



KUNA PLANNING AND ZONING COMMISSION  
Agenda for July 13, 2017 (SPECIAL MEETING)

Kuna City Hall ▪ Council Chambers ▪ 751 W. 4<sup>th</sup> St. ▪ Kuna, Idaho

**1. CALL TO ORDER AND ROLL CALL**

Chairman Lee Young  
Vice Chairman Dana Hennis  
Commissioner Cathy Gealy  
Commissioner Stephen Damron  
Commissioner John Laraway

**2. CONSENT AGENDA**

- a) Planning and Zoning Commission Meeting Minutes for June 27, 2017
- b) **16-11-AN** (Annexation) – Kolo, LLC (Logan Patten); Jay Walker with AllTerra Consulting – ***Findings of Fact and Conclusions of Law***
- c) **17-04-SUP** (Special Use Permit) – KJ’s Superstore – ***Findings of Fact and Conclusions of Law***
- d) **17-03-SUP** (Special Use Permit): BRS Architects representing Smoky Mountain Pizzeria Grill – ***Findings of Fact and Conclusions of Law***

**3. PUBLIC HEARING**

- a) **17-03-S** (Subdivision), **17-03-ZC** (Rezone) and **17-06-DR** (Design Review) – Deserthawk No. 4 Preliminary Plat: B&A Engineers representing Endurance Holdings, LLC requests preliminary plat, rezone and design review approval for an approximately 9.43-acre parcel within an existing agricultural (Ag) zone to a medium density residential (R6) designation, and subdivide the parcel into 34 residential building lots and seven (7) common lots. The site is located approximately 2500 feet south of the intersection of West Avalon Street and South Ten Mile Road on the southeast corner (SEC) of South Ten Mile Road and West Sunbeam Street, and is addressed as 874 S. Ten Mile Rd., Kuna, Idaho.
- b) **17-04-ZC** (Rezone) and **17-04-S** (Subdivision) – Ashton Estates Preliminary Plat: Applicant, Kirsti Grabo with KM Engineering, requests approval for a zone change for approximately 19.86 acres to C-1, and 34.76 acres to R-6 Medium Density Residential. Applicant also proposes a preliminary plat for a residential and commercial subdivision. The subject site is located on the southeast corner (SEC) of Meridian and Deer Flat Roads.

**4. COMMISSION DISCUSSION AND REPORTS**

**5. ADJOURNMENT**

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PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	X
Commissioner Dana Hennis	X	Troy Behunin, Senior Planner	X
Commissioner Cathy Gealy	Absent	Trevor Kesner, Planner II	X
Commissioner Stephen Damron	X	Jace Hellman, Planner I	X
Commissioner John Laraway	Absent		

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

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

**Call to Order and Roll Call**

**1. CONSENT AGENDA**

- a) Planning and Zoning Commission meeting minutes for June 13, 2017.
- b) **16-04-S** (Subdivision) and **16-19-DRC** (Subdivision Design Review): Troost Family Living Trust, Jaylen Walker with AllTerra Consulting – ***Findings of Fact and Conclusions of Law.***

*Commissioner Hennis motions to approve the consent agenda; Commissioner Damron Seconds, all aye and motion carried 3-0.*

**2. NEW BUSINESS**

- a) **17-12-DR** (Design Review) – Ridley’s Family Center No. 2 (landscaping buffers): Applicant requests approval for new landscape buffering adjacent to Deer Flat Road and future Sailer Place ahead of the *future* Ridley’s Family Center No. 2, commercial subdivision.

*Chairman Lee Young recuses himself from this hearing*

**Eric Anderson:** Landscape architect for CSHQA. The project is essentially streetscapes along sailer place and Deer Flat Road. We have been working with Troy the city planner and other staff to make sure that all the requirements of street trees and shrubs are accounted for, and that’s essentially all of the project.

**C/Hennis:** Thank you, do you have any questions? Okay Staff? **Troy Behunin:** good evening commissioners just for the record, Troy Behunin Planner 3, Kuna Planning and Zoning Department. I appreciate Eric Andersons efforts and all of his hard work with what we have been doing with this landscape Design Review. We do recognize that this putting the pony in front of the cart. Typically, the landscape buffering doesn’t take place or get installed until the final plat is approve and moving forward. The owner of the property would like to jump out in front of that and make it more presentable. Staff has been through numerous conversations with Jeff Ward and Eric Anderson and some of the other players on the applicant side in order to make sure that everything is being adhered to, and that the landscaping ordinance is being followed. We’ve actually done a very good job, and they have put a lot of effort, and a lot of man hours in

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and they have come up with something that is really nice for the area and it will do exactly what the owner is thinking it will do. It will beautify the area while its under construction and it will start to say hello we are here, pay attention to us. They have done everything we have asked them to and provided numerous documents and renditions and we have gone back and forth and they have been really nice to work with. I have no concerns and I will stand for any questions that you might have for us. **C/Hennis:** Stephen do you have any? **C/Damron:** Not at this time. **C/Hennis:** I've got one question, in your staff analysis it remarked that gravel is not an acceptable ground cover in a C-1 zone, has that been resolved with the applicant? **Troy Behunin:** We resolved that, it can be used as a decorative item, meaning it can be used, but it just can't be the dominate landscape feature. We don't want to drive out there and see 50 Percent gravel and 10 percent trees, and the rest grass. **C/Hennis:** Okay, so something like a perma bark can be used? **Troy Behunin:** Yeah. **C/Hennis:** as long as you guys have worked it out, then that's not relevant in the analysis. **Troy Behunin:** Not really, it was just put there as boiler plate reminder that gravel may be used, it just can't be the dominate. **C/Hennis:** On their plans they have accounted for the required trees and shrubs and those accurate to the city's requirements? **Troy Behunin:** They do exceed in some of the categories. **C/Hennis:** Okay, I have no more questions thank you. I think it looks good. **C/Damron:** I like the idea of a buffer in there. I think it looks pretty good.

*Commissioner Damron motions to approve Case No. 17-12-DR for Ridley's Family Center No. 2 (landscape buffers) with the conditions outlined in the staff report and testimony; Commissioner Hennis Seconds, all aye and motion carried 3-0.*

- b) **17-11-DR** (Design Review) – Patagonia Pool House: Taylor Merrill with Arbor Ridge, LLC seeks Design Review approval from the Planning and Zoning Commission (acting as Design Review Committee) for a pool and pool house, accompanying landscape, lighting and parking lot, within the Patagonia Subdivision (Future Lot 1 Block 5).

**Amanda Bidwell:** neUdesign architecture the address is 725 E 2<sup>nd</sup> street in Meridian Idaho. So, what I have designed is one of the amenities for the Patagonia neighborhood. It is a pool facility and we worked closely with a local pool designer to do the pool area and I designed the building, it has a male and female restroom facility and then it has a pool equipment and storage room. On the outside of the building we looked at some the houses going up in the neighborhood and used similar materials and color pallets to make it match and then we also worked with troy and Jace to get landscaping figured out and the number of parking spots that are required. **C/Young:** Okay, are there any questions for the applicant at this time? **C/Hennis:** Just one question on the fence, you indicated rod iron fence, are there no actual gates for entry outside of through the pool house. **Amanda Bidwell:** So, there is the main entry through the pool house and there is a separate one off to the westside. **C/Hennis:** And that is going to be a self-closing gate? **Amanda Bidwell:** Yeah. **C/Hennis:** Okay, that's all I can think of. **C/Damron:** What's the depth of that pool? **Amanda Bidwell:** it ranges from 4 to 6 feet and then that bowl that comes off the top is a beach entry. **C/Damron:** So, it is ADA compliant, that beach entry? **Amanda Bidwell:** It is. **C/Damron:** it is. **C/Young:** Okay, any other questions? We will have staff come forward.

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**Jace Hellman:** Chairman, commissioners for the record my name is Jace Hellman, Planner I for the City of Kuna 751 W 4<sup>th</sup> ST. The application before you tonight is seeking Design Review approval for a pool and pool house with accompanying landscape within the future phase 2 of the Patagonia subdivision. The site will eventually be Lot 1 Block 5. This project will include one pool, a pool deck, and a pool house with restrooms and storage facilities. Vehicle access to the site will be made available from East Hubbard Road during the future construction of Patagonia Subdivision phase 2. The Property as it sits now is vacant, within city limits, and currently zoned R-6. The site's vegetation has been cleared and earth work for future development is underway. Staff has determined that the applicant has submitted all the necessary documents. They have shown to be very willing to work with staff throughout this process as well. The application is in general conformance with the Kuna City Code Title 5, Chapter 4, (the Design Review Ordinance) and Title 5, Chapter 17, The Landscaping Ordinance. One last note, one of the renderings in your packet include a large sign that says Patagonia. The applicant and their representative and decided against placing the depicted sign on the building. In the future if they decide to add the sign, a separate design review will be needed. I believe I have included a rendering that shows the building without the sign. I will now stand for any questions. **C/Young:** Are there any questions for staff? **C/Hennis:** Not that I can think of right now. **C/Young:** Okay thank you. Now that brings up our discussion. **C/Hennis:** It seems pretty straight forward. **C/Young:** It does, the colors are conforming with what I have seen out there. The structures are not overbearing. The rooflines breakup, the materials vary. **C/Damron:** Well landscaped around the edges it looks like. **C/Hennis:** Photometrics even provided, it looks like we have good lighting. **C/Young:** are there any other thoughts that you can think of? **C/Hennis:** I can't think of anything.

*Commissioner Hennis motions to approve Case No. 17-11-DR (Design Review) for Patagonia Pool House with the conditions outlined in the staff report and testimony; Commissioner Damron Seconds, all aye and motion carried 3-0.*

**3. PUBLIC HEARING**

- a) **17-03-SUP** (Special Use Permit): BRS Architects representing Smoky Mountain Pizzeria Grill Requests Special Use Permit approval to operate a full-service bar within the newly proposed Smoky Mountain Pizzeria Grill restaurant to be located at 1011 N. Meridian Road, on Lot 2, Block 1, within the Ensign Commercial subdivision.

**Dan Todd:** Hi I am Dan Todd, I am the president of Smoky Mountain Pizzeria grill restaurants. We will be located at 1011 N Meridian Road. I am here tonight requesting special use permit approval to operate a full-service bar within the newly propose restaurant at that address. **C/Young:** Okay, are there any questions for the applicant. **C/Hennis:** It looks pretty straight forward. **Trevor Kesner:** Chairman, Commissioners, as the applicant has stated, the application before you is for a special use permit to operate a full-service bar within the previously approved design review for the Smoky Mountain Pizza restaurant at the last meeting. The City of Kuna requires a special use permit to operate a full-service bar, as long as it is not within 300 ft. of place of worship or a school, which this not. I will stand for any questions you may have for this. **C/Young:** Okay. **C/Damron:** Do they already have their liquor license for that? **Trevor Kesner:** That I would have to defer to the applicant. I know they have them at other locations, I don't know if that carries for the corporation? **Dan Todd:** Liquor licenses are issued individually, and we

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need to go through this process first and then we can apply once a premise is established. **Trevor Kesner:** I would like to introduce one exhibit for this because it was a late arrival from Idaho Transportation Department. They had comments that arrived late. **C/Young:** let the record show that this is exhibit C8. **C/Hennis:** I have no other questions. **C/Young:** okay, Thank you. I will go ahead and open up the public testimony at 6:17 and I don't see anybody signed up, is there anybody here that would like to sign up to testify. Okay, seeing none I will go ahead and close the public testimony at 6:18. That brings up our discussion. **C/Hennis:** It seems pretty straight forward, you can't have a full-service restaurant without the bar. It is not in a neighborhood so.

*Commissioner Hennis motions to approve Case No. 17-03-SUP (Special Use Permit) for the Smoky Mountain Pizzeria with the conditions outlined in the staff report and testimony; Commissioner Damron Seconds, all aye and motion carried 3-0.*

- b) **17-04-SUP** (Special Use Permit) and **17-10-DR** (Design Review) – KJ's Superstore: A Special Use Permit (SUP) and Design Review (DR) request from RADIX Construction Inc. to construct a new convenience store, fuel stations and car wash. The site is located at 1565 East Deer Flat Road, Kuna, ID 83634.

**Carlo Cante:** I am with RADIX construction, we are the selected design builders. We represent Hansen and Hansen LLP. Our proposed project involves an approximate 2-acre site. At the southwest corner of the intersection of Deer Flat and Meridian Road. Our proposed project involves a convenience store that will be 5700 square feet, a car wash that will be approximately 5300 square feet and a fuel pump station to accommodate the convenience store. We have been working with Mr. Hellman in providing the required documents for the design review and at this point we are ready to proceed with construction documents and seek approval in honoring that. **C/Young:** any questions for the applicant at this point? **C/Hennis:** none that I can think of, the information is pretty much here. **C/Damron:** That concrete wall barrier that in the Ridley's parking lot that on the north side, are you going to fence the top of that for safety concerns: **Carlo Cante:** I am not sure if we have that yet, since we are in the design development process, but we will look at that and see if there is a fence that will be going on it, but at the present time I do not believe we have one. **C/Damron:** Okay. **C/Hennis:** I don't have any further questions. **C/Young:** None at this time? Okay, thank you. Then we will have Jace come forward.

**Jace Hellman:** Chairman, commissioners for the record my name is Jace Hellman, Planner I for the City of Kuna 751 W 4<sup>th</sup> ST. The application before you is seeking a Special use Permit and Design Review Approval for KJs Superstore gas station located at 1565 E Deer Flat Road. Design Review approval is necessary for the proposed Convenience Store and Car Wash, and with the addition fuel sales, under Kuna City Code a Special Use Permit is required. The applicant has also provided us with the board of materials for your viewing. Access is proposed as a right-in/right-out only, curb return type driveway accessing Deer Flat Road from the site, located 348-feet west of State Highway 69. Full access to the site off Deer Flat Road would not meet ACHD or City Access Management standards and therefore, Per ACHD the applicant will be required to install a 6-inch concrete median in Deer Flat Road from State Highway 69/Meridian Road to the west. It should be constructed a minimum of 75-feet beyond the edge of the driveway, which would prevent westbound turning from the driveway approach location. Access will also be available from North Abstein Lane. All drainage will be retained on site through landscaping areas and catch basins with

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seepage beds. These proposed seepage beds would be located under the asphalt driveway. I have provided for you tonight comments from both Idaho Transportation Department and Boise Project Board of Control who submitted comments after you received your packet. the applicant is aware of these submittals and agrees follow the requirements of put forth by these agencies. Staff has determined that the applicant has submitted all the necessary documents and all noticing requirements have been met. They have shown to be very willing to work with staff throughout this process as well. Staff finds that the proposed building, landscaping, parking and lighting are all in substantial conformance with Kuna City Code, specifically title 5 and forwards a recommendation of approval. One last note, signage is not a part of this design review. A separate design review for all signage on site will be required at a future date. I will now stand for any questions. **C/Young:** Okay, any questions for staff? **C/Damron:** Can you state to me again the reason we can't have an egress or an ingress on Deer Flat Road. **Jace Hellman:** Yes, it is ACHD's policy there within a certain amount feet from a full access, so right in right out is the only thing that would fit their access management standards and the six-inch median will act as a prohibitor. **C/Damron:** I noticed from ACHD, it seems that they didn't consider traffic flow on Deer Flat during peak hours trying to get in and out of the one access, right there on Deer Flat Road. Looking at the site there is no way we can access through an easement to try and mitigate some of the traffic. **C/Hennis:** it is on the west side of the development, page 189, it shows us an access on the back side of here. Jace I am not sure if this is question for you or the applicant, the elevations show a darker red stucco, but the stucco shown on the board is a bright red, do you know which one it is actually? **Jace Hellman:** I would have to defer to the applicant for that. **Carlo Cante:** our design emphasis is to try and go with the elevations and the renderings that were submitted so the end result will be a darker red. **C/Hennis:** Okay perfect, thank you. **C/Young:** Okay, are there any other questions for staff. **C/Hennis:** I do not believe so. **C/Young:** No? okay Thank you. Then I will go ahead and open the public testimony at 6:27 and seeing nobody signed up to testify, I will ask if there is anybody in attendance would like to sign up to testify? **Teresa Perry:** this comment is actually not just for this project but for your other projects that are on tonight's agenda as well. And that is, please take into consideration that you have four corners that are wanting to develop all at the same time, and you have us little land owners that enjoy our space that enjoy our space and we would just really appreciate some hardcore thinking before you approve everything. That is pretty much what I wanted to say, it is pretty hard for living in Kuna for so long. Your approving everything, I think that's my frustration. **C/Hennis and C/Young:** Thank you. **C/Young:** Okay, then is there anybody else that did not, that would like to. Seeing none, if there is anything the applicant would like to say in rebuttal to that? We will go ahead and close the public testimony at 6:29. Then that leads to our discussion which is specific to this parcel, and specific to this application in an area that is already zoned C-1 for this project, its design review for this one, which is all that we can discuss at this point. As far as the design review and special use permit for the gas station there. That location really lends itself to a C-store. As the design review piece goes, I think they have done good job on the elevations. And again, as we talked about on the other project, the varying materials and some richer colors and so the layout and landscaping seem to be in compliance with what I've seen. **C/Hennis:** No, I agree, I think this is what this corner has been intended and design for, for the last few years. It's going to be a good service for what they need in that location. **C/Damron:** there really is not much else we can do with it besides convenience for people coming in and out of town. And the elevations look good. The building the facia on it looks like Ridley's and the others in the area so it matches. **C/Young:** I have one last question for the applicant, as far as mechanical equipment, where is that being placed. **Carlo Cante:** our original application had split systems, but after

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evaluating the budget and going through the design development we have agreed to go with some roof top units, so what we did is we extended the parapet so we could block the visual effects of those units.  
**C/Young:** Okay, so you did a line of sight and the parapet units will screen all of that? Okay thank you.

*Commissioner Hennis motions to approve Case No. 17-04-SUP (Special Use Permit) and 17-10-DR (Design Review) for KJs Superstore with the conditions outlined in the staff report and testimony; Commissioner Damron Seconds, all aye and motion carried 3-0.*

- c) **17-03-S** (Subdivision), **17-03-ZC** (Rezone) and **17-06-DR** (Design Review) – Deserthawk No. 4 Preliminary Plat: B&A Engineers representing Endurance Holdings, LLC requests preliminary plat, rezone and design review approval for an approximately 9.43-acre parcel within an existing agricultural (Ag) zone to a medium density residential (R6) designation, and subdivide the parcel into 34 residential building lots and seven (7) common lots. The site is located approximately 2500 feet south of the intersection of West Avalon Street and South Ten Mile Road on the southeast corner (SEC) of South Ten Mile Road and West Sunbeam Street, and is addressed as 874 S. Ten Mile Rd., Kuna, Idaho. **-Staff is requesting this item be tabled to the July 13<sup>th</sup>, 2017 Special Planning & Zoning Commission hearing.**

*Commissioner Damron motions that 17-03-S (Subdivision), 17-03-ZC (Rezone) and 17-06-DR (Design Review) for Deserthawk No. 4 Preliminary Plat be tabled until the July 13<sup>th</sup> meeting. Commissioner Hennis Seconds, all aye and motion carried 3-0.*

- d) **17-04-ZC** (Rezone) and **17-04-S** (Subdivision) – Ashton Estates Preliminary Plat: Applicant, Kirsti Grabo with KM Engineering, requests approval for a zone change for approximately 19.86 acres to C-1, and 34.76 acres to R-6 Medium Density Residential. Applicant also proposes a preliminary plat for a residential and commercial subdivision. The subject site is located on the southeast corner (SEC) of Meridian and Deer Flat Roads. **-Staff is requesting this item be tabled to the July 13<sup>th</sup>, 2017 Special Planning & Zoning Commission hearing.**

*Commissioner Hennis motions that 17-04-ZC (Rezone) and 17-04-S (Subdivision) for Ashton Estates be tabled until the July 13<sup>th</sup> meeting. Commissioner Damron Seconds, all aye and motion carried 3-0.*

- e) **16-11-AN** (Annexation) – Kolo, LLC (Logan Patten); Jay Walker with AllTerra Consulting, on behalf of Logan Patten with Kolo, LLC, request's approval to annex approximately 11.41 acres into Kuna City limits with a C-1 zone (Neighborhood Commercial), is consistent with the Comprehensive Plan Map. The subject property is located on the north-east corner (NEC) of Meridian and Deer Flat Roads.

**Jay Walker:** my name is Jay Walker I am at 849, East State street in Eagle Idaho. We appreciate all that staff has done, and the time and energy that they have expanded on this great projects behalf. I represent Kolo, LLC and the Honor, Logan Patton, and before you have your packet, and I have also created a presentation for the property it has some unique characteristics and by working with troy and staff we feel that we are coming in with an annexation, zoning included with that in C-1 that fits nice in Kuna's plans. We seek annexation, 16-11-AN and proposed C-1 zoning approval for the approximate 10.21 acres located in the Kuna City Impact area. Both parcels, are to be annexed are both with the impact area and

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C-1 zoning is consistent with Kuna's comprehensive plan and future land use map. We meet the cities desires there that they have planned for and adopted. A lot of effort and energy has been expended by the owner and the team that he has assemble. We have a very comprehensive topo and boundary map, identifying everything and the characteristics that exist out on site. We are in the process as well as upgrading that topo to an alto survey to make sure we have all of the necessary easements. It is a unique property in that it has two major arterials on either side of it. It is somewhat of gateway to the City of Kuna. There are currently two older farm homes and some dilapidated out buildings and the owner is in the process of cleaning those up. This will significantly change the entry to appearance to Kuna's district here. We have met and discussed in the Gordon law days before he left, a lot of the main utility characteristics of this property including sewer, water and pressurized irrigation. We have also taken some time briefly with Antonio and we will work with him in preparation for a preliminary plat presentation to you in the future. As you can see most of the utilities are stubbed just across the corner from our property near Ridley's near the commercial development. We have worked extensively with Ashton Estates and Winfield on options of sharing that cost efficiently and collectively conveying those utility stubs to the property and we are excited to work with and work with staff and engineering to make sure that is done efficiently and cost effectively. We don't want to bore cut 69 any more than we have to. Beyond the main utility coordination and studies that we have preliminarily done. we conducted a phase one geotechnical study of the same property. We have also done a phase 1 environmental site assessment. And rightfully stated in your report by troy there is nothing alarming that had been generated from those two reports. Everything that has been reported we can address and conform to code and standards that the city has requested. We have also, even though not necessary for the application before you, have conducted a transportation traffic impact study. Kittleson and John Ringert have assisted us in the process. We have had several follow up meetings with ITD and notes and follow up responses have come from them, in association with your packet today. We have also received a staff report from ACHD regarding access points and use and improvements along deer flat, most of which we are in agreement of and are continuing to work with them on access constraints and exact locations that will be presented to you in a near time on a preliminary plat application process. Utility meetings with adjacent developers as I've said have occurred and the owner has extensively worked with the irrigation district Boise project on small alternatives dealing the Kuna cannel, and whether to leave that open as an amenity to the development which we will seek the public's input to see what they desire or tile it in an efficient way across the site. We have multiple layout that we are showing. These are all conceptual. Here is one of those with a large residential component in the northeast parcel, and on the hard corner over here in this area we would have retail commercial use of varying degrees, similar to what you've been presented with here tonight, by previous applications and SUPs. The next slide shows another variation of what we are considering as a layout with a little more office, commercial use. You may ask what does that office commercial entail, well there is daycares, and those operations that occur from the 9-5 typical work day, leaving evenings we are looking at sensitivity to maybe the residential folks and seeing if family dwelling unit located directly North, there is however a great buffer, that I will show you in some of our preliminary landscape layouts. We've got an access road that provides access for those residents that provides a large buffer and a transitioning effect to what we will present on the hard corner. Consideration there without holding anybody's feet to the fire, we have coffee shops, restaurants. We have a C-store, a gas station with very agreeable access, especially to and from commuting traffic. Again, some higher density residential component to the west in a transitional phase. On the last layout, we considered maybe an anchor, maybe

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a bigger box retail that has expressed some interest in the area and agreeable parking and parking lot islands and those types of applications agreeable to that with perimeter smaller retail commercial, and still the office retail transition from the single-family dwelling units to the North. Trying to be very sensitive. In this next slide is more of the green up concept. Not showing any access, we have had limited conversations. We did hold our neighborhood meeting, and those who were noticed, some showed up and we did have conversations mostly with them and making sure we transition very carefully with them closely and buffer through trees and landscape agreeable to other areas and typical to nice commercial areas that are agreeable to staff and to the residents of the community of Kuna. So, the development and design features on the next slide, the access features of circulation are very good for the development including emergency vehicles. This will account for improvements to Deer Flat and Meridian Road. Sewer and water and PI available west across Meridian Road. We are looking at efficient connection with neighbors. We have looked at canal considerations, both open and tiles options. We will work carefully with Boise Project and Irrigation districts and the great open space to fit the development plan, working with the city for pathway. We will have a regional pathway connection, connectivity will be worked out with staff, we are agreeable with that, and look forward to sprucing that up and creating an amenity for the community. Our storm drain design will be a standard collection, conveyance and treatment on site, we will make sure we are agreeable to code and standard design criteria of the City of Kuna, surrounding area and ACHD. A new creation of business, commercial to meeting the growing city of Kuna's needs. There was an expressed desire for that from community members. Street lighting and the parking lighting will be designed and nice in an upscale fashion for this area as well, and an accommodation for upscale care for any of the landscaping and pathway. So, in summary, this center has had a comprehensive review, we know a lot about the property and have extended effort in getting to know it. It will be a wonderful addition and amenity to the community it is located overlay district and adjacent to the Kuna, transportation and commercial corridor just as you have lined out in your comp plan and in your land use future. Adjacent to two adjacent arterials is mentioned. It lies within Kuna's city limits and complies with Kuna's Comp Plan and Future Land Use Plan. The C-1 Commercial zoning is compatible to adjacent, other commercial development and uses and desires of Kuna Residents for nearby services. It will clean out an older farm building and delapidated parcel for a nicer looking gateway into the City of Kuna. Compatible with surrounding uses and will transition and buffer the areas to the north and it's going to be a new commercial use providing good tax bases for the city. With that I will stand for questions and work with staff. We would ask your approval of this annexation. **C/Hennis:** I cannot think of anything right now. It is just for the annexation. **C/Young:** That is what I was going to say, that this is strictly an annexation, nothing else proposed here is on the table. **C/Hennis:** but thank you for all of the information about what your intentions are with the property, that makes it a lot easier for to know what we will be looking at in the future. So, thank you for your diligent work. **C/Young:** okay thank you, we will have Troy come on up.

**Troy Behunin:** for the record, Troy Behunin, Planner 3, Kuna Planning and Zoning Department, 751 W 4<sup>th</sup> St. I also have a late entry from Idaho Transportation department, they sent this last Friday, and I was out of the office last Friday, and we are perplexed why this so tardy in reaching our office, but it is what it is. I stand before you tonight to let you know that the applicant representing Kolo, LLC, Jay Walker has worked with Staff, considerably over the last six months in order to get to the public hearing tonight. They held their neighborhood meeting and they've submitted everything that we had asked them to do. They have also submitted some sketch plans of their future plans that are in your packet, and hopefully you

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have had a chance to review the packet, everything except of course the ITD report. All of the notifications have been properly held and posted, the site was posted, letters were sent out to landowners within the 300-foot radius, in fact we extended that radius just a little bit, and we did run an ad in the paper in the public hearing section to advertise for tonight's hearing. As the applicant did state this area is designated as a commercial corner according to the 2008-2009 comprehensive plan map. They are asking for something that is in complete concert with that map. Staff is pleased to hear that they are considering all options for the pathway that does cross through, diagonally through the site from southeast to northwest. We are excited to hear that they are contemplating a pathway as a part their plan. Staff has a raised eyebrow with the access because this is the overlay district, and that stretches one quarter mile east and west of the centerline on the highway. As they are proposing two different access points within the overlay district, both ACHD and ITD are going to have some sort of jurisdiction on this project. Staff would recommend that even though it may be temporary system, that they do get the access that they are proposing until the warrants for safety have been met, and ITD is worried about the connections and that ACHD might be concerned, or that City Council might be concerned and that at some point that those would be restricted to a right in, right out only. But again, that is something that a traffic impact study will indicate. They are the traffic experts and ACHD will give its consideration to that Traffic impact study as well as ITD. You will notice that on the Idaho Transportation Department comment letter, item number five, it does indicate that ITD will require a Traffic Impact Study. ACHD has not requested one, or not required one, ITD has. That will come with preliminary plat when we move forward at some point. Tonight's hearing is just for the annexation. At some point the applicant will bring in a preliminary plat to divide up the land and create parcels, but that is a later time, and that is when the traffic impact study will be required. And as you heard from Jay, they are aware of that and they are in the middle of its preparation are nearing its completion. Other than that staff will just stand for any comments or questions you might have. It does follow our comprehensive plan and it is on the transportation corridor, and city council has stated many times that it is an entry corridor and is meant for business, which they are proposing. **C/Damron:** Troy, the road spacing they are stating here is does that post that signal will that be a 35 mile an hour zone? Is that what they are stating? **Troy Behunin:** you mean from comment number 4? **C/Damron:** Yeah from comment number 4. **Troy Behunin:** that is an IDAPA rule, I couldn't tell you. They are not saying it will be, but I think they are just doing that for design consideration. They are considering a reduction in speed limit. To move it north. Well before the Kuna Curve. This is tricky parcel, within the overlay district we like to have backage road within 600 feet because the overlay district code, strictly dictates that access is only given at the mid mile and the full mile and that those are both signalized. However due to the small nature of the project they do not have access to the mid mile in either direction. State law requires that each parcel be required at least some frontage allowance. You can't be land locked. **C/Hennis:** Right but that's a parcel stated, the residential requirements be far different than commercial requirement, so. **Troy Behunin:** there would certainly be stacking difference between the two, I am not a traffic engineer, but I do know they differ, I just do not know how much. The stacking distance required for Winfield springs which is directly west of this project is going to have a far different traffic impact study than the gas station that you heard just a few minutes ago and from this one. **C/Young:** Then again, the traffic impact study that hasn't been done yet will give direction, as well as ACHD in the future, but what we are really looking at tonight is the annexation, and then as the process continues the traffic impact studies, the neighborhood meetings, the preliminary plat and the design reviews and the neighborhood input on everything all comes at a later date, this is just strictly for annexation, only. **C/Hennis:** that is

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true, but one of the concerns I got is, what it is being annexed at zone wise. For instance, the entry that they have on their proposed layout roughly that leads onto meridian, does that comply with the 660 feet from the corner? **Troy Behunin:** It does not. **C/Hennis:** So, this canal is going to create an issue, even within this 660-foot window, so ideally there really is no access there. **Troy Behunin:** Not at the policy stated requirement, no there is not. There is no way for this parcel to actually comply with the policy. **C/Damron:** Its land locked is what you're saying? **Troy Behunin:** Yeah, unless other considerations are given and other mitigating factors are considered and implemented. **C/Hennis:** Right but by putting a different use in here...**Troy Behunin:** They wouldn't meet even if it was residential...**C/Hennis:** No but you're only anticipating one or two cars coming out of there...**Troy Behunin:** well if you're talking about one house on each parcel, you're still taking about ASHTO, ASHTO states 10 vehicle trips per home, per day. **C/Hennis:** Right but that's still different than servicing retail establishments. **Troy Behunin:** Yeah you are right. **C/Hennis:** Okay. **C/Damron:** I think Deer Flat was due to be constructed in 2025, widened I think that's what we figured out on this last one right here. Not until 2025. **Troy Behunin:** There is a lot of design considerations that have to be given lots of brain power because it can't meet, there is no way for it to meet the policy standard. You can't deny somebody a right to develop based on that, there has to be a way to mitigate those concerns, otherwise you are facing a takings. **C/Hennis:** Well right, but mitigating them to allow to put a house in versus one two three four five retail establishments is a different battle, I mean bending the rules is one thing, to allow somebody to access his parcel, it's another to have him build a bunch of commercial buildings on it. **Troy Behunin:** and that's what the traffic impact study is going to relay that information, and a preliminary plat, when it does come in, uses will probably be known more than what they are right now, and the configuration may be different then what we see tonight. **C/Hennis:** I've got nothing further. **C/Young:** Okay, anything further? Okay, Thank you Troy. Then we will go ahead and open the public testimony at 7:06 and I don't see anybody signed up to testify, is there anybody who hasn't signed up who would like to sign up?

**David Andris:** I live at 1928 East Deer Flat Road; my property borders this property for large part of it. We had a neighborhood meeting, I am guessing it was over a year ago, we met with Mr. Patton and somebody else. There was a lot of opposition to the residential going in there because of how much they were going to put in there, and the traffic that was going to be on this road, and now you even make that a lot worse with the opposite side of the road you have 50 acres there that will be high-density homes. Deer Flat can't happen that amount of volume. I have an entrance that is located right on the edge of my property, that borders that property. I would there would be some kind of width that I would have to have with my entrance. I don't think they can put an entrance within so many feet of mine, I'm not sure but I wouldn't think they would be able to. My first concern is that when you have neighborhood meeting, I would think that it would have to be within some period of time, relatively close to when you come to Planning and Zoning to present something. I am guessing this has been over a year since we meet with them. Like I said, in that meeting, we met with Mr. Patton, there was great opposition, a lot of people at the meeting, a lot of opposition to residential and multifamily type housing. Mr. Logan assured us that afterword's that he was going to back away and not go down that route, so I am very disappointed tonight to see that is still in the plan. There may be a lot of older homes, older buildings on that property. We have lived in that house for over twenty years, my house isn't depilated, it's not old. But depending on what they do it could have a direct impact on the value of my home, and I do not want to see my home devalued based on what they don't know what they are doing yet. There are problems with entrances, I guess I don't see the

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problem with the property being landlocked, its only landlocked, once they change the zoning. Once they change the zoning, that's when all the entrances requirements change for the entrances into those properties. Right now, that property has access it has access to Meridian Road, it has access to Deer Flat Road. It is only changing the zoning that is changing those requirements. Based on what I've read and studied on it, so highly disappointed with the change of what's gone on/ I've tried to contact Mr. Logan after the meeting that we had a couple times and he would not return my phone calls, even though he gave me his number and said call with any questions you might have. He was not willing and when Mr. Walker Stated he was looking forward to working with the neighbors, it is really hard to believe anything that we are hearing right now from them, I think I speak for the rest of the neighbors, who border this. They don't have a plan of what they want to go in there. When we had the neighborhood meeting they had on multifamily, they had on a restaurant, they had on a coffee shop, they had on office buildings and a gas station and that's all on ten acres. So, it seems to me that there needs to be some type of plan that goes in here. **C/Young:** Okay, well thank you. I am sorry there is a time frame, as you heard the timer. **David Andris:** Can I ask a question as far as later on will there be another meeting for the requirements as far as lighting, landscaping, all those other things, will there be another meeting after this for those requirements. **C/Young:** if this is approved, as an annexation and zone change, anything that goes in, a preliminary plat, there will be a neighborhood meeting for and when there is a design review, there will be different meetings where the public will have their opportunity to, in another public hearing like this as well, give their opinions and their concerns. **David Andris:** so, is there some kind of time frame between the neighborhood meeting, and when they come to present to planning and zoning? **Troy Behunin:** The applicant actually held the meeting on August 22<sup>nd</sup> so it wasn't well over a year ago and the time frame is only from when they hold meeting to when they make application. It does not dictate that it has to held within a certain time before it gets to the meeting. **David Andris:** So, it's been 11 months, it's been such a long time that I can't even remember exactly when it was. Thank you. **C/Young:** Okay Thank you. I will just ask one more time, is there anyone else who has not signed up that would like to testify?

**Deborah Dawn:** 1920 East Lazy Deacon Lane, and I just more or less have a question, if because of the transportation issues and if you annex this property in tonight and there are transportation issues which deny the owner access and his plans for this. What happens to that annexed property? Does Kuna have oversight of that property or what impact of that property piece will occur. **C/Young:** I guess I don't fully understand your question...If this property is annexed and this does not go through. **Deborah Dawn:** if the transportation does not allow the access needed to put this project forward, who has oversight of an annexed piece of property in the community. **C/Young:** the traffic impact studies that will be done, that are in process the input of the impact study from Ada County highway district, ITD all have stakes in what happens on their specific roads, in this case ITD and ACHD kind of meet there Deer Flat and Meridian. They will all have their input and what controls they would want on this parcel. If they determine this won't work they might say we prefer that you have a right in right out access, they could say any merit of things , but without the traffic impact study, and without a specific plan, if you get passed the annexation and then the traffic impact study is done on a preliminary plat, a preliminary plat will show specifically what their intent for the property is, and then ITD and a traffic impact study and ACHD can comment on any specific one, but it is hard for an impact study to be done when there is not a specific this what we are going to do. It could be a number of this though. **Deborah Dawn:** So, will you not annex this portion of property into the city limits until you have that statement from the transportation department?

