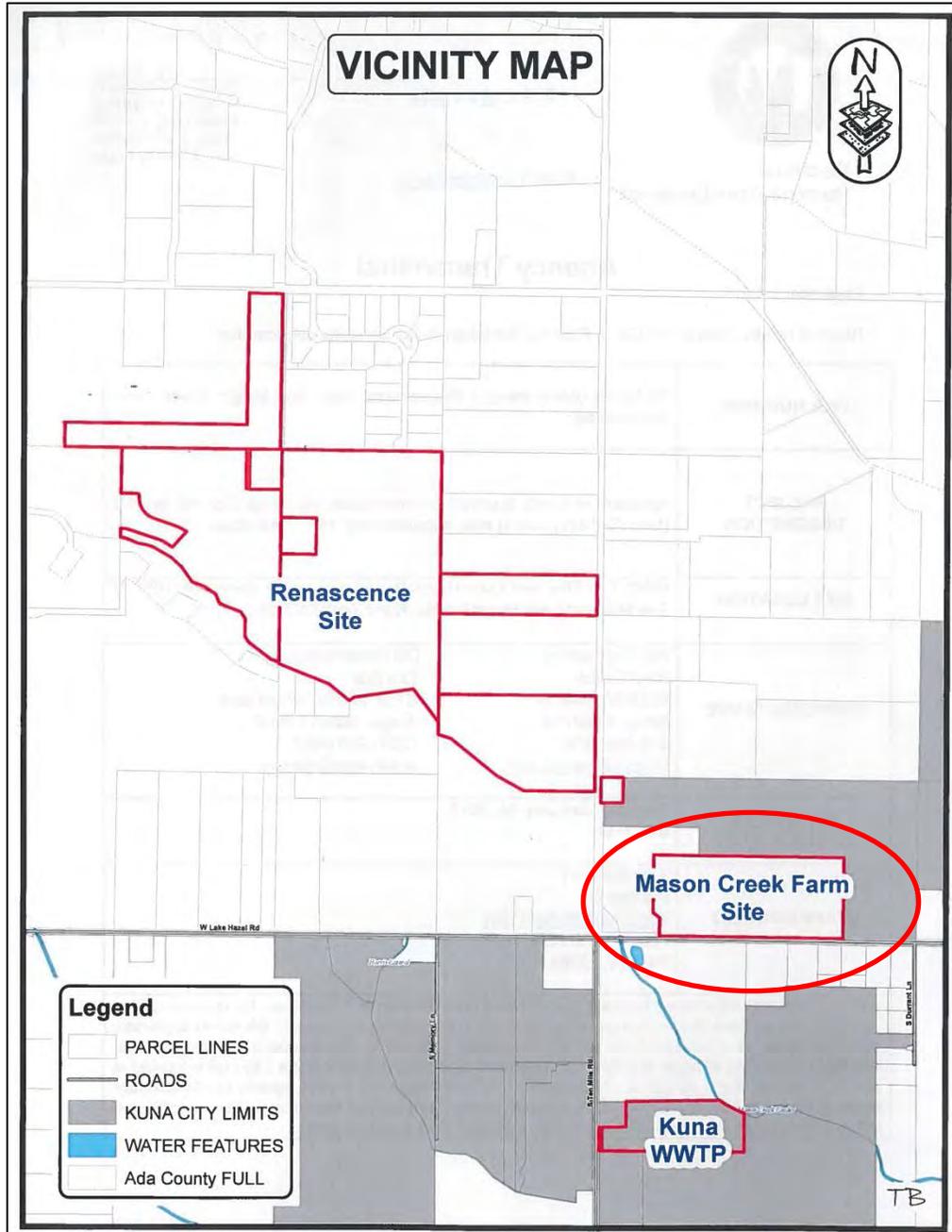


Exhibit B 2

Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPMC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

Exhibit B 2

Request for Appeal of Staff Decision

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

Exhibit B 3



Paul Woods, President
Rebecca W. Arnold, Vice President
Kent Goldthorpe, Commissioner
Sara M. Baker, Commissioner
Jim D. Hansen, Commissioner

January 12, 2017

To: Tim Eck
DB Development, LLC
6152 W. Half Moon Lane
Eagle, ID 83616

Subject: KUNA16-0021/ 16-12-AN
South of Amity Road and west of Ten Mile Road
Annexation & Rezone for Renaissance Farm

This application is for annexation & rezone only. Listed below are some of the relevant policies that the District may administer when it reviews a future development application (additional policies may be considered with a specific redevelopment application):

A. Findings of Fact

1. Amity & Ten Mile Roads

a. Policy:

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

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

Street Section and Right-of-Way Width Policy: District Policies 7205.2.1 & 7205.5.2 state that the standard 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a principal arterial.

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

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

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

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

Exhibit B 3

to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

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

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

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

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. The segment of Amity and Ten Mile Roads abutting the site is designated in the MSM as a Residential Arterial with 5-lanes and on-street bike lanes, a 72-foot street section within 96-feet of right-of-way.

- b. Staff Comments/Recommendations: The applicant should be required to dedicate right-of-way to total 48-feet from the centerline of both Amity Road and Ten Mile Roads abutting the site.

The applicant should be required to construct a 5-foot wide detached concrete sidewalk located a minimum of 42-feet from the centerline of Amity Road and Ten Mile Roads abutting the site.

Additionally, the applicant should be required to widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site on Amity Road and Ten Mile Road.

2. Mid-Mile Collectors

- a. Policy:

Master Street Map and Typologies Policy: District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. Two new collector roadways are identified on the MSM with the street typology of Residential Collector. One of the new collectors roadways should intersect Amity Road Road an at the half mile and run north/south to Columbia Road. The second should intersect Ten Mile Road and run east/west to Black Cat Road. The Residential Collector typology as depicted in the Livable Street Design Guide recommends a 2-lane roadway with bike lanes, a 36-foot street section within 54-feet of right-of-way.

- b. Staff Comments/Recommendations: The applicant should be required to construct north/south and east/west residential collector roadways through the site as recommended on the MSM. The residential collectors should be constructed as 36-foot street sections with vertical curb, gutter, and 7-foot wide attached (or 5-foot wide detached) concrete sidewalks.

Exhibit B 3

3. Access

a. Policy

Collector Street Intersection Spacing on Principal Arterials: District policy 7205.4.2 states that the optimum spacing for new signalized collector roadways intersecting principal arterials is one half-mile.

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

Local Offset Policy: District policy 7206.4.5, requires local roadways to align or offset a minimum of 330-feet from a collector roadway (measured centerline to centerline).

District policy 7207.4.2, requires local roadways to align or provide a minimum offset of 125-feet from any other street (measured centerline to centerline).

b. Staff Comments/Recommendations: All access and roadway offsets within the site should comply with the policies listed above.

4. Traffic Impact Study

a. Policy

Traffic Impact Study: District policy 7106.1 requires a traffic impact study for developments which generate 100 or more PM peak hour trips. This equates to 100 single family dwelling units.

b. Staff Comments/Recommendations: A traffic impact study will be required for this application. The applicant's engineer should schedule a scoping meeting with ACHD staff prior to starting the study.

B. Traffic Information

Trip Generation

A single family dwelling unit is estimated to generate 9.52 vehicle trips per day based, with 1 trip in the PM peak hour based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition.

Condition of Area Roadways: Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Amity Road	270-feet	Principal Arterial	469	Better than "E"
Ten Mile Road	1,120-feet	Principal Arterial	340	Better than "E"

* Acceptable level of service for a two-lane principal arterial is "E" (690 VPH).

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

- The average daily traffic count for Amity Road east of Black Cat was 6,078 on 6/22/16.

Exhibit B 3

- The average daily traffic count for Ten Mile Road south of Amity Road was 6,203 on 8/16/16.

C. Attachments

1. Vicinity Map
2. Standard Conditions of Approval
3. Request for Appeal of Staff Decision

If you have any questions, please feel free to contact me at (208) 387-6178.

Sincerely,



Mindy Wallace, AICP
Planner III
Development Services

cc: City of Kuna

Exhibit B 3

Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPMC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

Exhibit B 3

Request for Appeal of Staff Decision

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

Exhibit B 4

RON PLATT
CHAIRMAN OF THE BOARD

RICHARD MURGOITIO
VICE CHAIRMAN OF THE BOARD

TIMOTHY M. PAGE
PROJECT MANAGER

ROBERT D. CARTER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

JERRI FLOYD
ASSISTANT SECRETARY-
TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000
ACRES FOR THE FOLLOWING
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT
BOISE-KUNA DISTRICT
WILDER DISTRICT
NEW YORK DISTRICT
BIG BEND DISTRICT

TEL: (208) 344-1141
FAX: (208) 344-1437

09 January 2017

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

RECEIVED
JAN 13 2017
CITY OF KUNA

RE: Renascence Farm & Mason Creek Farm
N.W. Corner of Ten Mile and Lake Hazel
Nampa-Meridian Irrigation District NM-1581-1-15, NM-1583B,
Rawson Canal 436+40 NM-1584B, NM-1592A, NM-1597,
Jamison Lateral 23+00,23+10,36+20,36+30 NM-1597A
Catherine Lateral 37+00
Sec. 34 & 35, T3N, R1W, BM.

Troy Behunin, Planner II:

The United States' Mason Creek Feeder Canal lies within the boundary of the above-mentioned location. The easement for this canal is held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890. (26 Stat. 391; 43 U.S.C. 945)

The Boise Project Board of Control is contracted to operate and maintain this canal. We assert this federal easement 37 feet northerly and 35 feet southerly of the canal's centerline. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

Project easements must be called out on any future preliminary and final plats.

Fencing (as may be required) must be constructed just off the canal easement.

The Boise Project does not approve landscaping (other than grass) within its easements.

The Boise Project Board of Control does not approve of pathways within our easements. We are constantly trying to uphold these federal easements in order to perform our obligation to operate, maintain and deliver surface irrigation water to our patrons. The introduction of pedestrians, cyclists, etc. into our work area, becomes a burden on our personnel trying to perform their duties. The Project maintains its facilities with large vehicles and heavy equipment, to include dump trucks, dozers, graders, backhoes and long booms with counter weights. Although our operators possess the highest regard for

Exhibit B 4

safety, this machinery offers many blind spots that limit visibility. Project work easements are barely wide enough for this equipment. These proposed pathways should be relocated outside of our easements and segregated from canal maintenance operations.

Utilities planning to cross any project facility must do so in accordance with the master policies now held between the Bureau of Reclamation and most of the utilities. In any case no work shall take place within the easement before proper crossing agreements have been secured through both the Bureau of Reclamation and the Boise Project Board of Control.

The construction of any roadway crossings must be conducted only during the non-irrigation season when the lateral is dewatered. In any case no work shall take place within the easement before the proper crossing agreements have been secured through the Bureau of Reclamation and the Boise Project Board of Control.

Storm Drainage and/or Street Runoff must be retained on site.

Whereas this property lies within the Nampa-Meridian Irrigation District it is important that representatives of this development contact the NMID office as soon as possible to discuss the pressure system prior to any costly design work. If applicable, the irrigation system will have to be built to specific specifications as set by the District / Project.

If the irrigation system will be incorporated into the City of Kuna's pressure system, we will require confirmation from both the City of Kuna and the Nampa-Meridian Irrigation District.

Local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by appropriate easements.

Boise Project Board of Control must approve any requests and/or relocation of delivery points prior to construction.