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**C/Young:** That is up for discussion at this point. After she signs in is there anybody else who would like to, then we can go ahead and sign in now so we don't have to keep starting and stopping the process. Teresa Perry: 2151 East Deer Flat Road. Since traffic seems to be a very important part of this, I contacted ACHD about a month ago. Regarding the speed limit on Deer Flat road because it is actually crazy what Deer Flat Road has become that stretch to highway 69. So, I have an idea, it probably won't work, but I might as well voice it and that is, why can't you let the traffic impact study be done before you annex this property in, to make a decision on whether or not what can be done on that property or Ashton Estates or whatever, to where all four of those corners can be all unified together as one, where ACHD comes together, ITD comes together, all four corners come together and they say this is what is going to work. Why couldn't something be done like that. I don't know city government, I don't know laws or anything like that. It is just my opinion and I would like an explanation on that. **C/Young:** Okay, Thank you. Okay, then I don't see anybody else signed up to testify, ill please have the applicant come forward if there is anything you would like to add to your previous. **Jay Walker:** 849 East State Street, Eagle Idaho. I appreciate the public comment and I will clarify I was not at the public neighborhood meeting so I used we very loosely, it was not me at that point. I appreciate the concerns on the, and I will reiterate these are major arterials, these are not local streets. They have been designed accordingly and are in the CIPs in both ACHD and the STIP the state-wide transportation improvement plan for ITD to accommodate the use that the city has planned for in their comp plan the future land use map in the comp plan, and we will work hand in hand with ACHD and ITD to ensure that transportation is appropriately accommodated through our designs, that is part of the process. I understand the public's view of maybe a traffic impact study being required, but at this point to expend the dollar and also not have the preliminary plat pinned down it would be quite Ludacris and maybe a black crystal ball to do a traffic impact study at this point and the precedence has been set and the process of the City is in place per code with the three other corners and some the developing corners that have set the precedence on this process and we will agree to follow the process and the precedence that have been set. As far as transportation speeds, and traffic speeds and queuing the addressing of the future 2025, or 30 or 2035, improvements to the intersections or those corridors, or segments of road on Deer Flat or Highway 69, and we are aware of those and the CIPs and so are the agencies, and they have stated their review letters and even though like Troy said, they came very late we still received those and we will react to them during the preliminary plat process and that application process fine tuning the draft, transportation impact study by kittleson, completed we will adjust that accordingly. They will line out the right of ways that need to be dedicated and those are all impact fee eligible, because they are CIT and Arterial within the infrastructure and the classification of their functional classification map. We will account for that and work closely to make sure there is no gridlock and no adverse as much as we can on one quarter of a full four corner intersection, we will do our part. Thank you for those comments as far as David's other comments, I believe the quality in which we are planning this project, I don't know if we will impact the value of his home. It seems like I would hope that it would appreciate his value and create something of an amenity and draw additional interest if he ever decided to sell. And residential density that has not been set. We have I think consistent with what Mr. Patton has told him, there is not nearly as much residential density and higher density residential that we are considering on this, we are still fine tuning that and we don't have that nailed down yet. There will be a design review meeting, just like you expressed and a lot of that will be vetted in those proper meeting venues and I stand for any additional questions, thank you for your time, appreciate being here, really excited about this project, really excited about this corner it's a great use for a good exposed corner

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that you have identified in your comp plan land use. **C/Young:** Thank you, are there any other questions for the applicant. Okay thank you. With that I'll close the public testimony at 7:23 which brings up our discussion for the annexation. In direct response to Ms. Perry's question on why the four corners don't go together. As applications come in to the city, the four corners don't come in at the same time. At this point they are coming in fairly closely and development doesn't always happen that way and we can't have development on one corner and say no we have to wait for plans from the other corners. It is also why there were traffic impact studies were done when the southwest corner was developed and the northwest corner when that comes in and the third one comes in the southeast corner, and now there will be a fourth impact study that will be done when this parcel comes up, it's a requirement by the agencies. And as those develop and as each corner develops its impact is done and then now that the other three are done and now that the other three are done, this traffic study will take into account the three corners, that's why they come in at different points to respond to your question. **C/Hennis:** Also, something to remember to. The reason we cannot do it this ahead of time, prior to a preliminary plat being filed is that they can't estimate what a corner is good for, what it is used for, they have to respond to what the proposed use is and what has to be changed or altered in the traffic or the direction of flow or whatever has to accommodate for traffic mitigations. So, you have to know what is going in to estimate the amount of trips going in. **C/Hennis:** quite frankly I have some real concerns about this site. According to what we just got from ITD today, I don't see, granted we just got done with our conversation with Troy, I don't see an access to prevent landlock but technically the street next to them doesn't conform to that. They are at 330 from the front face to meridian and they want roads at 660 feet. I can see for certain usage creating some variance for certain things, but I don't want to create a variance and have 14 different buildings services through that variance. But again, unfortunately this particular thing in front of us is just regarding the annexation. So, we don't know what they are doing yet, but I think it is going to create an issue on this property as we go. Whatever they are trying to do doesn't conform to the ITD. **C/Young:** Which I guess if it goes through as a C1 then as those impact studies are done and ITD gives their recommendation and ACHD does we again have the ability in this room to approve or deny and preliminary plat when that comes through based on all of those studies that are going to be done in conjunction with neighborhood meetings and another neighborhood input at well. **C/Damron:** The quandary I am looking at they have access now, but it is a single-family dwelling, if we leave it as it is, you can sell it as an 11-acre parcel for a single-family home. With the existing accesses from Deer Flat and Meridian Road. If you zone it as an R-6, no we are back to the same place we were. We are looking at highway access. So, it doesn't matter what it is zoned as, we are still looking at problems with highway access. So, if we zone it, that is up to ITD to say this isn't going to work or this is what we have to do. As a city planning board we have to look at that area and go what is that area in the comp plan designed for, you know it is design more or less for commercial use. It is not zoned yet, that is what we are here to do, but we are looking at if we zone it residential, everything comes up with the same problem. We have an access problem. One of the issues we are looking at it is we need to get it zoned we need to figure out what they want to do and then see what ITD has to say about it, any changes that need to be made. That will give us an idea if we have even the ability to put something through there. **C/Hennis:** here is another reason to. If we don't annex this the county has less restrictive requirement than we do as a City. We can't control what they do unless we annex this. At least with that we have some say with this. We have had that on a couple occasion where Ada county has done something different that we wouldn't have done. **C/Damron:** Yeah and we are far enough out where they may look at that and say oh that way out in Kuna and that's not going to affect

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us, and that does directly affect us and our growth plans. **C/Hennis:** I think that is a bigger worry. **C/Young:** As the comp plan goes it does, the location of the parcel with a C-1 zone does conform to the comp plan and everything going down that corridor. With all the reservations, there are with the traffic, it doesn't matter what the development is, is always one of the biggest concerns that people have and rightfully so. **C/Damron:** It's not a problem until is a problem for them. **C/Young:** my point is that I think that I am okay with a C-1 designation for this parcel, and our ability to vet the preliminary plat when it comes through with the input from all the agencies, with the traffic recommendations and see what some of those potential problems or abilities to rectify some of those problems are and you know as we have stated before we can always deny a preliminary plat if something does come through that doesn't work. But to me it conforms with what the cities growth pattern is and annexation is only. Which is what we are looking at for today's hearing. **C/Hennis:** I think we would be crazy not to at this point and not allow Ada County not to develop it. **C/Damron:** I think Dana is right, if we allow Ada County to develop it we don't know what is going to happen then in that plat of land and it wouldn't be under our control. **C/Hennis:** Yeah because they can go through and change it right now.

*Commissioner Hennis motions to approve 16-11-AN (Annexation) for Kolo, LLC (Logan Patten) and Jay Walker with AllTerra Consulting with the conditions outlined in the staff report and testimony; Commissioner Damron Seconds, all aye and motion carried 3-0.*

**C/Young:** Again, our motion was to approve the annexation, but as this process continues please know that your input is valued. **Member of the Audience:** It doesn't feel that way at all. At all. **C/Young:** I can understand your... but your input is and we will see you in here again and when there is something that is preliminary plat, then your voices will be heard again. We do hear it, and a lot of times it does not feel that way, but we do honestly listen and take it into consideration. We do thank you for taking your time to come and be a part of these hearings, it is very important. We thank you for that. Thank you and that motion did carry.

**4. COMMISSION DISCUSSION AND REPORTS**

We have taken on three new subdivisions in the last two or three weeks. We have pre-app for at least one more.

**5. ADJOURNMENT**

*Commissioner Gealy motions to adjourn; Commissioner Laraway Seconds, all aye and motion carried 3-0.*

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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



# City of Kuna

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## P & Z Findings of Fact & Conclusions of Law

To: Planning and Zoning Commission

Case Numbers: 16-11-AN (Annexation)  
***Kolo, LLC Property***

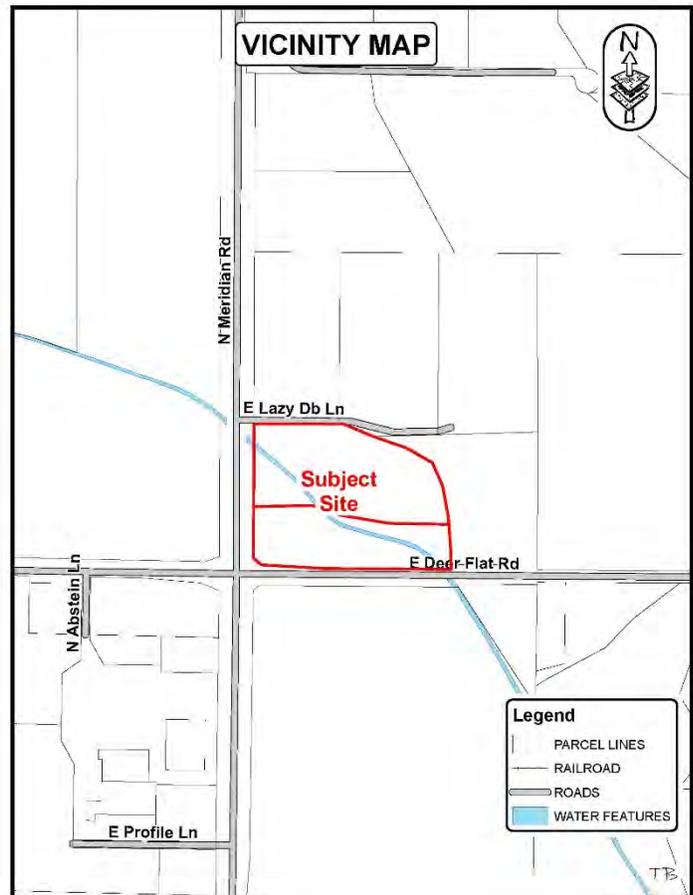
Location: North east corner (NEC) Meridian Road and Deer Flat Road  
Kuna, Idaho 83634

Planner: Troy Behunin,  
Planner III

Hearing Date: *June 27, 2017*  
Findings of Fact: *July 13, 2017 (Special Meeting)*

Owner: **KOLO, LLC**  
Logan Patten  
PO BOX 412  
Kuna, ID 83634  
208.880.9546  
[LOGAN@LIBINC.NET](mailto:LOGAN@LIBINC.NET)

Engineer: **Jay Walker**  
AllTerra Consulting  
849 E. State St., Ste. 104  
Eagle, Idaho 83616  
208.484.4479  
[jwalker@allterraconsulting.com](mailto:jwalker@allterraconsulting.com)



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| C. Aerial map            | K. Comprehensive Plan Analysis           |
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### 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 the recommending body and City Council as the decision making body. This

land use applications were given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Land Use Planning Act.

**a. Notifications**

- |                                  |                                      |
|----------------------------------|--------------------------------------|
| i. Neighborhood Meeting          | August 22, 2016 (13 people attended) |
| ii. Agency Comment Request       | May 1, 2017                          |
| iii. 315' Property Owners Notice | June 16, 2017                        |
| iv. Kuna, Melba Newspaper        | May 31, 2017                         |
| v. Site Posted                   | June 15, 2017                        |

**B. Applicant's Request:**

Jay Walker with AllTerra Consulting, on behalf of Logan Patten with Kolo, LLC, request's approval to annex approximately 11.41 acres into Kuna City limits with a C-1 zone (Neighborhood Commercial), is consistent with the Comprehensive Plan Map. The subject property is located on the north east corner (NEC) of Meridian and Deer Flat Roads.

**C. Aerial Map:**



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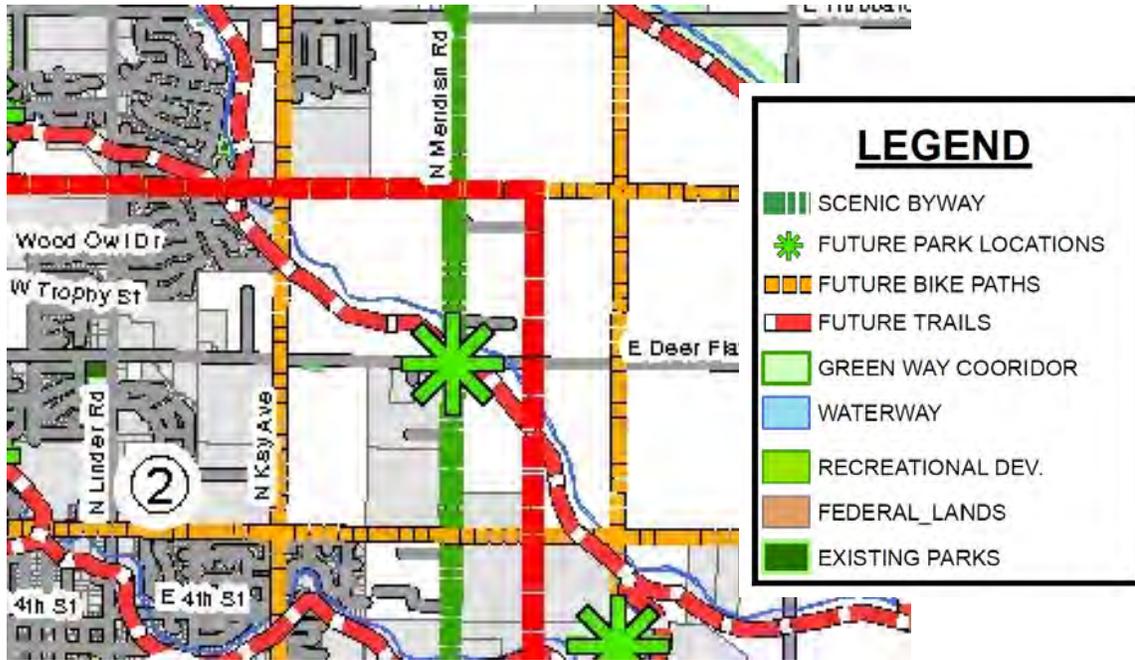
**D. Site History:**

This site is currently in unincorporated Ada County, and includes two parcels. The site has two homes and multiple outbuildings that will all be removed at time of development. Several accessory structures (to be removed) are on site and a corral; items that are typically associated with agricultural purposes.

**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 general future land uses, however, it is not the actual zone. The Comp Plan Map identifies this site as Commercial uses.

2. **Recreation and Pathways Map:** The Recreation and Pathways Master Plan Map indicates a future trail along the west side of the Kuna Canal which generally travels through the middle of the site (from south east to northwest). It is the City’s goal to increase the number of and connectivity to trails and pathways in Kuna. It is advantageous for each parcel to develop trails or pathways along frontages of canals and ditches to comply with the Recreation and Pathways Master Plan goals, by either constructing/improving a pathway segment, or extending a pathway/trail at time of development.



3. **Surrounding Land Uses:**

<b>North</b>	RUT	Rural Urban Transition – Ada County
<b>South</b>	C-1, R-6	Neighborhood Commercial & Medium Density Residential – Kuna City
<b>East</b>	RUT	Rural Urban Transition – Ada County
<b>West</b>	RUT	Rural Urban Transition – Ada County

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

- Parcel Sizes: Parcel One = 5.89 acres (approximately), Parcel Two = 4.29 (approximately).
- Zoning: RUT; Rural Urban Transition, (Ada County).
- Parcel No.s: Parcel One = S1418336332, Parcel Two = S1418336401

5. **Services:**

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

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

The land currently has two homes, multiple accessory buildings and a corral. This sites topography is generally flat. The soils appear to be a Hydrologic Group 'C' and possibly 'A' for the site with a general slope of less than 2%.

7. **Transportation / Connectivity:**

The applicant proposes two access points; the first point is on Meridian Road approximately 400' north of the intersection, and the second access is proposed on Deer Flat Road, approximately 350' east of the intersection. Staff notes that the Highway Overlay District (District) standards state that access to Meridian Road and other points of access within the District shall be limited to the full and/or mid-mile alignments, or at a distance greater than 600' from centerline of Meridian Road.

8. **Environmental Issues:**

Staff is not aware of any environmental, health or safety conflicts, beyond the high nitrate priority rating for the area.

9. **Agency Responses:**

The following agencies returned comments which are included with this case file:

- City Engineer (Antonio Conti, 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 4*
- COMPASS (Carl Miller), *Exhibit B 5.*
- Dept. of Environmental Quality (Aaron Scheff), *Exhibit B 6*

F. **Staff Analysis:**

This project requests annexation into Kuna City limits with a C-1 commercial zone. The Comprehensive Plan Map (CPM) designates this site as Commercial. The applicant is proposing new commercial uses. Because the site is located within the Overlay District, and adjacent to the Kuna Transportation/Commercial Corridor, staff views this request to be consistent with the Comp Plan and goals of the City Council.

The property is contiguous to Kuna City limits on the south and is adjacent to two principle arterials, (Meridian Rd/Highway 69 on the west, and Deer Flat Road on the south). Public utilities will be reasonably available in less than a year. Applicant is aware that it will be necessary to connect to sewer, potable water and pressure irrigation lines at time of development, as recommended in the City engineer's memo. Applicant intends to prepare the site for commercial uses. Applicant is aware that a preliminary plat and design review will be required for all future proposed buildings, landscaping (including pathway development), signage and parking lots.

Staff has reviewed Kuna's Comprehensive Plan (Comp Plan), which encourages commercial developments numerous times throughout the Comp Plan, and particularly within the Meridian Road corridor. The sections of the Comp Plan that address new commercial are included below, in Section K (Comp Plan analysis) of this report. The applicant will need to follow this annexation approval with a preliminary plat, in order to subdivide the property for development. Staff recommends the applicant work with Kuna Rural Fire District (KRFD) to ensure proper access and all servicing (including sprinkler needs) needs of the KRFD, throughout the development as well as coordinating access with Ada County Highway District & the ITD.

The Highway Overlay District (District) standards state that connection to Meridian Road and other points of access within the District shall be limited to the full and/or mid-mile alignments, or at distances greater than 600' from centerline of Meridian Road. Since this project does not touch a full/mid-mile road, Commission should consider allowing temporary entrances as proposed, with the condition that the City, ACHD or ITD

may enforce the Overlay District standards (or other policies / standards) as the area develops more in the future, in the form of a right-in/right-out for both proposed entrances due to traffic volume and safety concerns and/or needs.

Staff has determined that this application complies with Title 5 and Title 6 of the Kuna City Code; Idaho Statute § 67-6511; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case No. 16-11-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 June 27, 2017, the 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 at the north east corner of Meridian and Deer Flat Roads and is approximately 11.41 acres that are adjacent to City limits and currently zoned RUT (Rural Urban Transition – Ada County). Applicant requests annexation into Kuna with a C-1 (Neighborhood Commercial) zone. This project proposes to take access from Meridian Road and Deer Flat Road, both roads are classified roadways. The site is designated as commercial on the Comprehensive Plan Map.

**J. Findings of Fact:**

Based upon the record contained in Case No's **16-11-AN**, including the Comprehensive Plan, Kuna City Code, staff's report, the exhibits, and the testimony during the public hearing, Kuna's Commission hereby recommends *approval* of the Findings of Fact and Conclusions of Law, and conditions of approval for Case No. 16-11-AN to City Council, a request for annexation into Kuna City limits by the applicant as follows:

*The Commission concludes that the applications complies/does not 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 Commission held a public hearing on the subject applications on June 27, 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. 16-11-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 new commercial in Kuna. The Comp Plan Map designates this property as High Density. Whereas this project proposes new commercial along Meridian Road, which has been designated as a commercial corridor, and this project proposes new commercial uses, and the project generally follows the goals of the Comp Plan and the Comp Plan Map.*

3. The Commission has the authority to recommend approval / conditional approval / denial of these applications.

**Comment:** On June 27, 2017, Commission voted to recommend approval for case No. 16-11-AN.

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

**Comment:** As noted in the process and noticing sections, notice requirements were met to hold a public hearing on June 27, 2017.

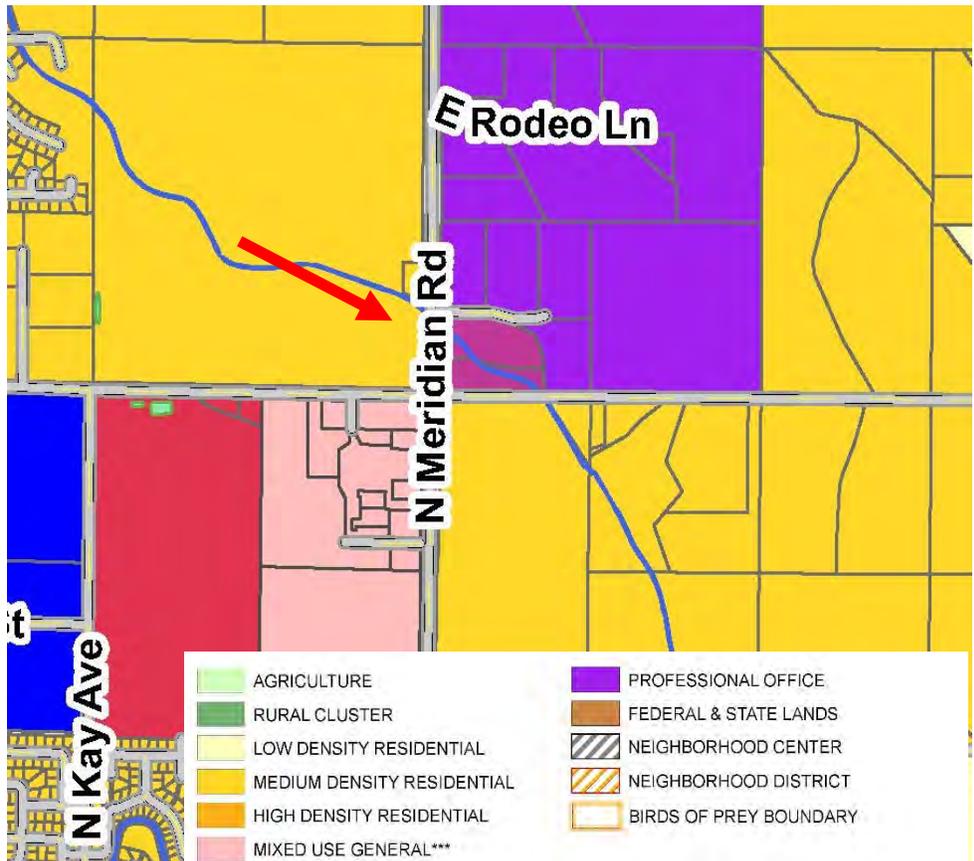
**K. Comprehensive Plan Analysis:**

Commission determines the proposed commercial use for the site is consistent with the following Comp Plan components:

New Commercial:

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 commercial uses. This project has proposed new commercial, therefore it generally conforms to the Comp Plan and the Future Land Use Map.



	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

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:

**LEGEND**

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 calls for increasing pedestrian connections. This project adds to Kuna’s new commercial inventory and provides opportunities for pedestrian pathway connections with development of the site.*

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. 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, 2.2.1, and 6.4.1 Def. Pg. 89 [CP]).

**Comment:** *This project adds a quality commercial opportunity to the City’s inventory.*

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 new commercial development adding to employment opportunities and may reduce commuter trips, therefore, it complies with the comp plan goals and policies*

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 commercial and other quality developments, adding to the pedestrian pathway network and adding possibly in the future, and widening Deer Flat Road, 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.*

**L. Idaho State Code Analysis:**

1. **IC §67-6511 (2) C** requires that the Council 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. 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 commercial development as a commercial retail / service, as proposed.

**Comment:** *The 11.41 acre (approximate) project appears to be suitable for commercial development, as proposed.*

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

**Comment:** *The land to be developed commercially is not used as wildlife habitat. Uses for the site 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 proposed commercial uses for the property would generally comply with the Comp Plan. The project will be required to 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 commercial uses and the location of the property with current adjacent uses.*

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

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

6. Based on the evidence contained in Case No. 16-11-AN, Commission finds Case No. 16-11-AN adequately complies with Kuna City Code.

7. Based on the evidence contained in Case No. 16-11-AN, Commission finds Case No. 16-11-AN generally complies with Kuna's zoning Code.

**N. Recommendation of the Commission to Council:**

On June 27, 2017, the Commission voted to recommend *approval* for Case No. 16-11-AN, based upon the Comp Plan, Kuna City Code, the record before the Commission, the applicant's presentation and testimony at the June 27, 2017, and discussion at the public hearing, the Kuna Commission hereby votes to recommend *approval* for Case No. 16-11-AN with the following conditions of approval *at time of development*:

- Follow staff conditions and recommended conditions as outlined in the staff report and appropriate agency comments as discussed at the meeting.
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. Applicant shall apply for design review for all buildings, landscaping, and parking lot for the site.
  7. Street lights and parking lights for the site shall be LED lighting and must comply with Kuna City Code.
  8. Parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
  9. 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.
  10. All signage within/for the project shall comply with Kuna City Code.
  11. All 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.

12. Applicant shall be conditioned to connect to City to Kuna Sewer and Potable Water, as recommended by City Engineer.
13. 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.
14. Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
15. Developer/owner/applicant shall comply with all local, state and federal laws.

**DATED:** This 13th day of July, 2017.

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST: \_\_\_\_\_  
Troy Behunin, Planner III, Kuna P & Z Department



# City of Kuna

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

## Findings of Fact and Conclusions of Law

**To:** Kuna Planning and Zoning Commission acting as the Design Review Committee

**File Numbers:** 17-04-SUP (Special Use Permit) & 17-10-DR (Design Review); convenience store with fuel stations and car wash.

**Location:** 1565 East Deer Flat Road  
Kuna, Idaho 83634

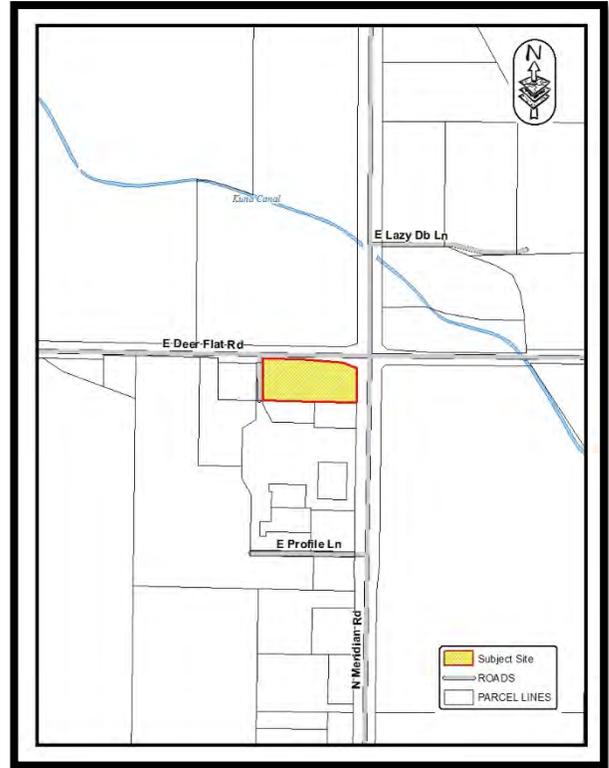
**Planner:** Jace Hellman, Planner I

**Hearing date:** June 27, 2017

**Findings:** July 13, 2017

**Applicant:** RADIX – Ross Holloway  
16 12<sup>th</sup> Ave S. Suite 102  
Nampa, ID 83651  
208.442.7106  
[rossh@radixconstruction.com](mailto:rossh@radixconstruction.com)

**Owner:** Hansen & Hansen, LCP  
2251 N Holmes Ave.  
Idaho Falls, ID 83401



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### A. Course of Proceedings:

1. Applicant is proposing a convenience store with fuel stations and a car wash as described in 5-3-2 and 5-1-6-2 (Convenience Store, Car Wash and Fuel Sales; Definitions). Kuna City Code (KCC) requires obtaining a Special Use Permit (SUP) for fuel sales/stations and a Design Review for a convenience Store and car wash.
2. In accordance with KCC Title 5, Chapters 1 and 3, this application seeks SUP and Design Review approval for a convenience store with fuel stations and a car wash

#### a. Notifications

- i. Neighborhood Meeting May 16, 2017 (Two Attendees)

- ii. Agencies May 23, 2017
- iii. 300' Notice to Property Owners June 1, 2017
- iv. Kuna, Melba Newspaper June 7, 2017
- v. Site Posted June 15, 2017

**B. Applicants Request:**

a Special Use Permit (SUP) and Design Review (DR) request from RADIX Construction Inc. to construct a new convenience store, fuel stations and car wash. The site is located at 1565 East Deer Flat Road, Kuna, ID 83634.

**C. Aerial Map:**



**D. History:**

This site has been historically zoned Neighborhood Commercial District (C-1).

**E. General Projects Facts:**

1. **Surrounding Land Uses:**

<b>North</b>	RUT	Rural Urban Transition – Ada County
<b>South</b>	C-1	Neighborhood Commercial District – Kuna City
<b>East</b>	C-1	Neighborhood Commercial District – Kuna City
<b>West</b>	C-1	Neighborhood Commercial District – Kuna City

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

- Parcel Size: 2.78 acres
- Zoning: Neighborhood Commercial District (C-1)
- Parcel #: S1324110230

3. **Services:**

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

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

The current site consists of a bare dirt lot.

5. **Transportation / Connectivity:**

Access is proposed as a right-in/right-out only, curb return type driveway with a minimum 30-foot radii accessing Deer Flat Road from the site, located 348-feet west of SH-69/ Meridian Road. Access will also be available from North Abstein Lane. Full access to the site off Deer Flat Road would not meet ACHD or City Access Management standards and therefore the applicant is required to install a 6-inch concrete median in Deer Flat Road from State Highway 69/Meridian Road to the west, and should instruct a minimum of 75-feet beyond the edge of the driveway, which would prevent westbound turning from the driveway approach location.

6. **Environmental Issues:**

Apart from being in the nitrate priority area, staff is not aware of any environmental issues, health or safety conflicts at this time. This site's topography is generally flat.

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

The Future Land Use Map (FLU) identifies this site as mixed-use general. Staff views this proposed special use and Design Review request to be consistent with the surrounding zoning designations and uses as designated in the Comprehensive Plan Future Land Use Map.

8. **Agency Responses:**

The following agencies returned comments which are included as exhibits with this case file:

- Department of Environmental Quality (June 5, 2017) – Exhibit B5
- Kuna City Engineer (May 26, 2017) – Exhibit B7
- Central District Health Department (June 6, 2017) – Exhibit B8
- ACHD (June 22, 2017) – Exhibit B9

**F. Staff Analysis:**

The applicant is proposing to construct a new convenience store with fuel stations and carwash at the corner of North Meridian Road and East Deer Flat Road. The applicant indicates that the hours of operation will be from 5am to 11pm, seven days a week. The site is currently zoned Neighborhood Commercial District (C-1). Under this zoning designation, a convenience store and car wash is outright permitted and only requires a design review. With the addition of fuel sales, a special use permit is required as well.

Staff finds that the proposed commercial building for KJ's Superstore is in general conformance with the Design Review Ordinance (Kuna City Code [KCC] Title 5, Chapter 4).

Staff finds the proposed Landscaping to be in conformance with the KCC Title 5 Chapter 17, the Landscaping Ordinance.

Staff finds the proposed lighting to be in compliance with the KCC Title 5 Chapter 9.

The applicant has proposed 39 parking spaces, two of which will be designated handicapped parking. Staff finds the parking lot is in substantial conformance with KCC Title 5 Chapter 9.

Applicant is subject to design review inspections and fees (post construction), for compliance verification of the building, parking lot, landscaping and signage, prior to the Certificate of Occupancy being issued.

Based upon Deer Flat Road's roadway classification as a minor arterial roadway and ACHD driveway location policy, and due to the location of the proposed driveway approach access, staff feels that the request from ACHD for a six-inch concrete median is necessary in order to create a right-in/right-out only driveway and prohibit westbound turning from the proposed driveway approach location on Deer Flat Road.

Staff has determined that this application complies with Title 5 of Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case #17-04-SUP, subject to the recommended conditions of approval.

**G. Applicable Standards:**

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

**H. Comprehensive Plan Analysis:**

The Kuna Planning and Zoning Commission may accept the Comprehensive Plan components as described below:

1. The proposed Special Use Permit and Design Review applications for the site are consistent with the following comprehensive plan components:

**2.0 – Property Rights**

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

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

**5.0 – Economic Development**

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

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

**Goal 2: *Expand Kuna's shopping and entertainment opportunities.***

Objective 2.1:

Assist in retaining or expanding sales opportunities in entertainment, sit-down restaurants, and neighborhood/convenience shopping categories. Encourage neighborhood and community-scale retail

Objective 2.2:

Promote the development of neighborhood retail centers throughout the City.

**6.0 – Land Use**

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

Objective 2.2:

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

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

**I. Findings of Fact:**

1. All required procedural items have been completed as shown in the staff report.
2. The convenience store with fuel stations and car wash generally complies with Kuna’s Comprehensive Plan.
3. Public services are adequate to accommodate this site’s intended use.
4. The site is zoned C-1 and is generally appropriate for fuel sales by obtaining a special use permit, as well as a convenience store and car wash.
5. The site is physically suitable for the proposed special use.
6. The use appears to be in compliance with all ordinances and laws of the City.
7. The use does not appear to be detrimental to the present and potential surrounding uses; to the health, safety, and general welfare of the public, considering the physical features of the site, facilities and existing adjacent uses.
8. The existing and proposed street and utility services in proximity to the site are suitable and adequate for the proposed convenience store with fuel stations and car wash.
9. The Kuna planning commission accepts the facts as outlined in the staff report, public testimony and the supporting evidence as presented.
10. The Planning and Zoning Commission of Kuna, Idaho, has the authority to approve, conditionally approve or deny the special use permit application.
11. The Design Review Committee of Kuna, Idaho, has the authority to approve, conditionally approve or deny the Design Review application.
12. The neighborhood meeting was held on May 16, 2017, and the notification requirements were met.
13. All notifications and the public hearing were conducted within the guidelines of applicable Idaho Code and City Ordinances.

**J. Conclusions of Law:**

1. The convenience store with fuel stations and car wash is consistent with Kuna City Code.
2. The convenience store with fuel stations and car wash meets the general objectives of Kuna’s Comprehensive Plan.
3. The site is physically suitable for its proposed use.
4. The convenience store with fuel stations and car wash is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. The convenience store with fuel stations and car wash is not likely to cause adverse public health problems.
6. The convenience store with fuel stations and car wash is in compliance with all other ordinances and laws of the City.
7. The convenience store with fuel stations and car wash is not detrimental to the present and potential surrounding uses; or, 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.
8. The existing and proposed street and utility services in proximity to the site are suitable and adequate for convenience store with fuel stations and car wash purposes.

9. Based on the evidence contained in Case #17-04-SUP & 17-10-DR, this proposal appears to comply with Title 5, Chapters 4 and 6 of Kuna City Code.
10. Based on the evidence contained in Case #17-04-SUP & 17-10-DR, this proposal appears to comply with the Kuna Comprehensive Plan and the Future Land Use Map.
11. The Planning and Zoning Commission of Kuna, Idaho, has the authority to approve, conditionally approve or deny this SUP application.
12. The Design Review Committee of Kuna, Idaho, has the authority to approve, conditionally approve or deny the Design Review application.
13. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**K. Decision by the Commission:**

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

Based on the facts outlined in staff's report and public testimony as presented, the Planning and Zoning Commission of Kuna, Idaho, hereby approves Case No. 17-04-SUP, a Special Use Permit and 17-10-DR, a Design Review request by Radix Construction for a convenience store, carwash and fuel stations, with the following conditions of approval:

1. The applicant shall obtain a building permit for required building modifications, remodeling, or additions to the existing structure, prior to construction.
2. In the event the uses or the building on this parcel are enlarged, expanded upon or altered in anyway (even for temporary purposes), the applicant shall seek an amendment to the approvals of this Special Use Permit through the public hearing process.
3. The applicant shall obtain written approval of the construction plans from the agencies noted below. The approval may be either on agency letterhead referring to the approved special use or may be written or stamped upon a copy of the approved plans. All site improvements are prohibited prior to approval of these agencies and the issuance of a building permit:
  - 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 KMID 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).
4. All public right-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may be commenced without the approval of the Ada County Highway District. Any work within the Ada County Highway District right-of-way requires a permit. For information regarding the requirements to obtain a permit, contact Ada County Highway District Development Services at (208) 387-6100.
5. Applicant shall dedicate additional right-of-way to total 56-feet of right-of-way from centerline of Deer Flat Road abutting the site. Right-of-way dedication is impact fee eligible. (see exhibit B9)
6. Applicant shall construct an 8-foot wide detached concrete sidewalk along deer flat road as proposed, located a minimum of 49 feet from the centerline, abutting the site. (see exhibit B9)
7. Applicant shall close the existing driveway onto Deer Flat Road from the site with concrete sidewalk. (see exhibit B9)

8. Applicant shall construct a maximum 36-foot wide, right-in/right-out only, curb return type driveway with minimum 30-foot radii onto Deer Flat Road from the site, located 348-feet west of State Highway 69/ Meridian Road. (see exhibit B9)
9. Applicant shall pave the driveway its entire width and at least 30-feet into the site beyond the edge of pavement of Deer Flat Road. (see exhibit B9)
10. Applicant shall install a 6-inch concrete median in Deer Flat Road from State Highway 69/ Meridian Road and extending 75 feet west of the drive, but should not restrict the existing driveway. (see exhibit B9)
11. Applicant shall pay all ACHD impact fees prior to issuance of a building permit from the City of Kuna.
12. 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.
13. 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.
14. Compliance with the requirements of the Boise Project Board of Control and KMID is required.
15. Lighting on site shall comply with KCC Title 5 Chapter 9.
16. Landscaping on site shall comply with KCC Title 5 Chapter 17.
17. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace any unhealthy or dead plant material immediately (within 3 days as weather permits) 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 and/or private entities owning the property.
18. Plans pertaining to the food establishment shall be submitted to Central District Health Department for review. (see exhibit B8)
19. Gasoline dispensing facilities in Ada and Canyon County shall be subject to the Stage 1 vapor collection requirements of IDAPA 58.01.01.592 through 598. (see exhibit B5)
20. Under IDAPA 58.01.01.201 owner or operator of a facility shall be required to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities about established levels. (see exhibit B5)
21. Per DEQ request, applicant shall comply with ground water quality rules (IDAPA 58.01.11, which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, inures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method." (see exhibit B5)
22. Parking on site shall comply with KCC 5-9 (Except as specifically approved otherwise).
23. This special use permit is valid if the conditions of approval are adhered to continuously. In the event the conditions are not continuously followed; the special use permit approval may be revoked by the Planning and Zoning Commission.
24. A separate design review will be required for all signage.
25. The special use permit is not transferable from one parcel of land to another.
26. The applicant shall follow all staff and agency recommendations
27. All local, state and federal laws shall be complied with.

DATED this 13<sup>th</sup> day of July

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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Jace Hellman, Planner I  
Kuna Planning and Zoning Department



# City of Kuna

## Findings of Fact and Conclusions of Law

P.O. Box 13  
Kuna, ID 83634  
Phone: (208) 922-5274  
Fax: (208) 922-5989  
www.Kunacity.Id.gov

**To:** Planning and Zoning Commission

**Case Numbers:** 17-03-SUP (Special Use Permit) –  
*Smoky Mountain Pizzeria Grill*

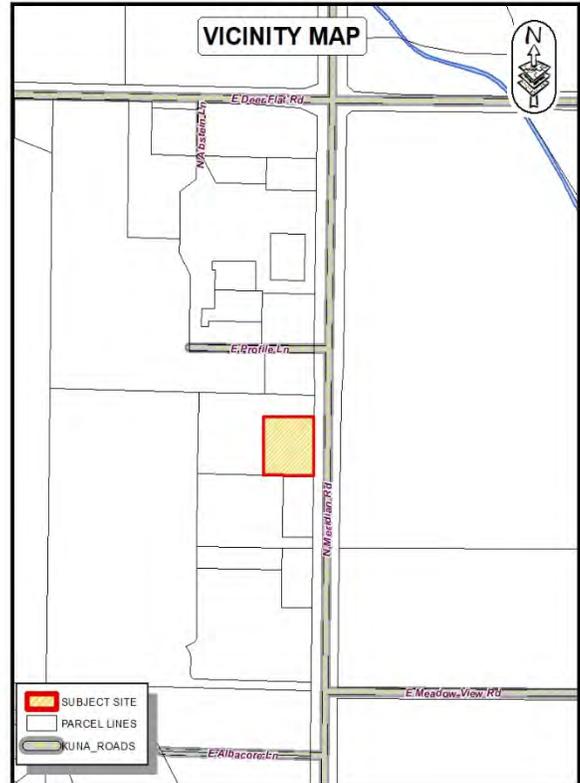
**Location:** 1011 South Meridian Road, Kuna, ID.  
- South of Ridley’s Market – SWC of  
Meridian & Deer Flat.

**Planner:** Trevor Kesner, Planner II

**Hearing Date:** June 27, 2017  
**Findings:** July 13, 2017

**Applicant:** **Dan Todd**  
Smoky Mountain Pizzeria  
4098 E. 41<sup>st</sup> St.  
Boise, ID 83714  
[dantodd@smkymt.com](mailto:dantodd@smkymt.com)

**Representative:** **Amanda Ryan**  
BRS Architects  
1010 S. Allante Pl., Ste. 100  
Boise, ID 83709  
208.336.8370  
[amanda@brsarchitects.com](mailto:amanda@brsarchitects.com)



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| <b>B.</b> Applicant Request  | <b>F.</b> Staff Analysis             |
| <b>C.</b> Vicinity Maps      | <b>G.</b> Applicable Standards       |
| <b>D.</b> History            | <b>H.</b> Decision by the Commission |

### A. Course of Proceedings:

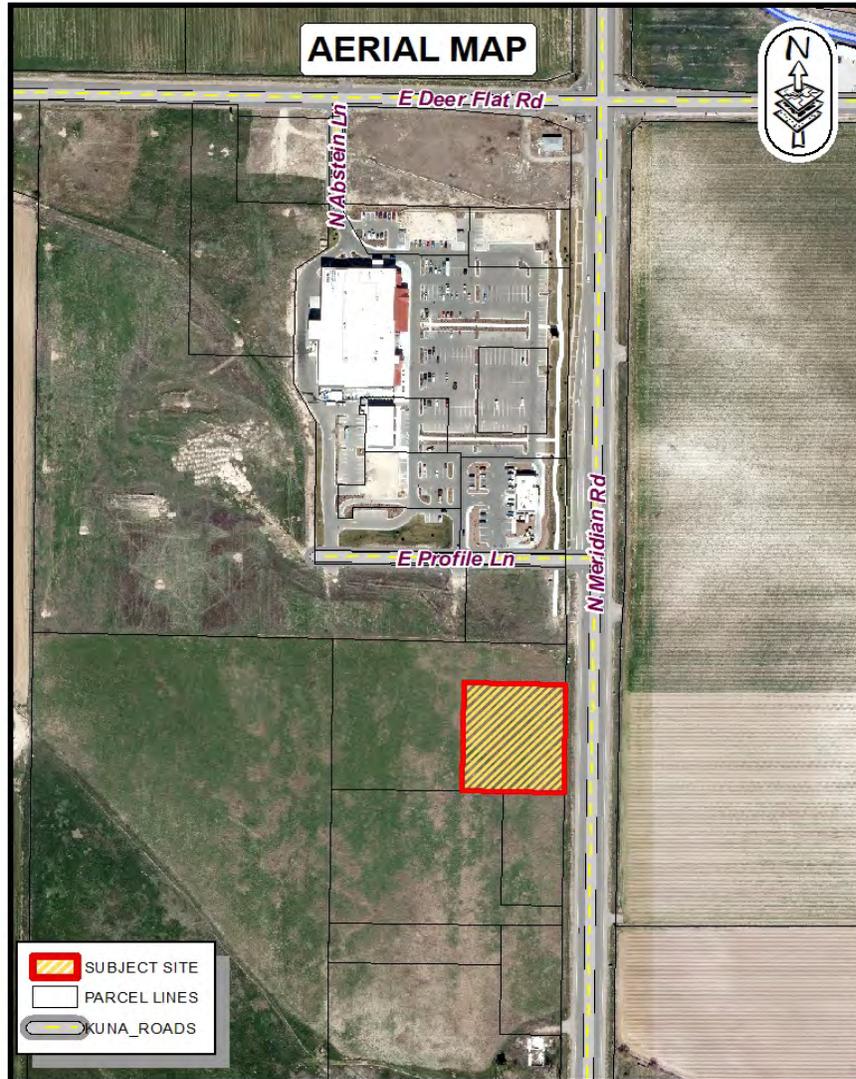
1. According to KCC, Title 5, Chapter 1 (Zoning Provisions), and Chapter 3 (Zoning District Regulations), Section 2; any restaurant with a bar requires a Special Use Permit (SUP) approval. As a public hearing item, the SUP requires formal public noticing actions.
  - a. **Notifications**

i. Neighborhood Meeting	May 16, 2017 (no attendees)
ii. Agencies	May 19, 2017
iii. 300’ Property Owners	May 31, 2017
iv. Kuna, Melba Newspaper	May 31, 2017
v. Site Posted	June 05., 2017
2. In accordance with KCC, Title 5, Chapter 1 (Zoning Provisions), and Chapter 3 (Zoning District Regulations), Section 2; the applicant seeks SUP approval to operate a full-service bar within a new Smoky Mountain Pizzeria Grill restaurant in Kuna.

**B. Applicant Request:**

1. Applicant requests Special Use Permit approval from the Planning and Zoning Commission to operate a full-service bar within the newly proposed Smoky Mountain Pizzeria Grill restaurant to be located at 1011 N. Meridian Road, on Lot 2, Block 1 within the Ensign Commercial subdivision.

**C. Aerial Map:**

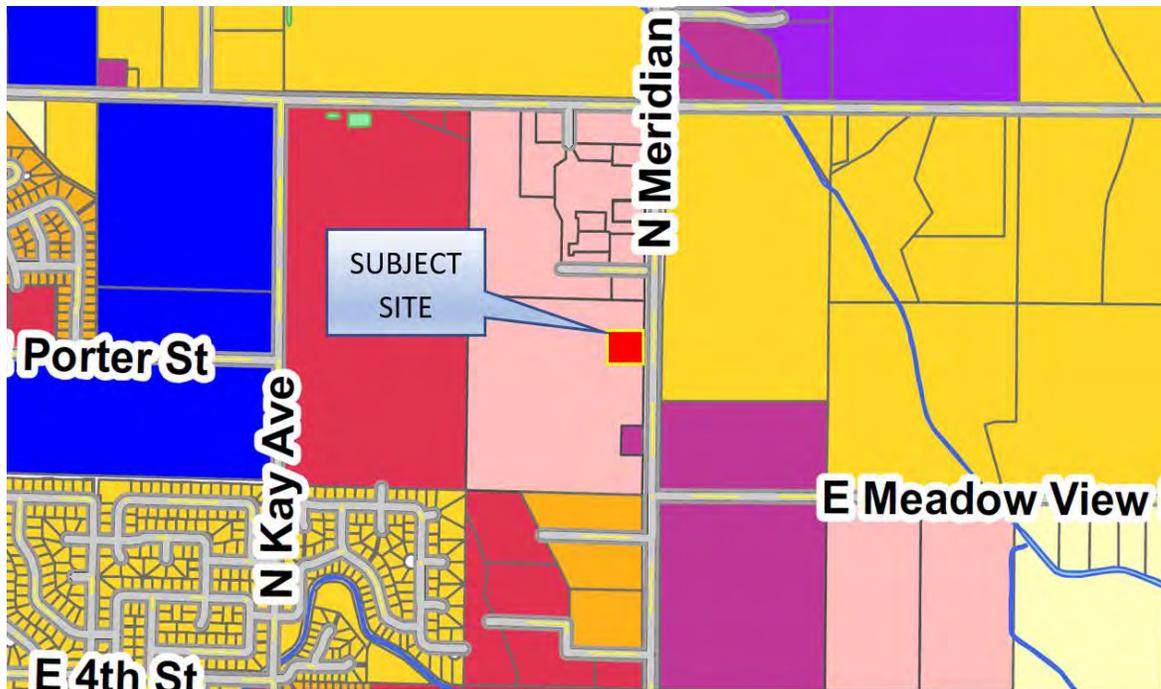


**D. History:**

The subject property is in City limits and is currently zoned C-1 (Neighborhood Commercial District). This parcel has historically been farmed.

- E. General Project Facts:** The subject parcel is south of the Ridley’s Family Subdivision No. 1 development, and east of the new Tractor Supply Company store – Kuna, Idaho. The new restaurant will be approximately 4,069 square feet in size and includes a patio area for outdoor dining.

1. **Comprehensive Plan Designation:** The Comprehensive Plan Map (CPM) identifies this site as Mixed-Use General, and has a current commercial zoning designation of ‘C-1’. Staff views this request to be consistent with the approved comprehensive plan future land use map.



**Legend**



**2. Surrounding Land Uses:**

<b>North</b>	C-1	Neighborhood Commercial – Kuna City
<b>South</b>	C-1	Neighborhood Commercial – Kuna City
<b>East</b>	RUT	Rural Urban Transition – Ada County
<b>West</b>	C-1	Neighborhood Commercial – Kuna City

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

- Approximately 1.45 acres.
- C-1, Neighborhood Commercial
- Parcel No. R2404320020

**4. Services:**

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

5. **Existing Structures, Vegetation and Natural Features:** The property is currently an unimproved commercial building pad and has no existing buildings or vegetation.
6. **Transportation / Connectivity:** The site is primarily accessed via the ingress/egress driveway provided internally to the Ensign commercial development; which takes access directly from the Highway 69/Meridian Road approach. The site has additional approved driveway access ingress/egress from East Profile Lane, south of McDonalds. The site abuts the existing sidewalk along Highway 69/Meridian Road.
7. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts. This site's topography is generally flat.

**F. Staff Analysis:**

Applicant received Design Review approval for the newly proposed commercial building for Smoky Mountain Pizzeria restaurant on June 13, 2017.

According to Kuna City Code, the sale of alcoholic beverages from the proposed full-service bar within the restaurant is allowed with Special Use Permit approvals and city licensure according to the provisions of KCC 3-1-1; provided that the establishment's front door is more than 300 feet away from a school or place of worship according KCC 5-3-2-36. The front door of the newly proposed restaurant (as approved) will not be situated within 300 feet of any school or place of worship.

Staff views the proposed Special Use to be generally consistent with the goals and vision of the overlay district and Kuna city. Staff forwards a recommendation of approval for 17-03-SUP to the Planning and Zoning Commission.

**G. Applicable Standards:**

1. City of Kuna Zoning Ordinance No. 230 and Ordinance No. 2016-28, § 3, 9-6-2016

**H. Proposed Decision by the Commission:**

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

On June 27, 2017, the Planning and Zoning Commission voted to approve case No. 17-03-SUP, based on the facts outlined in staff's report, the case file and testimony at the public hearing. The Planning and Zoning Commission of Kuna, Idaho, hereby approves Case No. 17-03-SUP, a Special Use Permit request by Amanda Ryan with BRS Architects on behalf of Dan Wood with Smoky Mountain Pizzeria Grill (with express permission from the current property owner, Emmett Partners, LLC), with the following conditions of approval:

- Follow all conditions as outlined in the staff report.

**Conditions of Approval:**

1. In the event the uses or the building on this parcel are enlarged, expanded upon or altered in anyway (even for a temporary purpose), the applicant shall seek an amendment to the approvals of this SUP.
2. The applicant shall obtain a liquor license from the state of Idaho and the City of Kuna in accordance with state and local laws.
3. This SUP is valid if the conditions of approval are adhered to continuously. In the event the conditions are not continuously followed, this SUP may be revoked by the Planning and Zoning Commission.
4. The applicant shall follow all staff and agency recommendations.
5. The applicant shall fully comply with all federal, state and local laws.

DATED this 13<sup>th</sup> day of July 2017

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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Trevor Kesner, Planner II  
Kuna Planning and Zoning Department



# City of Kuna

## Planning & Zoning Staff Report

P.O. Box 13  
Kuna, ID 83634  
Phone: (208) 922-5274  
Fax: (208) 922-5989  
Kunacity.id.gov

**To:** Kuna Planning and Zoning Commission

**Case Number:** 17-03-S, 17-03-ZC, and  
17-06-DR: Deserthawk  
Subdivision No. 4

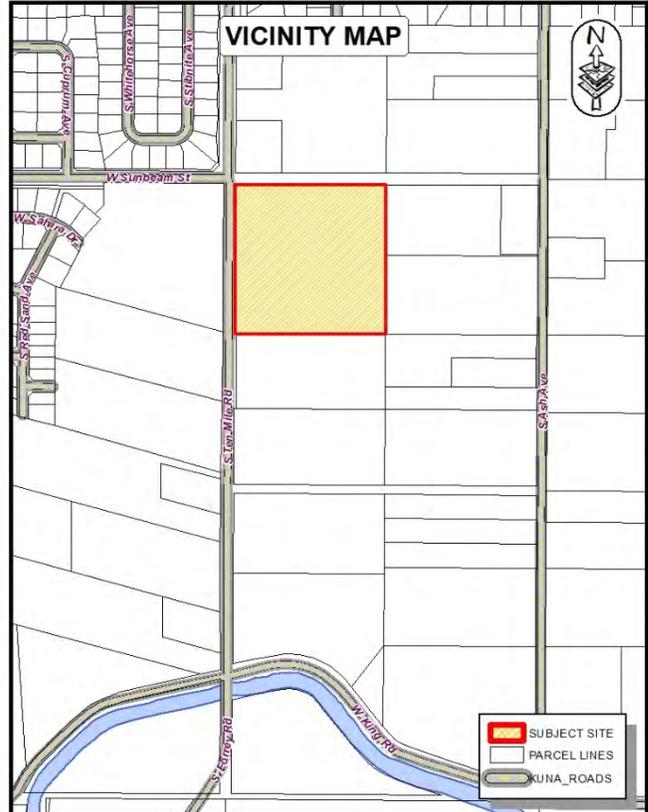
**Location:** Southeast corner (SEC) of  
South Ten Mile Road and  
West Sunbeam Street;  
874 S. Ten Mile Rd.  
Kuna, Idaho

**Planner:** Trevor Kesner, Planner II

**Hearing Date:** July 13, 2017

**Applicant:** Endurance Holdings, LLC  
1977 E. Overland Rd.  
Boise, ID 83705  
208.343-3381

**Project Engineer:** David Crawford  
B&A Engineers  
5505 W. Franklin Rd.  
Boise, Idaho 83705  
208.343.5792



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| B. General Facts, Staff Analysis | F. Proposed Conclusions of Law         |
| C. Applicable Standards          | G. Proposed Decision by the Commission |
| D. Comprehensive Plan Analysis   |  |

### A. Course of Proceedings

1. Proposing a Preliminary Plat and Rezoning lands for a residential subdivision are both designated in Kuna City Code (KCC), 1-14-3 as a public hearing matter, with the Planning and Zoning Commission as the recommending body, and City Council as the decision-making body; and a Design Review for subdivision common area landscaping is designated as a public meeting, with the Planning and Zoning Commission (acting as Design Review Committee) as the decision-making body. These land use requests provided proper public notice and followed the requirements set forth in Idaho Code, Chapter 65-Local Land Use Planning Act.

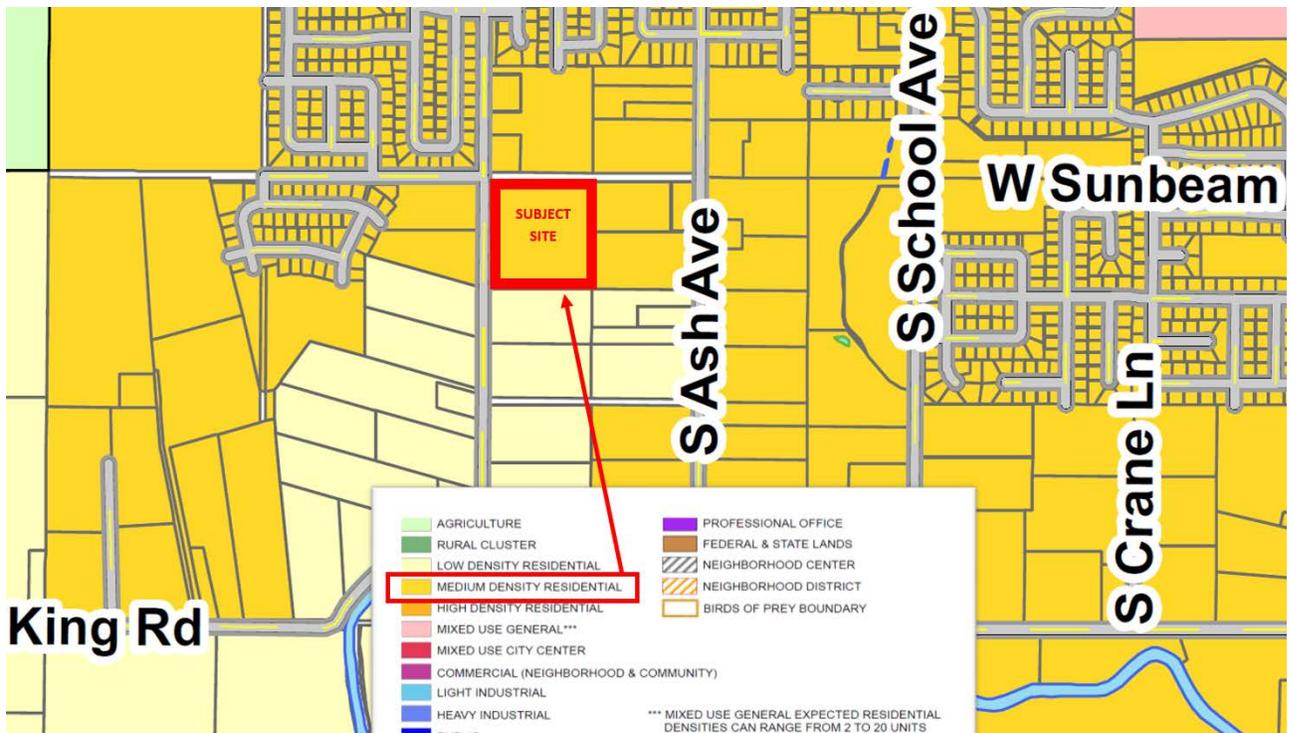
#### a. Notifications

- |                            |               |
|----------------------------|---------------|
| i. Agencies                | May 22, 2017  |
| ii. 300' Property Owners   | June 01, 2017 |
| iii. Kuna, Melba Newspaper | June 07, 2017 |
| iv. Site Posted            | June 30, 2017 |

2. In accordance with KCC Title 6 in Kuna City Code (KCC) this application seeks approval for Design Review and Rezone and Preliminary Plat (residential subdivision) recommendations to City Council for Deserthawk Subdivision No. 4.

**B. General Project Facts, Staff Analysis:**

1. **Request:** A preliminary plat, rezone and design review request from David Crawford with B&A Engineers, representing owners, Endurance Holdings, LLC to rezone an approximately 9.43-acre parcel within an existing agricultural (Ag) zone to a medium density residential (R6) designation, and subdivide the parcel into 34 residential building lots and seven (7) common lots. The subject site is located approximately 2500 feet south of the intersection of West Avalon Street and South Ten Mile Road on the southeast corner (SEC) of South Ten Mile Road and West Sunbeam Street, and is addressed as 874 S. Ten Mile Rd., Kuna, Idaho.
2. The applicant has submitted all the necessary documents and materials for review and has held the appropriate neighborhood meeting (three attendees) and has posted the site in accordance with KCC 5-1A-8 posting requirements.
3. **History:** The subject site has historically been used as a residential home site with associated agricultural-related uses (pasture).
4. **Legal Description:** A legal description was included with the application documents (deed).
5. **Comprehensive Plan Designation:** The Comprehensive Plan Future Land Use map indicates the site has a designation of Medium Density Residential. In accordance with KCC 5-3-2, staff views this residential use request as compatible with the Comprehensive Plan.



6. **Recreation and Pathways Map Designation:** The Recreation and Pathways Master Plan Map indicates a future trail along South Ten Mile Road; however, there is no indication of a future trail to be situated on the subject site.



6.1 **Aerial Map:**



**6.2 Parcel Numbers:** APN: R5070501800

**6.3 Parcel Sizes and Current Zoning:**

Acres: 9.43 acres

Zoning: R-6

**6.4 Services:**

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

**6.5 Existing Structures, Vegetation and Natural Features:** The subject site has a residential home, two accessory structures (detached shop and hay shelter), and numerous farm trucks and equipment. The site is generally flat. The existing vegetation consists of a tilled farm field with the exception of approximately 14 mature trees which are commonly associated with a residential home, clustered on the southeast side of the existing home along the S. Ten Mile Road frontage. The applicant asserts that the existing trees are unhealthy and/or are an undesirable species. The applicant proposes removal of the existing trees mitigated via the installation of common area landscaping.

**6.6 Transportation / Connectivity:** The subject site’s existing public roadway frontage is on South Ten Mile Road, which is currently two (2) travel lanes on approximately 25-feet of pavement within 50 feet right-of-way, and no curb, gutter or sidewalk abutting the site. Applicant proposes to improve South Ten Mile Road on the East side, abutting the site with a detached 5-foot meandering sidewalk adjacent to the right-of-way in the common area buffer strip. The West Sunbeam Street alignment abutting the northerly boundary of the site is currently unimproved right-of-way. Applicant has proposed to construct the section of South Ten Mile Road abutting the site as half of a 72-foot street section; however, Ada County Highway District and Planning and Zoning staff are recommending this section of South Ten Mile Road be constructed as a half of a 3-lane, 49-foot street section with 24.5-feet of pavement from centerline with curb, gutter and a minimum five (5)-foot detached sidewalk.

ACHD has recommended the applicant construct the unimproved/unopened right-of-way for West Sunbeam Street as half of a 36-foot wide street section, with an additional 12-feet of pavement north of the centerline, with curb, gutter and a minimum five (5)-foot detached sidewalk or seven (7)-foot wide attached sidewalk.

**6.7 Public Services, Utilities and Facilities:** The following agencies returned comments which are included as exhibits with this case file:

- City Engineer - Exhibit B.1
- Department of Environmental Quality - Exhibit B.2
- Ada County Highway District - Exhibit B.4
- Central District Health Department - Exhibit B.5
- COMPASS (Development Checklist) - Exhibit B.6
- Idaho Transportation Department - Exhibit B.7
- Kuna School District - Exhibit B.8

- Nampa Meridian Irrigation District - Exhibit B.9

**6.8 Surrounding Land Uses:**

Direction	Current Zoning and Jurisdiction	
<b>North</b>	A/ R-4	Agriculture – Kuna City/ Medium-Low Density Residential – Kuna City
<b>South</b>	R-6	Medium Density Residential – Kuna City
<b>East</b>	A/ RUT	Agriculture – City of Kuna/ Rural Urban Transition – Ada County
<b>West</b>	R-6	Medium Density Residential – Kuna City

**C. Applicable Standards:**

1. City of Kuna Design Review Ordinance, 2011-08.
2. City of Kuna Subdivision Ordinance No. 2010-15, Title 6 Subdivision Regulations.
3. City of Kuna Zoning Ordinance Title 5, Chapter 13
4. City of Kuna Landscape Ordinance No. 2006-100.
5. City of Kuna Comprehensive Plan.
6. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

**D. Comprehensive Plan Analysis:**

The Planning and Zoning Commission may accept or reject the Comprehensive Plan components as described below:

1. The proposed design review, rezone and subdivision is consistent with the following Comprehensive Plan components:

**GOALS AND POLICIES – Property Rights**

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

Policy 1: As part of a land use action review, 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:** Staff has evaluated the Idaho Attorney General’s six criteria established for the potential for property takings with the City’s attorney and has determined that the subject property’s economic viability remains intact.

Economic Development Goals and Objectives - Section 5 - Summary:

Ensure an adequate supply of housing for all income levels and facilitate pedestrian connections, both visually and physically, to enhance pedestrian movement.

**Comment:** The proposed application complies with the comprehensive plan by providing a mix of lot sizes and sidewalk connectivity throughout and abutting the subdivision to meet this goal.

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.

**Comment:** *The project complies with the land use plan as adopted by the City by incorporating the following; open space (common lots) and varied housing choices and types to promote desirable, cohesive community character and a quality neighborhood that is generally cohesive with the existing residential land uses.*

Public Services, Facilities and Utilities Goals and Objectives - Section 8 -Summary:

Provide adequate services, facilities, and utilities for all City residents and annex contiguous properties that request City services. Ensure that development within Kuna connects into the City's sanitary sewer and potable water systems and continue expansion of the City's sewer systems as resources allow.

**Comment:** *Kuna has adequate services to serve this development. This application will extend the City's sanitary sewer system, potable water and adds to the pressure irrigation mainline in an orderly fashion.*

Transportation Goals and Objectives - Section 9 - Summary:

Work with ACHD, COMPASS, and ITD to promote and encourage bicycling and walking as transportation modes. Develop a transportation strategy and identify future transit corridors while requiring developers to preserve rights-of-way, to improve mobility on major routes while balancing land use planning with transportation needs.

**Comment:** *ACHD has provided comments and a staff report and the City engineer has provided comments and recommendations. The project meets the transportation goals of the City by constructing sidewalks and roadways through the development and fronting the site on South Ten Mile Road to create additional pedestrian and roadway connections.*

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 residential 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.

**Comment:** *Applicant has proposed 34 single family building lots of varied sizes to be developed in a logical and orderly manner and provides for building lots that are much smaller than one half acre.*

Community Design Goals and Objectives - Section 13 - Summary:

Strengthen Kuna's Image through good community and urban design principles that create self-sufficient neighborhoods. Foster good community design concepts that incorporate landscape features to serve as buffers between incompatible uses while reducing scale and create a sense of place.

**Comment:** *The application incorporates sound community design elements and landscape features to buffer incompatible uses and collector roadway noise; and provides pedestrian sidewalks and street widths which creates a sense of place for this phase of Deserthawk, but is also incorporated with the entire Deserthawk community, which fosters neighborhood interactions and activities.*

**E. Findings of Fact:**

1. All required procedural items have been completed as detailed in this staff report.
2. The proposed residential development generally complies with the goals and objectives set forth in Kuna's Comprehensive Plan.
3. The proposed residential development complies with the Kuna City Code.
4. Public services are available and are adequate to accommodate this site's development.
5. The proposed residential preliminary plat will not be detrimental to the public's health, safety and general welfare.
6. The site is zoned R-6 and is appropriate for use as a residential subdivision after acquiring the proper approvals.
7. The project description, staff analysis and proposed findings of fact are correct.

**F. Conclusions of Law:**

1. The design review, rezone and preliminary plat use is consistent with Kuna City Code.
2. The design review, rezone and preliminary plat use meets the general objectives of Kuna's Comprehensive Plan.
3. The site is physically suitable for a residential preliminary plat use.
4. The proposed residential preliminary plat use is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. The rezone and residential preliminary plat is not likely to cause adverse public health problems.
6. The design review, rezone and residential preliminary plat is in compliance with all ordinances and laws of the City.
7. The design review, rezone and residential preliminary plat does not appear to be detrimental to the present and potential surrounding uses; to the health, safety, and general welfare of the public considering the physical features of the site, public facilities and existing adjacent uses.
8. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.
9. Based on evidence contained in Case No.'s 17-03-S, 17-03-ZC, and 17-06-DR, this proposal complies with KCC Title 6.
10. Based on the evidence contained in Case No.'s 17-03-S, 17-03-ZC, and 17-06-DR, this proposal complies with Section 6.0 of the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map.
11. The Planning and Zoning Commission of Kuna, Idaho, has the authority to recommend approval or denial for this rezone and preliminary plat application.
12. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**G. Proposed Decision by the Commission:**

**17-03-S and 17-03-ZC: Subdivision and Rezone Note:** *This motion is to recommend approval for the subdivision and rezone request to City Council. However, if the Planning and Zoning Commission wishes to recommend approval or denial for specific parts of these requests as detailed in this report, those changes must be specified.*

**74-06-DR: Design Review Note:** *This motion is to approve the design review request. However, if the Planning and Zoning Commission wishes to approve or deny specific parts of the request as detailed in this report, those changes must be specified.*

Based on the facts outlined in staff's report and public testimony as presented, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval/conditional approval/denial* for Case No.'s 17-03-S and 17-03-ZC, a subdivision and rezone request by B&A Engineers representing Endurance Holdings,

LLC to Kuna City Council; and hereby *approves/conditionally approves/denies* Case No. 17-09-DR, with the following conditions of approval:

1. The applicant shall obtain written approval of the construction plans from the agencies noted below. The approval may be either on agency letterhead referring to the approval use or may be written or stamped upon a copy of the approved plan. All site improvements are prohibited prior to approval of these agencies.
  - a.) The City Engineer shall approve the sewer and water hook-ups.
  - b.) The Kuna Fire District shall approve all fire flow requirements and/or building plans.
  - c.) The Boise-Kuna Irrigation District shall approve all proposed modifications to the existing irrigation system.
  - d.) Approval from Ada County Highway District and impact Fees, if any shall be paid prior to building permit approval.
  - e.) The City Engineer shall approve a surface drainage run-off plan, (if needed). As recommended by Central District Health Department, the plan should 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 a drainage design plan from the Kuna City Engineer. The drainage design plan shall include all proposed site grading.
2. All public right-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may be commenced without the approval of the Ada County Highway District. Any work within the Ada County Highway District right-of-way requires a permit. For information regarding the requirements to obtain a permit, contact Ada County Highway District Development Services at 387-6100.
  - 2.1 – Dedicate right-of-way in sufficient amounts which 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.
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.
5. Lighting within and abutting the site shall comply with Kuna City Code.
7. Fencing within and around the site shall comply with Kuna City Code (except as specifically approved otherwise).
8. Signage within the site shall comply with Kuna City Code. The applicant shall apply for a sign permit prior to subdivision signage construction.
9. The applicant shall follow all the requirements for sanitary sewer, potable water, pressure irrigation system connections, and all other requirements of the City engineer, as outlined in the Engineers memorandum dated May 26, 2017.
10. Submit a petition prior to applying for final plat for signature by the City, consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation District (KMID).
11. Applicant's submitted preliminary plat and landscape plan (date stamped 04/10/2017 and 04/18/2017, respectively) shall be considered binding.
12. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace any unhealthy or dead plant material immediately (within 3 days as weather permits or as the planting season permits), as required to meet the standards of these requirements. Maintenance and planting within public right-of-way shall be with approval from the public and/or private entities owning the property.
13. The applicant shall comply with all conditions of approval listed in the Kuna staff report, and as approved by the Commission, and any other applicable agency comments or recommendations.
14. Applicant shall comply with all local, state and federal laws.

RECEIVED  
5.16.17



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

## Preliminary Plat Checklist

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

**Project name:** Deserthawk Subd. No. 4      **Applicant:** David Crawford, B&A Engineers, Inc.

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

Applicant (✓)	Description	Staff (✓)
X	Completed and signed Commission & Council Review Application.	✓
X	Vicinity map showing relationship of the proposed plat to the surrounding area with a 2-mile radius.	✓
X	Homeowner's maintenance agreement for the care of landscaped common areas.	✓
X	Legal description of the preliminary plat area: Include a metes & bounds description to the section line of all adjacent roadways stamped & signed by a registered professional land surveyor with a calculated closure sheet & a map showing the boundaries of the legal description.	✓
X	Proof of ownership—A copy of your deed <b>and</b> Affidavit of Legal Interest (for all interested parties involved).	✓
X	Letter of Intent indicating reasons and details for preliminary plat.	✓
X	Commitment of Property Posting form signed by the applicant/agent.	✓
N/A	If preliminary plat includes 100 lots or more, please submit a traffic impact study. If preliminary plat includes 50 lots or more, please submit an estimate of tax revenue generation and an estimate of the public service costs to provide adequate service to the development.	
N/A	A letter from Ada County Engineer with the Subdivision Name reservation. <b>ANY</b> name change(s) needs to be submitted and approved by the Planning & Zoning Director and Ada County Engineer.	
N/A	Phasing Plan	
N/A	Include Large Scale Development Requirements. KCC 6-5-4	
X	Landscape Plan— (in color)	✓
X	Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application).	✓
X	8 1/2 x 11 proposed preliminary plat.	✓
X	Preliminary plat drawing on 24x36 quality paper drawn to scale of 1 to 100' or more. The following information shall be contained on the preliminary plat: <ul style="list-style-type: none"> <li>◇ Topography at two foot (2') intervals</li> <li>◇ Land uses (location, layout, types &amp; dimensions): residential, commercial &amp; industrial land uses.</li> <li>◇ Street right-of-ways: dimensions of right-of-way dedication for all roadways, street sections, improvements, etc.</li> <li>◇ Easements/common space: utility easements, parks, community spaces</li> <li>◇ Lots: layout and dimensions of lots</li> <li>◇ Preliminary improvement drawing: show water, sewer, drainage, electricity, irrigation, telephone, natural gas, proposed street lighting, proposed street names, proposed subdivision name, fire hydrant placement, storm water disposal, underground utilities, and sidewalks..</li> </ul>	✓

*Note: Only one copy of the above items need to be submitted when applying for multiple applications. This application shall not be considered complete (nor will a Public Hearing be set) until Staff has received all required information. Once the application is deemed complete, Staff will notify the applicant of the scheduled hearing date, fees due, additional copies needed, etc.*

Exhibit  
A2

5.16.17



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

### Rezone Checklist

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

<b>Project name:</b> Deserthawk Subdivision No. 4	<b>Applicant:</b> David Crawford, B&A Engineers, Inc.
--	--

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

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

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

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

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5.16.17



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)	17-03-S 17-09-DR 17-03-ZC
Project name	Deserthawk SUB #4
Date Received	5-16-17
Date Accepted/ Complete	5-22-17
Cross Reference Files	17-09-DR 17-03-ZC
Commission Hearing Date	6-27-17
City Council Hearing Date	

#### Contact/Applicant Information

Owners of Record: <u>Endurance Holdings, LLC.</u>	Phone Number: _____
Address: <u>1977 E. Overland Rd.</u>	E-Mail: _____
City, State, Zip: <u>Meridian, ID 83642</u>	Fax #: _____
Applicant (Developer): <u>David Crawford, B&amp;A Engineers, Inc.</u>	Phone Number: <u>208-343-3381</u>
Address: <u>5505 W. Franklin Rd.</u>	E-Mail: <u>dacrawford@baengineers.com</u>
City, State, Zip: <u>Boise, Id. 83705</u>	Fax #: <u>208-343-5792</u>
Engineer/Representative: <u>B&amp;A Engineers, Inc.</u>	Phone Number: _____
Address: <u>Same as Applicant</u>	E-Mail: _____
City, State, Zip: _____	Fax #: _____

#### Subject Property Information

Site Address: <u>874 S. Ten Mile Rd. Kuna, Id.</u>
Site Location (Cross Streets): <u>East of S. Ten Mile Rd. &amp; South of W. Sunbeam St.</u>
Parcel Number (s): <u>R5070501800</u>
Section, Township, Range: <u>Sec. 26, T2N, R1W</u>
Property size : <u>9.43 Acres</u>
Current land use: <u>Agricultural</u> Proposed land use: <u>Residential</u>
Current zoning district: <u>A</u> Proposed zoning district: <u>R-6</u>

Exhibit  
A2a

**Project Description**

Project / subdivision name: Deserthawk Subdivision No. 4

General description of proposed project / request: Approval of the preliminary plat and rezone for Deserthawk Subdivision No. 4, a 34 buildable lot residential subdivision.

Type of use proposed (check all that apply):

Residential \_\_\_\_\_

Commercial \_\_\_\_\_

Office \_\_\_\_\_

Industrial \_\_\_\_\_

Other \_\_\_\_\_

Amenities provided with this development (if applicable): \_\_\_\_\_

**Residential Project Summary (if applicable)**

Are there existing buildings?  Yes  No

Please describe the existing buildings: Single Family House with a carport, loafing shed & 1064sq ft shop

Any existing buildings to remain?  Yes  No

Number of residential units:        Number of building lots: 34

Number of common and/or other lots: 7 common lots

Type of dwellings proposed:

Single-Family \_\_\_\_\_

Townhouses \_\_\_\_\_

Duplexes \_\_\_\_\_

Multi-Family \_\_\_\_\_

Other \_\_\_\_\_

Minimum Square footage of structure (s): \_\_\_\_\_

Gross density (DU/acre-total property): 3.64 ac Net density (DU/acre-excluding roads): 5.55 ac

Percentage of open space provided: 5.2% Acreage of open space: 0.48 acre

Type of open space provided (i.e. landscaping, public, common, etc.): landscaping & common lots

**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: \_\_\_\_\_

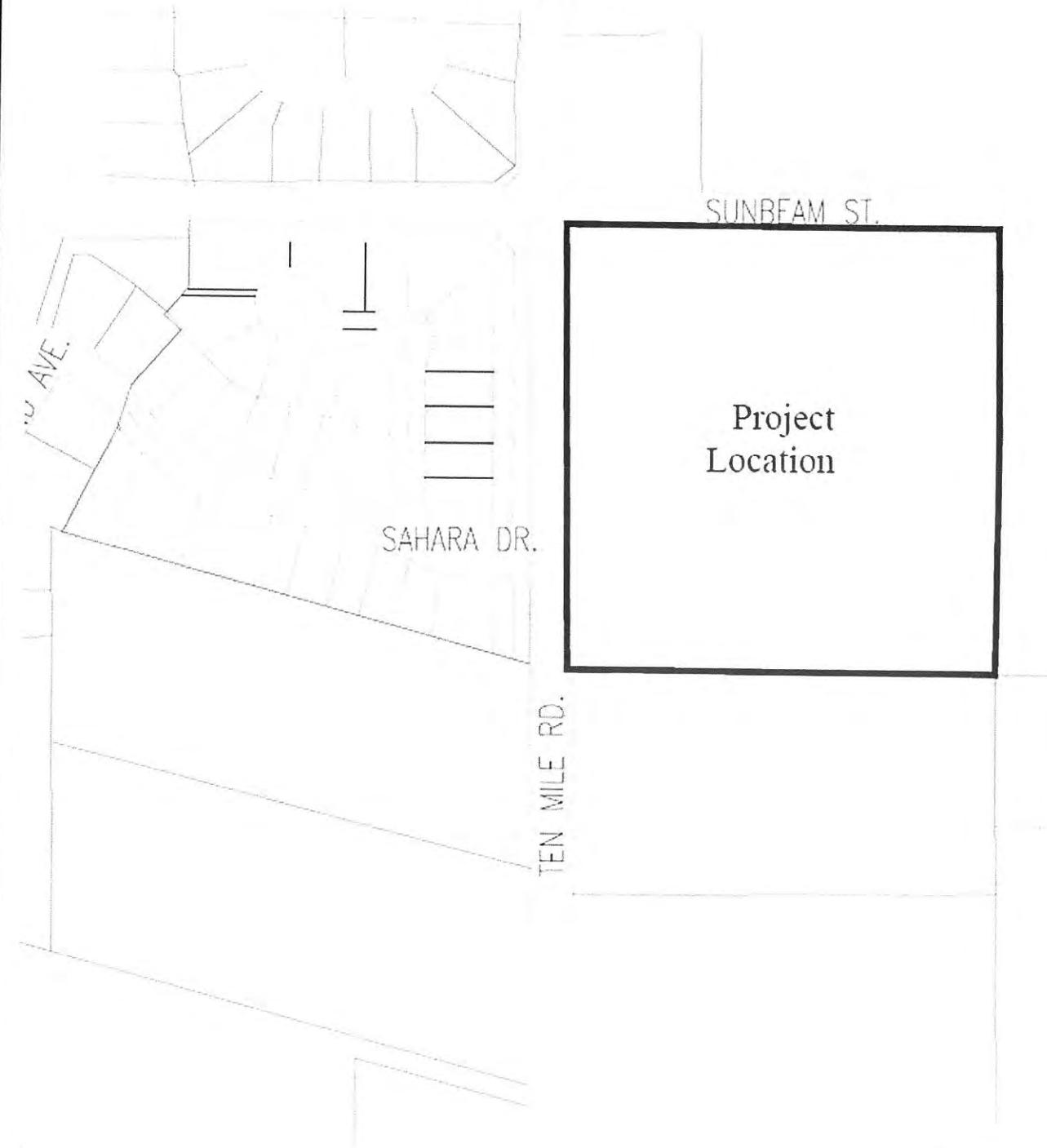
Proposed Lighting: \_\_\_\_\_

Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.): \_\_\_\_\_

Applicant's Signature:  B&A Engineering Inc. Date: 5/11/17

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# Deserthawk Subdivision No. 4 Vicinity Map



**B&A Engineers, Inc.**  
Consulting Engineers, Surveyors & Planners  
5505 W Franklin Rd. Boise, ID 83705  
(208) 343-3381



Exhibit  
A26

# Deserthawk Subdivision No. 4 Vicinity Map

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5.16.17



**B&A Engineers, Inc.**

Consulting Engineers, Surveyors & Planners  
5505 W. Franklin Rd. Boise, Id. 83705  
(208) 343-3381



NORTH  
NOT TO SCALE

5.16.17

**DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
DESERTHAWK SUBDIVISION**

THIS DECLARATION is made effective as of \_\_\_\_\_, by DAS Investments, LLC, an Idaho limited liability company ("Declarant" or "Owner" or "Grantor").

ARTICLE I: RECITALS

1.1 Declarant is the owner of all of the real property located in the County of Ada, State of Idaho (the "County"), described in the attached Exhibit A (the "Property"), which exhibit is incorporated herein by this reference.

1.2 The purpose of this Declaration is to set forth the basic restrictions, covenants, limitations, easements, conditions, and equitable servitudes (collectively "Restrictions") that apply to the Property. The Restrictions are designed to preserve the Property's value, desirability and attractiveness, to ensure a well-integrated high-quality development, and to guarantee adequate maintenance of the Common Area, and the Improvements located thereon, in a cost effective and administratively efficient manner.

ARTICLE II: DECLARATION

Grantor declares that the Property shall be held, sold, conveyed, encumbered, hypothecated, leased, used, occupied, and improved subject to the following terms, covenants, conditions, easements, and restrictions, all of which are declared and agreed to be in furtherance of a general plan for the protection, maintenance, subdivision, improvement, and sale of the Property, and to enhance the value, desirability, and attractiveness of the Property. The terms, covenants, conditions, easements, and restrictions set forth herein:

A. shall run with the land constituting the Property and with each estate therein, and shall be binding upon all persons having or acquiring any right, title, or interest in the Property or any lot, parcel, or portion thereof; and

Exhibit  
A2C

B. shall inure to the benefit of every Building Lot, parcel, or portion of the Property and any interest therein; and,

C. shall inure to the benefit of, and be binding upon, Grantor (as defined below), and each grantee and Owner, and such grantee's and Owner's respective successors-in-interest, and may be enforced by Grantor, by any Owner, and any such Owner's successors-in-interest, and by the Association as hereinafter described.

Notwithstanding any other provision in the Declaration to the contrary, no provision of this Declaration shall be construed as to prevent or limit (i) Grantor's right to complete development of the Property and to construct improvements thereon, or (ii) Grantor's right to maintain model homes, construction, sales, or leasing offices, or similar facilities (temporary or otherwise) on any portion of the Property, including the Common Area or any public right-of-way, or (iii) Grantor's right to post signs incidental to construction, sales, or leasing, or (iv) Grantor's right to modify plans for the Property, all in accordance with any necessary approvals of the applicable governmental entities.