Wording on the preliminary and final recorded plat needs to state that any proposed and/or future usage of the Boise Project Board of Control facilities are subject to Idaho Statutes, Title 42-1209.

This development is subject to Idaho Code 31-3805, in accordance, this office is requesting a copy of the irrigation and drainage plans.

Boise Project Board of Control requests a full set of plans for our review and approval when applicable.

Whereas this development is in its preliminary stages, Boise Project Board of Control reserves the right to review plans and require changes when our easements and/or facilities are affected by unknown factors.

Exhibit B 4

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,

A handwritten signature in black ink that reads "Bob Carter". The signature is fluid and cursive, with the first name "Bob" being larger and more prominent than the last name "Carter".

Bob Carter
Assistant Project Manager, BPBC

bdc/bc

cc: Clint McCormick Watermaster, Div; 2 BPBC
Greg Curtis Water Superintendent, NMID
File

Exhibit B 5



CENTRAL DISTRICT HEALTH DEPARTMENT Environmental Health Division

Return to:

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

Rezone # 16-12-AN

Conditional Use # _____

Preliminary / Final / Short Plat _____

sect. 34

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

14. _____ Reviewed By: Rowan

Date: 12/20/16

RECEIVED

DEC 27 2016

CITY OF KUNA

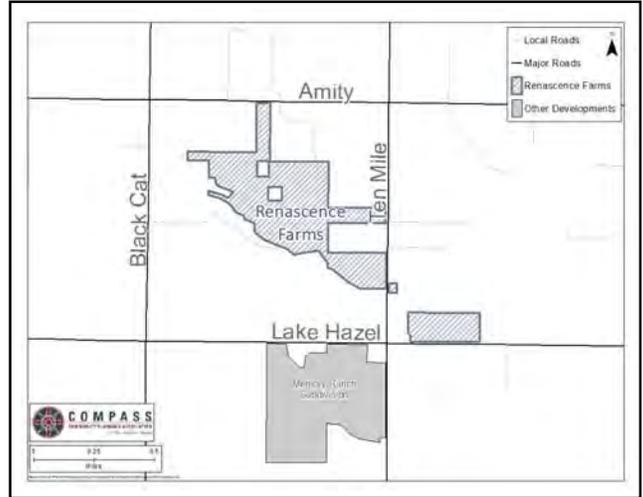
Exhibit
85

Review Sheet

Exhibit B 6

Communities in Motion 2040 Development Checklist

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this checklist as a tool for local governments to evaluate whether land developments are consistent with the goals of *Communities in Motion 2040* (CIM 2040), the regional long-range transportation plan for Ada and Canyon Counties. CIM 2040 was developed through a collaborative approach with COMPASS member agencies and adopted by the COMPASS Board on **July 21, 2014**.



&OLFNI RU GHWDLOHG PDS

This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2040 goals, objectives, and performance measures. A checklist user guide is available [here](#); and more information about the CIM 2040 goals can be found [here](#); and information on the CIM 2040 Vision can be found [here](#).

Name of Development: Renascence Farm and Mason Creek Farm Annexations.

Summary: Annexation into Kuna City with an R-6 (Medium Density) zoning over approximately 143.2 total acres for up to 834 residential units near the intersection of Ten Mile and Lake Hazel Roads. This proposal exceeds the growth forecasted in the regional transportation plan for this neighborhood. The proposal meets 4 CIM 2040 checklist items and does not meet 15 checklist items. Consider public parks, schools, and pathway requirements when the project is considered for platting. Additional bicycle and pedestrian comments are included on page 3.

Land Use

In which of the [CIM 2040 Vision Areas](#) is the proposed development? **(Goal 2.1)?**

- | | | | |
|--|--|---|---------------------------------|
| <input type="radio"/> Downtown | <input type="radio"/> Employment Center | <input type="radio"/> Existing Neighborhood | <input type="radio"/> Foothills |
| <input checked="" type="radio"/> Future Neighborhood | <input type="radio"/> Mixed Use | <input type="radio"/> Prime Farmland | <input type="radio"/> Rural |
| <input type="radio"/> Small Town | <input type="radio"/> Transit Oriented Development | | |

Yes No N/A The proposal is within a CIM 2040 Major Activity Center. **(Goal 2.3)**

Neighborhood (Transportation Analysis Zone) Demographics

Existing		Existing TAZ + Proposal		2040 Forecast	
Households	Jobs	Households	Jobs	Households	Jobs
37	20	871	20	275	60

Yes No N/A The number of jobs and/or households in this development is consistent with jobs/households in the CIM 2040 Vision in this neighborhood. **(Goal 2.1)**

Area (Adjacent Transportation Analysis Zone) Demographics

Existing		Existing TAZs + Net Proposed		2040 Forecast	
Households	Jobs	Households	Jobs	Households	Jobs
181	197	1,277	197	1,683	390

Yes No N/A The number of jobs and/or households in this development is consistent with jobs/households in the CIM 2040 Vision in this area. **(Goal 2.1)**



More information on COMPASS and *Communities in Motion 2040* can be found at:

www.compassidaho.org

Email: info@compassidaho.org

Telephone: (208) 475-2239



Exhibit B 6

Communities in Motion 2040 Development Checklist

Transportation

- Attached N/A An Area of Influence Travel Demand Model Run is attached.
 Yes No N/A There are relevant projects in the current Regional [Transportation Improvement Projects](#) (TIP) within one mile of the development.

Comments:

- Yes No N/A The proposal uses appropriate access management techniques as described in the [COMPASS Access Management Toolkit](#).

Comments:

- Yes No N/A This proposal supports Valley Regional Transit's [valleyconnect](#) plan. See [Valley Regional Transit Amenities Development Guidelines](#) for additional detail.

Comments: The proposed zoning allows less than transit density (7 DU/acre). Future demand response services are proposed for the area.