#### ARTICLE III: DEFINITIONS

3.1 "Affiliate" shall mean any entity that has some form of common ownership interest or common management with the Grantor.

3.2 "Architectural Committee" shall mean the committee created by the Grantor or the Association pursuant to Article X hereof.

3.3 "Articles" shall mean the Articles of Incorporation of the Association or other organizational or the charter documents of the Association if formed using a type of entity other than a corporation.

3.4 "Assessments" shall mean those payments required of Owners or other Association Members, including Regular, Special, and Limited Assessments made by the Association as further defined in this Declaration.

3.5 "Association" shall mean the Idaho profit or non-profit corporation (or other type of entity), and its successors and assigns, established by Grantor to exercise the powers and to carry out the duties set forth in this Declaration and any Supplemental Declaration. Grantor shall have the power, in its discretion, to name the Association the "Deserthawk Subdivision Homeowners Association, Inc.", or any similar name which fairly reflects its purpose. Grantor, in its sole and absolute discretion, shall have the power to create any additional Associations that it deems necessary or appropriate to act as the Association for any Annexed Tract (as defined below). In such event, reference in this Declaration to the "Association" shall apply to the particular Association designated to apply to that Annexed Tract. ).

#### **DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR DESERTHAWK SUBDIVISION - PAGE 2 OF 46**

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- 3.6 "Association Rules" shall mean those rules and regulations promulgated by the Association governing conduct upon and use of the Property under the jurisdiction or control of an Association, the imposition of fines and forfeitures for violation of such rules and regulations, and procedural matters for use in the conduct of business of the Association.
- 3.7 "Board" shall mean the Board of Directors or other governing board or individual, if applicable, of the Association.
- 3.8 "Building Lot" shall mean one or more lots within the Property as specified or shown on any Plat and/or by Supplemental Declaration, upon which Improvements may be constructed.
- 3.9 "Bylaws" shall mean the Bylaws of the Association.
- 3.10 "Common Area" shall mean all real property in which the Association holds an interest or which is held or maintained, permanently or temporarily, for the common use, enjoyment, and benefit of the entire Subdivision and each Owner therein, and shall include, without limitation, all such parcels that are designated as private streets or drives, common open spaces, common landscaped areas, and Waterways. The Common Area may be established from time to time by Grantor on any portion of the Property by describing it on a Plat, by granting or reserving it in a deed or other instrument, or by designating it pursuant to this Declaration or any Supplemental Declaration. The Common Area may include easement and/or license rights.
- 3.11 "Declaration" shall mean this Declaration as it may be amended from time to time.
- 3.12 "Deserthawk Subdivision" and the "Subdivision" shall each mean the Property.
- 3.13 "Design Guidelines" shall mean the construction guidelines approved by the Architectural Committee.
- 3.14 "Grantor" shall mean, DAS Investments, LLC, an Idaho limited liability company and its successors-in-interest, and Affiliates (collectively, "DAS"), and any person or entity to whom DAS expressly transfers its Grantor rights, which transfer must be made in writing and must include a specific reference to the transfer being of DAS's "Grantor rights" or "rights as Grantor" or other similar specific reference.
- 3.15 "Improvement" shall mean any structure, facility, or system, or other improvement or object (and any portion of the foregoing), whether permanent or temporary, which is erected, constructed, or placed upon, under, or in, any portion of the Property, including but not limited to buildings, fences, streets, drives, driveways, sidewalks, bicycle paths, curbs,

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR DESERTHAWK  
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landscaping, signs, lights, mail boxes, electrical lines, pipes, pumps, ditches, waterways, and fixtures of any kind whatsoever.

3.16 "Limited Assessment" shall mean Assessments as described in Section 7.4 of this Declaration.

3.17 "Member" shall mean each person or entity holding a membership in the Association. Where specific reference or the context so indicates, it shall also mean persons or entities holding membership.

3.18 "Owner" shall mean the person or other legal entity, including Grantor, holding fee simple interest of record to a Building Lot that is a part of the Property, and sellers under executory contracts of sale, but excluding those having such interest merely as security for the performance of an obligation.

3.19 "Person" shall mean any individual, partnership, corporation, limited liability company or other legal entity.

3.20 "Plat" shall mean any subdivision plat covering any portion of the Property as recorded at the office of the County recorder (the "County Recorder"), as the same may be amended by duly recorded amendments thereof.

3.21 "Property" shall mean, except as otherwise provided in this paragraph, the real property described in Exhibit A, including each lot, parcel, and portion thereof and interest therein, including all water rights associated with or appurtenant to such property. The Property also shall include, at Grantor's sole discretion, such additional property in addition to that described in Exhibit A as may be part of an Annexed Tract by means of a Supplemental Declaration as provided herein.

3.22 "Regular Assessment" shall mean the Assessments described in Section 7.2 of this Declaration.

3.23 "Special Assessment" shall mean the Assessments described in Section 7.3 of this Declaration.

3.24 "Supplemental Declaration" shall mean any Supplemental Declaration including additional covenants, conditions, and restrictions that might be adopted with respect to any portion of the Property and with respect to any Annexed Tract.

3.25 "Waterway" shall mean any surface water amenity, including, without limitation, any lake, pond, channel, slough, stream, ditch or reservoir, natural or artificial, which is located on the Property and which is included within or managed as Common Area.

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR DESERTHAWK  
SUBDIVISION - PAGE 4 OF 46**

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#### ARTICLE IV: GENERAL AND SPECIFIC RESTRICTIONS

4.1 Improvements - Generally. All Improvements are to be designed, constructed and used in such a manner as to (i) comply with the conditions of approval (as may be amended from time to time) issued by the applicable governmental entity with respect to the Plat containing the portion of the Property upon which the Improvements are located (the "Plat Conditions"), (ii) comply with all applicable governmental laws, ordinances, rules and regulations, and (iii) promote compatibility between the types of use contemplated by this Declaration.

4.1.1 Use and Size of Dwelling Structure. All Building Lots shall be used exclusively for single-family residential purposes. No Building Lot shall be improved except with a single-family dwelling unit or structure. Except as otherwise approved in writing by the Architectural Committee, the minimum single-family residential structure size in Deserthawk Subdivision shall be One-Thousand One-Hundred (1,100) square feet exclusive of garages, porches, storage rooms and patios. The Architectural Committee can approve, in its sole and absolute discretion, a maximum of 9 single-family residences with square footages less than One-Thousand One-Hundred (1,100) square feet provided in no case shall they be less than Eight-Hundred Fifty square feet and all such approvals are subject to the requirements of the Plat Conditions.

4.1.2 Architectural Committee Review. No construction of any Improvements which will be visible above ground or which will ultimately affect the visibility of any above ground Improvement may commence until the Architectural Committee has approved, in writing, the elevations, building plans, specifications, lot plan and other plans and specifications requested by the Architectural Committee. Construction of all such Improvements must conform to and comply with the applicable approved elevations, plans and specifications. Prior to the start of construction, Owners will submit two (2) sets of plans, including a plat plan, floor plan, all elevations and other documentation requested by the Architectural Committee, to the Architectural Committee for review. These plans will be held for thirty (30) days after completion of the project. The review and approval or disapproval may be based upon the following factors - size, height, design and style elements, mass and form, topography, setbacks, finished ground elevations, architectural symmetry, drainage, color, materials (including, without limitation, Architectural Committee approved architectural shingles and roofing material), physical or aesthetic impacts on other properties (including, without limitation, Common Areas), artistic conformity to the terrain and the other Improvements on the Property, and any and all other factors which the Architectural Committee, in its reasonable discretion, deems relevant. Said requirements as to the approval of the design shall apply only to the exterior appearance of the Improvements and to landscaping. This Declaration is not intended to serve as authority for the Architectural Committee to control the interior layout or design of residential structures except to the extent incidentally necessitated by exterior and landscape design restrictions that this Declaration is intended to control.

#### **DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR DESERTHAWK SUBDIVISION - PAGE 5 OF 46**

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4.1.3 Setbacks and Height. No residential or other structure (exclusive of fences and similar structures constructed in compliance with the terms of this Declaration) shall be placed nearer to the Building Lot lines or built higher than permitted by the Plat in which the Building Lot is located, by the applicable Plat Conditions or by any applicable zoning restriction or by decision of the Architectural Committee, whichever is more restrictive.

4.1.4 Roofing. All residences must be built with a minimum of thirty (30) year life architectural composition unless otherwise approved by the Architectural Committee. Roof pitch on all dwellings shall be a minimum 5/12 roof pitch.

4.1.5 Accessory Structures. Garages shall accommodate a minimum of two (2) cars; detached garages shall be allowed if in conformity with the provisions of this Declaration, and as approved by the Architectural Committee. All garages, storage sheds and patio covers, whether attached or detached from the residential structure, shall be of the same construction, finish and color as the residential structure on the applicable Building Lot. No playhouses, playground equipment, pool slides, diving boards, hot tubs, spas, or similar items shall extend higher than five (5) feet above the finished graded surface of the Building Lot upon which such item(s) are located, unless specifically so allowed by the Architectural Committee, in its sole discretion. Basketball courts, backboards, pools, tennis courts, shall be allowed in the backyard of any Building Lot, provided that such amenities are approved by the Architectural Committee and are not visible from any street, and do not promote noise or other nuisance that is offensive or detrimental to other portions of the Subdivision or offensive or detrimental to the occupants of other Building Lots.

4.1.6 Elevations. As set forth in Section 4.1.2 above, no construction of any Improvements which will be visible above ground or which will ultimately affect the visibility of any above ground Improvement may commence until the Architectural Committee has approved the elevation drawings and all Improvements must be constructed pursuant to such approved drawings. The Architectural Committee reserves the right to reject plans that in the judgment of the Architectural Committee lack integrity and balance. Without limiting the general reservation of powers set forth in the immediately previous sentences, the following guidelines, which are subject to change by the Architectural Committee, are designed to help provide guidance on appropriate design features for elevation plans and any waiver or exception must be in writing signed by the Architectural Committee:

- A. Use of different sidings is highly recommended.
- B. Sixteen-inch (16") eaves and twelve-inch (12") gables are required.

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR DESERTHAWK  
SUBDIVISION - PAGE 6 OF 46**

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- C. Boxed or returned soffits are recommended.
- D. Windows, at siding locations, must have relief or trim materials to give definition.
- E. Stone, brick or stucco is required, provided, however, if the home to be constructed has architectural appeal the Architectural Committee may provide written waiver of the stone, brick or stucco requirement.
- F. Minimum 8" fascia.
- G. Soffit must be flat on front elevation to accommodate exterior soffit can lights.
- H. No vinyl or metal siding except soffit and fascia boards.
- I. Where stucco, brick, stone or other masonry accents are required, the building must have a minimum 20% elevation coverage or as otherwise approved by the Architectural Committee. Stucco accents shall be wrapped on side wall 12" minimum. Front porches of 100 square feet or more will be accepted as an alternative to stucco or masonry accents.
- J. No split entry homes will be approved.

4.1.7 Driveways/Sidewalks. All access driveways and sidewalks shall have concrete or other hard surface along its full width as approved by the Architectural Committee and shall be graded to assure proper drainage. Asphalt driveways will not be allowed. Driveways shall have a maximum width of 20-feet and continue at least 30-feet into the Building Lot beyond the edge of the pavement of the roadway and install pavement tapers with 15-foot radii abutting the existing roadway edge.

4.1.8 Mailboxes. Owner shall supply and install black metal mailbox posts. The location and type of post shall be submitted to and approved by the Grantor or the Architectural Committee prior to installation. On all Building Lots where the adjoining Building Lot has a common utility (garage side) property line the mailbox posts shall be installed at the shared property line, and shall be a paired post capable of accepting two (2) mailboxes. The responsibility for the installation of the post shall be borne by the first Building Lot to obtain a building permit. All mailboxes shall be supplied and installed on the posts by Owner, shall be black and of standard single resident size and shape. Architectural Committee approval shall be obtained prior to installation. Ornamental or oversized mailboxes shall not be permitted. All replacement mailboxes and stands will be of consistent design, material, and coloration as required in 4.1.8 and shall be located as originally placed on adjoining Building Lot lines at places designated by Grantor or the

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR DESERTHAWK  
SUBDIVISION - PAGE 7 OF 46**

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Architectural Committee. Declarant, the Association and/or the US Postal Service may require mailbox locations to be grouped.

4.1.9 Fencing. Fence designs shall not extend into any common green space within the Subdivision. All fencing and boundary walls constructed on any Building Lot shall be permanent in nature, maintenance free and be constructed of metal, rock or vinyl materials with an approved post-hole footing. Wood and chain link fencing is not permitted. If fencing is used in combination with a landscape berm, the fence shall be placed behind the berm and under no circumstances, placed on the berm. The material and style of fencing shall be compatible to that of other fencing constructed adjacent to or abutting Common Areas, public and private streets, and shall be as otherwise approved by the Architectural Committee. Fencing shall not extend higher than six (6) feet measured from the crest of the adjacent road or extend past the front setback of the home and shall meet any more stringent requirements established by the Architectural Committee. All fencing must meet the setback requirements of City ordinance. Certain entryway, corner and view lots are restricted from fencing as such restrictions are established by the Architectural Committee.

4.1.10 Lighting. Fixtures, standards, and all exposed accessories shall be harmonious with building design, and shall be as approved by the Architectural Committee. Lighting shall be restrained in design, and excessive brightness shall be avoided. Landscape lighting is encouraged. Under eave soffits along the front elevation shall have a minimum of three (3) can lights with photosensitive or timer switch. Building designs shall seek to minimize lighting impacts on adjoining properties.

4.2 Antennae and Satellite Dishes. Exterior radio antenna, television antenna, other antenna and satellite dishes of the type that are governed by 47 C.F.R. Section 1.4000, as amended from time to time, are permitted to be installed on the property without Architectural Committee approval if so required under the aforementioned regulation. No other types of antenna or satellite dish shall be erected or maintained on the property unless it is approved by the Architectural Committee and located or screened in a manner acceptable to the Architectural Committee.

4.3 Insurance Rates. Nothing shall be done or kept on any Building Lot which will increase the rate of insurance on any other portion of the Property without the approval of the Owner of such other portion, nor shall anything be done or kept on the Property or a Building Lot which would result in the cancellation of insurance on any property owned or managed by any such Association or which would be in violation of any law.

4.4 No Further Subdivision. No Building Lot may be further subdivided, nor may any easement or other interest any Building Lot be granted, or Building Lot line adjusted, unless the advanced written approval of the Architectural Committee is obtained.

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR DESERTHAWK  
SUBDIVISION - PAGE 8 OF 46**

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4.5 Signs. No sign of any kind shall be displayed to the public view without the approval of the Architectural Committee or Association, and the City if so required, except:

A. Such signs as may be used by Grantor and Grantor's agents in connection with the development of the Property, the sale of Building Lots and general promotion of the project. Such signs may be installed in the Common Areas at the discretion of the Grantor.

B. Temporary signs naming the contractors, the architect, and the lending institution for particular construction operation.

C. Such signs identifying the Subdivision, or informational signs, of customary and reasonable dimensions as prescribed by the Architectural Committee may be displayed on or from the Common Area.

D. One (1) sign of customary and reasonable dimensions not to exceed three (3) feet by two (2) feet may be displayed by an Owner other than Grantor on or from a Building Lot advertising the residence for sale or lease. No such sign shall be placed on Common Areas or on the rear portion of any Lot being sold.

All signage, including signage for the exceptions listed as (B)-(D), must be erected in accordance with signage format approved and established by the Architectural Committee. Save and excepting the foregoing, no sign shall be placed in the Common Area without the written approval of the applicable Architectural Committee or the Association.

4.6 Nuisances. No rubbish or debris of any kind shall be placed or permitted to accumulate anywhere upon the Property, including the Common Area or vacant Building Lots, and no odor shall be permitted to arise therefrom so as to render the Property or any portion thereof unsanitary, unsightly, offensive, or detrimental to the Property or to its occupants, or to any other property in the vicinity thereof or to its occupants. All structures shall be designed to minimize the noise impact on adjoining properties and no noise or other nuisance, as described in any applicable laws, rules, regulations or ordinances, shall be permitted to exist or operate upon any portion of the Property so as to be offensive or detrimental to the Property or to its occupants or to other property in the vicinity or to its occupants. Without limiting the generality of any of the foregoing provisions, no exterior sound systems, speakers, horns, whistles, bells, or other sound devices (other than security devices used exclusively for security purposes which have been approved by the Association), flashing lights, or search lights, shall be located, used, or placed on the Property without the prior written approval of the Association.

4.7 Site Cleaning: Owners are responsible for ensuring the Building Lot is kept clean in following specific manner:

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4.7.1 All contractors and subcontractors must operate a clean site with all debris cleaned and contained on the site. Contractors and subcontractors are not to allow garbage to blow to other sites.

4.7.2 All contractors and subcontractors will make the best efforts to be courteous to the current residents and others on the Property. No dogs or loud music allowed during any phase of the construction.

4.7.3 During the construction phase the streets must be swept clean of debris nightly.

4.7.4 During the construction phase all weeds must be kept trimmed and properly disposed of in a proper receptacle.

4.7.5 Owners who do not adhere, or require their agents, contractors and/or subcontractors to adhere to the cleaning rules outlined herein will be subject to a charge equal to the cost of cleanup plus an administrative fee equal to 25% of the cleanup cost and any applicable attorney fees and costs incurred in the enforcement or collection of such charges.

4.7.6 During construction, each contractor shall provide portable toilets as is required by applicable laws, rules, regulations and ordinances or by the Architectural Committee, whichever is more restrictive.

4.7.7 The Architectural Committee has the authority to grant variances to the design guidelines and to the requirements of this Section 4.7.

4.8 Exterior Maintenance: Owner's Obligations. No Improvement shall be permitted to fall into disrepair, and each Improvement shall at all times be kept in good condition and repair. In the event that any Owner shall permit any Improvement, including, without limitation, trees and landscaping, which is the responsibility of such Owner to maintain, to fall into disrepair so as to create a dangerous, unsafe, unsightly, or unattractive condition, or to damage property or facilities on or adjoining their Building Lot which would otherwise be the Association's responsibility to maintain, the Board, upon fifteen (15) days prior written notice to the Owner, shall have the right to correct such condition, and to enter upon such Owner's Building Lot for the purpose of doing so, and such Owner shall promptly reimburse the Association for the cost thereof, plus all other costs associated with such action including, without limitation, legal fees, and plus interest at eighteen percent (18%) per annum on all costs incurred by the Association. All such costs and interest shall be a Limited Assessment and shall create a lien enforceable in the same manner as other Assessments set forth in Article VII of this Declaration. The Owner of the offending property shall be personally liable, and such Owner's property may be subject to a mechanic's lien, in addition to the lien for the Limited Assessment, for all costs and expenses incurred by the Association in taking such corrective acts, plus all costs incurred in collecting the

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amounts due, including attorney's fees and costs. Each Owner shall pay all amounts due for such work within ten (10) days after receipt of written demand therefore, or the amounts may, at the option of the Board, be added to the amounts payable by such Owner as Regular Assessments. Each Owner shall have the remedial rights set forth herein if the Association fails to exercise its rights within a reasonable time following written notice by such Owner.

4.9 Drainage. There shall be no interference with the established drainage pattern over any portion of the Property, unless an adequate alternative provision is made for proper drainage and is first approved in writing by the Architectural Committee and the Ada County Highway District ("ACHD"). For the purposes hereof, "established" drainage is defined as the system of drainage, whether natural or otherwise, which exists at the time the overall grading of any portion of the Property is completed by Grantor, or that drainage which is shown on any plans approved by the Architectural Committee, which may include drainage from the Common Area over any Building Lot in the Property. The Association shall maintain the drainage and roadway swales (to the extent roadway swales exist) pursuant to the Stormwater Facility Operation and Maintenance Plan Outline attached hereto as Exhibit B and incorporated herein by this reference (the "Stormwater Plan"). ACHD shall have the right to inspect the drainage and roadway swales and facilities and promptly perform any required maintenance. ACHD may assess the costs of any such required maintenance to all of the Property within Deserthawk Subdivision, including through the use of liens and/or assessment of maintenance costs against the real property within the Subdivision. Any proposed changes to the drainage plan or the documents and approvals associated therewith, require ACHD approval.

4.10 Grading. The Owner of any Building Lot within the Property in which grading or other work has been performed pursuant to a grading plan approved under applicable provisions of City Code shall maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures, means, devices and plantings and ground cover installed or completed thereon, which are not the responsibility of ACHD, the Association, or other public agency. Such requirements shall be subject to Regular, Special, and Limited Assessments provided in Article VII herein, as may be applicable.

4.11 Water Supply Systems. No separate or individual water supply system, regardless of the proposed use of the water to be delivered by such system, shall be permitted on any Building Lot unless such system is designed, located, constructed, and equipped in accordance with the requirements, standards, and recommendations of the Board and all governmental authorities having jurisdiction. Grantor may use the water supply as deemed necessary for any purpose on a temporary basis and for irrigation purposes.

4.12 No Hazardous Activities. No activities shall be conducted on the Property, and no Improvements constructed on any property, which are or might be unsafe or hazardous to any person or property.

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4.13 Unightly Articles. No unsightly articles, as determined by the Architectural Committee, shall be permitted to remain on any Building Lot so as to be visible from any other portion of the Property. Without limiting the generality of the foregoing, refuse, garbage, and trash shall be kept at all times in such containers and in areas approved by the Architectural Committee. No clothing or fabrics shall be hung, dried, or aired in such a way as to be visible to any other portion of the Property, and no equipment, heat pumps, compressors, containers, lumber, firewood, grass, shrub or tree clippings, plant waste, metals, bulk material, scrap, refuse, or trash shall be kept, stored or allowed to accumulate on any Building Lot except within an enclosed structure or as appropriately screened from view. No vacant residential structures shall be used for the storage of building materials.

4.14 No Temporary Structures. No house trailer, mobile home, tent (other than for short term individual use which shall not exceed one (1) week unless approved by the Association), shack or other temporary building, improvement, or structure shall be placed upon any portion of the Property, except temporarily as may be required by construction activity undertaken on the Property. Also excepted from this requirement is any sales office established by the Grantor or the Association for the Property.

4.15 No Unenclosed or Unscreened Boats, Campers, and Other Vehicles. No boats, trailers, campers, all-terrain vehicles, motorcycles, recreational vehicles, bicycles, dilapidated or unrepaired and unsightly vehicles, or similar equipment shall be placed upon any portion of the Property (including, without limitation, streets, parking areas, and driveways) unless the same are enclosed or screened by a structure concealing them from adjacent street, Building Lot and Common Area view and in a manner approved by the Architectural Committee. To the extent possible, garage doors shall remain closed at all times.

4.16 Sewage Disposal Systems. No individual sewage disposal system shall be used on the Property. Each Owner shall connect the appropriate facilities on such Owner's Building Lot to the sewer system as required by the Architectural Committee and pay all charges assessed therefore.

4.17 No Mining or Drilling. No portion of the Property shall be used for the purpose of mining, quarrying, drilling, boring, or exploring for or removing water, oil, gas, or other hydrocarbons, minerals, rocks, stones, sand, gravel or earth. This Section 4.17 shall not prohibit exploratory drilling or coring which is necessary to construct a residential structure or Improvements.

4.18 Energy Devices Outside. No energy production devices, including, but not limited to, generators of any kind and solar energy devices, shall be constructed or maintained on any portion of the Property without the written approval of the Architectural Committee, except for heat pumps shown in plans approved by the Architectural Committee. This Section 4.18 shall not apply to passive solar energy systems incorporated into the approved design of a residential structure.

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4.19 Vehicles. The use of all vehicles, including, but not limited to, trucks, automobiles, bicycles, motorcycles, snowmobiles, aircraft, and boats, shall be subject to all Association Rules, which may prohibit or limit the use thereof within the Subdivision. No overnight on-street parking shall be permitted except where expressly designated for parking use. No parking bays shall be permitted in any side, front, or backyard. Vehicles parked on a driveway shall not extend into any sidewalk, bike path or pedestrian path. No motorized vehicle or device shall be permitted on any Waterway or in the Common Area unless such vehicle is engaged in an emergency procedure.

4.20 Animals/Pets. No animals, birds, insects, pigeons, poultry or livestock shall be kept on the Property. This Section 4.20 does not apply to the keeping of up to two (2) domesticated dogs, up to two (2) domesticated cats, and other household pets, which do not unreasonably bother or constitute a nuisance to others. Without limiting the generality of the foregoing, consistent and/or chronic barking by dogs shall be considered a nuisance. Each dog in the Subdivision shall be kept on a leash, curbed, and otherwise controlled at all times when such animal is off the Building Lot of its owner. Such owner shall clean up any animal defecation immediately from the Common Area or public right-of-way. Failure to do so may result, at the Board's discretion, with a Limited Assessment levied against such animal owner or the Owner of the Building Lot in which such animal is being kept. No dog or cat shall be allowed in any Waterway. The construction of dog runs or other pet enclosures shall be subject to Architectural Committee approval, shall be appropriately screened, and shall be maintained in a sanitary condition. Dog runs or other pet enclosures shall be placed a minimum of ten (10) feet from the side and twenty-five (25) feet from the rear Building Lot line, shall not be placed in any front yard of a Building Lot, shall be screened from view so as not to be visible from the Common Area or an adjacent Building Lot, and must be approved by the Architectural Committee.

4.21 Landscaping. The Owner of any Building Lot shall sod and landscape such Building Lot in conformance with the landscape plan approved by the Architectural Committee. The Owner must submit a landscaping plan for approval by the Architectural Committee. All landscaping shall be completed and automatic sprinklers installed on entire lot prior to occupancy or an amount equal to the cost of the landscaping deposited in escrow with the closing agent until the completion of the landscaping improvements.

The following restrictions apply with respect to landscaping subject to increased requirements established by the Architectural Committee:

- A. Front Yard Landscaping: the front yard of all Building Lots must meet the following minimum requirements:

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All landscaping is to be completed within thirty (30) days from receipt of the initial certificate of occupancy or actual occupancy, whichever is sooner ("occupancy");

It must be fully sodded within thirty (30) days from occupancy;

It must contain at least 1 tree with a minimum of 2" caliper;

It must contain at least five, one gallon plants/shrubs; and

An Automatic Sprinkler System (covering all of the yard) must be completed within sixty (60) days of occupancy.

- B. Back Yard and Side Yard Landscaping: All back and side yard landscaping must be completed within six (6) months of occupancy unless it is not fenced with approved fencing and in that case shall comply with Front Yard Landscaping completion date requirements.
- C. Fencing: All fencing shall be constructed of vinyl or wrought iron material six feet (6') in height and approved in advance by the Architectural Committee. Fences at Subdivision boundaries or contiguous to properties with a use other than a residential building lot shall NOT be of wood or chain link.

4.22 Water Rights Appurtenant to Subdivision Lands. Within one hundred twenty (120) days of the date of the recording of this Declaration, Declarant shall transfer from the Property subject to this Declaration, and within the boundaries of an irrigation entity, as defined in Section 31-3805, Idaho Code, all water rights and assessment obligations appurtenant to the Property to the Association or the appropriate district providing pressurized irrigation and domestic water to Deserthawk.

4.23 Commencement of Construction. Any owner of a Building Lot shall, within a period of one (1) year following the date of purchase of a Building Lot from Grantor, commence the construction of a dwelling structure in compliance with the restrictions herein, and such construction shall be completed within six (6) months thereafter. The term "commence the construction," as used in this Section 4.23, shall require beginning and ongoing physical construction of the dwelling structure upon such Building Lot. In the event any Owner shall fail or refuse to commence the construction of a dwelling structure within said one (1) year period, Grantor may, at Grantor's option, following the expiration of said one (1) year period, repurchase said Building Lot from such Owner or the then Owner of such Building Lot at a repurchase price equivalent to the money actually paid to Grantor, less an amount equivalent to ten (10) percent thereof. In the event Grantor shall exercise Grantor's option to repurchase such Building Lot, upon tender of said repurchase price, Owner or the then Owner of such Building

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Lot shall make, execute, and deliver to Grantor a deed reconveying said Building Lot, free and clear of all liens and encumbrances, which deed shall, by virtue of the notice provided hereby, be binding upon all persons who may, at any time hereafter, own or claim any right, title, or interest in such Building Lot, and the successors in title thereto, whether acquired by voluntary act or through operation of law.

4.24 Exemption of Grantor and for Common Area. Notwithstanding all other provisions in this Declaration, the Articles, Bylaws or any other documents, Grantor is and shall at all times be, and Improvements to the Common Areas by Grantor, or the Association are and shall at all times be, exempt from the obligations and restrictions set forth in this Article IV of the Declaration and from the governance and control of the Architectural Committee. Additionally, Grantor shall not be obligated to comply with any Association Rules. Without limiting the generality of the preceding sentences in this Section 4.24, so long as Grantor owns any Building Lot, nothing contained herein shall limit the right of Grantor to subdivide or re-subdivide any portion of the Property, to grant licenses, to reserve rights-of-way and easements with respect to the Common Area and Building Lots that it owns to utility companies, public agencies, or others, or to complete excavation, grading, and construction of Improvements to and on any portion of the property owned by Grantor, or to alter the foregoing and its construction plans and designs, or to construct such additional Improvements as Grantor deems advisable in the course of development of the Property. Such right shall include, but shall not be limited to, erecting, constructing, and maintaining on the Property such structures, signage and displays as may be reasonably necessary for the conduct of Grantor's business of completing development of the Property and disposing of the same by sales lease or otherwise. Grantor shall have the right at any time prior to acquisition of title to a Building Lot by a purchaser from Grantor to grant, establish, and/or reserve on that Building Lot, additional licenses, reservations and rights-of way to Grantor, to utility companies, or to others as may from time to time be reasonably necessary to the proper development and disposal of the Property. Grantor may use any structures owned by Grantor on the Property as model homes or home complexes or real estate sales or leasing offices for lots and homes within or outside the Subdivision. Grantor need not seek or obtain Architectural Committee approval of any Improvement constructed or placed by Grantor on any portion of the Property owned by Grantor. All of the rights of Grantor, including, without limitation, those set forth in this Section 4.24 may be assigned by Grantor as set forth in Section 3.14 of this Declaration.

#### ARTICLE V: DESERTHAWK SUBDIVISION HOMEOWNERS ASSOCIATION

5.1 Organization Deserthawk Subdivision Homeowners Association. The Association shall be initially organized by Grantor as an Idaho nonprofit corporation under the provisions of the Idaho Code relating to general non-profit corporations and shall be charged with the duties and invested with the powers prescribed by law and set forth in the Articles, Bylaws, and this Declaration. Neither the Articles nor the Bylaws shall be amended or otherwise changed or interpreted so as to be inconsistent with this Declaration or with any Supplemental Declaration which Grantor might adopt pertaining to the Subdivision. Conflicting terms

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between any of these three documents shall be resolved with the following priority: CC&Rs shall prevail over the Articles and the Bylaws and the Articles shall prevail over the Bylaws.

5.2 Membership. Each Owner, by virtue of being an Owner and for so long as such ownership is maintained, shall be a Member of the Association. Memberships in the Association shall be appurtenant to the Building Lot owned by such Owner. The memberships in the Association shall not be transferred, pledged, assigned, or alienated in any way except upon the transfer of Owner's title and then only to the transferee of such title. Any attempt to make a prohibited membership transfer shall be void and will not be reflected on the books of the Association.

5.3 Voting. Voting in the Association shall be carried out by Members who shall cast the votes attributable to the Building Lots which they own, or, in the case of Grantor, attributable to the Building Lots owned by Grantor. Member voting procedures shall be performed in accordance with the terms of this Declaration, the Association's Bylaws, Articles and other properly adopted organizational documents. On any issue that comes to a vote of the Members, each Owner shall be entitled to vote a number of votes that correlates to the number of Building Lots owned by such Member as described in more detail below. When more than one person holds an interest in any Building Lot, all such persons shall be Members but shall share the votes attributable to the Building Lot. For voting purposes, the Association shall have two (2) classes of Members as described below:

5.3.1 Class A Members. Owners other than Grantor shall be known as Class A Members. Each Class A Member shall be entitled to cast one (1) vote for each Building Lot owned by such Class A Member on the day of the vote.

5.3.2 Class B Members. The Grantor shall be known as the Class B Member, and notwithstanding all other provisions of this Declaration to the contrary, Grantor shall be entitled to ten (10) votes for each Building Lot of which Grantor is the Owner. The Class B Member shall cease to be a voting Member in the Association when the total cumulative votes of the Class A Members equal or exceed the total votes of the Class B Members, provided that the Class B membership voting rights shall not cease before the expiration of ten (10) years from the date on which the first Building Lot is sold to an Owner other than Grantor. Immediately upon the Class B membership ceasing to have the rights to vote is set forth in this Section 5.3.2 it shall become a Class A Member and shall have the associated voting rights based on the number of Building Lots of which it is an Owner, provided, however, all other rights associated with Grantor's status as Grantor shall continue regardless of whether Grantor is a Class A Member or a Class B Member.

Fractional votes shall not be allowed. In the event that joint Owners are unable to agree among themselves as to how their vote or votes shall be cast, they shall lose their right to vote on the matter being put to a vote. When an Owner casts a vote, it will thereafter be presumed

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conclusively for all purposes that such Owner was acting with authority and consent of all joint owners of the Building Lot(s) from which the vote derived. The right to vote may not be severed or separated from the ownership of the Building Lot to which it is appurtenant, except that any Owner may give a revocable proxy, or may assign such Owners right to vote to a lessee, mortgagee, beneficiary, or contract purchaser of the Building Lot concerned, for the term of the lease, mortgage, deed of trust, or contract. Any sale, transfer, or conveyance of such Building Lot to a new Owner shall operate automatically to transfer the appurtenant voting right to the Owner, subject to any assignment of the right to vote to a lessee, mortgagee, or beneficiary as provided herein. Neither the Grantor nor the Association shall be responsible or liable for any dispute, or damages related thereto, based on a disagreement as to who has the voting rights associated with a particular Building Lot and shall be able to rely on the claim by any lessee, mortgagee, contract purchaser or beneficiary of their right to vote. The Association shall have the right to suspend the voting rights of an Owner, except Grantor, for any period during which any Assessment or charge against such Owner's or such Owner's Building Lot remains unpaid, and for a period not to exceed sixty (60) days for any infraction of the Association Rules.

5.4 Board and Officers. The affairs of the Association shall be conducted and managed by the Board and agents of the Board as the Board may elect or appoint, in accordance with the Articles and Bylaws, as the same may be amended from time to time. The Board shall be elected in accordance with the provisions set forth in the Association Bylaws.

5.5 Power and Duties of the Association.

5.5.1 Powers. The Association shall have all the powers of a corporation organized under the general corporation laws of the State of Idaho subject only to such limitations upon the exercise of such powers as are expressly set forth in the Articles, the Bylaws, and this Declaration. The Association shall have the power to do any and all lawful things which may be authorized, required or permitted to be done by the Association under Idaho law and under this Declaration, and the Articles and Bylaws, and to do and perform any and all acts which may be necessary to, proper for, or incidental to the proper management and operation of the Common Area and the Grantor's and Association's other assets (including water rights when and if received from Grantor) and affairs and the performance of the other responsibilities herein assigned, including without limitation:

5.5.1.1 Assessments. The power to levy Assessments on any Owner or any portion of the Property and to force payment of such Assessments, all in accordance with the provisions of this Declaration.

5.5.1.2 Right of Enforcement. The power and authority from time to time in its own name, on its own behalf or on behalf of any Owner who consents thereto, to commence and maintain actions and suits to restrain and enjoin any breach or threatened breach of this Declaration or the Article or the Bylaws,

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including the Association Rules adopted pursuant to this Declaration, and to enforce by injunction or otherwise, all provisions hereof.

5.5.1.3 Delegation of Powers. The authority to delegate its power and duties to committees, officers, employees, or to any person, firm, or corporation to act as manager, and to contract for the maintenance, repair, replacement, and operation of the Common Area. Neither the Association nor the members of its Board shall be liable for any omission or improper exercise by the manager of any such duty or power so delegated.

5.5.1.4 Association Rules. The power to adopt, amend and repeal, by majority vote of the Board, such rules and regulations as the Board deems reasonable, including, without limitation, reasonable charges for an Owner's failure to comply with such rules and regulations. The Association may govern the use of the Common Areas, including, but not limited to, the use of private streets and other common area improvements by the Owners, their families, invitees, licensees, lessees, or contract purchasers; provided, however, that any Association Rules shall apply equally to all Owners and shall not be inconsistent with this Declaration, the Articles, or the Bylaws. A copy of the Association Rules as they may from time to time be adopted, amended, or repealed, shall be mailed or otherwise delivered to each Owner. Upon such mailing or delivery, the Association Rules shall have the same force and effect as if they were set forth in and were a part of this Declaration. In the event of any conflict between such Association Rules and any other provisions of this Declaration, or the Articles or the Bylaws, the provisions of the Association Rules shall be deemed to be superseded by provisions of this Declaration, the Articles, or the Bylaws to the extent of any such inconsistency.

5.5.1.5 Emergency Powers. The power, exercisable by the Association or by any person authorized by it, to enter upon any portion of the Property (but not inside any building constructed thereon) in the event of any emergency involving illness or potential danger to life or property or when necessary in connection with any maintenance or construction for which the Association is responsible. Such entry shall be made with as little inconvenience to the Owner as practicable, and any damage caused thereby shall be repaired by the Association unless the conditions of such emergency were caused by such Owner.

5.5.1.6 Licenses, Easements, and Rights-of-Way. The power to grant and convey to any third party such licenses, easements, and rights-of-way in, on, or under the Common Area as may be necessary or appropriate for the orderly maintenance, preservation, and enjoyment of the Common Area, and for

the preservation of the health, safety, convenience, and welfare of the Owners, for the purpose of constructing, erecting, operating, or maintaining:

5.5.1.6.1 Underground lines, cables, wires, conduits, or other devices for the transmission of electricity or electronic signals for lighting, heating, power, telephone, television, or other purposes, and the above ground lighting stanchions, meters, and other facilities associated with the provisions of lighting and services;

5.5.1.6.2 Public sewers, storm drains, water drains, and pipes, water supply systems, sprinkling systems, heating and gas lines or pipes, and any similar public or quasi-public improvements or facilities;

5.5.1.6.3 Mailboxes and sidewalk abutments around such mailboxes, or any service facility, berms, fencing and landscaping abutting Common Areas, public and private streets or land conveyed for any public or quasi-public purpose including, but not limited to, bicycle pathways.

5.5.1.7 Conveyances to and from Municipalities. The power to convey any portion of the Common Area and any portion of the Property that it owns to any city, county, the State of Idaho, the United States of America, or any political subdivision of any of the foregoing. The Board shall also have the power to receive a conveyance of any property interest from the above-referenced entities, or any other individual or entity, and to hold such property interest as Common Area.

5.5.2 Duties. In addition to duties necessary and proper to carry out the power delegated to the Association by this Declaration, and the Articles and Bylaws, without limiting the generality thereof, the Association or its agents, if any, shall have the authority and the obligation to conduct all business affairs of the Association and to perform, without limitation, each of the following duties:

5.5.2.1 Operation and Maintenance of the Common Area. Operate, maintain, and otherwise manage, or provide for the operation, maintenance, and management of, the Common Area. Such properties may include those lands intended for open space uses and which may be referred to as "non-buildable" lots per the Plat. Without limiting the generality of the foregoing, the Association shall perform the following:

5.5.2.1.1 Maintain, repair, or replace all school bus staging areas;

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5.5.2.1.2 Maintain the integrity of the vision triangles as required by the Plat Conditions;

5.5.2.1.3 Maintain the development's Common Area landscaping and open spaces, including temporary irrigation and furnishings located in all public rights-of-way;

5.5.2.1.4 Maintain the Subdivision's non-publically dedicated park and pathway areas;

5.5.2.1.5 Participate in a Road Improvement District or utility local improvement district as the need for these improvements arise;

5.5.2.1.6 Provide for snow removal along pathways in the Common Areas so they are pedestrian accessible within 24 hours of a snow event;

5.5.2.1.7 If the Subdivision becomes part of a transit route(s), provide residents of the Subdivision with transit street furnishings; and

5.5.2.1.8 Repair and replacement of property damaged or destroyed by casualty loss.

Additionally, the Association may, in its discretion, limit or restrict the access and use of the Common Area to any Owner or Owners, other than Grantor, residing in the Subdivision. **The Association shall establish rules and regulations regarding the Owners' use of Common Areas and Improvements located thereon.**

5.5.2.2 Reserve Account. Establish and fund a reserve account with a reputable banking institution or savings and loan association or title insurance company authorized to do business in the State of Idaho, which reserve account shall be dedicated to the costs of repair, replacement, maintenance and improvement of the Common Area.

5.5.2.3 Maintenance of Berms Retaining Walls and Fences. Maintain the berms, retaining walls, fences, and water amenities within and abutting the Common Area and Landscape Easement areas.

5.5.2.4 Taxes and Assessments. Pay all real and personal property taxes and assessments separately levied against the Common Area or against the

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Subdivision, the Association, and/or any other property owned by the Association. Such taxes and assessments may be contested or compromised by the Association, provided, however, that such taxes and assessments are paid or a bond insuring payment is posted prior to the sale or disposition of any property to satisfy the payment of such taxes and assessments. In addition, the Association shall pay all other federal, state, or local taxes, including income or corporate taxes levied against the Association, in the event that the Association is denied the status of a tax exempt corporation.

5.5.2.5 Water and Other Utilities. Acquire, provide, and/or pay for water, sewer, garbage disposal, refuse and rubbish collection, electrical, telephone, and gas, and other necessary services, for the Common Area, and manage for the benefit of the Subdivision all domestic, irrigation, and amenity water rights and rights to receive water held by the Association, whether such rights are evidenced by license, permit, claim, stock ownership, or otherwise. The Association shall maintain, repair, and operate any sewer lift stations located on the Property and shall comply with all of the terms and conditions of the Stormwater Plan. All responsibility for payment of fees related to the provision of utilities, and other similar fees, including, without limitation, impact fees, sewer treatment connection fees, sewer interceptor fees, water connection fees, pressure irrigation connection fees, and related inspections fees, shall belong to the Owner of each Building Lot at the time a building permit is acquired to commence construction on any Improvements on such Building Lot. In the event the Grantor or Association has paid any such fees, the Association or Grantor, whichever is applicable, shall be entitled to reimbursement of the same and such reimbursement shall be a Limited Assessment.

5.5.2.6 Insurance. Obtain insurance from reputable insurance companies authorized to do business in the State of Idaho, and maintain in effect any insurance policy the Board deems necessary or advisable, which policies must include, the following policies of insurance:

5.5.2.6.1 Fire insurance, including those risks embraced by coverage of the type known as the broad form "All Risk" or special extended coverage endorsement on a blanket agreed amount basis for the full insurable replacement value of all Improvements, equipment, and fixtures located within the Common Area.

5.5.2.6.2 Comprehensive public liability insurance insuring the Board, the Association, the Grantor, and the individual grantees and agents and employees of each of the foregoing, against any liability incident to the ownership and/or use of the Common Area. Limits of liability of such coverage shall be a minimum of the following:

Not less than One Million Dollars and No Cents (\$1,000,000.00) per person, and One Million Dollars and No Cents (\$1,000,000.00) per occurrence, with respect to personal injury or death, and One Million Dollars and No Cents (\$1,000,000.00) per occurrence with respect to property damage.

5.5.2.6.3 Full coverage directors' and officers' liability insurance with a limit of at least Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00).

5.5.2.6.4 Such other insurance, including motor vehicle insurance and Workmen's Compensation Insurance, to the extent necessary to comply with all applicable laws and indemnity, faithful performance, fidelity, and other bonds as the Board shall deem necessary or required to carry out the Association functions or to insure the Association against any loss from malfeasance or dishonesty of any employee or other person charged with the management or possession of any Association funds or other property.

5.5.2.7 Association as Trustee. The Association shall act as and be deemed trustee of the interests of all Owners in connection with any insurance proceeds paid to the Association under such policies, and have full power to receive such Owner's interests in such proceeds and to deal therewith.

5.5.2.8 Insurance Premiums as Regular Assessments. Charge as a common expense to be included in the Regular Assessments insurance premiums for any and all insurance coverage the Board deems necessary or advisable.

5.5.2.9 Rule Making. Make, establish, promulgate, amend, and repeal such Association Rules as the Board shall deem advisable.

5.5.2.10 Newsletter. If it so elects, prepare and distribute a newsletter on matters of general interest to Association Members, the cost of which shall be included in Regular Assessments.

5.5.2.11 Architectural Committee. Appoint and remove members of the Architectural Committee, subject to the provisions of this Declaration.

5.5.2.12 Enforcement of Restrictions and Rules. Perform such other acts, whether or not expressly authorized by this Declaration, as may be reasonably advisable or necessary to enforce any of the provisions of the Declaration, or of the Articles or the Bylaws, including, without limitation, the

recording of any claim of lien with the County Recorder, as more fully provided herein.

5.5.2.13 Private Streets, Signs and Lights. Maintain, repair, or replace private streets (as noted on the Plat and including any cul-de-sac easements), street signs, and private street lights located on the Property. This duty shall run with the land and cannot be waived by the Association unless the all required governmental entities consent to such waiver.

5.6 Personal Liability. No member of the Board, or member of any committee of the Association, or any officer of the Association, or the Grantor, or the manager, if any, shall be personally liable to any Owner, or to any other party, including the Association, for any damage, loss, or prejudice suffered or claimed on the account of any act, omission, error, or negligence of such person, the Association, the Board, the manager, if any, or any other representative or employee of the Association, the Grantor, or the Architectural Committee, or any other committee, or any Owner, or the Grantor, provided that such person, upon the basis of such information as may be possessed by such person, has acted in good faith without willful or intentional misconduct.

5.7 Loans. At the election of Grantor, all expenditures made by Grantor related to the organization and operation of the Association shall be deemed loans made on behalf of Grantor for the benefit of the Association ("Grantor Loans"); provided, however, Grantor shall not be obligated to make any Grantor Loans or otherwise have any of the obligations attributable to the Association under this Declaration or otherwise. All Grantor Loans shall be repaid to Grantor as part of the Expenses used to calculate the Regular Assessment for the next successive fiscal year after each such Grantor Loan is made or, at the option of the Board, at an earlier time pursuant to a Special Assessment. In the event that there is more than one Grantor Loan outstanding and not all outstanding Grantor Loans are paid back in full at the same time, then regardless of when Grantor Loans are made, they shall be paid back on a pro-rata basis.

5.8 Budgets and Financial Statements. Financial statements for the Association shall be prepared regularly and copies shall be distributed to each Member of the Association as follows:

A pro forma operating statement or budget, for each fiscal year shall be distributed not less than sixty (60) days before the beginning of each fiscal year. The operating statement shall include a schedule of Assessments received and receivable, identified by the Building Lot number and the name of the person or entity assigned.

5.9 Meetings of Association. Each year the Association shall hold at least one (1) meeting of the Members, according to the schedule for such meetings established by the Bylaws. Only Members shall be entitled to attend Association meetings and all other persons may be

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excluded. Notice for all Association meetings shall be given pursuant to the Association's Bylaws.

#### ARTICLE VI: RIGHTS TO COMMON AREAS

6.1 Use of Common Area. Every Owner shall have a right to use, but not to control, all or any part of the Common Area, which right shall be appurtenant to and shall pass with the title to every Building Lot, subject to all of the following provisions:

6.1.1 The right of the Association holding or controlling such Common Area to levy and increase Assessments.

6.1.2 The right of the Association to suspend the use of, or interest in, the Common Area (but not including access to private streets, cul-de-sacs and walkways of the Property) by an Owner, except Grantor, for any period during which any Assessment or charge against such Owner's or such Owner's Building Lot remains unpaid, and for a period not to exceed sixty (60) days for any infraction of the Association Rules.

6.1.3 The right of the Association to prohibit the construction of structures or Improvements on all Common Areas.

6.1.4 The right of the Association to protect wildlife habitat.

6.1.5 The right of the Association and the Grantor to set aside and restrict access to, either temporarily or permanently, portions of the Common Area for the use of the Association, the Grantor, any individual Owner or any group of Owners, so long as such action does not materially impair the other Owner's use and enjoyment of the Common Area as a whole.

6.2 Designation of Common Area. Grantor shall specifically designate and reserve the Common Area in the Declaration, Supplemental Declarations, and/or recorded Plats. By accepting a deed to a Building Lot, each Owner agrees that such Owner is waiving all right to assert a common law dedication by Grantor or the Association of any Common Area.

6.3 Delegation of Right to Use. Any Owner may delegate, in accordance with the respective Bylaws and Association Rules, such Owner's right of enjoyment to the Common Area, to the members of such Owner's family in residence, and such Owner's tenants or contract purchasers who reside on such Owner's Building Lot. Only Grantor or the Association shall have the right to delegate the right of enjoyment to the Common Area to the general public, and such delegation to the general public shall be for a fee set by Grantor or the Association.

6.4 Damages. Each Owner shall be fully liable for any damage to any Common Area which may be sustained by reason of the negligence or willful misconduct of the Owner, such

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Owner's resident tenant or contract purchaser, or such Owner's family and guests, both minor and adult. In the case of joint ownership of a Building Lot, the liability of such Owners shall be joint and several. The cost of correcting such damage shall be a Limited Assessment against the Building Lot and may be collected as provided herein for the collection of other Assessments.

## ARTICLE VII: ASSESSMENTS

7.1 Covenant to Pay Assessments. By acceptance of a deed to any property in the Subdivision, each Owner of such property hereby covenants and agrees to pay when due all Assessments or charges made by the Association, including all Regular, Special, and Limited Assessments and charges made against such Owner pursuant to the provisions of this Declaration or other applicable instrument. Notwithstanding any other provision of this Declaration, the Articles, Bylaws, or other document, the Grantor shall not be required to pay any Assessments.

7.1.1 Assessment Constitutes Lien. Such Assessments and charges, together with interest, costs, and reasonable attorney's fees which may be incurred in collecting the same, shall be a charge on the land and shall be a continuing lien upon the property against which each such Assessment or charge is made.

7.1.2 Assessment is Personal Obligation. Each such Assessment, together with interest, costs and reasonable attorney's fees, shall also be the personal obligation of the Owner of such property beginning with the time when the Assessment falls due. The personal obligation for delinquent Assessments shall not pass to such Owner's successors in title unless expressly assumed by them but shall remain such Owner's personal obligation regardless of whether he remains an Owner.

7.2 Regular Assessments. All Owners are obligated to pay Regular Assessments to the treasurer of the Association on a schedule of payments established by the Board.

7.2.1 Purpose of Regular Assessments. The proceeds from Regular Assessments are to be used to repay all unpaid Grantor Loans and to pay for all costs and expenses incurred by the Association and that the Association expects to incur, including legal and attorneys' fees and other professional fees, for the conduct of its affairs, including without limitation the costs and expenses of construction, improvement, protection, maintenance, repair, management, and operation of the Common Areas, including all Improvements located on such areas owned and/or managed and maintained by such Association, and an amount allocated to an adequate reserve fund to be used for repairs, replacement, maintenance, and improvement of those elements of the Common Area, or other property of the Association that must be replaced and maintained on a regular basis (collectively "Expenses").

7.2.2 Computation of Regular Assessments. The Board shall compute the anticipated amount of its Expenses on an annual basis as set forth in this paragraph (the

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"Anticipated Expenses"). The Regular Assessment for a given fiscal year shall be based on the Anticipated Expenses. The Board shall compute the initial amount of Regular Assessments owed beginning the first day of the third month following the month in which the closing of the first sale of a Building Lot occurred in the Subdivision for the purposes of the Association's Regular Assessment ("Initiation Date"). Thereafter, the computation of Regular Assessments shall take place not less than thirty (30) or more than sixty (60) days before the beginning of each fiscal year of the Association, provided, however, in the event that for any reason the Board fails to make such a computation, the Owners shall not be relieved of the obligation to pay the Regular Assessments and until such computation is made, the Owners shall continue to pay an amount of Regular Assessments consistent with the previous fiscal year. The computation of the Regular Assessment for the period from the Initiation Date until the beginning of the next fiscal year shall be reduced by an amount which fairly reflects the fact that such period was less than one (1) year.

7.2.3 Amounts Paid by Owners. The Board can require, in its discretion or as provided in the Articles or Bylaws, payment of Regular Assessments in monthly, quarterly, semi-annual, or annual installments. The Regular Assessment to be paid by any particular Owner, except Grantor, for any given fiscal year shall be computed as follows:

7.2.3.1 An initial assessment set up fee of \$250.00 shall be paid to the Association at the closing of the acquisition by any Owner, aside from the Grantor, of a Building Lot. This fee shall (i) be paid by the purchaser, (ii) only apply to the initial sale from Grantor to a non-Grantor Owner, (iii) be in addition to and not a credit towards the Regular Assessments owed by an Owner and (iv) be used to pay back Grantor Loans. On all subsequent transfers of Building Lots, at the closing of the acquisition, the purchaser shall pay to the Association a transfer fee of \$50.00.

7.2.3.2 As to the Association's Regular Assessment, initially, each Owner shall be assessed and shall pay an amount computed by multiplying the Association's total Anticipated Expenses by 1.5 and then multiplying that total by the fraction produced by dividing the Building Lots attributable to the Owner by the total number of Building Lots that are part of the Property at the time such calculation is made. Regular Assessments shall be calculated in this manner until such time as all Grantor Loans have been repaid in full and, thereafter, each Owner shall be assessed and shall pay an amount computed by multiplying the Association's total Anticipated Expenses by the fraction produced by dividing the Building Lots attributable to the Owner by the total number of Building Lots not owned by Grantor that are part of the Property at the time such calculation is made. As of the date of this Declaration the estimated initial amount of the

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regular assessment is \$240.00 per year, per Building Lot, payable quarterly, every three (3) months in installments of \$60.00.

7.2.3.3 Notwithstanding anything in this Declaration to the contrary, Grantor is not obligated to pay any Regular, Special or Limited Assessment on any Building Lot that it owns.

### 7.3 Special Assessments.

7.3.1 Purpose and Procedure. In the event that the Board shall determine that its respective Regular Assessment for a given calendar year is or will be inadequate to meet the Expenses of the Association for any reason, including but not limited to costs of construction, reconstruction, unexpected repairs or replacement of capital improvements upon the Common Area, attorney's fees and/or litigation costs, other professional fees, or for any other reason, the Board shall determine the approximate amount necessary to defray such Expenses and levy a Special Assessment against the Owners and the Building Lots, pursuant to the terms of this Article VII and which shall be computed in the same manner as Regular Assessments. No Special Assessment shall be levied which exceeds twenty percent (20%) of the Anticipated Expenses of such Association for that fiscal year, without the vote or written assent of the Owners representing a majority of the votes of the Members of such Association. The Board shall, in its discretion, determine the schedule under which such Special Assessment will be paid.

7.3.2 Consistent Basis of Assessment. Every Special Assessment levied by and for the Association shall be levied and paid upon the same basis as that prescribed for the levying and payment of Regular Assessments.

7.4 Limited Assessments. Notwithstanding the above provisions with respect to Regular and Special Assessments, the Board may levy a Limited Assessment against any individual Member or multiple members (i) as a remedy to reimburse the Association for costs incurred in bringing the Member and/or such Member's Building Lot or restricted Common Area into compliance with the provisions of this Declaration, the Articles, Bylaws, Association Rules and any other governing instruments of the Subdivision, (ii) to collect other amounts owed by an Owner to the Association, and (iii) otherwise reimburse the Association for expenses incurred as a result of such Member's acts and omissions.

7.5 Uniform Rate of Assessment. Unless otherwise specifically provided herein, Regular and Special Assessments shall be fixed at a uniform rate per Building Lot for all Members of the Association.

7.6 Assessment Period. Unless otherwise provided in this Declaration or otherwise determined by the Board, the Assessment period shall commence on January 1st of each year and terminate December 31st of such year. The first Assessment shall be pro-rated according to the

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number of months remaining in the fiscal year and shall be payable by the Owner of a Building Lot at the closing of the Owner's acquisition of such Building Lot.

**7.7 Notice and Assessment Due Date.** Ten (10) days' prior written notice of any change in the amount or due date of Regular and Special Assessments shall be sent to the Owner of every Building Lot subject thereto, and to any person in possession of such Building Lot. The due dates for the semi-annual payment of Regular Assessments and Special Assessments shall be the first day of January and the first day of July, unless some other due date is established by the Board. Each installment of the Regular Assessment or Special Assessment shall become delinquent if not paid within ten (10) days after the due date thereof. All Limited Assessments shall be delinquent if not paid within ten (10) days after notice of such Limited Assessment is provided to Owner. There shall accrue with each delinquent payment a late charge equal to ten percent (10%) of the delinquent charge and installment. In addition, each payment which is delinquent for more than twenty (20) days shall accrue interest at eighteen percent (18%) per annum calculated from the date of delinquency to and including the date full payment is received by the Association. The Association may bring an action against the delinquent Owner and may foreclose the lien against such Owner's Building Lot, or Building Lots if Owner owns more than one, as more fully provided herein. Each Owner is personally liable for Assessments, together with all interest, costs and attorney's fees, and no Owner may exempt themselves from such liability by a waiver of the use and enjoyment of the Common Areas, by lease or abandonment of such Owner's Building Lot, or by virtue of the fact that their voting and/or Common Area use rights have been restricted pursuant to the terms of this Declaration.

**7.8 Estoppel Certificate.** The Association, upon at least twenty (20) days prior written request, shall execute, acknowledge and deliver to the party making such request, a statement in writing stating whether or not, to the knowledge of the Association, a particular Owner is in default under the provisions of this Declaration, and further stating the dates, within the preceding twelve (12) month period that any Assessments have been paid by the Owner. Any such certificate delivered pursuant to this Section 7.8 may be relied upon by any prospective purchaser or mortgagee of the Owner's Building Lot. Reliance on such certificate may not extend to any default of which the signor of such certificate had no actual knowledge.

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## ARTICLE VIII: ENFORCEMENT OF ASSESSMENT; LIENS

8.1 Right to Enforce. The Association has the right to collect and enforce its Assessments pursuant to the provisions hereof. Each Owner, upon becoming an Owner of a Building Lot, shall be deemed to covenant and agree to pay each and every Assessment provided for in this Declaration and agrees to the enforcement of all Assessments in the manner herein specified. In the event an attorney or attorneys are employed for the collection of any Assessment, whether by suit or otherwise, or to enforce compliance with or specific performance of the terms and conditions of this Declaration, each Owner agrees to pay reasonable attorney's fees in addition to any other relief or remedy obtained against such Owner. The Board or its authorized representative may enforce the obligations of the Owners to pay such Assessments by any and all means available to it in law and in equity, including, without limitation, commencement and maintenance of a legal action, or exercise of the power of foreclosure and sale pursuant to Section 8.3 to enforce the liens created hereby. A suit to recover a money judgment for an unpaid Assessment shall be maintainable without foreclosing or waiving the lien hereinafter provided for.

### 8.2 Assessment Liens.

8.2.1 Creation. There is hereby created a claim of lien with power of sale on each and every Building Lot to secure payment of any and all Assessments levied against such Building Lot pursuant to this Declaration together with interest thereon at the maximum rate permitted by law and all costs of collection which may be paid or incurred by the Association making the Assessment in connection therewith, including reasonable attorney's fees. All sums assessed in accordance with the provisions of this Declaration shall constitute a lien on such respective Building Lot upon recordation of a claim of lien with the County Recorder. Such lien shall be prior and superior to all other liens or claims created subsequent to the recordation of the claim of lien except for tax liens for real property taxes on any Building Lot and assessments on any Building Lot in favor of any municipal or other governmental assessing body which, by law, would be superior thereto.

8.2.2 Claim of Lien. Upon default of any Owner in the payment of any Assessment issued hereunder, the Association may cause to be recorded in the office of the County Recorder a claim of lien. The claim of lien shall state the amount of such delinquent sums and other authorized charges (including the cost of recording such claim of lien), a sufficient description of the Building Lot(s) against which the same have been assessed, and the name of the record Owner thereof. Each delinquency shall constitute a separate basis for a claim of lien, but any number of defaults may be included within a single claim of lien. Upon payment to the Association of all delinquent sums and charges in any given claim of lien or other satisfaction thereof, the Association shall cause to be recorded a notice stating the satisfaction of such delinquent sums and charges. The

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Association may demand and receive the cost of preparing and recording such notice before recording the same.

8.3 Method of Foreclosure. Such lien may be foreclosed by appropriate action in court or by sale by the Association, its attorney or other person authorized to make the sale. Such sale shall be conducted in accordance with the provisions of the Idaho Code applicable to the exercise of powers of sale permitted by law. The Board is hereby authorized to appoint its attorney, any officer or director of the Association, or any title company authorized to do business in Idaho, as trustee for the purpose of conducting such power of sale or foreclosure.

8.4 Required Notice. Notwithstanding anything contained in this Declaration to the contrary, no action may be brought to foreclose the lien created by recordation of claim of lien, whether judicially, by power of sale or otherwise, until the expiration of thirty (30) days after a copy of such claim of lien has been deposited in the United States mail, certified or registered, postage prepaid, to the Owner of the Building Lot(s) described in such claim of lien, and to the person in possession of such Building Lot(s) and a copy thereof is recorded by the Association in the office of the County Recorder.

8.5 Subordination to Certain Trust Deeds. The lien for the Assessments provided for herein in connection with a given Building Lot shall not be subordinate to the lien of any deed of trust or mortgage except the lien of a first deed of trust or first mortgage given and made in good faith and for value that is of record as an encumbrance against such Building Lot prior to the recordation of a claim of lien for the Assessments. Except as expressly provided in Section 8.6 with respect to a first mortgagee who acquires title to a Building Lot, the sale or transfer of any Building Lot shall not affect the Assessment lien provided for herein, nor the creation thereof by the recordation of a claim of lien, on account of the Assessments becoming due whether before, on, or after the date of such sale or transfer, nor shall such sale or transfer diminish or defeat the personal obligation of any Owner for delinquent Assessments as provided for in this Declaration.

8.6 Rights of Mortgagees. Notwithstanding any other provision of this Declaration, no amendment of this Declaration shall operate to defeat the rights of the beneficiary under any deed of trust, or a mortgagee under a mortgage, upon a Building Lot made in good faith and for value, and recorded prior to the recordation of such amendment, provided that after the foreclosure of any such deed of trust or mortgage such Building Lot shall remain subject to this Declaration as amended.

#### ARTICLE IX: INSPECTION OF ASSOCIATION'S BOOKS AND RECORDS

9.1 Member's Right of Inspection. The membership register, books of account and minutes of meetings of the Board and any committees of the Association shall be made available at the office of the Association or at such other place as the Board of such Association shall prescribe, for inspection and copying by any Member of the Association or by such Member's duly appointed representatives, upon reasonable notice, at any reasonable time and for a purpose

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reasonably related to such Member's interest as a Member. No Member or any other person shall copy the membership register for the purposes of solicitation of or direct mailing to any Member of the Association.

9.2 Rules Regarding Inspection of Books and Records. The Board shall establish reasonable rules with respect to:

9.2.1 Notice to be given to the custodians of the records by the persons desiring to make the inspection.

9.2.2 Hours and days of the week when such an inspection may be made.

9.2.3 Payment by the requesting Member of the cost of reproducing copies of documents requested pursuant to this Article IX.

9.3 Director's Rights of Inspection. Every director shall have the absolute right at any reasonable time to inspect all books, records and documents of the Association, and the physical properties owned or controlled by the Association. The right of inspection by a director includes the right to make extracts and copies of documents at the Association's expense.

#### ARTICLE X: ARCHITECTURAL COMMITTEE

10.1 Creation. Within thirty (30) days of the date on which the Grantor first conveys a Building Lot to an Owner, Grantor shall appoint three (3) individuals to serve on an architectural control committee (the "Architectural Committee"). Each member of the Architectural Committee shall hold office until such time as such member has resigned or has been removed, or such member's successor has been appointed, as provided herein. A member of the Architectural Committee need not be an Owner or Member of the Association. Members of the Architectural Committee may be removed by the person or entity appointing them at any time without cause.

10.2 Rights of Appointment. After the initial appointment by Grantor as set forth in Section 10.1, the Board shall have the exclusive right, at any time, and from time to time, to appoint and remove all members of the Architectural Committee. If a vacancy on the Architectural Committee occurs and a permanent replacement has not yet been appointed, the Board may appoint a member to serve for a specified temporary period not to exceed one (1) year.

10.3 Review of Proposed Construction. The Architectural Committee shall consider and act upon any and all proposals or plans and specifications submitted for its approval pursuant to this Declaration, and perform such other duties as from time to time shall be assigned to it by the Board, including, without limitation, the inspection of construction in progress to assure its conformance with plans and specifications approved by the Architectural Committee. The Board

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shall have the power to determine, by rule or other written designation consistent with this Declaration, which types of Improvements shall be submitted for Architectural Committee review and approval. The Architectural Committee shall have the power to hire an architect, licensed with the State of Idaho, to assist the Architectural Committee in its review of proposals or plans and specifications submitted to the Architectural Committee. The Architectural Committee shall approve proposals or plans and specifications submitted for its approval only if it deems that the construction, alterations or additions or other Improvements contemplated thereby in the locations indicated will not be detrimental to the habitat of the Common Areas, or appearance of the Property as a whole, that the appearance of any structure affected thereby will be in harmony with the surrounding structures, and that the upkeep and maintenance thereof will not become a burden on the Association.

10.3.1 Conditions on Approval. The Architectural Committee may condition its approval of proposals or plans and specifications upon such changes thereto as it deems appropriate, and/or upon the agreement of the Owner to reimburse the Association for the cost of maintenance, and may require submission of additional plans and specifications or other information before approving or disapproving material submitted.

10.3.2 Architectural Committee Rules and Fees. The Architectural Committee also may establish rules and/or guidelines setting forth procedures for and the required content of the applications and other documentation submitted for approval. Such rules may require a fee to accompany each application for approvals or additional factors which it will take into consideration in reviewing submissions. The Architectural Committee shall determine the amount of such fee in a reasonable manner. Such fees shall be used to defray the costs and expenses of the Architectural Committee, including the cost and expense of hiring an architect licensed by the State of Idaho, as provided above, or for such other purposes as established by the Board, and such fee shall be refundable to the extent not expended for the purposes herein stated. If plans submitted are the same or substantially similar to plans previously approved by the Architectural Committee, at the discretion of the Architectural Committee, fees may be reduced for such application approvals.

Such rules and guidelines may establish, without limitation, specific rules and regulations regarding design and style elements, landscaping, and fences and other structures such as animal enclosures as well as special architectural guidelines applicable to Building Lots located adjacent to public open space, private open space or other Common Area.

10.3.3 Detailed Plans. The Architectural Committee may require such detail in plans and specifications submitted for its review as it deems proper, including, without limitation, floor plans, site plans, landscape plans, drainage plans, elevation drawings, and descriptions or samples of exterior material and colors. Until receipt of such details, the Architectural Committee may postpone review of any plan submitted for approval.

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10.3.4 Architectural Committee Decisions. Decisions of the Architectural Committee and the reasons therefore shall be transmitted by the Architectural Committee to the Applicant at the address set forth in the application for approval within forty-five (45) days after filing all materials required by the Architectural Committee. Any materials submitted pursuant to this Article X shall be deemed approved unless written disapproval by the Architectural Committee shall have been mailed to the Applicant within forty-five (45) days after the date of filing said materials with the Architectural Committee.

10.4 Meetings of the Architectural Committee. The Architectural Committee shall meet from time to time as necessary to perform its duties hereunder. The Architectural Committee may from time to time by resolution unanimously adopted in writing, designate an Architectural Committee representative (who may, but need not be, one of its members) to take any action or perform any duties for and on behalf of the Architectural Committee, except the granting of variances pursuant to Section 10.9. In the absence of such designation, the vote of any two (2) members of the Architectural Committee, or the written consent of any two (2) members of the Architectural Committee taken without a meeting, shall constitute an act of the Architectural Committee.

10.5 No Waiver of Future Approvals. The approval of the Architectural Committee of any proposals or plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring the approval or consent of the Architectural Committee, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications, drawings or matter whatsoever subsequently or additionally submitted for approval or consent. Similarly, the disapproval of the Architectural Committee of any proposals or plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring the approval or consent of the Architectural Committee, shall not be deemed to constitute a waiver of any right to grant approval or consent as to any similar proposals, plans and specifications, drawings or matter whatsoever subsequently or additionally submitted for approval or consent.

10.6 Compensation of Members. The members of the Architectural Committee shall receive no compensation for services rendered, other than reimbursement for expenses incurred by them in the performance of their duties hereunder and except as otherwise agreed by the Board.

10.7 Inspection of Work. Inspection of work and correction of defects therein shall proceed as follows:

10.7.1 Upon the completion of any work for which approved plans are required under this Declaration, the Owner shall give written notice of completion to the Architectural Committee.

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10.7.2 Within sixty (60) days thereafter, the Architectural Committee or its duly authorized representative may inspect such Improvement. If the Architectural Committee finds that such work was not done in substantial compliance with the plans, specifications and other documents submitted to and approved by the Architectural Committee, it shall notify the Owner in writing of such noncompliance within such sixty (60) day period, specifying the particular noncompliance issues and the Owner shall be required to remedy the same.

10.7.3 If upon the expiration of thirty (30) days from the date of such notification, or any longer time the Architectural Committee determines to be reasonable, the Owner shall have failed to remedy such noncompliance, the Architectural Committee shall notify the Board in writing of such failure. Upon receipt of such notice, the Board shall call a Special Meeting, as provided in the Bylaws, at which it shall authorize the Architectural Committee members and the applicable Owner to be heard. Based on such special meeting, the Board shall determine whether there is a noncompliance and, if so, the nature thereof and the estimated cost of correcting or removing the same. If a noncompliance exists, the Owner shall remedy or remove the same within a period of not more than forty-five (45) days from the date of the announcement of the Board ruling unless the Board specifies a longer time as reasonable. If the Owner does not comply with Board ruling within such period, the Board, at its option, may either remove the non-complying improvement or remedy the noncompliance, and the Owner shall reimburse the Association, upon demand, for all expenses incurred in connection therewith. If such expenses are not promptly repaid by the Owner to the Association, the Board shall levy a Limited Assessment against such Owner for reimbursement pursuant to this Declaration.

10.7.4 If for any reason the Architectural Committee fails to notify the Owner of any noncompliance with sixty (60) days after receipt of the written notice of completion from the Owner, the work shall be deemed to be in accordance with the approved plans.

10.8 Non-Liability of Architectural Committee Members. Neither the Architectural Committee nor any member thereof, nor any duly authorized Architectural Committee representative, shall be liable to the Association, any Owner, Grantor, or any other individual or entity, for any loss, damage, or injury arising out of or in any way connected with the performance of the Architectural Committee's duties hereunder, unless due to the willful misconduct or bad faith of the Architectural Committee. The Architectural Committee shall review and approve or disapprove all plans submitted to it for any proposed improvement, alteration or addition, solely on the basis of aesthetic considerations and the overall benefit or detriment which would result to the immediate vicinity and to the Property generally. The Architectural Committee shall take into consideration the aesthetic aspects of the architectural designs, placement of building, landscaping, color schemes, exterior finishes and materials and similar features, but shall not be responsible for reviewing, nor shall its approval of any plan or

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design be deemed approval of, any plan or design from the standpoint of structural safety or conformance with building or other codes, laws or regulations.

10.9 Variances. With respect to the approval and construction of Improvements, the Architectural Committee may authorize variances from provisions of this Declaration and any other rules and guidelines created by the Architectural Committee, including restrictions upon height, size, floor area, or placement of structures, or similar restrictions, when circumstances such as topography, natural obstructions, hardship, aesthetic, or environmental considerations may require. However, no variances will be granted allowing for construction of structures or Improvements by Owners in the Common Areas. All authorized variances must be evidenced in writing and must be signed by at least two (2) members of the Architectural Committee. If such variances are granted, no violation of the covenants, conditions or restrictions contained in this Declaration shall be deemed to have occurred with respect to the matter for which the variance was granted. The granting of such a variance shall not operate to waive any of the terms and provisions of this Declaration for any purpose except as to the particular Building Lot and particular provision hereof covered by the variance, nor shall it affect any way the Owners obligation to comply with all governmental laws and regulations affecting such Owners use of the Building Lot, including but not limited to zoning ordinances or requirements imposed by any governmental or municipal authority.

#### ARTICLE XI: ANNEXATION OF ADDITIONAL PROPERTIES

11.1 By Grantor. Should Grantor own any property that is contiguous to the Property and, in Grantor's sole discretion, Grantor deems it desirable to annex some or all of such properties into the Subdivision (an "Annexed Tract"), such property may be annexed into the Subdivision and brought within the provisions of this Declaration as provided herein by Grantor at any time, and from time to time, without the approval of any Owner or the Association. The use and development of an Annexed Tract shall conform to all applicable land use regulations as such regulations are modified by variances.

11.2 Rights and Obligations of Owners of an Annexed Tract. Subject to the provisions hereof, upon the recording of a Supplemental Declaration as to any Annexed Tract, all provisions contained in the Declaration shall apply to the Annexed Tract in the same manner as if it were originally covered by this Declaration, subject to such modifications, changes and deletions as are specifically provided in such Supplemental Declaration, such Annexed Tract shall be treated for all purposes as part of the Property as defined above. Without limiting the generality of the immediately preceding sentence, if an Annexed Tract becomes part of the Property, all Building Lots in the Annexed Tract shall be included for the purposes of the calculation set forth in Section 5.3.2 of this Declaration and such calculation shall be redone based on the inclusion of such Building Lots and Class B membership reinstated based on such recalculation. The Owners of lots located any Annexed Tract shall become members of the Association and shall become liable for their appropriate share of Assessments. Title to the Common Areas which are to be owned and managed by the Association within any Annexed Tract shall be conveyed to the

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Association, free and clear of any and all encumbrances and liens, subject to reservations, easements, covenants, conditions and restrictions then of record including those set forth in this Declaration or any Supplemental Declaration applicable to such Annexed Tracts.

11.3 Method of Annexation. The addition of an Annexed Tract to the Property authorized under sections 11.1 and 11.2 shall be made by filing of record a Supplemental Declaration or other similar instrument with respect to the Annexed Tract, which shall be executed by Grantor or the owner of the Annexed Tract, and which shall cause the annexation of the Annexed Tract into the Subdivision. Thereupon each Annexed Tract shall be part of the Property, shall be subject to this Declaration and encompassed within the general plan and scheme hereof as modified by such Supplemental Declaration, and shall be subject to the functions, powers, and jurisdiction of the Association, or, at the election of the Grantor, of a new Association established for the area encompassing the Annexed Tract. Such Supplemental Declaration or other appropriate document may contain such additions, modifications or deletions as may be deemed by Grantor or the owner of the Annexed Tract desirable to reflect the different character, if any, of the Annexed Tract, or as Grantor or such owner may deem appropriate in the development of the Annexed Tract. If any Annexed Tract is created, the Association shall have the authority to levy Assessments against the Owners located within such Annexed Tract, and the Association shall have the duty to maintain additional Common Area located within the Annexed Tract if so specified in any Supplemental Declaration.

11.4 De-annexation. Grantor may delete all or a portion of the Property, including, without limitation, previously Annexed Tracts, from the Property and from coverage of this Declaration and the jurisdiction of the Association so long as Grantor is the owner of all such de-annexed Property and provided that a Supplemental Declaration of Deletion of Property is recorded in the office of the County Recorder. Members other than Grantor as described above shall not be entitled to de-annex all or any portion of the Property.

## ARTICLE XII: EASEMENTS

12.1 Easements of Encroachment. There shall be reciprocal appurtenant easements of encroachment as between each Building Lot and such portion or portions of the Common Area adjacent thereto or as between adjacent Building Lots due to the unwillful placement or settling or shifting of the sidewalks and driveways constructed, reconstructed or altered thereon in accordance with the terms of this Declaration. Easements of encroachment shall be valid only so long as they exist, and the rights and obligations of Owners shall not be altered in any way because of encroachments, settling or shifting of the Improvements; provided, however, that in no event shall a valid easement for encroachment occur due to the willful act or acts of an Owner. In the event a structure on any Building Lot is partially or totally destroyed, and then repaired or rebuilt, the owners of each Building Lot agree that minor encroachments over adjoining Building Lots that existed prior to the encroachment may be reconstructed pursuant to the easement granted by this Section 12.1

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12.2 Easements of Access. All Owners of Building Lots will have a perpetual easement for access, ingress and egress over the Common Area, including but not limited to the private streets, cul-de-sacs and walkways; provided, however, this shall not be a limitation of the Association's right to restrict or suspend use of other portions of the Common Area pursuant to the terms of this Declaration. These easements shall run with the land. Such easements may be used by Grantor, and by all Owners, their guests, tenants and invitees, residing on or temporarily visiting the property, for pedestrian walkways, vehicular access and such other purposes reasonably necessary for the use and enjoyment of a Building Lot or Common Area.

12.3 Drainage and Utility Easements. Grantor expressly reserves for the benefit of all the Property reciprocal easements of access, ingress and egress for all Owners to and from their respective Building Lots for installation and repair of utility services, for drainage of water over, across and upon adjacent Building Lots, and Common Areas, resulting from the normal use of adjoining Building Lots or Common Areas, and for necessary maintenance and repair for any Improvement including, without limitation, fencing, retaining walls, lighting facilities, mailboxes and sidewalk abutments, trees, and landscaping. Notwithstanding anything expressly or impliedly contained herein to the contrary, this Declaration shall be subject to all easements heretofore or hereafter granted by Grantor for the installation and maintenance of utilities and drainage facilities that are required for the development of the Property. In addition, Grantor hereby reserves for the benefit of the Association the right to grant additional easements and rights-of-way over any portion of the Property until close of escrow for the sale of the last Building Lot in the property to a purchaser. The Owners are hereby restricted and enjoined from constructing any Improvements upon any drainage or utility easement areas as shown on the Plat of the Subdivision or otherwise designated in any recorded document which would interfere with or prevent the easement from being used for such purpose; provided, however, that the Owner and the Grantor, Association or designated entity with regard to the landscaping easement described in this Article XII, shall be entitled to install and maintain landscaping on such easement areas, and also shall be entitled to build and maintain fencing on such easement areas subject to approval by the Architectural Committee, so long as the same would not interfere with or prevent the easement areas from being used for their intended purposes; provided, that any damage sustained to Improvements on the easement areas as a result of legitimate use of the easement areas shall be the sole and exclusive obligation of the Owner whose Improvements were so damaged.

12.4 Rights and Duties Concerning Utility Easements. The rights and duties of the Owners with respect to utilities shall be governed by the following:

12.4.1 Wherever utility house connections are installed within the Property, which connections or any portions thereof lie in or upon Building Lots owned by an Owner other than the Owner of the Building Lot served by the connections, the Owner of the Building Lot served by the connections shall have the right, and is hereby granted an easement to the full extent necessary therefore, to enter upon any Building Lot or to have their agent enter upon any Building Lot within the Property in or upon which said

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connections or any portion thereof lie, to repair, replace and generally maintain the connections as and when it may be necessary.

12.4.2 Whenever utility house connections are installed within the Property, which connections serve more than one Building Lot, the Owner of each Building Lot served by the connections shall be entitled to full use and enjoyment of such portions of said connections as service to such Owner's Building Lot.

12.5 Driveway Easements. Whenever a driveway is installed within the Property that in whole or in part lies upon a Building Lot owned by an Owner other than the Owner of the Building Lot served, or a driveway is installed to serve more than one Building Lot, the Owner of each Building Lot served or to be served by such driveway shall be entitled to full use and enjoyment of the Building Lot upon which the driveway is installed as is required to service such Owner's Building Lot or to repair, replace, or maintain such driveway.

12.6 Disputes as to Sharing of Costs. In the event of a dispute between Owners with respect to the repair or rebuilding of utility connections or driveways, or with respect to the sharing of the cost therefore, upon written request of one of such Owners addressed to the Association, the matter shall be submitted to the Board which shall decide the dispute and, if appropriate, make an appropriate Assessment against any or all of the Owners involved, which Assessment shall be collected and enforced in the manner provided by this Declaration for Limited Assessments.

12.7 General Easement for Corrective Action. An easement is hereby reserved to the Association, its contractors and agents, to enter those portions of Building Lots, for the purpose of performing any and all corrective and other action that it is entitled to take pursuant to the terms of this Declaration and any rules or regulations adopted by the Board or the Architectural Committee.

12.8 Overhang Easement. There shall be an exclusive easement appurtenant to each Building Lot over the Common Areas for overhanging eaves, and for any projections from the buildings, which projections shall not extend beyond the save line and shall be consistent with all building codes and all Architectural Committee approval requirements.