The **Complete Streets Level of Service (LOS) scoring** based on the proposed development will be provided on an separate worksheet (**Goals [1.1](#), [1.2](#), [1.3](#), [1.4](#), [2.4](#)**):

- Attached N/A Complete Streets LOS scorecard is attached.
 Yes No N/A The proposal maintains or improves current automobile LOS.
 Yes No N/A The proposal maintains or improves current bicycle LOS.
 Yes No N/A The proposal maintains or improves current pedestrian LOS.
 Yes No N/A The proposal maintains or improves current transit LOS.

 Yes No N/A The proposal is in an area with a [Walkscore](#) over 50.

Housing

- Yes No N/A The proposal adds [compact housing](#) over seven residential units per acre. (**Goal [2.3](#)**)
 Yes No N/A The proposal is a mixed-use development or in a mixed-use area. (**Goal [3.1](#)**)
 Yes No N/A The proposal is in an area with lower transportation costs than the [regional average](#) of 26% of the median household income. (**Goal [3.1](#)**)
 Yes No N/A The proposal improves the jobs-housing balance by providing housing in employment-rich areas. (**Goal [3.1](#)**)

Community Infrastructure

- Yes No N/A The proposal is infill development. (**Goals [4.1](#), [4.2](#)**)
 Yes No N/A The proposal is within or adjacent to city limits. (**Goals [4.1](#), [4.2](#)**)
 Yes No N/A The proposal is within a city area of impact. (**Goals [4.1](#), [4.2](#)**)

Health

- Yes No N/A The proposal is within 1/4 mile of a transit stop. (**Goal [5.1](#)**)
 Yes No N/A The proposal is within 1/4 mile of a public school. (**Goal [5.1](#)**)
 Yes No N/A The proposal is within 1/4 mile of a grocery store. (**Goal [5.1](#)**)
 Yes No N/A The proposal is within 1 mile of a park and ride location. (**Goal [5.1](#)**)

Economic Development

- Yes No N/A The proposal improves the jobs-housing balance by providing employment in housing-rich areas. (**Goal [3.1](#)**)
 Yes No N/A The proposal provides grocery stores or other retail options for neighborhoods within 1/2 mile. (**Goal [6.1](#)**)

Open Space

- Yes No N/A The proposal is within a 1/4 mile of a public park. (**Goal [7.1](#)**)
 Yes No N/A The proposal provides at least 1 acre of parks for every 35 housing units. (**Goal [7.1](#)**)

Farmland

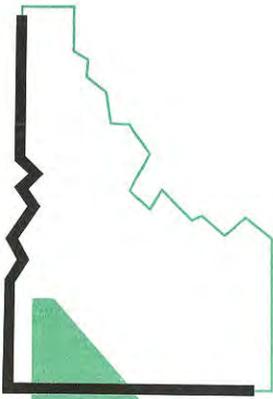
- Yes No N/A The proposal is outside "Prime Farmland" in the CIM 2040 Vision. (**Goals [4.1](#), [8.2](#)**)
 Yes No N/A The proposal is outside prime farmland. (**Goal [8.2](#)**)

Exhibit B 6

Bicycle and Pedestrian Summary

Consider accommodating future pathways along the Mason Creek Feeder and adjacent to W Lake Hazel Road per the 2016 City of Kuna Regional Pathway Map and 2015 Meridian Pathways Network Map. Additionally, Ada County Highway District has planned bike lanes along future extensions of S Lindy Lane and W Ballard Lane.

Exhibit B 7



ORGANIZED 1904

Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH
FAX #208-463-0092

NAMPA, IDAHO 83651-4395
nmid.org

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

January 9, 2017

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

RECEIVED
JAN 17 2017
CITY OF KUNA

RE: 16-12-AN/ Renaissance Farm & Mason Creek Farm

Dear Troy:

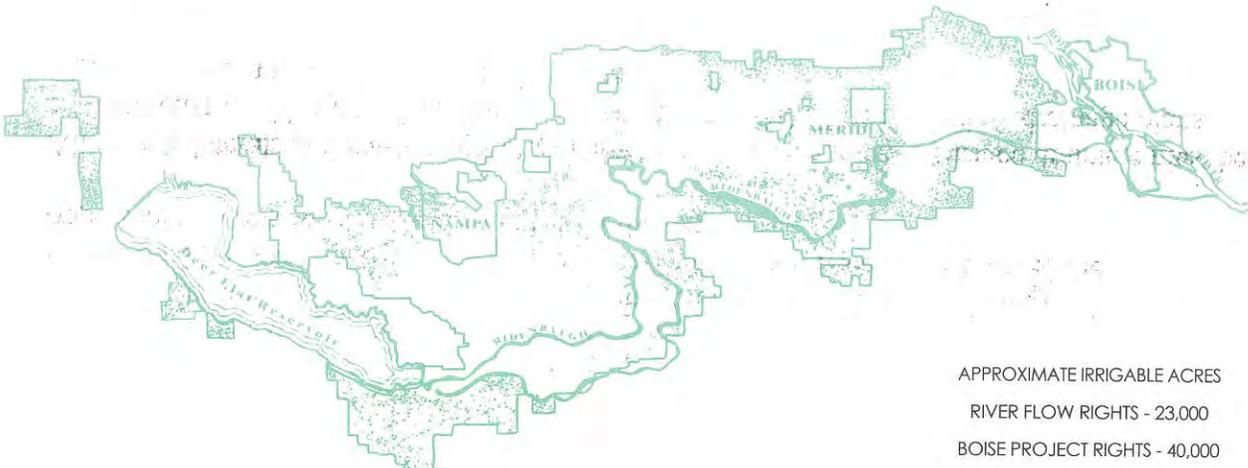
Nampa & Meridian Irrigation District (NMID) has no comment in regards to applicants request to be annexed into the City of Kuna on the above-referenced application. However, before final plats are approved for development, NMID will need to be allowed the opportunity to review plans and comment at the time.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, NMID must review drainage plans. The developer must comply with Idaho Code 31-3805.