12.9 Maintenance and Use Easement Between Walls and Lot Lines. Whenever the wall of a structure, or a fence or retaining wall legitimately constructed on a Building Lot under plans and specifications approved by the Architectural Committee is located within five (5) feet of the lot line of such Building Lot, the Owner of such Building Lot is hereby granted an easement over and on the adjoining Building Lot (not to exceed five (5) feet from the Building Lot line) for purposes of maintaining and repairing such wall or fence and eaves or other overhangs, and the Owner of such adjoining Building Lot is hereby granted an easement for landscaping purposes over and on the area lying between the lot line and such structure or fence so long as such use does not cause damage to the structure or fence.

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12.10 Waterway Easements. Grantor hereby reserves for the benefit of the Association an easement for all Waterways and related pipes, pumps and other equipment over, across and under all Building Lots and Common Areas, to the extent reasonably required to maintain any water system installed by Grantor or the Association on the Property or pursuant to plans and specifications approved by the Architectural Committee. Any relocation of the water lines installed as a part of such system shall not be undertaken in any way which interrupts the flow of water through the system or damages the system in any other fashion. Grantor reserves the right for Grantor and for the Association, to make any reconfiguration of any Waterway which it determines, in its own discretion, to be necessary, expedient or desirable, provided, however, that nothing herein shall reserve unto Grantor the right to take any action which would disturb, encroach upon, or endanger the foundation of any building, nor shall Grantor take any action which would materially alter any Waterway's proximity to improved property abutting such Waterways.

12.11 Specific Landscape Easement. Grantor hereby reserves for the benefit of the Association a perpetual Landscape Easement. Such easement shall allow the Association to install and maintain the berms, retaining walls, fences, and landscaping within the area defined as the Landscape Easement.

12.12 Specific Easements Designated in Plat. Notwithstanding any provisions heretofore, the Grantor reserves, for the benefit of the Association, the specific easements for utility, drainage, irrigation and access as set forth on the recorded Plat for the Subdivision.

#### ARTICLE XIII: MISCELLANEOUS

13.1 Term. The easements created hereunder shall be perpetual, subject only to extinguishment by the holders of such easements as provided by law. The covenants, conditions, restrictions, and equitable servitudes of this Declaration shall run until December 31, 2023, unless amended as herein provided. After such date, such covenants, conditions, and restrictions shall be automatically extended for successive periods of ten (10) years each, unless amended or extinguished by a written instrument executed by Members holding at least three-fourths (3/4) of the voting power of the Association and such written instrument is recorded with the County Recorder. If the consent of any governmental entity is required prior to dissolution of the Association, then the Association may not dissolve without first obtaining such consent.

13.2 Amendment.

13.2.1 By Grantor. Until the recordation of the first deed conveying a Building Lot to a party other than Grantor, the provisions of this Declaration may be amended, modified, clarified, supplemented, added to (collectively, "amendment") or terminated by Grantor by recordation of a written instrument setting forth such amendment or termination, provided, however, the effect of such amendment shall be subject to the limitation set forth in Section 13.3. Any amendment affecting a particular Annexed Tract may be made by Grantor by an amendment to this Declaration at any time up to the recordation of the first deed conveying a Building Lot in such Annexed Tract to a party other than Grantor or the owner of such Annexed Tract.

13.2.2 By Owners. Except where a greater percentage is expressly required in this Declaration, the provisions of this Declaration, other than this Article XIII, may be amended only by the vote or written consent of Owners representing more than fifty percent (50%) of the votes in the Association. Any such amendment must be by an instrument in writing signed and acknowledged by the president and secretary of the Association certifying and attesting that such amendment has been approved as set forth above and such amendment shall be effective upon its recordation with the County Recorder. Any amendment to this Article XIII shall require the vote or written consent of Members holding ninety-five percent (95%) of the voting power of the Association and must meet the requirements in the immediately preceding sentence to be effective.

13.2.3 Effect of Amendment. Any amendment of this Declaration approved in the manner specified above shall be binding on and effective as to all Owners and their respective properties notwithstanding that such Owners may not have voted for or consented to such amendment. Such amendments may add to and increase the covenants, conditions, restrictions, and easements applicable to the Property but shall not prohibit or unreasonably interfere with the allowed uses of such Owner's Building Lot that existed prior to the said amendment.

13.3 Mortgage Protection. Notwithstanding any other provision of this Declaration, no amendment of this Declaration shall operate to defeat or render invalid the rights of the beneficiary under any first deed of trust, or the mortgagee on a first mortgage, upon a Building Lot made in good faith and for value, and recorded prior to the recordation of such amendment, provided that after foreclosure of any such first deed of trust or mortgage, such Building Lots shall remain subject to this Declaration, as amended.

13.4 Notices. Except as otherwise specifically set forth in this Declaration or in the Bylaws, any notices permitted or required to be delivered as provided in this Declaration shall be in writing and may be delivered either personally or by mail. If delivery is made by mail, it shall be deemed to have been delivered seventy-two (72) hours after the same has been deposited in the United States mail, postage prepaid, addressed to such person at the address appearing on the

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Association's records. Such address may be changed from time to time by notice in writing to the Association's registered agent and to the Association's Secretary, as provided in this Section 13.4.

13.5 Enforcement and Non-Waiver.

13.5.1 Right of Enforcement. Except as otherwise provided herein; any Owner of any Building Lot shall have the right to enforce any or all of the provisions of this Declaration.

13.5.2 Violations and Nuisances. The failure of any Owner to comply with any provision hereof, or with any provision of the Articles or Bylaws of any Association, is hereby declared a nuisance and will give rise to a cause of action by the Grantor, the Association or any Owner within the Property for recovery of damages or for negative or affirmative injunctive relief or both. However, notwithstanding all other provisions in the Declaration to the contrary, only Grantor, the Association, the Board, or a duly authorized agent of any of them, may enforce by self-help any of the provisions hereof and only if such self-help is preceded by notice to the Owner pursuant to the terms of this Declaration, and if notice is not addressed in a particular case, reasonable notice.

13.5.3 Violation of Law. Any violation of any state, municipal, or local law, ordinance, or regulation pertaining to the ownership, occupation or use of any property within the Property is hereby declared to be a violation of this Declaration and subject to any or all of the enforcement procedures set forth in this Declaration and any or all enforcement procedures in law and equity.

13.5.4 Remedies Cumulative. Each remedy provided in this Declaration is cumulative and not exclusive.

13.5.5 Non-Waiver. The failure to enforce any of the provisions of the Declaration at any time shall not constitute a waiver of the right to enforce any such provision.

13.6 Interpretation. The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the development and operation of the Property. This Declaration shall be construed and governed under the laws of the State of Idaho.

13.6.1 Restrictions Construed Together. All of the provisions of this Declaration shall be liberally construed together to promote and effectuate the fundamental concepts of the development of the Property as set forth in the recitals of this Declaration.

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13.6.2 Restrictions Severable. Notwithstanding the provisions of the foregoing paragraph 13.6.1, each of the provisions of this Declaration shall be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion thereof shall not affect the validity or enforceability of any other provision of the Declaration.

13.6.3 Singular Includes Plural. Unless the context requires a contrary construction, the singular shall include the plural and the plural singular, and the masculine, feminine, or neuter shall each include the masculine, feminine, and neuter.

13.6.4 Captions. All captions and titles used in this Declaration are intended solely for convenience or reference and shall not affect that which is set forth in any of the provisions hereof.

13.7 Successors and Assigns. Except with respect to the terms of Section 3.14 of this Declaration providing specific requirements for ARCHITECTURAL assignment of the Grantor's rights, all references herein to Grantor, Owners, any Association, or person shall be construed to include all successors, assigns, partners, and authorized agents of such Grantor, Owners, Association, or person.

13.8 Mediation. Prior to the commencement of any legal or equitable proceedings with respect to the terms and provisions of this Declaration, the Articles, Bylaws or any decision by the Architectural Committee, the parties involved in the dispute are required to participate in a mediation to attempt resolution of the disputed matter, provided, however, this right to mediation shall not apply to disputes related to any Assessments. Unless the parties mutually agree otherwise, the mediation shall be non-binding, shall be held County, Idaho, and shall be performed in accordance with the then existing Idaho rule of civil procedure governing mediation (currently I.R.C.P. 16(k)). If Grantor is a party to the dispute, regardless of the identity of the opposing party, Grantor shall be entitled to payment by the opposing party of Grantor's fees and costs incurred prior to and as part of the required mediation. If the Association is a party to the dispute, so long as Grantor is not the opposing party (in which case the immediately preceding sentence shall apply), the Association shall be entitled to payment by the opposing party of the Association's fees and costs incurred prior to and as part of the required mediation. After unsuccessful, good faith, efforts to resolve claims and disputes by mediation, the parties shall have all rights and remedies otherwise available to them in law or equity.

[Signature Page Follows]

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IN WITNESS WHEREOF, the Declarant has executed this Declaration effective as of the date first set forth above.

DAS Investments, LLC, an Idaho limited liability company

\_\_\_\_\_  
By: Timothy W. Eck  
Its: Manager

ACKNOWLEDGEMENT

State of Idaho            )  
                                  )ss.  
County of \_\_\_\_\_)

On this the \_\_\_ day of \_\_\_\_\_, 2013, before me, the undersigned Notary Public in and for said state, personally appeared Timothy W. Eck, known by me to be a Manager of DAS Investments, LLC, an Idaho limited liability company, whose name is subscribed to the within and foregoing instrument and he acknowledged to me that he executed the same on its behalf.

\_\_\_\_\_  
Notary Public  
Residing At:  
My Commission Expires:

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

REGISTERED  
5.16.17

## Deserthawk Subdivision No. 4 Boundary Description

10 April 2017

A re-subdivision of Lot 13 of The Kuna Orchard Tracts as shown in Book 6 of Plats, at Page 291, records of Ada County, Idaho, being situate in the northwest quarter of the southwest quarter of Section 26, Township 2 North, Range 1 West, Boise Meridian, Kuna City, Ada County, Idaho, and being more particularly described as follows:

Commencing at the southwest corner of said Section 26, which bears  $S00^{\circ}20'21''W$ , 2,669.67 feet from the west quarter corner of said Section 26; thence  $N00^{\circ}20'21''E$ , 2,002.27 feet along the westerly boundary of the southwest quarter of said Section 26; thence  $S89^{\circ}39'39''E$ , 25.00 feet to the southwest corner of said Lot 13 and to the **Point of Beginning**:

Thence  $N00^{\circ}20'21''E$ , 642.47 feet along the westerly boundary of said Lot 13 and along a line parallel with the westerly boundary of the southwest quarter of said Section 26 to the northwest corner of said Lot 13;

Thence  $S89^{\circ}48'47''E$ , 632.72 feet along the northerly boundary of said Lot 13 and along a line parallel with the northerly boundary of the southwest quarter of said Section 26 to the northeast corner of said Lot 13;

Thence  $S00^{\circ}19'24''W$ , 643.41 feet along the easterly boundary of said Lot 13 to the southeast corner of said Lot 13;

Thence  $N89^{\circ}43'39''W$ , 632.89 feet along the southerly boundary of said Lot 13 to the **Point of Beginning**.

Comprising 9.34 acres, more or less.



Exhibit  
A2d



## B & A Engineers, Inc.

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

RECEIVED  
5.16.17

### Deserthawk Subdivision No. 4 Rezone Description to R6

11 May 2017

Lot 13 of the Kuna Orchard Tracts as shown in Book 6 of Plats at Page 291 records, Ada county, Idaho and adjoining right-of-way, situate in the northwest quarter of the southwest quarter of Section 26, Township 2 North, Range 1 West, Boise Meridian, Kuna City, Idaho, being more particularly described as follows:

Beginning at the west quarter corner of said Section 26, which is the **Point of Beginning**:

Thence S89°48'47"E, 657.72 feet along the northerly boundary of the northwest quarter of the southwest quarter of said Section 26 and the centerline of West Sunbeam Street to the extension of the easterly boundary of said Lot 13;

Thence S00°19'24"W, 668.41 feet along the extension of the easterly boundary of said Lot 13 and the easterly boundary of said Lot 13 to the southeast corner of said Lot 13;

Thence N89°43'39"W, 657.89 feet along the southerly boundary of said Lot 13 and the extension of the southerly boundary of said Lot 13 to the westerly boundary of the northwest quarter of the southwest quarter of said Section 26 and to the centerline of South Ten Mile Road;

Thence N00°20'21"E, 667.40 feet along the westerly boundary of the northwest quarter of the southwest quarter of said Section 26 and the centerline of South Ten Mile Road to the **Point of Beginning**.

Comprising 10.09 Acres, more or less.

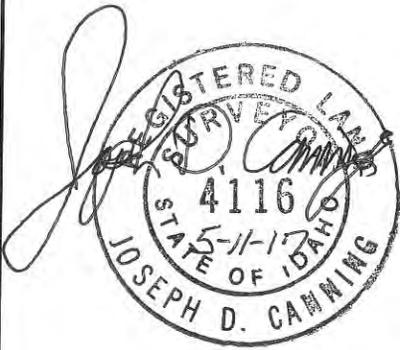
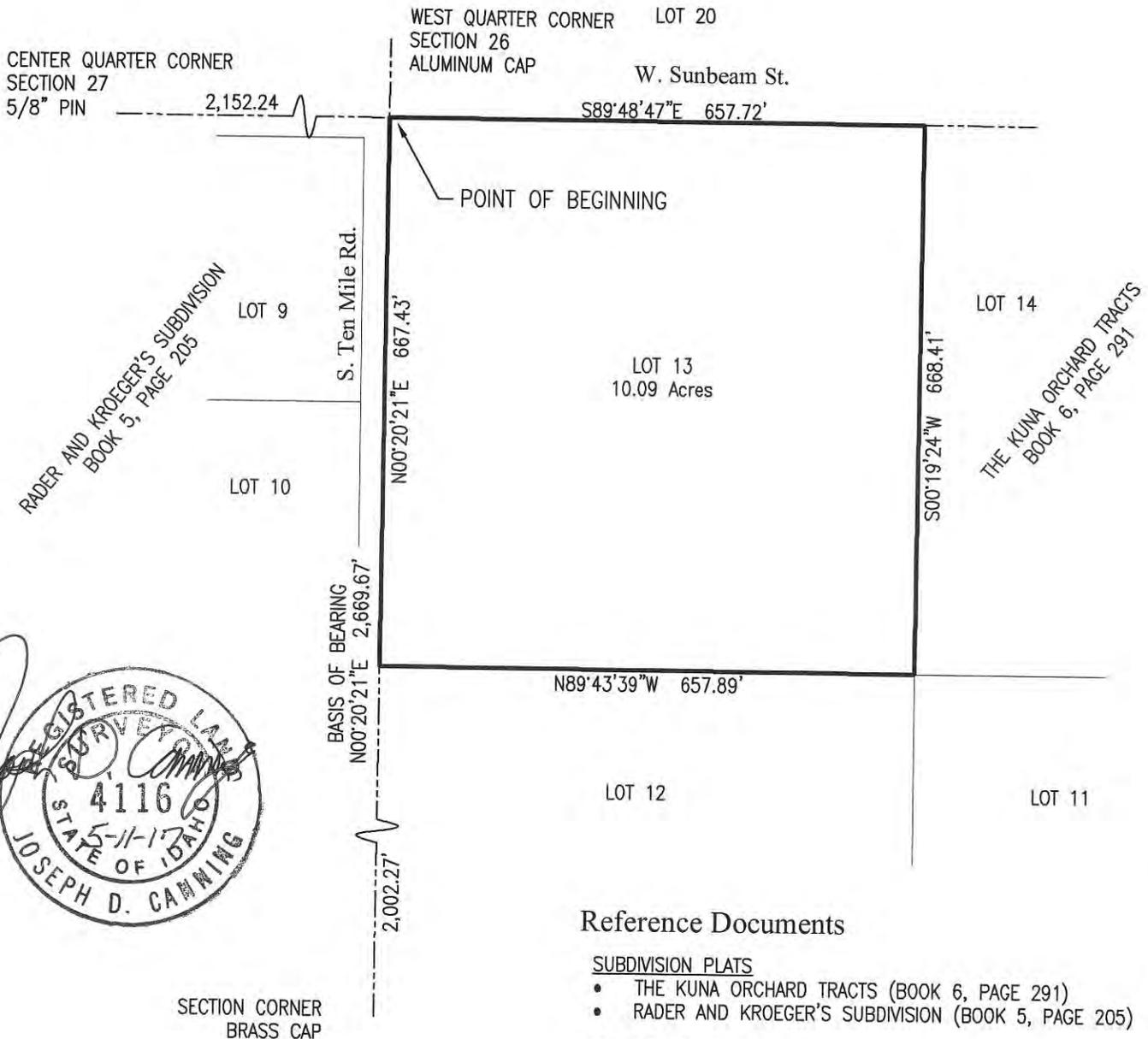


# Deserthawk Subdivision No. 4

## Rezone Boundary Sketch

874 S. TEN MILE RD. KUNA, IDAHO  
 LOT 13 OF THE KUNA ORCHARD TRACTS AS SHOWN IN BOOK 6 OF PLATS AT PAGE  
 291 RECORDS, ADA COUNTY, IDAHO.  
 SITUATE IN A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER  
 OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 1 WEST, BOISE MERIDIAN, KUNA CITY,  
 ADA COUNTY, IDAHO.

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 5-16-17



**B&A Engineers, Inc.**

Consulting Engineers, Surveyors & Planners  
 5505 W. Franklin Rd. Boise, Id. 83705  
 (208) 343-3381



NORTH



HORIZONTAL SCALE: 1"=200'

5.16.17



# City of Kuna AFFIDAVIT OF LEGAL INTEREST

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

Phone: (208) 922-5274  
Fax: (208) 922-5989  
Web: www.cityofkuna.com

State of Idaho )  
                          )  
County of Ada )

I, <u>Corey D. Barton</u> , Registered Agent Name <u>Endurance Holdings, LLC.</u>	, <u>1977 E. Overland Rd.</u> Address
<u>Meridian</u> City	<u>Idaho</u> <u>83646</u> State Zip Code

being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

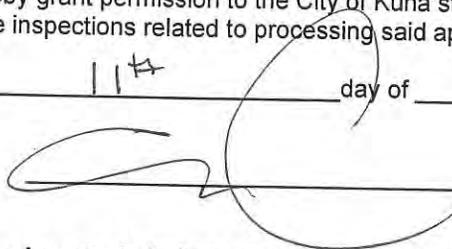
A. That I am the record owner of the property described on the attached, and I grant my permission to B&A Engineers, Inc. 5505 W. Franklin Rd. Boise, ID. 83705  
Name Address

to submit the accompanying application pertaining to that property.

B. I agree to indemnify, defend and hold City of Kuna and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

C. I hereby grant permission to the City of Kuna staff to enter the subject property for the purpose of site inspections related to processing said application(s).

Dated this 11<sup>th</sup> day of May, 2017

  
Signature

Subscribed and sworn to before me the day and year first above written.



Adair Koltes  
Notary Public for Idaho

Residing at: Nampa, ID

My commission expires: 6-05-22

Exhibit  
A2c



ADA COUNTY RECORDER Christopher D. Rich  
BOISE IDAHO Pgs=1 NIKOLA OLSON  
TITLEONE BOISE

2016-040304  
05/11/2016 03:23 PM  
\$10.00

Order Number: 16266825

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**Warranty Deed**

For value received,

The Estate of John Robert Burget, deceased, by James S. Burget, as Personal Representative under Probate Case No. CVIE 1604015

the grantor, does hereby grant, bargain, sell, and convey unto

Endurance Holdings LLC, an Idaho limited liability company

whose current address is 1977 E. Overland Road, Meridian, ID 83642

the grantee, the following described premises, in Ada County, Idaho, to wit:

Lot 13 in the Kuna-Orchard Tracts, according to the official plat thereof, filed in Book 6 of Plats at Page 291, official records of Ada County, Idaho.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: May 6, 2016

The Estate of John Robert Burget

By James S. Burget JR  
James S. Burget, Personal Representative

State of Colorado, County of Delta, ss.

On this 10 day of May in the year of 2016, before me, the undersigned, a notary public in and for said state, personally appeared James S. Burget known or identified to me to be the person whose name is subscribed to the within instrument, as the personal representative of the estate of John Robert Burget and acknowledged to me that he/she executed the same as such personal representative of the estate of John Robert Burget.

Ann E Mayne  
Notary Public  
Residing In: cedaredge co  
My Commission Expires: 12/17/16  
(seal)

ANN E MAYNE  
Notary Public  
State of Colorado  
Notary ID 20084041858  
My Commission Expires Dec 17, 2016

Exhibit  
A2e

# B & A Engineers, Inc.

Consulting Engineers & Surveyors  
5505 W. Franklin Rd. Boise, Id. 83705  
Ph. 208-343-3381 Fax 208-342-5792

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May 11, 2017

## City of Kuna

751 W. 4<sup>th</sup> St.  
Kuna, Idaho 83634

Subject: **Preliminary Plat Approval and Re-zone to R6 request for the for Deserthawk  
Subdivision No. 4**

Council, Commission and Staff:

We are pleased to present this request for approval of a Preliminary Plat of Deserthawk Subdivision No. 4 on behalf of the land owner, Endurance Holdings LLC. The project site is located east of Ten Mile Road, south of Sunbeam Road.

The site consists of 9.5 acres of land. It is located within the Kuna City Limits, Zoned Agricultural, and is included within the City of Kuna Sanitary Sewer Local Improvement District. The Ada County Assessor lists the address as 874 S. Ten Mile Road, and the parcel number as R5070501800.

The project is a re-subdivision of Lot 13 of the original Kuna Orchard Tracts Subdivision. It lies adjacent to the existing Deserthawk Subdivisions. This development continues with the Deserthawk name but was not part of the original Deserthawk preliminary plat.

### Site Information

The property consists of one parcel of land. The Ada County Assessor lists the parcel number as follows:

R1727730050

The lands are currently utilized for agricultural activities.

### **General Site Features**

The property has several special elements which are to be considered. These elements are generally described with some discussion as follows:

### **Existing Public Streets**

North Ten Mile Road on the project's west boundary  
W. sunbeam Street is on the project's north boundary

# B & A Engineers, Inc.

Consulting Engineers & Surveyors  
5505 W. Franklin Rd. Boise, Id. 83705  
Ph. 208-343-3381 Fax 208-342-5792

---

Each of the roadways noted are considered collector roads. Each is unique in their situation and current improvements. Each is presented in a manner consistent with the required improvements for their classification. A detailed description of all the nuances necessary for development of these roads is not being presented with this letter.

It should be noted that the existing Sunbeam street has not been improved. This development will improve the street in accordance with the requirements from ACHD. A full street section consisting of 2 travel lanes curb, gutter, and sidewalk will be provided south of the projects north boundary. We do not intend to disturb any of the property on the north to complete these improvements.

The attached plan is representative of communication with the City, the Ada County Highway District (ACHD) and the developer, to ensure proper alignment, width and construction of the roadways that is consistent with the City's and ACHD's vision. We will continue to work with and provide for the required improvements on these roadways as necessary during the development of the subdivision.

## **Sanitary Sewer**

The project has an existing sanitary sewer trunk line located at the Ash and Penelope Street intersection to the north east of the project site. While there are existing facilities located within Ten Mile Road, those facilities are not adequate to provide service to the development. Offsite construction of approximately 1,700 lineal feet of domestic water, sewer and pressure irrigation lines are necessary to serve this 9.5 Acre site. This equates to a total of approximately 5,100 lineal feet of infrastructure to serve the development. This does not include the construction of these items within the development.

The sanitary sewer lines within the development are to be installed as development occurs to provide service to the lots within the subdivision. The preliminary design of the sanitary sewer mainlines to service the development is represented within the preliminary plat.

## **Water**

The project has an existing domestic water line located at the Ash and Penelope Street intersection north east of the project site. While there are existing facilities located within Ten Mile Road, those facilities are not adequate to provide service to the development. Offsite construction of approximately 1,700 lineal feet of domestic water lines are necessary to serve this 9.5 Acre site.

## **Pressure Irrigation**

The project has access to the pressure irrigation line located near the northwest corner of the development. The project will extend the City's pressure irrigation mainline to the project site and the lots within the development.

# B & A Engineers, Inc.

Consulting Engineers & Surveyors  
5505 W. Franklin Rd. Boise, Id. 83705  
Ph. 208-343-3381 Fax 208-342-5792

---

## **Irrigation**

There is a surface irrigation ditch that exist on the property's west boundary. This is anticipated to be piped through the development to ensure continued delivery of surface irrigation waters to downstream users.

## **Site Summary**

This development takes into account surrounding land uses, the current marketing and economics of the area. Additionally what is presented here takes is prepared in accordance with applicable portions of Kuna City Code, input from City staff, Fire Department and the Ada County Highway District.

## **Pre-Application Meeting**

A pre-application meeting was held for the project with City Staff. During this meeting it was identified that the project does not consist of more than 50 lots and is not considered a Large Scale Subdivision.

Kuna Fire Chief Terry Gammel indicated that all public roadways shall be constructed to public road standards which shall act as fire access roads. He also indicated a secondary access would be required for any development beyond 30 lots. Additionally, dead end fire apparatus access roads in excess of 150 feet shall be provided with turnarounds.

The city Engineer indicated that the services for the site were to be accessed at the Ash and Penelope Street intersections.

The Ada county Highway District indicated that stub streets to the projects east boundary are to be locate wholly on a single property and not split along adjacent property lines.

## **Neighborhood Meeting**

A neighborhood meeting was held for the proposed project on Monday July 20, 2015 at 6:00PM at the project Site. The neighborhood sign in sheet has been included within the application. Several questions were brought up during the meeting from individual land owners. These were as follows:

*Question:* ***Will the project be phased? When and where will the project start construction?***  
*Answer:* We do anticipate only one phase. Construction of the development may realistically commence within 12-18 months and is dependent on many factors.

*Question:* ***Will the development disturb the fence along the north boundary?***  
*Answer:* Fencing will be installed as required by Kuna City Code and is anticipated to be constructed south of Sunbeam street. We do not anticipate disturbing the fence along the

# B & A Engineers, Inc.

Consulting Engineers & Surveyors  
5505 W. Franklin Rd. Boise, Id. 83705  
Ph. 208-343-3381 Fax 208-342-5792

---

- north boundary.
- Question:* **How was the contact information for the neighborhood meeting notification generated?**
- Answer:* The neighborhood meeting list was provided by the City as requested and as required by Kuna Code. Neighbors within 300-feet of the development site were notified.
- Question:* **Will construction of the development create dust?**
- Answer:* Construction will create dust. Good housekeeping practices will be utilized during construction to minimize dust creation to the extent practical.

## Adjoining Land Use

The properties that surround the subject lands are not all within Kuna's city limits. However all adjoining properties are located within of the city of Kuna's impact area and surrounded by the City Limits.

The following list generally identifies adjoining land uses:

North:	Single Family Residential, Agricultural
South:	Single Family Residential, Agricultural
East:	Single Family Residential –Agricultural
West:	Single Family, R6, Agricultural

## Zoning

Kuna City Code 5-2-2 indicates the following:

*Medium density residential district (R-6):* The purpose of the R-6 district is to promote the development of medium density living areas, not to exceed six (6) dwelling units per net acre. A district requirement is connection to public sewer and water. The zone is intended to accommodate single-family dwellings, duplexes, manufactured homes and group living arrangements. There is an opportunity to initiate mixed-use activity in this zone through the PUD process.

The following identifies the specific items related to Ardell Estates Subdivision as follows:

- **Density**  
Density has been calculated as 3.64 residential homes per acre, far under the maximum listed as 6 dwelling units per acre. We believe that this is consistent with surrounding land uses and previous developments adjacent to the project.
- **Public Utility Connections sewer and water**  
The development will provide utility connections for water, sewer, and pressure irrigation service to each lot in the development through necessary and required extensions of the City services. The project is located within the City of Kuna Sanitary Sewer Local Improvement District.
- **Zone**

# B & A Engineers, Inc.

Consulting Engineers & Surveyors  
5505 W. Franklin Rd. Boise, Id. 83705  
Ph. 208-343-3381 Fax 208-342-5792

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This development anticipates providing lots for single family homes.  
No mixed use activity is being provided with this development.

## **Utilities**

Extensions of existing city infrastructure will provide the necessary utilities to develop the property. This will include the extension of sanitary sewer, potable water and pressure irrigation as discussed earlier in this letter.

Public utilities such as power, phone, etceteras will be provided to the extent necessary to serve the appropriate elements within the project.

Though the specifics of these utility extensions have not been designed for every area of the property, specific information for the design elements have been provided on the preliminary plat indicating the water services, sanitary sewer lines and pressure irrigation lines to service the entire property.

With the development of Deserthawk Subdivision No. 4, the necessary infrastructure of public utilities, such as gas, phone, and power will be coordinated for extension throughout the development via specific plans as they are required for construction.

## **Storm Drainage**

The Subdivision requires the installation of public roads meeting the Ada County Highway District's policy construction standards to be accepted into the public street system, the development anticipates retaining all storm drainage on site in the form of underground seepage facilities.

## **Hazardous Areas**

This property is not located within a flood hazard area.  
The property does not have any slopes in excess of 15%.  
There are not rock outcroppings on the site.

## **Project Phasing**

The project anticipates only one phase of development.

## **Summary**

We look forward to continue working with the city of Kuna throughout this process and

# B & A Engineers, Inc.

Consulting Engineers & Surveyors  
5505 W. Franklin Rd. Boise, Id. 83705  
Ph. 208-343-3381 Fax 208-342-5792

---

ultimately to the completion of this development. The goal is to provide an attractive economic asset for the city. The proposed development is intended to reasonably blend into the fabric of the existing neighborhood with proposed land uses that comply with the uses proposed in the comprehensive plan. A reasonable development is being presented that has considered the area, projected land uses and economic viability.

On behalf of the applicant, as their representative, we respectfully request approval for the preliminary plat and Re-zone request to R6 for Deserthawk Subdivision No. 4.

Sincerely,



David Crawford  
B&A Engineers, Inc.

5.16.17



# City of Kuna COMMITMENT TO PROPERTY POSTING

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

Phone: (208) 922-5274  
Fax: (208) 922-5989  
Web: www.cityofkuna.com

Per City Code 5-1A-8, the applicant for all applications requiring a public hearing shall post the subject property not less than ten (10) days prior to the hearing. The applicant shall post a copy of the public hearing notice or the application (s) on the property under consideration.

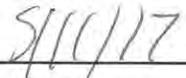
The applicant shall submit proof of property posting in the form of a notarized statement and a photograph of the posting to the City no later than seven (7) days prior to the public hearing attesting to where and when the sign (s) were posted. Unless such Certificate is received by the required date, the hearing will be continued.

The sign (s) shall be removed no later than three (3) days after the end of the public hearing for which the sign (s) had been posted.

I am aware of the above requirements and will comply with the posting requirements as stated in Kuna City Code 5-1A-8

  
Applicant/agent signature

BAA Engineers, Inc.

  
Date

Looking North from Northwest corner  
Index: 1



Looking East from Northwest corner  
Index: 2



Looking South from Northwest corner  
Index: 3



Looking West from Northwest corner  
Index: 4



43  
Exhibit

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Looking North from Northeast corner  
Index: 5



Looking East from Northeast corner  
Index:6



Looking South from Northeast corner  
Index: 7



Looking West from Northeast corner  
Index: 8



Looking North from Southeast corner  
Index: 9



Looking East from Southeast corner  
Index:10



Looking South from Southeast corner  
Index: 11



Looking West from Southeast corner  
Index: 12



Looking North from Southwest corner  
Index: 13



Looking East from Southwest corner  
Index: 14



Looking South from Southwest corner  
Index: 15



Looking West to Ten mile road from Southwest corner  
Index: 16





# Neighborhood Meeting Certification

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CITY OF KUNA PLANNING & ZONING \* 763 W. Avalon, Kuna, Idaho, 83634 \* www.kunacity.id.gov \* (208) 922-5274 \* Fax: (208) 922-5989

## GENERAL INFORMATION:

You must conduct a neighborhood meeting prior to application for variance, conditional use, zoning ordinance map amendment, expansion or extension of a nonconforming use, and/or a subdivision. Please see Section 8-7A-3 of the Kuna City Code or ask one of our planners for more information on neighborhood meetings.

The meeting must be held either on a weekend between 10 a.m. and 7 p.m., or a weekday between 6 p.m. and 8 p.m. Meetings cannot be conducted on holidays, holiday weekends, or the day before or after a holiday or holiday weekend. The meeting must be held at one of the following locations:

- The Subject Property;
- The nearest available public meeting place (Examples include fire stations, libraries and community centers);
- An office space within a 1-mile radius of the subject property.

The meeting cannot take place more than 2 months prior to acceptance of the application and the application will not be accepted before the neighborhood meeting is conducted. You are required to send written notification of your meeting, allowing a reasonable amount of time before your meeting for property owners to plan to attend. Contacting and/or meeting individually with residents will not fulfill Neighborhood Meeting requirements.

You may request a list of the people you need to invite to the neighborhood meeting from our department. This list includes property owners within 300 feet of the subject property. Once you have held your neighborhood meeting, please complete this certification form and include it with your application.

**Please Note: The neighborhood meeting must be conducted in one location for attendance by all neighboring residents. Contacting and/or meeting individually with residents does not comply with the neighborhood meeting requirements.**

**Please include a copy of the sign-in sheet for your neighborhood meeting, so we have written record of who attended your meeting and the letter of intent sent to each recipient. In addition, provide any concerns that may have been addressed by individuals that attended the meeting.**

Description of proposed project: 34 LOT RESIDENTIAL SUBDIVISION  
 Date and time of neighborhood meeting: MARCH 17, 2017 6 P.M.  
 Location of neighborhood meeting: \_\_\_\_\_

## SITE INFORMATION:

Location: Quarter: SW Section: 26 Township: 2N Range: 1W Total Acres: 9.34  
 Subdivision Name: KUNA ORCHARD TRACTS Lot: 13 Block: -  
 Site Address: 874 S. TEN MILE RD. Tax Parcel Number(s): R5070501800

Please make sure to include **all** parcels & addresses included in your proposed use.

## CURRENT PROPERTY OWNER:

Name: ENDURANCE HOLDINGS  
 Address: 1977 E. OVERLAND RD City: MERIDIAN State: ID Zip: 83642

## CONTACT PERSON (Mail recipient and person to call with questions):

Name: DAVID CRAWFORD Business (if applicable): B & A ENGINEERS  
 Address: 5505 W FRANKLIN City: BOISE State: ID Zip: 83705

Exhibit  
A20

**PROPOSED USE:**

I request a neighborhood meeting list for the following proposed use of my property (check all that apply):

**Application Type**

**Brief Description**

Annexation

Re-zone

Subdivision (Sketch Plat and/or Prelim. Plat)

Special Use

Variance

Expansion of Extension of a Nonconforming Use

Zoning Ordinance Map Amendment

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPLICANT:** DAVID CRAWFORD

Name: B & A ENGINEERS

Address: 5505 W. FRANKLIN RD

City: BOLSE State: ID Zip: 83705

Telephone: 343-3381 Fax: 342-5792

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accord with Section 5-1A-2 of the Kuna City Code

Signature: (Applicant)  Date 5/11/17



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

5.16.17

March 8, 2017

Dear Neighbor:

We would like to inform you of an opportunity to be present at a neighborhood meeting for a new subdivision development called Deserthawk Subdivision No. 4.

The purpose of this letter is to invite you to brief presentation about the development and to answer any questions you may have. We invite you to attend a neighborhood meeting to discuss the project, at the Kuna Senior Center. The meeting will be held Friday, March 17, 2017 at 6:00 p.m.

The Senior Center is located at 751 W. 4<sup>th</sup> Street Kuna, Idaho 83634.

Please find attached a map showing a map of the project area.  
Also find attached a sketch showing the layout of the anticipated development.

Prior to the meeting should you have any questions or concerns please contact me. Should you not be able to attend the meeting and wish to share your comments with us in writing, please remit them to the following address:

David Crawford  
B&A Engineers, Inc.  
5505 W. Franklin Rd.  
Boise, Idaho 83705

Sincerely,

A handwritten signature in black ink, appearing to read 'David Crawford', written in a cursive style.

David Crawford  
Project Manager  
B&A Engineers, Inc.