Sincerely,

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

PC: Office/File



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



November 4, 2016
Project No.: 16-152

**EXHIBIT A
LEGAL DESCRIPTION FOR
ANNEXATION AND REZONE**

A parcel of land being a portion of Section 34, Township 3 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho and being more particularly described as follows:

Commencing at an aluminum cap marking the northeast corner of said Section 34, thence following the easterly line of the Northeast 1/4 of said Section 34, S00°27'30"W a distance of 2,648.52 feet to a found aluminum cap marking the east 1/4 corner of said Section 34 and being the **POINT OF BEGINNING**.

Thence leaving said easterly line and following the southerly line of the Southeast 1/4 of the Northeast 1/4, N89°25'56"W a distance of 1,315.48 feet to a found 5/8-inch rebar marking the C-E 1/16 corner;

Thence leaving said southerly line and following the easterly line of the Northwest 1/4 of the Southeast 1/4 of said Section 34, S00°40'58"W a distance of 896.49 feet to a point on the northerly subdivision boundary of DreamCatcher Subdivision (a subdivision on file in Book 80, Pages 8639-8641, records of Ada County, Idaho);

Thence leaving said easterly line and following said northerly subdivision boundary the following courses:

1. N37°01'00"W a distance of 340.72 feet ;
2. S81°55'00"W a distance of 493.00 feet;
3. S54°50'00"W a distance of 47.00 feet;
4. N51°00'00"W a distance of 215.00 feet;
5. N68°00'00"W a distance of 444.99 feet;
6. N74°12'00"W a distance of 43.22 feet;
7. N54°50'00"W a distance of 259.00 feet;
8. N32°48'00"W a distance of 69.00 feet;
9. N07°50'00"E a distance of 88.00 feet;
10. N08°42'00"W a distance of 99.00 feet;
11. N69°52'00"W a distance of 225.00 feet;
12. N20°18'00"W a distance of 90.00 feet;
13. N64°28'00"W a distance of 188.00 feet;
14. N36°46'00"W a distance of 172.00 feet;
15. N44°26'00"W a distance of 77.00 feet;
16. N58°40'00"W a distance of 206.00 feet;
17. N74°06'00"W a distance of 276.82 feet to a point on the westerly line of the Southeast 1/4 of the Northwest 1/4 of said Section 34;

Thence leaving said northerly subdivision boundary and following said westerly line, N00°52'46"E a distance of 86.54 feet;

Thence leaving said westerly line, S83°37'10"E a distance of 55.38 feet;

Thence S71°29'04"E a distance of 173.98 feet;

Thence S72°30'29"E a distance of 94.36 feet;

Thence S66°34'34"E a distance of 48.08 feet;

Thence S57°30'33"E a distance of 85.85 feet;

Exhibit A 2 d

Thence N42°15'35"E a distance of 174.08 feet;
Thence 132.58 feet along the arc of a circular curve to the left, said curve having a radius of 575.00 feet, a delta angle of 13°12'41", a chord bearing of N64°26'20"W and a chord distance of 132.29 feet;
Thence N71°02'40"W a distance of 161.80 feet;
Thence 217.00 feet along the arc of a circular curve to the right, said curve having a radius of 175.00 feet, a delta angle of 71°02'45", a chord bearing of N35°31'20"W and a chord distance of 203.36 feet;
Thence N00°00'00"E a distance of 18.04 feet;
Thence 31.23 feet along the arc of a circular curve to the left, said curve having a radius of 20.00 feet, a delta angle of 89°27'26", a chord bearing of N44°43'24"W and a chord distance of 28.15 feet;
Thence N89°26'47"W a distance of 128.85 feet to a point on said westerly line of the Southeast 1/4 of the Northwest 1/4;
Thence following said westerly line, N00°52'46"E a distance of 376.45 feet to a found 5/8-inch rebar marking the NW 1/16 corner of said Section 34;
Thence leaving said westerly line and following the southerly line of the Northwest 1/4 of the Northwest 1/4 of said Section 34, N89°21'57"W a distance of 472.05 feet;
Thence leaving said southerly line, N00°55'56"E a distance of 184.17 feet;
Thence N22°14'16"W a distance of 17.20 feet;
Thence S89°21'57"E a distance of 1,507.19 feet;
Thence N00°49'37"E a distance of 1,127.18 feet to a point on the northerly line of the Northwest 1/4 of said Section 34;
Thence following said northerly line, S89°17'12"E a distance of 290.03 feet to a found brass cap marking the north 1/4 corner of said Section 34;
Thence leaving said northerly line and following the northerly line of the Northeast 1/4 of said Section 34, S89°18'18"E a distance of 15.00 feet;
Thence leaving said northerly line, S00°49'37"W a distance of 1,326.79 feet to a point on the southerly line of the Northwest 1/4 of the Northeast 1/4 of said Section 34;
Thence following said southerly line, S89°21'00"E a distance of 1,296.27 feet to a found 5/8-inch rebar marking the NE 1/16 corner of said Section 34;
Thence leaving said southerly line and following the easterly line of said Northwest 1/4 of the Northeast 1/4, S00°37'47"W a distance of 994.24 feet;
Thence leaving said easterly line and following the northerly line of the South 1/2 of the South 1/2 of the Southeast 1/4 of the Northeast 1/4, S89°24'57"E a distance of 1,314.49 feet to a point on the easterly line of the Northeast 1/4 of said Section 34;
Thence following said easterly line, S00°27'30"W a distance of 331.03 feet to the **POINT OF BEGINNING**.

EXCEPTING THEREFROM

A parcel of land being a portion of the Southeast 1/4 of the Northwest 1/4 of Section 34, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a brass cap marking the north 1/4 corner of said Section 34, thence following the easterly line of said Northwest 1/4, S00°49'37"W a distance of 1,326.80 feet to a found 5/8-inch rebar marking the C-N 1/16 corner of said Section 34 and being the **POINT OF BEGINNING**.

Thence following said easterly line, S00°49'37"W a distance of 330.59 feet;
Thence leaving said easterly line, N89°26'47"W a distance of 263.76 feet;
Thence N00°49'37"E a distance of 330.96 feet to a point on the northerly line of said Southeast 1/4 of the Northwest 1/4;

Exhibit A 2 d

Thence following said northerly line, S89°21'57"E a distance of 263.76 feet to the **POINT OF BEGINNING**.

EXCEPTING THEREFROM

A parcel of land being a portion of the Southwest 1/4 of the Northeast 1/4 of Section 34, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a brass cap marking the north 1/4 corner of said Section 34, thence following the westerly line of said Northeast 1/4, S00°49'37"W a distance of 1,326.80 feet to a found 5/8-inch rebar marking the C-N 1/16 corner of said Section 34;

Thence following said westerly line S00°49'37"W a distance of 558.00 feet to the **POINT OF BEGINNING**.

Thence leaving said westerly line, S89°10'23"E a distance of 290.40 feet;

Thence S00°49'37"W a distance of 300.00 feet;

Thence N89°10'23"W a distance of 290.40 feet to a point on said westerly line of the Northeast 1/4;

Thence following said westerly line, N00°49'37"E a distance of 300.00 feet to the **POINT OF BEGINNING**.

Said parcel contains 114.394 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

TOGETHER WITH

A parcel of land being a portion of the South 1/2 of the Southwest 1/4 of Section 35, Township 3 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho and being more particularly described as follows:

Commencing at a aluminum cap marking the west 1/4 corner of Said Section 35, thence following the westerly line of said Southwest 1/4 of Section 35, S00°04'23"W a distance of 2,652.25 feet to a found aluminum cap marking the southwest corner of said Section 35;

Thence leaving said westerly line and following the southerly line of said Southwest 1/4, S89°47'59"E a distance of 520.09 feet to the **POINT OF BEGINNING**.

Thence leaving said southerly line, N00°54'22"E a distance of 173.77 feet;

Thence N53°21'16"W a distance of 69.90 feet;

Thence N00°04'23"E a distance of 475.26 feet;

Thence S89°47'59"E a distance of 1,568.48 feet;

Thence S00°10'24"W a distance of 690.54 feet to a point on said southerly line of the Southwest 1/4;

Thence following said southerly line, N89°47'59"W a distance of 1,513.66 feet to the **POINT OF BEGINNING**.

Said parcel contains 24.609 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

Attached is **EXHIBIT B** and by this reference made a part of.