Francis Avril  
2430 Sentry Dr. #B209  
Anchorage, AK 99507

Carl Bader  
780 S. Ten Mile Rd.  
Kuna, ID 83634

Carl Bader  
PO Box 332  
Kuna, ID 83634

Robert Clark  
741 S. Stibnite Ave.  
Kuna, ID 83634

Donald Cox  
1015 S. Ten Mile Rd.  
Kuna, ID 83634

Bryan Dallolio  
1125 S. Ten Mile Rd.  
Kuna, ID 83634

Brian Ellway  
742 S. Stibnite Ave.  
Kuna, ID 83634

Endurance Holdings LLC  
1977 E. Overland Rd.  
Meridian, ID 83642

John Gabbard  
1036 S. Ten Mile Rd.  
Kuna, ID 83634

Linnie Jensen  
1099 S. Ash Ave.  
Kuna, ID 83634

Kyle Mallatt  
1661 W. Afton St.  
Kuna, ID 83634

Nicholas Marsala  
1677 W. Afton St.  
Kuna, ID 83634

Wanda Martin  
1649 W. Afton St.  
Kuna, ID 83634

Douglas Newman  
29776 Davis Rd.  
Bruneau, ID 83604

Michael Owens  
1025 S. Ash Ave.  
Kuna, ID 83634

Roger Quarles  
1075 S. Ash Ave.  
Kuna, ID 83634

Jerald Reisenauer  
943 S. Ash Ave.  
Kuna, ID 83634

Daniel Safford  
1200 S. Ten Mile Rd.  
Kuna, ID 83634

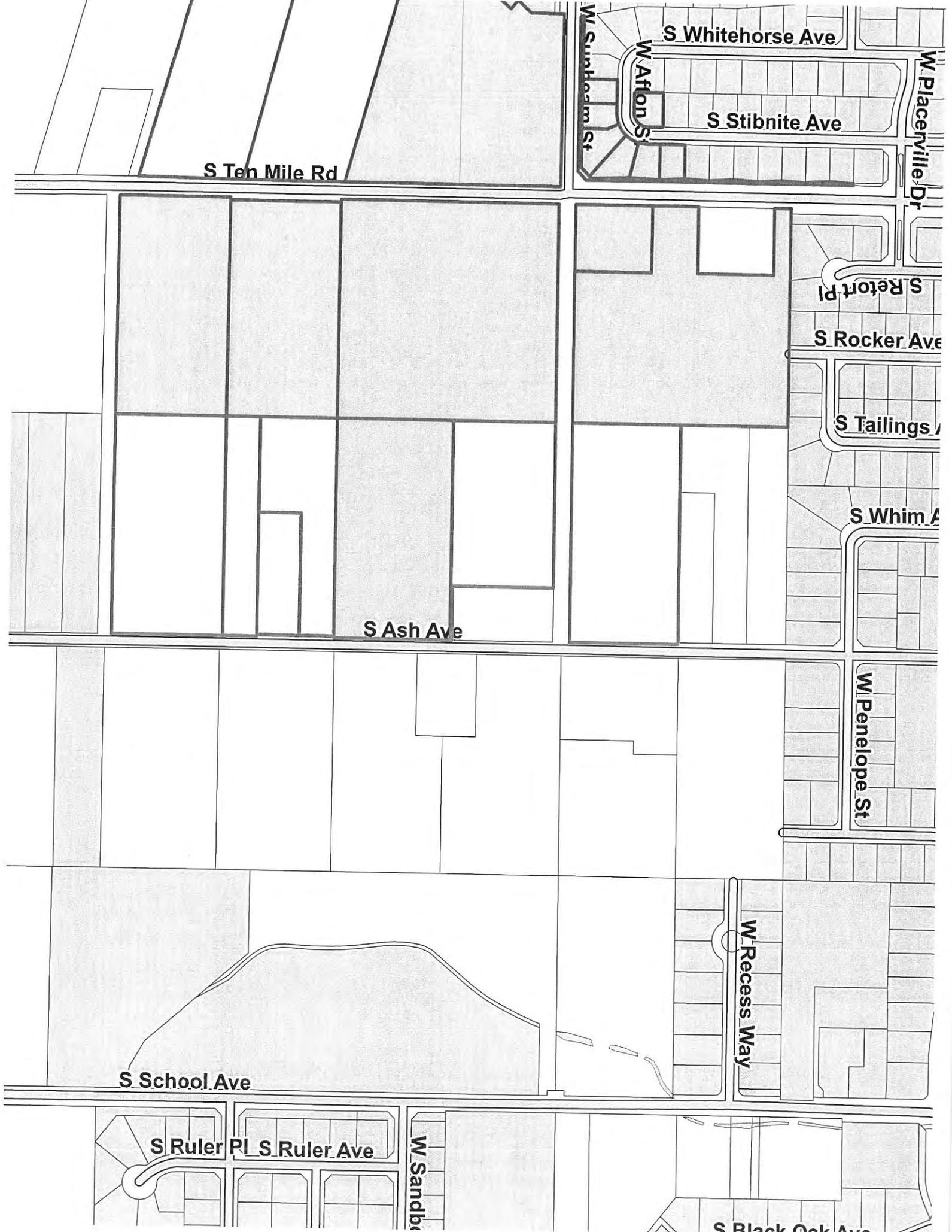
Gregory Savage  
756 S. Stibnite Ave.  
Kuna, ID 83634

Layne Saxton  
1185 S. Ash Ave.  
Kuna, ID 83634

South Farm LLC  
6152 W. Half Moon Ln.  
Eagle, ID 83616

Sutter's Mill Subdivision 1 HOA  
PO Box 87  
Kuna, ID 83634

Thurlow Young  
728 S. Stibnite Ave.  
Kuna, ID 83634



S Ten Mile Rd

S Whitehorse Ave

S Stibnite Ave

W Surbhorn St

W Afton St

W Placerville Dr

S Retort Pl

S Rocker Ave

S Tailings

S Whim

S Ash Ave

W Penelope St

W Recess Way

S School Ave

S Ruler Pl S Ruler Ave

W Sandbar

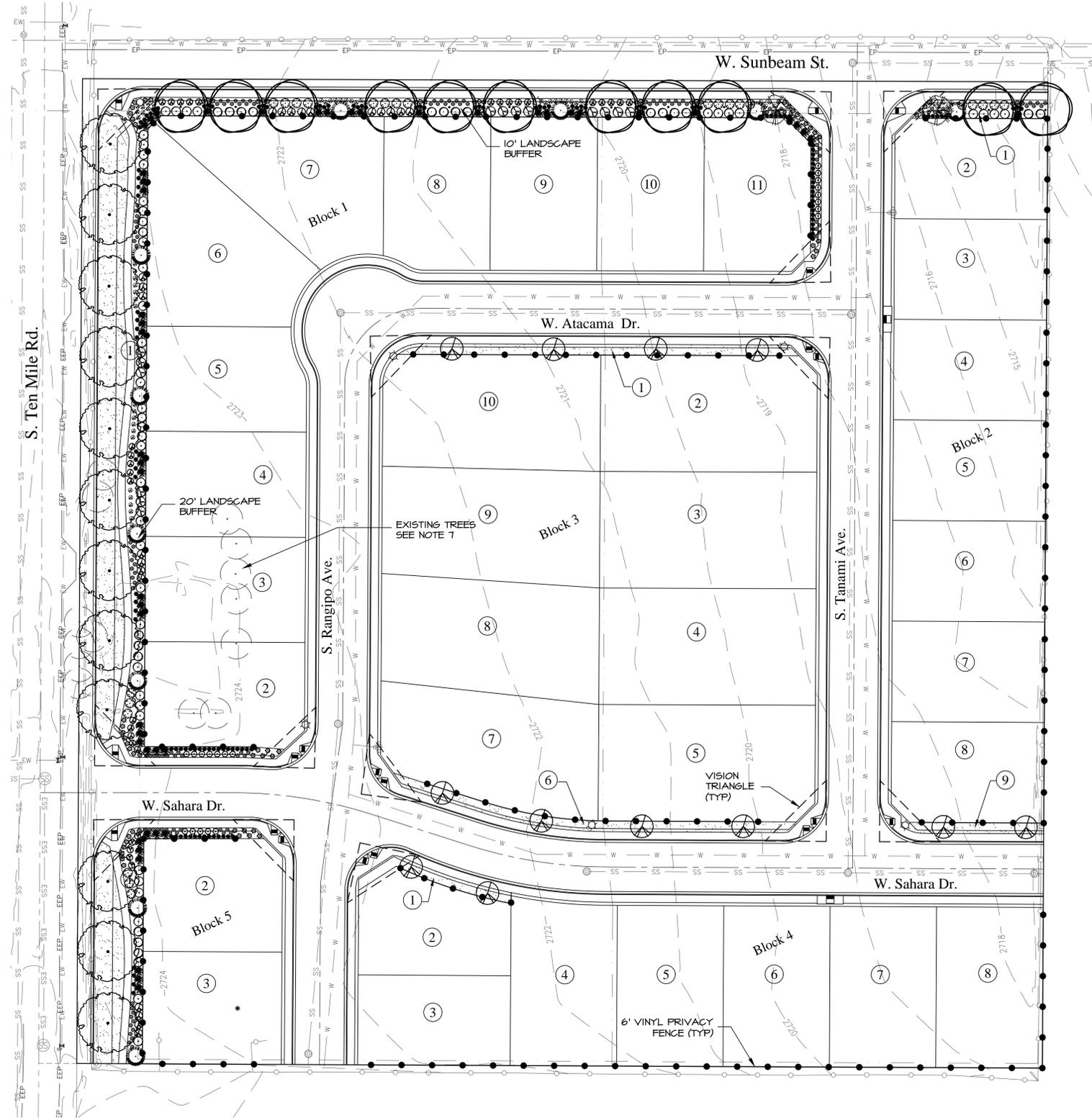
S Black Oak Ave





5.16.17





## PLANT SCHEDULE

SYM	COMMON NAME	BOTANICAL NAME	SIZE
<b>EVERGREEN TREES</b>			
	BLACK HILLS SPRUCE	PICEA GLAUGA 'DENSATA'	6-8' HT B4B
	MOONBLOW JUNIPER	JUNIPERUS SCOPULORUM 'MOONBLOW'	6-8' HT B4B
	VANDERWOLF PINE	PINUS FLEXILIS 'VANDERWOLF'	6-8' HT B4B
<b>SHADE TREES</b>			
	GREEN VASE ZELKOVA	ZELKOVA SERRATA 'GREEN VASE'	2" GAL B4B
	LITTLELEAF LINDEN	TILIA CORDATA	2" GAL B4B
<b>ORNAMENTAL TREES</b>			
	FLAME AMUR MAPLE	ACER GINNALA 'FLAME'	2" GAL B4B
	PINK FLARE CHERRY	PRUNUS SARGENTII 'JFS-KW58'	2" GAL B4B
<b>SHRUBS/ORNAMENTAL GRASSES</b>			
	GRIMSON PYGMY BARBERRY	BERBERIS THUNBERGII 'GRIMSON PYGMY'	3 GAL
	PURPLE CONEFLOWER	ECHINACEA PURPUREA	1 GAL
	FLOWER CARPET ROSE	ROSA x FLOWER CARPET	3 GAL
	SHOW OFF FORSYTHIA	FORSYTHIA x INTERMEDIA 'MINDOR'	5 GAL
	GOLD FLAME SPIREA	SPIRAEA x BUMALDA 'GOLDFLAME'	3 GAL
	GRO-LOW SUMAC	RHUS AROMATICA 'GRO-LOW'	3 GAL
	HENRY'S GARNET SWEETSPIRE	ITEA VIRGINICA 'HENRY'S GARNET'	5 GAL
	IVORY HALO DOGWOOD	CORNUS ALBA 'BALHALO'	5 GAL
	KARL FOERSTER REED GRASS	CALAMAGROSTIS x ACUTIFOLIA 'K.F.'	1 GAL
	LITTLE DEVIL NINEBARK	PHYSCARPUS OPULIFOLIUS 'DONNA MAY'	3 GAL
	SUMMERWINE NINEBARK	PHYSCARPUS OPULIFOLIUS 'SEANWARD'	5 GAL
	LAWN		
	6' VINYL PRIVACY FENCE		

## NOTES

- ALL LANDSCAPE SHALL BE INSTALLED IN ACCORDANCE WITH KUNA CITY ORDINANCE REQUIREMENTS. ALL LOTS WILL COMPLY WITH KUNA CITY ORDINANCE REQUIRING ONE (1) TREE PER LOT (PROVIDED BY BUILDER AND/OR DEVELOPER). REFER TO SHT L2.0 FOR LANDSCAPE SPECIFICATIONS.
- ALL PLANTING AREAS TO BE WATERED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM. REFER TO SHT L2.0 FOR IRRIGATION PERFORMANCE SPECIFICATIONS.
- TREES SHALL NOT BE PLANTED WITHIN THE 10'-CLEAR ZONE OF ALL ACHD STORM DRAIN PIPE, STRUCTURES, OR FACILITIES. SEEPAGE BEDS MUST BE PROTECTED FROM ANY AND ALL CONTAMINATION DURING THE CONSTRUCTION AND INSTALLATION OF THE LANDSCAPE IRRIGATION SYSTEM.
- NO TREES SHALL IMPEDE THE 40' STREET AND DEPARTURE VISION TRIANGLES AT ALL INTERSECTIONS. NO CONIFEROUS TREES OR SHRUBS OVER 3' HIGH AT MATURITY WILL BE LOCATED WITHIN VISION TRIANGLE OR ACHD ROW. AS TREES MATURE, THE OWNER SHALL BE RESPONSIBLE FOR PRUNING TREE CANOPIES TO MEET ACHD REQUIREMENTS FOR MAINTAINING CLEAR VISIBILITY WITHIN 40' STREET AND DEPARTURE VISION TRIANGLE. TREES SHALL BE PLANTED NO CLOSER THAN 50' FROM STOP SIGNS.
- LANDSCAPE AND TREES IN FRONT OF BUILDING LOTS ON INTERIOR STREETS TO BE COMPLETED DURING CONSTRUCTION OF THESE LOTS. TREE LOCATIONS MAY BE ALTERED TO ACCOMMODATE DRIVEWAYS AND UTILITIES. TREES SHALL NOT BE PLANTED WITHIN 5' OF WATER METERS OR UTILITY LINES.
- PLANT LIST IS REPRESENTATIVE AND SUBJECT TO SUBSTITUTIONS OF SIMILAR SPECIES BY OWNER, SUBJECT TO CITY FORESTER'S PRE-APPROVAL. BURLAP AND WIRE BASKETS TO BE REMOVED FROM ROOT BALL AS MUCH AS POSSIBLE, AT LEAST HALFWAY DOWN THE BALL OF THE TREE. ALL NYLON ROPES TO BE COMPLETELY REMOVED FROM TREES.
- FOURTEEN (14) EXISTING TREES LOCATED ON-SITE AROUND THE EXISTING HOUSE (TO BE REMOVED). THE EXISTING TREES ARE DEAD, DYING, AND/OR OF UNDESIRABLE SPECIES. TREES TO BE VERIFY FOR REMOVAL WITH KUNA CITY FORESTER AND MITIGATED (IF REQUIRED) WITH TREES BEYOND THOSE REQUIRED IN LANDSCAPE BUFFER AND COMMON OPEN SPACE.

## LANDSCAPE CALCULATIONS

LANDSCAPE BUFFER ARE REQUIRED TO BE PLANTED WITH THE FOLLOWING PLANTS PER 100 LINEAR FEET: TWO (2) SHADE TREES, THREE (3) EVERGREEN TREES, AND TWELVE (12) SHRUBS. EACH REQUIRED SHADE TREE MAY BE SUBSTITUTED FOR TWO (2) FLOWERING/ORNAMENTAL TREES.

LOCATION	BUFFER WIDTH	LENGTH	REQUIRED	PROVIDED
S. TEN MILE RD.	20'	570' / 100' =	12 TREES 18 EVERGREENS 69 SHRUBS	12 SHADE TREES 28 EVERGREENS 165 SHRUBS
W. SUNBEAM ST.	10'	560' / 100' =	12 TREES  17 EVERGREENS 68 SHRUBS	12 TREES (11 SHADE TREES + 2 ORNAMENTAL TREES) 14 EVERGREENS 246 SHRUBS
NUMBER OF TREES PROVIDED ON BUFFERS:			72	
NUMBER OF TREES PROVIDED ON COMMON LOTS:			12	
TOTAL NUMBER OF TREES:			84	

## DEVELOPMENT DATA

TOTAL AREA	9.34 ACRES (100%)
RESIDENTIAL LOTS	6.13 ACRES (65.6%)
USEABLE OPEN SPACE	.48 ACRES (5.2%)
RIGHT-OF-WAY	2.73 ACRES (29.2%)
RESIDENTIAL LOTS	34
COMMON LOTS	1
TOTAL LOTS	41
EXISTING ZONING	A
PROPOSED ZONING	R-6

## OWNER/APPLICANT

ENDURANCE HOLDINGS  
1977 E. OVERLAND RD.  
MERIDIAN, IDAHO 83642  
(208) 288-5560

## ENGINEER

B&A ENGINEERS, INC.  
5505 W. FRANKLIN RD.  
BOISE, IDAHO 83705  
(208) 343-3381



APRIL 18, 2017



NORTH



SCALE 1" = 40'

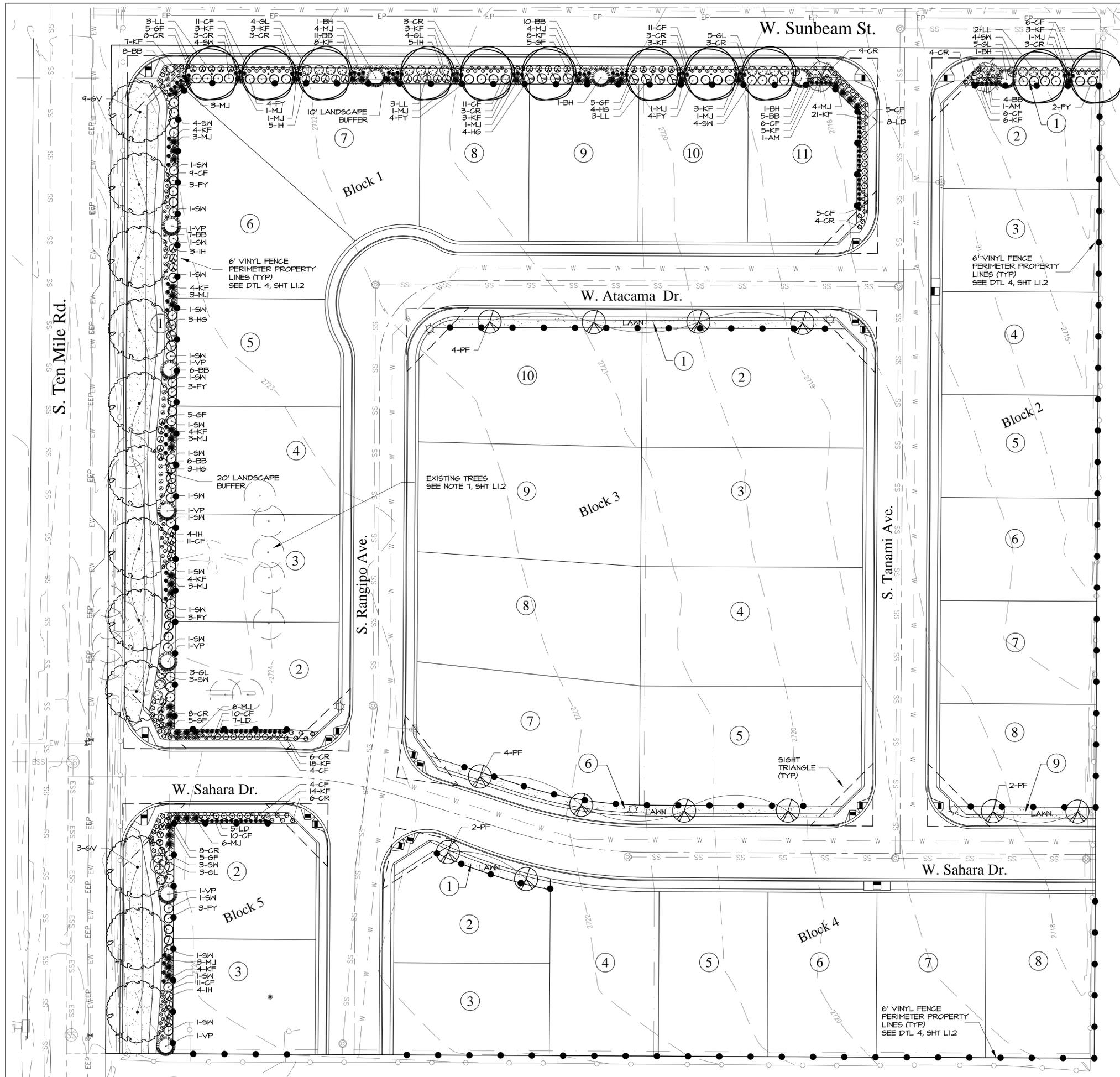


Site Planning / Landscape Architecture  
1809 Tynel Lane, Ste 100 Boise, ID 83706  
Ph: (208) 343-7700, Fax: (208) 343-7700

# DESERT HAWK NO. 4 SUBDIVISION

KUNA, IDAHO

PRELIMINARY PLAT LANDSCAPE PLAN



# PLANT SCHEDULE

(REFERENCE SHT L1.2)

SYM COMMON NAME

### EVERGREEN TREES

- BH BLACK HILLS SPRUCE
- MJ MOONGLOW JUNIPER
- VP VANDERWOLF PINE

### SHADE TREES

- GV GREEN VASE ZELKOVA
- LL LITTLELEAF LINDEN

### ORNAMENTAL TREES

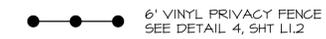
- AM FLAME AMUR MAPLE
- PF PINK FLARE CHERRY

### SHRUBS/ORNAMENTAL GRASSES

- BB CRIMSON PYGMY BARBERRY
- CF PURPLE CONEFLOWER
- CR FLOWER CARPET ROSE
- FY SHOW OFF FORSYTHIA
- GF GOLD FLAME SPIREA
- GL GRO-LOW SUMAC
- HG HENRY'S GARNET SWEETSPIRE
- IH IVORY HALO DOGWOOD
- KF KARL FOERSTER REED GRASS
- LD LITTLE DEVIL NINEBARK
- SN SUMMERWINE NINEBARK



LAWN



6' VINYL PRIVACY FENCE  
SEE DETAIL 4, SHT L1.2

## NOTES

1. REFER TO SHEET L1.2 FOR PLANT SCHEDULE, LANDSCAPE NOTES & DETAILS, AND FENCING DETAILS.
2. REFER TO SHEET L2.0 FOR ALL LANDSCAPE AND PERFORMANCE IRRIGATION SPECIFICATION REQUIREMENTS.

Issue	Description	Date
ISSUE		4-10-17



Site Planning  
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Fax (208) 343-7178  
e-mail jba@jensbelts.com

**DESERTHAWK NO.4 SUBDIVISION**  
**FINAL PLAT**  
**KUNA, IDAHO**

Job Number 1718

Drawn JUN  
Checked KCS  
Scale AS SHOWN

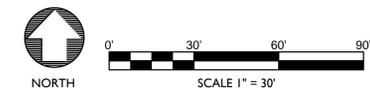
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**LANDSCAPE PLAN**

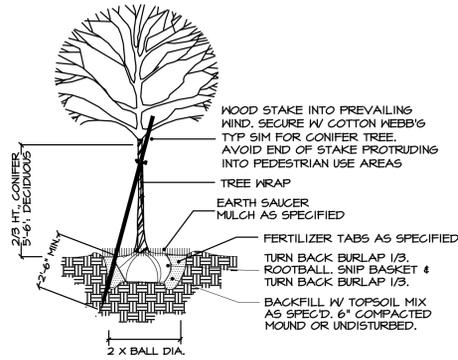
Sheet Number

**L1.1**  
Of Sheets

OWNER/APPLICANT  
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(208) 288-5560

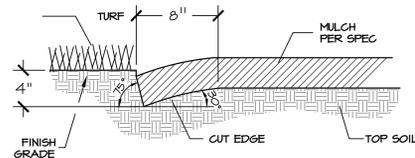
ENGINEER  
B&A ENGINEERS, INC.  
5505 W. FRANKLIN RD.  
BOISE, IDAHO 83705  
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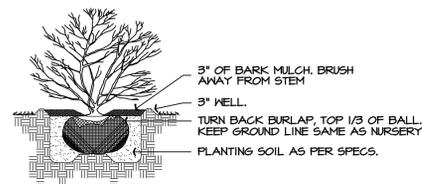


- NOTES:**
1. REMOVE ALL TWINE, ROPE, OR BINDINGS FROM ALL TRUNKS.
  2. REMOVE BURLAP AND WIRE BASKETS FROM THE TOP 1/2 OF ALL ROOT BALLS AFTER PLANTING.
  3. IF SYNTHETIC WRAP/BURLAP IS USED, IT MUST BE COMPLETELY REMOVED.

**1 TREE PLANTING/STAKING**  
NOT TO SCALE

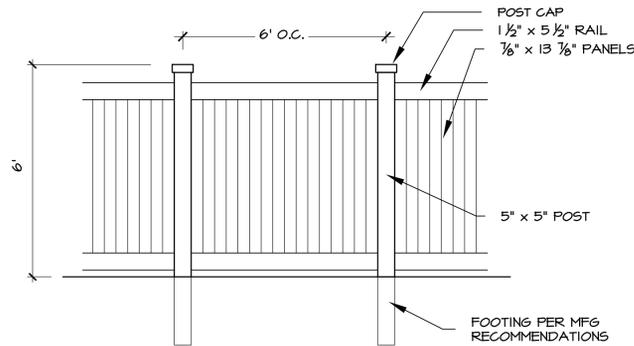


**3 PLANTER CUT BED EDGE**  
NOT TO SCALE



**NOTE:** DIG HOLE TWICE THE SIZE OF ROOTBALL.

**2 SHRUB PLANTING**  
NOT TO SCALE



- NOTES:**
1. INSTALL PER MANUFACTURERS RECOMMENDATIONS/REQUIREMENTS.
  2. FENCE TO STEP DOWN TO 3' HEIGHT 20' FROM ROW.
  3. STYLE MAY VARY. COLOR TO BE PER OWNER'S DIRECTIVE.

**4 6' VINYL PRIVACY FENCE**  
NOT TO SCALE

**PLANT SCHEDULE**

SYM	COMMON NAME	BOTANICAL NAME	SIZE	QUANTITY
<b>EVERGREEN TREES</b>				
BH	BLACK HILLS SPRUCE	PICEA GLAUCA 'DENSATA'	6-8' HT B4B	4
MJ	MOONGLOW JUNIFER	JUNIFERUS SCOPULORUM 'MOONGLOW'	6-8' HT B4B	49
VP	VANDERWOLF PINE	PINUS FLEXILIS 'VANDERWOLF'	6-8' HT B4B	6
<b>SHADE TREES</b>				
GV	GREEN VASE ZELKOVA	ZELKOVA SERRATA 'GREEN VASE'	2" GAL B4B	12
LL	LITTLELEAF LINDEN	TILIA CORDATA	2" GAL B4B	11
<b>ORNAMENTAL TREES</b>				
AM	FLAME AMUR MAPLE	ACER GINNALA 'FLAME'	2" GAL B4B	2
PF	PINK FLARE CHERRY	PRUNUS SARGENTII 'JFS-KW58'	2" GAL B4B	12
<b>SHRUBS/ORNAMENTAL GRASSES</b>				
BB	CRIMSON PYGMY BARBERRY	BERBERIS THUNBERGII 'CRIMSON PYGMY'	3 GAL	57
CF	PURPLE CONEFLOWER	ECHINACEA PURPUREA	1 GAL	85
CR	FLOWER CARPET ROSE	ROSA x FLOWER CARPET	3 GAL	26
FY	SHOW OFF FORSYTHIA	FORSYTHIA x INTERMEDIA 'MINDOR'	5 GAL	26
GF	GOLD FLAME SPIREA	SPIRAEA x BIMALDA 'GOLDFLAME'	3 GAL	30
GL	GRO-LOW SUMAC	RHUS AROMATICA 'GRO-LOW'	3 GAL	24
HG	HENRY'S GARNET SPIRETSPIRE	ITEA VIRGINICA 'HENRY'S GARNET'	5 GAL	10
IH	IVORY HALO DOGWOOD	CORNUS ALBA 'BAILHALO'	5 GAL	21
KF	KARL FOERSTER REED GRASS	CALAMAGROSTIS x ACUTIFOLIA 'K.F.'	1 GAL	124
LD	LITTLE DEVIL NINEBARK	PHYSOCARPUS OPULIFOLIUS 'DONNA MAY'	3 GAL	20
SN	SUMMERWINE NINEBARK	PHYSOCARPUS OPULIFOLIUS 'SEAKWARD'	5 GAL	36

- PLANT SCHEDULE NOTE:**
1. QUANTITIES FOR INFORMATION ONLY. CONTRACTOR TO VERIFY AND ASSUME RESPONSIBILITY FOR ALL PLANT MATERIAL QUANTITIES.

6' VINYL PRIVACY FENCE  
SEE DETAIL 4, THIS SHEET

**NOTES**

1. ALL LANDSCAPE SHALL BE INSTALLED IN ACCORDANCE WITH KUNA CITY ORDINANCE REQUIREMENTS. ALL LOTS WILL COMPLY WITH KUNA CITY ORDINANCE REQUIRING ONE (1) TREE PER LOT (PROVIDED BY BUILDER AND/OR DEVELOPER). REFER TO SHT L2.0 FOR LANDSCAPE SPECIFICATIONS.
2. ALL PLANTING AREAS TO BE WATERED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM. REFER TO SHT L2.0 FOR IRRIGATION PERFORMANCE SPECIFICATIONS.
3. TREES SHALL NOT BE PLANTED WITHIN THE 10'-CLEAR ZONE OF ALL ACHD STORM DRAIN PIPE, STRUCTURES, OR FACILITIES. SEE PAGE BEDS MUST BE PROTECTED FROM ANY AND ALL CONTAMINATION DURING THE CONSTRUCTION AND INSTALLATION OF THE LANDSCAPE IRRIGATION SYSTEM.
4. NO TREES SHALL IMPEDE THE 40' STREET AND DEPARTURE VISION TRIANGLES AT ALL INTERSECTIONS. NO CONIFEROUS TREES OR SHRUBS OVER 3' HIGH AT MATURITY WILL BE LOCATED WITHIN VISION TRIANGLE OR ACHD ROW. AS TREES MATURE, THE OWNER SHALL BE RESPONSIBLE FOR PRUNING TREE CANOPIES TO MEET ACHD REQUIREMENTS FOR MAINTAINING CLEAR VISIBILITY WITHIN 40' STREET AND DEPARTURE VISION TRIANGLE. TREES SHALL BE PLANTED NO CLOSER THAN 50' FROM STOP SIGNS.
5. LANDSCAPE AND TREES IN FRONT OF BUILDING LOTS ON INTERIOR STREETS TO BE COMPLETED DURING CONSTRUCTION OF THESE LOTS. TREE LOCATIONS MAY BE ALTERED TO ACCOMMODATE DRIVEWAYS AND UTILITIES. TREES SHALL NOT BE PLANTED WITHIN 5' OF WATER METERS OR UTILITY LINES.
6. PLANT LIST IS REPRESENTATIVE AND SUBJECT TO SUBSTITUTIONS OF SIMILAR SPECIES BY OWNER, SUBJECT TO CITY FORESTER'S PRE-APPROVAL. BURLAP AND WIRE BASKETS TO BE REMOVED FROM ROOT BALL AS MUCH AS POSSIBLE, AT LEAST HALFWAY DOWN THE BALL OF THE TREE. ALL NYLON ROPES TO BE COMPLETELY REMOVED FROM TREES.
7. FOURTEEN (14) EXISTING TREES LOCATED ON-SITE AROUND THE EXISTING HOUSE (TO BE REMOVED). THE EXISTING TREES ARE DEAD, DYING, AND/OR OF UNDESIRABLE SPECIES. TREES TO BE VERIFY FOR REMOVAL WITH KUNA CITY FORESTER AND MITIGATED (IF REQUIRED) WITH TREES BEYOND THOSE REQUIRED IN LANDSCAPE BUFFER AND COMMON OPEN SPACE.

**LANDSCAPE CALCULATIONS**

LANDSCAPE BUFFER ARE REQUIRED TO BE PLANTED WITH THE FOLLOWING PLANTS PER 100 LINEAR FEET: TWO (2) SHADE TREES, THREE (3) EVERGREEN TREES, AND TWELVE (12) SHRUBS. EACH REQUIRED SHADE TREE MAY BE SUBSTITUTED FOR TWO (2) FLOWERING/ORNAMENTAL TREES.

LOCATION	BUFFER WIDTH	LENGTH	REQUIRED	PROVIDED
S. TEN MILE RD.	20'	590' / 100' =	12 TREES	12 TREES
W. SUNBEAM ST.	10'	600' / 100' =	12 TREES	12 TREES (11 SHADE TREES + 2 ORNAMENTAL TREES)
			18 EVERGREENS 71 SHRUBS	28 EVERGREENS 165 SHRUBS
			18 EVERGREENS 72 SHRUBS	14 EVERGREENS 246 SHRUBS

NUMBER OF TREES PROVIDED ON BUFFERS: 12  
NUMBER OF TREES PROVIDED ON COMMON LOTS: 12  
TOTAL NUMBER OF TREES: 84

**DEVELOPMENT DATA**

TOTAL AREA	9.34 ACRES (100%)
RESIDENTIAL LOTS	6.13 ACRES (65.6%)
USEABLE OPEN SPACE	4.8 ACRES (5.2%)
RIGHT-OF-WAY	2.13 ACRES (24.2%)
RESIDENTIAL LOTS	34
COMMON LOTS	1
TOTAL LOTS	41
EXISTING ZONING	A
PROPOSED ZONING	R-6

**OWNER/APPLICANT**  
ENDURANCE HOLDINGS  
1977 E. OVERLAND RD.  
MERIDIAN, IDAHO 83642  
(208) 288-5560

**ENGINEER**  
B&A ENGINEERS, INC.  
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(208) 343-3381

Issue Description	Date
ISSUE	4-18-17



Site Planning  
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e-mail jba@jensenbelts.com

**DESERTHAWK NO.4 SUBDIVISION**  
**KUNA, IDAHO**  
**FINAL PLAT**

Job Number 1718

Drawn JUN  
Checked KCS  
Scale AS SHOWN

Sheet Title  
**LANDSCAPE PLAN**

Sheet Number

**L1.2**

Of Sheets

SECTION 32 90 00 - LANDSCAPE WORK

PART 1 - GENERAL

1.1 RELATED DOCUMENTS

- A. Drawings and general provisions of Contract, including General and Supplementary Conditions and Division 1 Specification Sections.

1.2 SUMMARY

- A. This Section includes provisions for the following items:

- 1. Trees.
2. Shrubs; Ground cover.
3. Lawns.
4. Topsoil and Soil Amendments.
5. Miscellaneous Landscape Elements.
6. Initial maintenance of landscape materials.

- B. Related Sections: The following sections contain requirements.
1. Underground sprinkler system is specified in Section 32 84 00. "Irrigation System."

1.3 QUALITY ASSURANCE

- A. Subcontract landscape work to a single firm specializing in landscape work.
B. Source Quality Control:

- 1. General: Ship landscape materials with certificates of inspection required by governing authorities. Comply with regulations applicable to landscape materials.
2. Do not make substitutions. If specified landscape material is not obtainable, submit proof of non-availability to Architect, with proposal for use of equivalent material.

- 3. Analysis and Standards: Package standard products with manufacturer's certified analysis. For other materials, provide analysis by recognized laboratory made in accordance with methods established by the Association of Official Agriculture Chemists, wherever applicable.
4. Trees, Shrubs and Groundcovers: Provide trees, shrubs, and groundcovers of quantity, size, genus, species, and variety shown and scheduled for work complying with recommendations and requirements of ANSI Z60.1 "American Standard for Nursery Stock". Provide healthy, vigorous stock, grown in recognized nursery in accordance with good horticultural practice and free of disease, insects, eggs, larvae, and defects such as knots, sun-scald, injuries, abrasions, or discoloration.

- 5. Label at least one tree and one shrub of each variety with attached waterproof tag with legible designation of botanical and common name.
6. Where formal arrangements or consecutive order of trees or shrubs are shown, select stock for uniform height and spread.
7. Inspection: The Architect may inspect trees and shrubs either at place of growth or at site before planting, for compliance with requirements for genus, species, variety, size, and quality. Architect retains right to further inspect trees and shrubs for size and condition of balls and root systems, insects, injuries and latent defects, and to reject unsatisfactory or defective material at any time during progress of work. Remove rejected trees or shrubs immediately from project site.

- 8. As the Architect may inspect trees and shrubs either at place of growth or at site before planting, for compliance with requirements for genus, species, variety, size, and quality. Architect retains right to further inspect trees and shrubs for size and condition of balls and root systems, insects, injuries and latent defects, and to reject unsatisfactory or defective material at any time during progress of work. Remove rejected trees or shrubs immediately from project site.

1.4 SUBMITTALS

- A. General: Submit the following in accordance with Conditions of Contract and Division 1 Specification Sections.
B. Plant and Material Certifications:
1. Certificates of inspection as required by governmental authorities.
2. Manufacturer's or vendor's certified analysis for soil amendments and fertilizer materials.
3. Label data substantiating that plants, trees, shrubs and planting materials comply specified requirements.
4. Seed vendor's certified statement for each grass seed mixture required, stating botanical and common name, percentages by weight, and percentages of purity, germination, and weed seed for each grass seed species.

- C. Mulch: Submit 1 gal bag of mulch sample for approval.

1.5 DELIVERY, STORAGE AND HANDLING

- A. Sod: Time delivery so that sod will be placed within 24 hours after stripping. Protect sod against drying and breaking of rolled strips.
B. Trees and Shrubs: Provide freshly dug trees and shrubs. Do not prune prior to delivery unless otherwise approved by Architect. Do not bend or bind live trees or shrubs in such manner as to damage bark, break branches, or destroy natural shape. Provide protective covering during delivery. Do not drop balled and burlapped stock during delivery.
C. Deliver trees and shrubs after preparations for planting have been completed and plant immediately. If planting is delayed more than 6 hours after delivery, set trees and shrubs in shade, protect from weather and mechanical damage, and keep roots moist by covering with mulch, burlap or other acceptable means of retaining moisture.
D. Do not remove container-grown stock from containers until planting time.
E. Do not drop or dump materials from vehicles during delivery or handling. Avoid any damage to rootballs during delivery, storage and handling.

1.6 JOB CONDITIONS

- A. Utilities: Determine location of underground utilities and work in a manner which will avoid possible damage. Hand excavate, as required. Maintain grade stakes until removal is mutually agreed upon by parties concerned.
B. Excavation: When conditions detrimental to plant growth are encountered, such rubble fill, adverse drainage conditions, or obstructions, notify Architect before planting.
C. Adjacent Landscape: Protect planted areas adjacent to construction area. Replace or recondition to prior conditions at project completion.

1.7 SEQUENCING AND SCHEDULING

- A. Planting Time: Proceed with, and complete landscape work as rapidly as portions of site become available, working within seasonal limitations for each kind of landscape work required.
1. Plant or install all plant materials during normal planting seasons from 15 February to 15 November.
2. Correlate planting with specified maintenance periods to provide maintenance from date of substantial completion.
B. Coordination with Lawns: Plant trees and shrubs after final grades are established and prior to planting of lawns, unless otherwise acceptable to Architect. If planting of trees and shrubs occurs after lawn work, protect lawn areas and promptly repair damage to lawns resulting from planting operations.

1.8 SPECIAL PROJECT WARRANTY

- A. Warranty lawns through specified lawn maintenance period, until Final Project Acceptance.
B. Warranty trees and shrubs, for a period of one year after date of substantial completion, against defects including death and unsatisfactory growth, except for defects resulting from neglect by Owner, abuse or damage by others, or unusual phenomena or incidents beyond Landscape Installer's control.
C. Remove and replace trees, shrubs, or other plants dead or in unhealthy condition during warranty period. Make replacements during growth season following end of warranty period. Replace trees and shrubs which are in doubtful condition at end of warranty period; unless, in opinion of Architect, it is advisable to extend warranty period for a full growing season.

PART 2 - PRODUCTS

- 2.1 TOPSOIL
A. If deemed usable, native topsoil shall be stockpiled for re-use in landscape work. Topsoil shall be fertile, friable, natural loam, surface soil, reasonable free of subsoil, clay lumps, brush, weeds, roots, stumps, stones larger than 1 inch in any dimension, and other extraneous or toxic matter harmful to plant growth.
1. Contractor shall send a minimum of three (3) representative topsoil samples for testing. See testing requirements below. Contractor is responsible for whatever soil additives are recommended by the tests. Submit to Architect for approval. Compost will be added to other additives and added regardless of test results.

- B. If quantity of stockpiled topsoil is insufficient, contractor to provide imported topsoil that is fertile, friable, natural loam, surface soil, reasonably free of subsoil, clay lumps, brush, weeds and other litter, and free of roots, stumps, stones larger than 1 inches in any dimension, and other extraneous or toxic matter harmful to plant growth.
1. Obtain topsoil from local sources or areas with similar soil characteristics to that of project site. Obtain topsoil only from naturally well-drained sites where topsoil occurs in a depth of not less than 4 inches. Do not obtain from bogs or marshes.
2. Composition: Topsoil shall contain from 1 to 20% organic matter as determined by the Organic Carbon, 6A, Chemical Analysis Method described in USDA Soil Survey Investigation Report No. 1. Maximum particle size, 3/4-inch, with maximum 3% retained on 1/4-inch screen.
Other components shall conform to the following limits:
pH 6.5 to 7.5
Soluble Salts 600 ppm maximum
Silt 25-50%
Clay 10-30%
Sand 20-50%

- 3. Contractor shall submit representative soil report on imported topsoil proposed for use for approval. Report shall meet standards below. Contractor is responsible for whatever soil additives are recommended by the test. Compost will be in addition to other additives and added regardless of test results.
C. Soil Testing
1. Soil tests are required for this project (see above for requirements). Test shall be provided as follows:
a. Provide certified analysis at time of sample submitted (three samples imported topsoil). Amend soils per chemist's recommendations and as herein specified unless otherwise approved by Architect.
2. Test shall include, but not limited to recommendations on chemical distributions, organic contents, pH factors, and sieve analysis as necessary. Test #1T by Western Laboratories (1-800-658-3858) is required.
3. Contractor is responsible for whatever soil additives are recommended by the soil testing laboratory.
4. Contractor shall coordinate, obtain and pay for all soil tests.
5. If regenerative noxious weeds are present in the soil, remove all resultant growth including roots throughout one-yeast period after acceptance of work, at no cost to Owner.

2.2 pH ADJUSTERS

- A. When pH does not comply with this specification, commercial grade aluminum sulfate shall be used to adjust soil pH.
2.3 SOIL AMENDMENTS
A. Compost: Compost: "Cascade Compost" from Cloverdale Nursery (208) 375-5262 and NuSoil Compost (208) 629-8912 or approved equal in equal amounts by volume.
B. Commercial Fertilizer: Fertilizer shall be complete, standard commercial brand fertilizer. It shall be free-flowing and packaged in new waterproof, non-overlaid bags clearly labeled as to weight, manufacturer, and content. Protect materials from deterioration during delivery and while stored at site.
1. Commercial fertilizer "A" for trees during planting; AGRO "Transplanter", (4-2-4) type or equal.
2. Commercial fertilizer "B" for lawn areas, applied to bed prior to sodding, to be 16-16-17 applied at the rate of ten pounds per acre.
3. Commercial fertilizer "C" for lawn areas three to four weeks after planting (sod). Organic Fertilizer Milorganite (6-0-2) type or equal.
C. Herbicide: Pre-emergent for topical application in planting beds. Oxidiazon 2G brand or pre-approved equal. Use in accordance with manufacturer's recommendation on all planting beds.

2.4 PLANT MATERIALS

- A. Quality: Provide trees, shrubs, and other plants of size, genus, species, and variety shown for landscape work and complying with recommendations and requirements of ANSI Z60.1 "American Standard for Nursery Stock".
B. Deciduous Trees: Provide trees of height and caliper scheduled or shown with branching configuration recommended by ANSI Z60.1 for type and species required. Single stem trees except where special forms are shown or listed.
C. Deciduous Shrubs: Provide shrubs of the height shown or listed, not less than minimum number of canes required by ANSI Z60.1 for type and height of shrub.
D. Coniferous and Broadleaved Evergreens: Provide evergreens of sizes shown or listed. Dimensions indicate minimum spread for spreading and semi-spreading type evergreens and height for other types, such as globe, dwarf, cone, pyramidal, broad upright, and columnar. Provide normal quality evergreens with well balanced form complying with requirements for other size relationships to the primary dimension shown.