P:\16-152\CAD\SURVEY\EXHIBITS\16-152 ANNEXATION.DWG, TODD ARNOLD, 11/7/2016, KYOCERA TASKALFA 4550CI KX.PC3, 08.5X11 L

Exhibit A 2 d

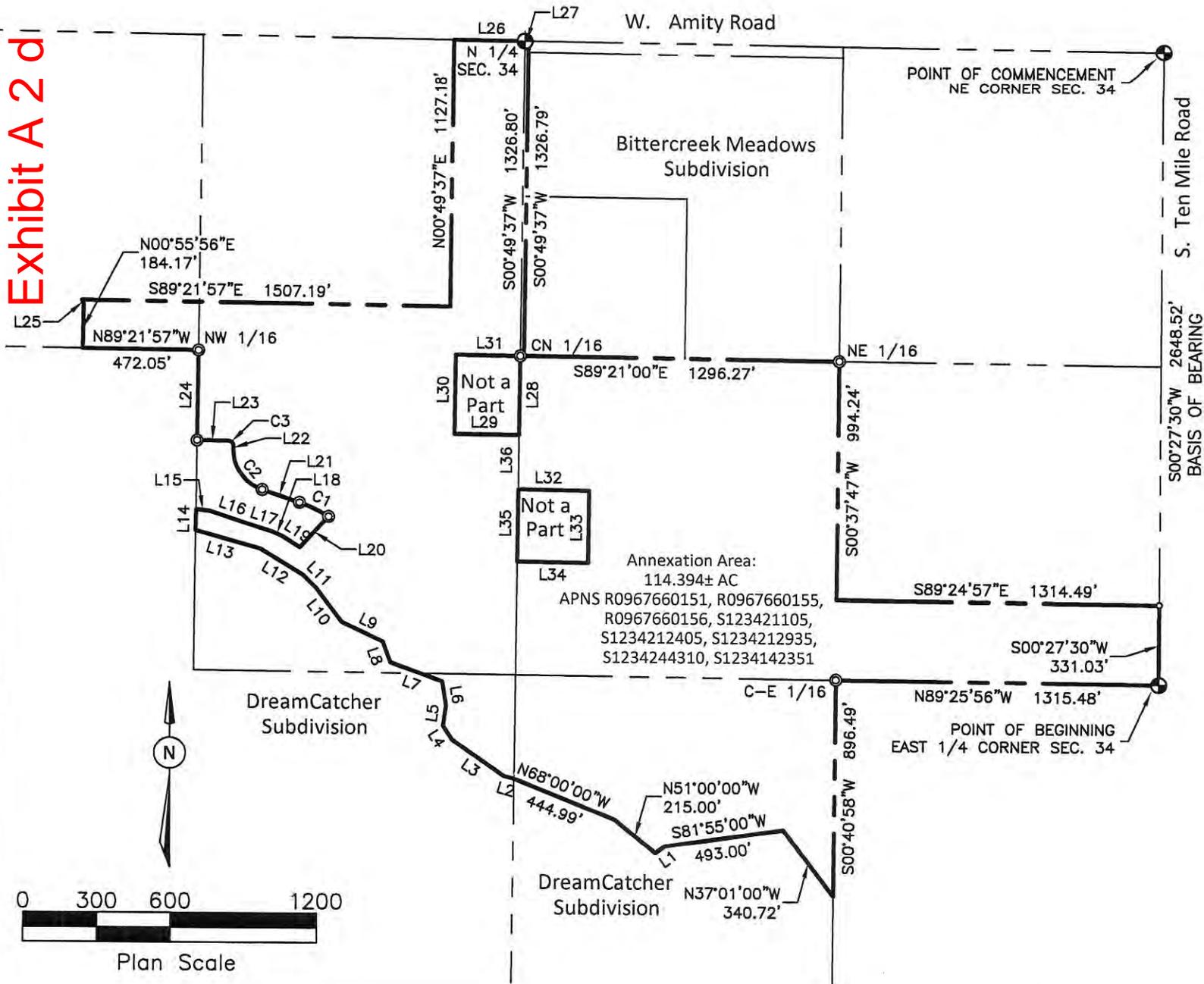


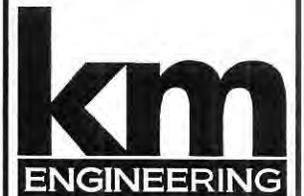
Exhibit B Annexation and Rezone

A Portion of Section 34, T.3N., R.1W., B.M.
City of Kuna, Ada County, Idaho

DATE: 11/4/2016

PROJECT: 16-152

SHEET:
1 OF 3



ENGINEERS . SURVEYORS . PLANNERS

9233 WEST STATE STREET
BOISE, IDAHO 83714
PHONE (208) 639-6939
FAX (208) 639-6930

Exhibit A 2 d

LINE TABLE		
Line	Distance	Bearing
L1	47.00	S54°50'00"W
L2	43.22	N74°12'00"W
L3	259.00	N54°50'00"W
L4	69.00	N32°48'00"W
L5	88.00	N7°50'00"E
L6	99.00	N8°42'00"W
L7	225.00	N69°52'00"W
L8	90.00	N20°18'00"W
L9	188.00	N64°28'00"W
L10	172.00	N36°46'00"W
L11	77.00	N44°26'00"W
L12	206.00	N58°40'00"W
L13	276.82	N74°06'00"W
L14	86.54	N0°52'46"E
L15	55.38	S83°37'10"E
L16	173.98	S71°29'04"E
L17	94.36	S72°30'29"E
L18	48.08	S66°34'34"E
L19	85.85	S57°30'33"E
L20	174.08	N42°15'35"E

LINE TABLE		
Line	Distance	Bearing
L21	161.80	N71°02'40"W
L22	18.04	N0°00'00"E
L23	128.85	N89°26'47"W
L24	376.45	N0°52'46"E
L25	17.20	N22°14'16"W
L26	290.03	S89°17'12"E
L27	15.00	S89°18'18"E
L28	330.59	S0°49'37"W
L29	263.76	N89°26'47"W
L30	330.96	N0°49'37"E
L31	248.76	S89°21'57"E
L32	290.40	S89°10'23"E
L33	300.00	S0°49'37"W
L34	290.40	N89°10'23"W
L35	300.00	N0°49'37"E
L36	227.40	N0°49'37"E

CURVE TABLE					
Curve	Radius	Legnth	Delta	Chord Brg	Chord
C1	575.00'	132.58'	13°12'41"	N64°26'20"W	132.29'
C2	175.00'	217.00'	71°02'45"	N35°31'20"W	203.36'
C3	20.00'	31.23'	89°27'26"	N44°43'24"W	28.15'

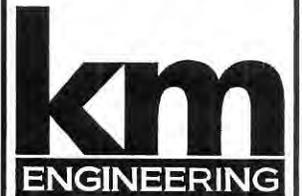
Exhibit B Annexation and Rezone

A Portion of Section 34, T.3N., R.1W., B.M.
City of Kuna, Ada County, Idaho

DATE: 11/4/2016

PROJECT: 16-152

SHEET:
2 OF 3



ENGINEERS . SURVEYORS . PLANNERS

9233 WEST STATE STREET
BOISE, IDAHO 83714
PHONE (208) 639-6939
FAX (208) 639-6930

Exhibit A 2 d

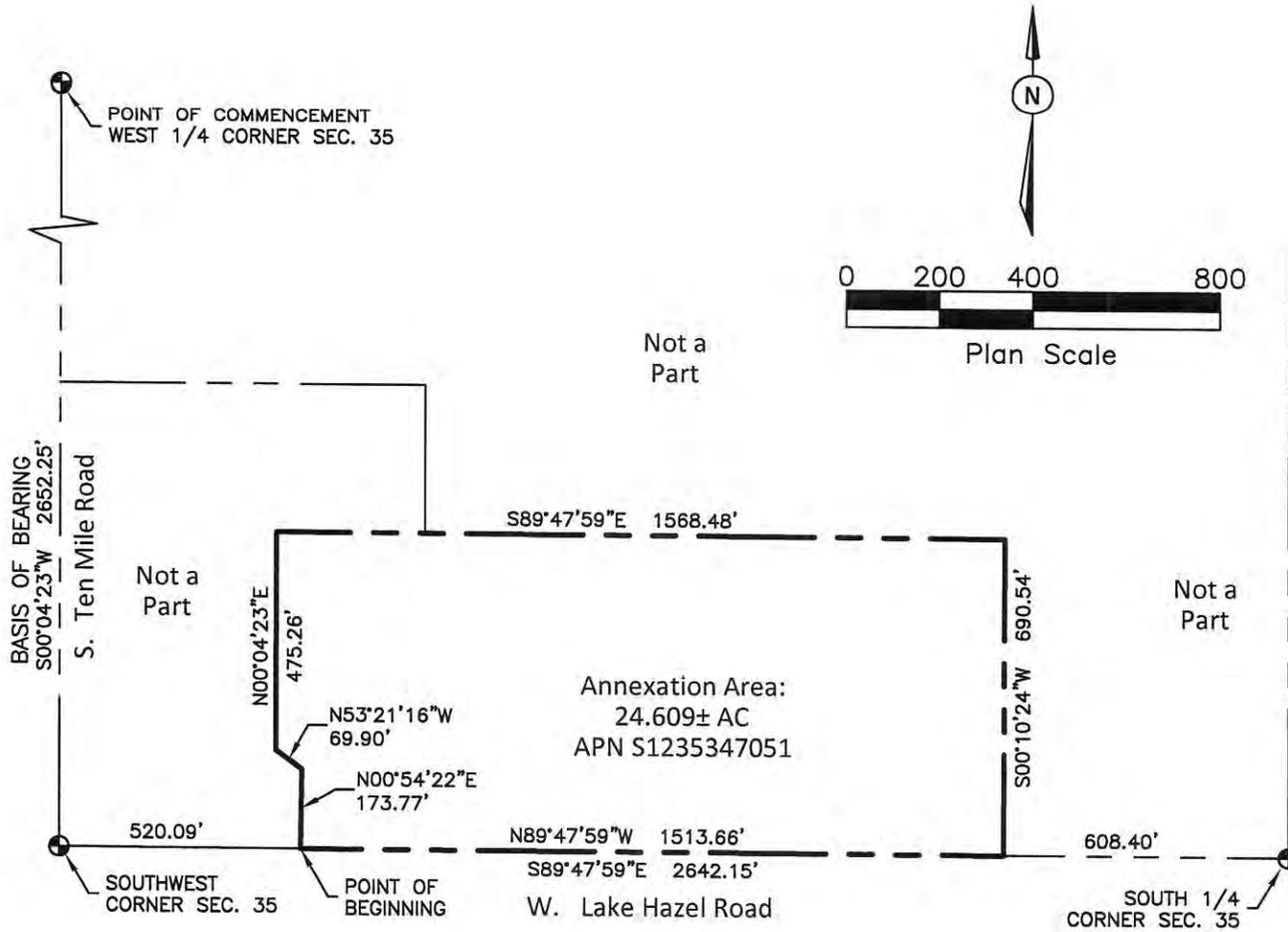


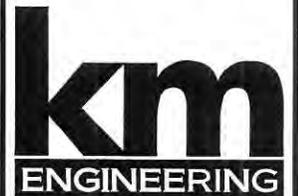
Exhibit B Annexation and Rezone

A Portion of the South 1/2 of the SW 1/4 of
Section 35, T.3N., R.1W., B.M., City of Kuna, Ada County, Idaho

DATE: 11/4/2016

PROJECT: 16-152

SHEET:
3 OF 3



ENGINEERS . SURVEYORS . PLANNERS

9233 WEST STATE STREET
BOISE, IDAHO 83714
PHONE (208) 639-6939
FAX (208) 639-6930

Steve & Carla Glover

4050 W. Legacy Ln.
Meridian, ID 83642
208-871-2390
sncglover@q.com

February 7, 2017

Kuna Planning and Zoning Commission
751 W. 4th St.
Kuna, Idaho

Dear Commission Members,

We are strongly against the annexation of the 139 acres known as Renaissance Farm into the City of Kuna. Not only are these 139 acres not included in the Kuna Area of City Impact (ACI), they are not part of the Kuna Comprehensive Plan (2015). Therefore, how can the applicant be in compliance with the City of Kuna's zoning regulations when it's not even part of the comprehensive plan? Not only that, but paragraph 2 of the Proposed Findings of Fact states that, "The Comp Plan Map designates this property as Medium Density." The applicant, KM Engineering (Kirsti Grabo), also states that "The site is currently zoned RUT in the County with a comprehensive plan designation of Medium Density." This is simply not true. Even the most recent Kuna Comp Plan Map from August 2016, which was approved by the Ada County Commissioners in January 2017 (201601428 CPA-ZOA-ZC) does not designate this property as medium density because it is outside the approved ACI-B (2016 Boundary) amendment, therefore not zoned Medium Density (R6). Even the Staff Memo admits that "this project has no Comprehensive Plan Map designations for these lands." Annexing properties outside a city's ACI may be legal (according to Idaho Code), but so's abortion; that doesn't make it right.

The majority of the people who live in this area, live here because they want to live in Ada County; not Kuna, not Meridian. Moreover, those of us who purchased our homes in recent years did so because the properties were located in the Meridian ACI (October 2016) and zoned Rural/Estate Residential (R1) or Low Density (R2). My Wife and I worked our entire lives (50+ years) to purchase our home, and we purchased it specifically in an area that was zoned rural, so to now have to fight the annexation of property that's not even part of Kuna's ACI, City Limits or Comprehensive Plan, and then for those properties to be zoned R6 in an area that is zoned R1 or R2, is maddening. What's the point of taking the time, effort and money to design Comprehensive Plans if they aren't followed? Do they mean anything at all? To me, an average citizen, this appears to be a land grab by the City of Kuna. The residents North of Lake Hazel are against this (except for those bought out by Tim Eck), Ada County's against this and the City of Meridian was against this until they decided it was financially advantageous to settle with Bitter Creek HOA in order to avoid litigation.

This annexation is for one person and one person only.....Tim Eck! Yet the annexation and future development of Renaissance Farms will negatively impact hundreds. We thank you for the opportunity to comment; please deny this annexation.

Respectfully,

Steve & Carla Glover