2.5 GRASS MATERIALS

- A. Lawn sod: Provide strongly rooted sod, not less than 1 growing season old, and free of weeds and undesirable native grasses. Provide only sod capable of growth and development when planted (viable, not dormant).
1. Provide sod of uniform pad sizes with maximum 5% deviation in either length or width. Broken pads or pads with uneven ends will not be acceptable. Sod pads incapable of supporting their own weight when suspended vertically with a firm grasp on upper 10% of pad will be rejected.
B. Provide sod composed of: Rhizomatous Tall Fescue (RTF) from the The turf Company, Meridian, ID (208) 888-3760.

2.6 MISCELLANEOUS LANDSCAPE MATERIALS

- A. Anti-Desiccant: Emulsion type, film-forming agent designed to permit transpiration, but retard excessive loss of moisture from plants. Deliver in manufacturer's fully identified containers and mix in accordance with manufacturer's instructions.
B. Mulch: Mulch for planting beds shall be medium ground bark mulch, free of splinters, consistent in appearance, and shall contain no toxic substance detrimental to plant life.
C. Stakes and Guys: Provide stakes and deadman of sound new hardwood, treated softwood, or redwood, free of knot holes and other defects. Provide wire ties and guys of 2-strand, twisted, pliable galvanized iron wire, not lighter than 12 ga. with zinc-coated turnbuckles. Provide not less than 2 inch diameter rubber or plastic hose, cut to required lengths and of uniform color, material, and size to protect tree trunks from damage by wires.

PART 3 - EXECUTION

- 3.1 PREPARATION - GENERAL
A. General Contractor shall be responsible for excavating planting areas to appropriate depths for placement of topsoil as specified herein.
B. Lay out individual trees and shrub locations and areas for multiple plantings. Stake locations and outline areas and secure Architect's acceptance before start of planting work. Make minor adjustments as may be required.

3.2 PREPARATION OF PLANTING SOIL

- A. Before mixing, clean topsoil of roots, plants, sod, stones, clay lumps, and other extraneous materials harmful or toxic to plant growth. Do not mix topsoil with subsoil, clay lumps, brush, weeds, roots, stumps, stones larger than 1 inch in any dimension, and other extraneous or toxic matter harmful to plant growth.
B. Mix specified compost and fertilizers with topsoil at rates specified. Delay mixing fertilizer if planting will not follow placement of planting soil in a few days.
Compost: Lawn Areas: 1/4 compost, 1/4 topsoil.
Shrub Areas: 1/3 compost, 2/3 topsoil.
Fertilizer: Per soil test and manufacturer's recommendations.
C. For shrub and lawn area, mix planting soil either prior to planting or apply on surface of topsoil and mix thoroughly before planting.

3.3 PREPARATION FOR PLANTING LAWNS

- A. After excavating and removing surface material to proper depth, loosen subgrade of lawn areas to a minimum depth of 4 inches. Remove stones measuring over 1-1/2 inches in any dimension. Remove sticks, roots, rubbish, and other extraneous matter. Limit preparation to areas which will be planted promptly after preparation.
1. Spread topsoil mix to minimum depth of 4 inches for sodded lawns as required to meet lines, grades, and elevations shown, after light rolling, addition of amendments, and natural settlement. Place approximately 1/2 of total amount of topsoil required. Work into top of loosened subgrade to create a transition layer and then place remainder of planting soil. Add specified soil amendments as required and mix thoroughly into upper 4 inches of topsoil.

3.4 PREPARATION OF PLANTING BEDS

- A. Loosen subgrade of planting areas to a minimum depth of 6 inches using a culti-mulcher or similar equipment. Remove stones measuring over 1 1/2 inches in any dimension. Remove stocks, stones, rubbish, and other extraneous matter.
B. Spread planting soil mixture to minimum 12 inch depth required to meet lines, grades, and elevations shown, after light rolling and natural settlement. Add 1 1/2 inches of specified compost over entire planting area and mix thoroughly into upper 6 inches of topsoil. Place approximately 1/2 of total amount of planting soil required. Work into top of loosened subgrade to create a transition layer, then place remainder of the planting soil.
C. Apply Pre-Emergent per manufacturer's recommendation.

3.5 PLANTING TREES AND SHRUBS

- A. Set balled and burlapped (B&B) stock on layer of compacted planting soil mixture, plumb and in center of pit or trench with top of ball at same elevation as adjacent finished landscape grades. Remove burlap from sides of balls; retain on bottoms. When set, place additional backfill around base and sides of ball, and work each layer to settle backfill and eliminate voids and air pockets. Place fertilizer tablets in excavated area per manufacturer's written instructions. When excavation is approximately 2/3 full, water roughly before placing remainder of backfill. Repeat watering until no more is absorbed. Water again after placing final layer of backfill. Repeat watering until no more is absorbed.
B. Set container grown stock, as specified, for balled burlapped stock, except cut cans on 2 sides with an approved can cutter and remove can; remove bottoms of wooden boxes after partial backfilling so as not to damage root balls.
C. Dish top of backfill to allow for mulching.
D. Mulch pits, and planted areas. Provide not less than following thickness of mulch, and work into top of backfill and finish level with adjacent finish grades.
1. Provide 2 inch mulch.
E. If season and weather conditions dictate, apply anti-desiccant, using power spray, to provide an adequate film over trunks, branches, stems, twigs and foliage.
F. Prune, thin out, and shape trees and shrubs in accordance with standard horticultural practice. Prune trees to retain required height and spread. Unless otherwise directed by Architect, do not prune tree leaders, and remove only injured or dead branches from flowering trees, if any.
G. Remove and replace excessively pruned or mistimed stock resulting from improper pruning.
H. Guy and stake trees immediately after planting, as indicated.
I. Apply approved herbicide to all shrub bed areas at manufacturer specified rate. Re-apply as necessary for elimination of weeds.

3.6 SODDING NEW LAWNS

- A. General: Install lawn sod in all areas designated on the drawings.
B. Soil Preparation
1. Any sod lawn areas that may have become compacted prior to sodding must be scarified to a depth of eight (8) inches by approved means, then finish graded as hereinbefore described.
C. Lay sod within 24 hours from time of stripping. Do not plant dormant sod or if ground is frozen.
D. Sod Placement
1. Sod will be brought onto lawn areas by wheeled means with proper protection of sod beds. Sod layers shall be experienced, or if inexperienced, shall be constantly supervised by an experienced foreman. The Contractor shall insure that the base immediately ahead of sod layer is moist. Sod shall be laid tight with not gaps. Allowance shall be made for shrinkage. Lay sod with long edges perpendicular to primary slope.
2. Lay to form a solid mass with tightly fitted joints. Butt ends and sides of strips; do not overlap. Stagger strips to offset joints in adjacent courses. Work on boards to avoid damage to subgrade or sod. Tamp or roll lightly to ensure contact with subgrade. Work silted soil into minor cracks between pieces; remove excess to avoid smothering of adjacent grass.
3. Sod shall be rolled with a two hundred (200) pound roller after installation to insure proper contact between soil and sod. Final rolling must provide a uniform surface. After final rolling, the sod lawn shall be mowed and watered. Approval of sod lawns shall be based on uniform, healthy and vigorous growth with no dry or dead spots.
4. Add fertilizer "B" at the manufacturer's recommended application rate.
E. Water sod thoroughly with a fine spray immediately after planting.
F. Sodded Lawn Establishment
1. The Contractor shall be responsible for first mowing, subsequent mowings and fertilizing of sod lawn areas until Final Acceptance of the project.
2. Mowing shall be done by an approved "reel" type mower. Mower blades shall be set at two (2) inches high for all mowings.
3. Subsequent fertilizing shall occur three to four weeks after installation. Apply fertilizer as per the Manufacturer's recommended application rate. Verify all methods of application. Contractor shall notify the Architect in writing that the fertilizer applications have occurred and on what dates.

3.7 MAINTENANCE

- A. Begin landscape maintenance immediately after planting. Maintenance shall continue until Project Final Acceptance.
B. Maintain trees, shrubs, and other plants by pruning, cultivating, and weeding as required for healthy growth. Restore planting saucers. Tighten and repair stake and guy supports and reset trees and shrubs to proper grades or vertical position as required. Restore or replace damaged wrappings. Spray as required to keep trees and shrubs free of insects and disease.
C. Maintain lawns by watering, fertilizing, weeding, mowing, and other operations such as tolling, regrading and replanting as required to establish a smooth, acceptable lawn, free of eroded or bare areas.
D. Maintain lawns for no less than period stated above, or longer as required to establish acceptable lawn. If seeded in fall and not given full 60 days of maintenance before Final Acceptance, or if not considered acceptable at that time, continue maintenance the following spring until acceptable lawn is established.

3.8 CLEANUP AND PROTECTION

- A. During landscape work, keep pavements clean and work area in an orderly condition.
B. Protect landscape work and materials from damage due to landscape operations, operations by other contractors and trades, and trespassers. Maintain protection during installation and maintenance periods. Treat, repair, or replace damaged landscape work as directed.

3.9 INSPECTION AND ACCEPTANCE

- A. When landscape work is completed, including maintenance, Architect will, upon request, make an inspection to determine acceptability.
B. When inspected and found to not comply with requirements, replace rejected work and continue specified maintenance until reinspected by Architect and found to be acceptable. Remove rejected plants and materials promptly from project site.

END OF SECTION

SECTION 02810 - SPRINKLER IRRIGATION

PART 1 - GENERAL

1.1 CONDITIONS AND REQUIREMENTS:

- A. General and Supplementary Conditions, and Division 1 General Requirements.

1.2 SUMMARY

- A. Work included:
1. Provide and install a complete and operating automatic irrigation system for all lawn and planting areas.
2. Connect to main water supply at existing site stubout as provided.
3. Sleeving under paved areas (by others)
4. Obtain and pay for all permits and fees for the work of this section.
5. Perform work on a design/construct basis, subject to the requirements of the Contract Documents, applicable codes, and good design practice.
6. Winterization of system.

1.3 SUBMITTALS

- A. Within 30 days after Contractor's receipt of Owner's Notice to Proceed, submit:
1. Manufacturer's printed product information and catalog cut sheets for all system components; five copies.
2. Shop Drawings: Submit shop drawings for underground irrigation system including plant layout and details illustrating location and type of head, type and size of valve, piping circuits, circuit GPM, pipe size, controls, and accessories.
C. Record Drawings: At completion of this work, submit to the Contractor:
1. Record Drawings; reproducible and five prints.
2. Operations and Maintenance information (2 copies), including:
a. Information including descriptive details, parts list, specifications, maintenance schedules and procedures for system components.
b. Operation, adjustment of system and components instructions.
c. Winterization procedures.
d. Schedule indicating required open valve time to produce given precipitation amounts and seasonal adjustments.
e. Warranties and guarantees.
f. Submit five copies.

1.4 GUARANTEE

- A. Guarantee in writing all materials, equipment and workmanship furnished to be free of all defects of workmanship and materials. Within one year after date of Substantial Completion repair or replace all defective parts or workmanship that may be found at no additional cost to Owner.
B. Fill and repair all depressions and replace all necessary lawn and planting which result from the settlement of irrigation trenches for one year after date of Substantial Completion.
C. Supply all manufacturer's printed guarantees.

1.5 QUALITY ASSURANCE

- A. Contractor shall be licensed in the State in which this work is being performed.
B. Contractor shall have at least two years prior experience in projects of equal or larger scope. Provide minimum of three references and list of similar projects with owners' names, addresses, and phone numbers, when requested by Owner.
C. Contractor shall employ on site at all times a foreman who is thoroughly experienced and competent in all phases of the work of this Section.

1.6 SYSTEM DESCRIPTION

- A. Design requirements:
1. Minimum water coverage: Planting areas - 85%, Lawn areas - 100%
2. Layout system to obtain optimum coverage using manufacturer's standard heads. Spray on walks, walls or paved areas is not acceptable.
3. Zoning shall be designed for optimum use of available pressure and efficient distribution for types of plantings and shapes of planting areas.
4. Design pressures: Install pressure regulating equipment as necessary.
5. Provide in-ground approved fixed-size or coupling device for air blow winterization.
Location shall be in main supply line downstream from main shut off valve.
6. Install approved backflow prevention device in conformance with local or prevailing codes, and in approved site location. Provide for drainage without erosive damage.

1.7 EXTRA EQUIPMENT

- A. In addition to installed system, furnish owner with the following:
1. Valve operating key and marker key.
2. Wrench for each sprinkler head cover type.
3. Two (2) sprinkler head bodies of each size and type.
4. Two (2) nozzles for each size and type used.
B. Store above items safely until Substantial Completion.
C. Deliver above items at Substantial Completion.

PART 2 - PRODUCTS

- 2.1 PIPE AND FITTINGS
A. PVC 1120, ASTM D-1784, permanently marked with manufacturer's name, schedule rating, size, type. Solvent-weld type:
1. Pipe:
a. Pressure lines: Schedule 40 solvent weld.
b. Lateral lines: Class 200 pvc.
c. Sleeving: Class 200 pvc.
2. Fittings: Schedule 40 PVC, solvent-weld type. Install threaded joints where required at valves, risers, etc.
3. Risers: Lawn and shrub heads - flexible and damage-resistant plastic "polytype" riser.
4. Solvent: NSF approved solvent for Type I & II PVC.
B. Polyethylene Pipe
1. Pipe: Class 100, 3/4" lateral line, for use on drip irrigation zone(s) where drip tubing is not otherwise used.
2. Fittings: Schedule 80 PVC.
3. Clamps: Stainless Steel.
C. Drip Line: Netafim Technline Dripperline, with .6 GPH drippers at 18" spacing.

2.2 SPRINKLER HEADS

- A. Description: Appropriate for application in pressure, and discharge. Each type of head shall be of a single manufacturer.
1. Lawn heads: pop-up type.
B. Manufacturer: Rainbird, Hunter, Weathermatic Irrigation Company.

2.3 AUTOMATIC CONTROL SYSTEM

- A. General: Furnish low voltage system manufactured expressly for control of automatic circuit valves of underground irrigation systems. Provide unit of capacity to suit number of circuits as indicated.
B. Control Enclosure: Manufacturer's standard wall mount with locking cover, complying with NFPA 70.
C. Circuit Control: each circuit variable from approximately 5 to 60 minutes. Including switch for manual or automatic operation of each circuit.
D. Timing Device: Adjustable 24-hour and 7 or 14 day clocks to operate any time of day or skip any day in a 7 or 14 day period.
E. Wiring: Solid or stranded direct-burial type as recommended by manufacturer of control unit; type AWG-UF, UL approved.

2.4 VALVING

- A. Manual valves: brass or bronze for direct burial, gate valves, 150 pound class, threaded connection with cross type handle designed to receive operating key.
B. Automatic circuit valves: high impact plastic with corrosion-resistant internal parts. Low power solenoid control, normally closed, with manual flow adjustment; same manufacturer as control unit.
1. Valve for drip system shall be 3/4" Hardie 700 series Ultraflow.
2. Standard sprinkler valve shall be Rainbird PEB-PRS-B.
C. Quick coupler valve: brass or bronze construction with hinged top. One per zone.
D. Manual drain valves:
1. Bronze construction, straight type, 150 pound class, threaded connections, with cross type operating handle designed to receive operating key. Calco, Champion 100, or approved equal.
2. Size: 3/4 inch.

- E. Pressure Regulator: Netafim Model PRV075HF35, 3/4", one per zone.
F. Flushing Valve: Netafim Model TLFV-1, two per zone (each end).
G. Filter: Netafim Model DF075-120, 3/4" filter, one per drip zone.
H. Air Relief Valve: Netafim Model TLAVRV.

2.5 MISCELLANEOUS

- A. Chemicals: primer and solvent glue as required by pipe manufacturer.
B. Valve box - high impact plastic, green in color.
C. Valve cover and frame - compatible with valve box with provision for locking.
D. Drainage backfill - clean gravel or crushed stone, graded from 3" maximum to 3/4" minimum.

PART 3 - EXECUTION

- 3.1 GENERAL
A. Install system to provide for adequate protection against freeze damage.
B. Install system in accordance with approved Contractor design drawings. All deviations from the plans must be approved, and clearly recorded on record drawing.
C. Install system and components in strict accordance with manufacturer's recommendations.
D. Install quick coupler(s) on main supply line, approximately equal spacing, at valve box locations or intervals of approximately 200 feet, whichever is greater. Locate adjacent to paved surfaces, at valve boxes where practical.

3.2 SURFACE CONDITIONS

- A. Examine the areas and conditions under which work will be performed. Notify Contractor of conditions detrimental to timely and proper completion of Section work. Do not proceed until unsatisfactory conditions are corrected.
B. Locate all underground utilities and structures and notify Architect of any conflict with Section work. Protect structures and utilities. Repair or replace said structures or utilities damaged by this work at no cost to the Owner.

3.3 SLEEVING

- A. Sleeving installed by others. Coordinate with other trades.

3.4 TRENCHING AND BACKFILLING

- A. Trenching and backfilling shall be per applicable ISPPWC Section.
B. Cut trenches straight and without abrupt grade changes to allow the following minimum cover:
1. Main Lines and Sleeving: 18 inches.
2. PVC Laterals: 12 inches.
C. Surround lines with 2 inches of clean rock-free material on all sides.

3.5 MISCELLANEOUS VALVES

- A. Install manual drain valves up stream. Install device at mainline tap in accordance with manufacturer requirements for complete operation. Install backflow provision and connect to controller.
3.6 CIRCUIT VALVES
A. Install in valve box, arranged for easy adjustment and removal.
1. Provide union on downstream side.
2. Adjust automatic control valves to provide flow rate of rated operating pressure required for each sprinkler circuit.

3.7 PIPE INSTALLATION

- A. Lay PVC pipe in accordance with standard and acceptable practice. Thrust blocks to be used at points of intersection and change of direction in main line pipe as per manufacturer's recommended specifications. Install manual drains.
B. PVC pipe joints, solvent welded except as indicated. Cut pipe square, deburr, wipe from surface all saw chips, dust, dirt, moisture and any foreign matter which may contaminate the cemented joint. Apply cleaner/primer and solvent cement, make joints in accordance with manufacturer's recommendations. Use Teflon thread sealant (tape) at all threaded joints.
C. Contractor shall size pipe according to schedule provided. Flow velocities shall not exceed 5 feet/second in all cases. Lateral lines shall be laid out and installed per zone to balance the pressure loss and provide minimum fluctuation in system operating pressures.

3.8 SPRINKLER HEADS

- A. Flush circuit lines with full head of water prior to head installation.
1. Install heads at level with mulch
2. Locate part-circle shrubby heads to maintain a minimum distance of six inches (6") from walls and four inches (4") from other boundaries unless otherwise indicated. Keep overspray to a minimum.

3.9 CONTROL WIRE INSTALLATION

- A. Bury wires beside or below main line pipe in same trench.
B. Bundle multiple wires together with tape at ten feet (10') maximum intervals.
C. Provide 36 inch loop in wires at each valve where controls are connected and at 100' maximum intervals between.
D. Make all electrical joints (splices) in boxes only. Make electrical joints waterproof. Scotch-Loq connectors, or approved.

3.10 AUTOMATIC CONTROLLER

- A. Install on site as approved. Verify location with Owner Representative.
B. Install typewritten legend inside controller door.

3.11 TESTING

- A. Do not allow or cause any work of this Section to be covered up or enclosed until it has been inspected and tested.
B. Pressure testing:
1. Make necessary provision for thoroughly bleeding the line of air and debris.
2. Before testing, cap all risers, and install all valves.
3. Fill all main supply lines with water. Pressurize to 100 psi. Close air supply and test for leakage. Test shall be approved if no greater than 5 psi loss occurs in 15 minutes.
4. Fill all zone lines with water to static pressure. Hold for 15 minutes. Inspect for leakage.
5. Contractor shall provide all required testing equipment and personnel. Test shall be performed in presence of Architect. Contractor shall make notice of test (48) hours in advance.
6. Provide required testing equipment and personnel.
7. Repair leaks, and retest until acceptance by the Architect.
C. Coverage inspection: upon completion of all systems, perform a coverage test to determine if coverage of water afforded all areas is complete, adequate and uniform. Change heads, nozzles, orifices and/or adjustment as directed to provide uniform coverage.
D. Final inspection:
1. Clean, adjust, and balance all systems. Verify that:
a. Remote control valves are properly balanced;
b. Heads are properly adjusted for radius and arc of coverage;
c. The installed system is workable, clean and efficient.
E. Winterization: Winterize system at the end of first season of system operation. Review procedures with Owner Representative.

END OF SECTION

OWNER/APPLICANT

ENDURANCE HOLDINGS
1977 E. OVERLAND RD.
MERIDIAN, IDAHO 83642
(208) 288-5560

ENGINEER

B&A ENGINEERS, INC.
5505 W. FRANKLIN RD.
BOISE, IDAHO 83705
(208) 343-3381

Table with 2 columns: Issue Description, Date. Row 1: ISSUE, 4-18-17



JENSEN BELTS & ASSOCIATES
Site Planning
Landscape Architecture

1509 S. Tyrell Ln. Ste. 130
Boise, Idaho 83702
Ph. (208) 343-7175
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DESERTHAWK NO.4 SUBDIVISION

FINAL PLAT

KUNA, IDAHO

Job Number 1718

Table with 2 columns: Drawn, Checked. Row 1: JUN, KCS

Scale AS SHOWN

Sheet Title

# PLANT SCHEDULE

SYM	COMMON NAME	BOTANICAL NAME	SIZE
<b>EVERGREEN TREES</b>			
	BLACK HILLS SPRUCE MOONBLOW JUNIPER VANDERWOLF PINE	PICEA GLAUGA 'DENSATA' JUNIPERUS SCOPULORUM 'MOONBLOW' PINUS FLEXILIS 'VANDERWOLF'	6-8' HT B4B 6-8' HT B4B 6-8' HT B4B
<b>SHADE TREES</b>			
	GREEN VASE ZELKOVA LITTLELEAF LINDEN	ZELKOVA SERRATA 'GREEN VASE' TILIA CORDATA	2" GAL B4B 2" GAL B4B
<b>ORNAMENTAL TREES</b>			
	FLAME AMUR MAPLE PINK FLARE CHERRY	ACER GINNALA 'FLAME' PRUNUS SARGENTII 'JFS-KW58'	2" GAL B4B 2" GAL B4B
<b>SHRUBS/ORNAMENTAL GRASSES</b>			
	GRIMSON PYGMY BARBERRY PURPLE CONEFLOWER FLOWER CARPET ROSE SHOW OFF FORSYTHIA GOLD FLAME SPIREA GRO-LOW SUMAC HENRY'S GARNET SWEETSPIRE IVORY HALO DOGWOOD KARL FOERSTER REED GRASS LITTLE DEVIL NINEBARK SUMMERWINE NINEBARK	BERBERIS THUNBERGII 'GRIMSON PYGMY' ECHINACEA PURPUREA ROSA x FLOWER CARPET FORSYTHIA x INTERMEDIA 'MINDOR' SPIRAEA x BUMALDA 'GOLDFLAME' RHUS AROMATICA 'GRO-LOW' ITEA VIRGINICA 'HENRY'S GARNET' CORNUS ALBA 'BAILHALO' CALAMAGROSTIS x ACUTIFOLIA 'K.F.' PHYSOCARPUS OPULIFOLIUS 'DONNA MAY' PHYSOCARPUS OPULIFOLIUS 'SEANARD'	3 GAL 1 GAL 3 GAL 5 GAL 3 GAL 3 GAL 5 GAL 5 GAL 1 GAL 3 GAL 5 GAL
	LAWN		
	6' VINYL PRIVACY FENCE		

## NOTES

- ALL LANDSCAPE SHALL BE INSTALLED IN ACCORDANCE WITH KUNA CITY ORDINANCE REQUIREMENTS. ALL LOTS WILL COMPLY WITH KUNA CITY ORDINANCE REQUIRING ONE (1) TREE PER LOT (PROVIDED BY BUILDER AND/OR DEVELOPER). REFER TO SHT L2.0 FOR LANDSCAPE SPECIFICATIONS.
- ALL PLANTING AREAS TO BE WATERED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM. REFER TO SHT L2.0 FOR IRRIGATION PERFORMANCE SPECIFICATIONS.
- TREES SHALL NOT BE PLANTED WITHIN THE 10'-CLEAR ZONE OF ALL ACHD STORM DRAIN PIPE, STRUCTURES, OR FACILITIES. SEEPAGE BEDS MUST BE PROTECTED FROM ANY AND ALL CONTAMINATION DURING THE CONSTRUCTION AND INSTALLATION OF THE LANDSCAPE IRRIGATION SYSTEM.
- NO TREES SHALL IMPEDE THE 40' STREET AND DEPARTURE VISION TRIANGLES AT ALL INTERSECTIONS. NO CONIFEROUS TREES OR SHRUBS OVER 3' HIGH AT MATURITY WILL BE LOCATED WITHIN VISION TRIANGLE OR ACHD ROW. AS TREES MATURE, THE OWNER SHALL BE RESPONSIBLE FOR PRUNING TREE CANOPIES TO MEET ACHD REQUIREMENTS FOR MAINTAINING CLEAR VISIBILITY WITHIN 40' STREET AND DEPARTURE VISION TRIANGLE. TREES SHALL BE PLANTED NO CLOSER THAN 50' FROM STOP SIGNS.
- LANDSCAPE AND TREES IN FRONT OF BUILDING LOTS ON INTERIOR STREETS TO BE COMPLETED DURING CONSTRUCTION OF THESE LOTS. TREE LOCATIONS MAY BE ALTERED TO ACCOMMODATE DRIVEWAYS AND UTILITIES. TREES SHALL NOT BE PLANTED WITHIN 5' OF WATER METERS OR UTILITY LINES.
- PLANT LIST IS REPRESENTATIVE AND SUBJECT TO SUBSTITUTIONS OF SIMILAR SPECIES BY OWNER, SUBJECT TO CITY FORESTER'S PRE-APPROVAL. BURLAP AND WIRE BASKETS TO BE REMOVED FROM ROOT BALL AS MUCH AS POSSIBLE, AT LEAST HALFWAY DOWN THE BALL OF THE TREE. ALL NYLON ROPES TO BE COMPLETELY REMOVED FROM TREES.
- FOURTEEN (14) EXISTING TREES LOCATED ON-SITE AROUND THE EXISTING HOUSE (TO BE REMOVED). THE EXISTING TREES ARE DEAD, DYING, AND/OR OF UNDESIRABLE SPECIES. TREES TO BE VERIFY FOR REMOVAL WITH KUNA CITY FORESTER AND MITIGATED (IF REQUIRED) WITH TREES BEYOND THOSE REQUIRED IN LANDSCAPE BUFFER AND COMMON OPEN SPACE.

## LANDSCAPE CALCULATIONS

LANDSCAPE BUFFER ARE REQUIRED TO BE PLANTED WITH THE FOLLOWING PLANTS PER 100 LINEAR FEET: TWO (2) SHADE TREES, THREE (3) EVERGREEN TREES, AND TWELVE (12) SHRUBS. EACH REQUIRED SHADE TREE MAY BE SUBSTITUTED FOR TWO (2) FLOWERING/ORNAMENTAL TREES.

LOCATION	BUFFER WIDTH	LENGTH	REQUIRED	PROVIDED
S. TEN MILE RD.	20'	570' / 100' =	12 TREES 18 EVERGREENS 64 SHRUBS	12 SHADE TREES 28 EVERGREENS 165 SHRUBS
W. SUNBEAM ST.	10'	560' / 100' =	12 TREES  17 EVERGREENS 60 SHRUBS	12 TREES (11 SHADE TREES + 2 ORNAMENTAL TREES) 14 EVERGREENS 246 SHRUBS
NUMBER OF TREES PROVIDED ON BUFFERS:			72	
NUMBER OF TREES PROVIDED ON COMMON LOTS:			12	
TOTAL NUMBER OF TREES:			84	

## DEVELOPMENT DATA

TOTAL AREA	9.34 ACRES (100%)
RESIDENTIAL LOTS	6.13 ACRES (65.6%)
USEABLE OPEN SPACE	.48 ACRES (5.2%)
RIGHT-OF-WAY	2.73 ACRES (29.2%)
RESIDENTIAL LOTS	34
COMMON LOTS	1
TOTAL LOTS	41
EXISTING ZONING	A
PROPOSED ZONING	R-6

### OWNER/APPLICANT

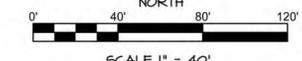
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### ENGINEER

B&A ENGINEERS, INC.  
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BOISE, IDAHO 83705  
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APRIL 18, 2017



SCALE 1" = 40'



# DESERTHAWK NO.4 SUBDIVISION

KUNA, IDAHO

PRELIMINARY PLAT LANDSCAPE PLAN

S. Ten Mile Rd.

W. Sunbeam St.

W. Atacama Dr.

W. Sahara Dr.

W. Sahara Dr.

S. Tanami Ave.

S. Rangipo Ave.

Block 1

Block 2

Block 3

Block 5

Block 4

EXISTING TREES  
SEE NOTE 7

6' VINYL PRIVACY  
FENCE (TYP)

VISION  
TRIANGLE  
(TYP)

10' LANDSCAPE  
BUFFER

20' LANDSCAPE  
BUFFER



City of Kuna  
 Planning & Zoning Department

**City of Kuna**  
 P.O. Box 13  
 Kuna, Idaho 83634  
 Phone: (208) 922-5274  
 Fax: (208) 922-5989  
 www.Kunacity.id.gov

## Agency Transmittal

May 22, 2017

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

<b>FILE NUMBERS</b>	<b>17-03-S</b> (Subdivision), <b>17-03-ZC</b> (Rezone) and <b>17-09-DR</b> (Design Review): Deserthawk Subdivision No. 4 Preliminary Plat
<b>PROJECT DESCRIPTION</b>	Applicant requests to rezone an approximately 9.43-acre parcel from the current Ag (Agriculture Dist.) to an R – 6 zoning designation, to create 34 residential building lots and 7 common lots as the proposed Deserthawk Subdivision No. 4. A Design Review request for common area landscaping accompanies this request.
<b>SITE LOCATION</b>	Southwest corner of the intersection of South Ten Mile Road and West Sunbeam Street, Kuna, Idaho 83634 (APN # R5070501800)
<b>APPLICANT/ REPRESENTATIVE</b>	David Crawford B & A Engineers, Inc 5505 W. Franklin Rd. Boise, ID 83705 208.343.5792 <a href="mailto:dacrawford@baengineers.com">dacrawford@baengineers.com</a> For: Endurance Holdings, LLC 1977 E. Overland Rd. Meridian, ID, 83642
<b>SCHEDULED HEARING DATE</b>	Tuesday, <b>June 27<sup>th</sup>, 2017</b> @ 6:00 P.M. – Kuna City Hall
<b>STAFF CONTACT</b>	Trevor Kesner, Planner II <a href="mailto:Tkesner@kunaid.gov">Tkesner@kunaid.gov</a> Phone: 922.5274 Direct: 387.7731 Fax: 922.5989

We have attached information to assist you with your consideration and response. **No response within 15 business days will indicate you have no objection or concerns with this project.** We would appreciate any information you can supply us as to how this action would affect the services you provide. The hearing is scheduled to begin at 6:00 p.m. or as soon as it may be heard. We are located at Kuna City Hall 751 W. 4<sup>th</sup> Street, Kuna, ID 83634. Please contact staff with questions. **If your agency needs full size plans/prints to review, let our office know and we will send them to you. If you are not responsible for reviewing development plans, please let our office know who this should be sent to in the future and include their email as well.**



	<p>@ 6:00 P.M. – Kuna City Hall</p> <p>751 W. 4<sup>th</sup> Street, Kuna, ID 83634</p>
<p><b>STAFF CONTACT</b></p>	<p>Trevor Kesner, Planner II</p> <p><a href="mailto:Tkesner@kunaid.gov">Tkesner@kunaid.gov</a></p> <p>Phone: 922.5274</p> <p>Direct: 387.7731</p> <p>Fax: 922.5989</p>
<p>We have attached information to assist you with your consideration and response. <b>No response within 15 business days will indicate you have no objection or concerns with this project.</b> We would appreciate any information you can supply us as to how this action would affect the services you provide. The hearing is scheduled to begin at 6:00 p.m. or as soon as it may be heard. We are located at Kuna City Hall 751 W. 4<sup>th</sup> Street, Kuna, ID 83634. Please contact staff with questions. <b>If your agency needs full size plans/prints to review, let our office know and we will send them to you. If you are not responsible for reviewing development plans, please let our office know who this should be sent to in the future and include their email as well.</b></p>	

**Trevor Kesner, MRCP**  
*Planner II*

KUNA PLANNING & ZONING DEPT.

[\(208\) 387-7731](tel:(208)387-7731)  
[tkesner@kunaid.gov](mailto:tkesner@kunaid.gov)



City of Kuna

751 W. 4th Street

Kuna, ID 83634



STATE OF IDAHO  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
BOISE REGIONAL OFFICE  
1445 North Orchard Street • Boise, ID 83706-2239 • (208) 373-0550

## *DEQ Response to Request for Environmental Comment*

Date: June 1, 2017  
Agency Requesting Comments: City of Kuna  
Date Request Received: May 22, 2017  
Applicant/Description: Endurance Holdings, LLC/17-03-S, 17-03-ZC, and 17-09-DR for Deserthawk Subdivision No. 4 Preliminary Plat

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <http://www.deq.idaho.gov/ieq/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

### **1. Air Quality**

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

### **2. Wastewater and Recycled Water**

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.

*All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.*

- *DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.*
- *DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

*For questions, contact Todd Crutcher, Engineering Manager, at 373-0550.*

### **3. Drinking Water**

- *DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.*

*All projects for construction or modification of public drinking water systems require preconstruction approval.*

- *DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at <http://www.deq.idaho.gov/water-quality/drinking-water.aspx>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.*
- *If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.*
- *DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.*
- *DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

*For questions, contact Todd Crutcher, Engineering Manager at 373-0550.*

#### **4. Surface Water**

- *A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.*
- *Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.*
- *If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.*
- *The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at:  
<http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>*
- *The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.*

*For questions, contact Lance Holloway, Surface Water Manager, at 373-0550.*

#### **5. Hazardous Waste And Ground Water Contamination**

- **Hazardous Waste.** *The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.*
- *No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.*
- **Water Quality Standards.** *Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).*

*Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.*

- **Ground Water Contamination.** *DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."*

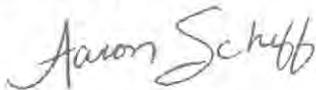
*For questions, contact Albert Crawshaw, Waste & Remediation Manager, at 373-0550.*

#### **6. Additional Notes**

- *If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 373-0550, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.*
- *If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.*

*We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at 208-373-0550.*

Sincerely,



Aaron Scheff  
[aaron.scheff@deq.idaho.gov](mailto:aaron.scheff@deq.idaho.gov)  
Regional Administrator  
Boise Regional Office  
Idaho Department of Environmental Quality

ec: TRIM 2017AEK71  
File # 2299



**CITY OF KUNA**  
**P.O. BOX 13**  
**KUNA, ID 83634**  
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ANTONIO M CONTI  
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731  
Email: [aconti@kunaid.gov](mailto:aconti@kunaid.gov)

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## MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Antonio M Conti  
Kuna City Engineer

RE: Desert Hawk No. 4  
Preliminary Plat  
17-03-S, 17-03-ZC, 17-09-DR

DATE: May 26, 2017

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The City Engineer has reviewed the Preliminary Plat request of the above applicant originally dated April 10, 2017. It is noted that specific development plans are provided, which includes 34 buildable lots and 7 common lots. Accordingly, the City Engineer provides the following comments:

### 1. Sanitary Sewer Needs

- a) The City has sufficient sewer treatment capacity to serve this site. All wastewater flows from this project would receive treatment at the South Wastewater Treatment facility. The site is not presently connected to the city system and would be subject to connection fees for the demand of the ultimate connected load as provided in the City's Fee Resolution and Standard Table.
- b) This property was not included in Local Improvement District 2006-1 nor did it pre-pay sewer connection fees, and consequently, has no connection fee credits and no reserved sewer treatment capacity. However, there are sufficient treatment connections available at standard rates to serve this site. 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) City Code (6-4-20) requires connection to the City sewer system for all sanitary sewer needs.
- d) For any connected load, it is recommended this application be conditioned to conform to the sewer master plan.
- e) At all reasonable locations where sewer service could be extended to adjoining properties, sewer mains should be stubbed to the property line or extended in right-of-

way in or adjacent to the project – both at useable depths. This applies to a sewer mains extended to the property east of the project.

- f) For assistance in locating existing facilities and understanding issues associated with connection, please contact the City Engineer at 639.5343.

## **2. Potable Water Needs**

- a) The City has sufficient potable water supply to serve this site. The project site is not presently connected to the city system and would be subject to connection fees for the demand of the ultimate connected load as provided in the City's Fee Resolution and Standard Table.
- b) City Code (6-4-2X) requires connection to the City water system for all potable water needs.
- c) For any connected load, it is recommended this application be conditioned to conform to the water master plan.
- d) 8-inch water mains should be installed by developer in internal subdivision streets.
- e) 8-inch water mains are to be extended and connected by developer to water trunk lines and mains through all stub and entry-way streets.
- f) Improvements necessary to provide adequate fire protection as required by Kuna Fire District will be required of the development.
- g) For assistance in locating existing facilities, please contact the City Engineer at 639-4353.

## **3. Pressure Irrigation**

- a) The applicant's property is not connected to the City pressure irrigation system. There is a 10-inch pressure main located in Ten Mile Road west right-of-way. Extension to a source of pressurized irrigation water supply is a requirement of the project.
- b) The property's irrigation needs are presently served by the Boise-Kuna Irrigation District. The City Engineer has evaluated the distribution of irrigation pump stations and available supply in the vicinity of the project and concludes there is sufficient capacity to serve the project.
- c) Relying on drinking water for irrigation purposes is contrary to City Code (6-4-2I) and the public interest and is not accounted for in the approved Water Master Plan. It is recommended this project be conditioned to require connection and annexation to the City Pressure Irrigation system at the time of development.
- d) It is further recommended that annexation into the municipal irrigation district and pooling of water rights is a requirement at the time of final platting.
- e) The development is subject to connection fees based on number of dwellings and lot size for the residential area and based on ultimate landscaped area for the common lots, as provided in City Resolutions. For common lots, credit will be allowed for the cost of the pump station and reservoir site.
- f) For any connected load, it is recommended this application be conditioned to conform to the Pressure Irrigation Master Plan. The Master Plan designates the providing of a 12-inch trunk lines in Sunbeam Street frontage to the project.
- g) It is recommended that conformity with approved City PI standards is required, including the providing of adequately sized internal and boundary loop lines and extension of stub lines to project boundaries.

4. **Grading and Storm Drainage** - The following is required because alteration of surface features is proposed (such as grading or paving) in connection with this application:
- a) Runoff from public right-of-way is regulated by ACHD or ITD, depending on the agency responsible for the right-of-way. Plans are required to conform to the appropriate agency standards.
  - b) Exclusive of public right-of-way, any increase in quantity or rate of runoff or decrease in quality of runoff compared to historical conditions must be detained, treated and released at rates no greater than historical amounts. In the alternative, offsite disposal of storm water in excess of historical rates or conditions or disposal at locations different than provided historically, approval of the operating entity is required. The City of Kuna relies on the ACHD Stormwater Policy Manual to establish the requirements for design of any private disposal system.
  - c) The city is now requiring with every new development, a documentation map that illustrates the surface and sub-surface water irrigation supply as well as drainage ways that exist in the applicant's property and in the right-of-way adjacent to the proposed development to be submitted as part of construction plans. The map must include 2-foot contours, a layout and essential features of existing irrigation ditches, drainage ditches and pipelines within and adjacent to the proposed development. Open and piped facilities should be noted. The map should include any proposed changes to the systems.
  - d) All upstream drainage rights and downstream water delivery rights are to be preserved as a condition of development. Constructed facilities to preserve these rights must be designed by a licensed professional engineer, plans provided with the project plan set for review by the City Engineer and constructed in a manner and with materials acceptable to the City Engineer. Facilities provided must be accessible (easements or right-of-way) for continued maintenance, and if necessary, replacement.

#### 5. **General**

- a) With the addition of this property into the corporate limits of Kuna and its potential connection to water and 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, any conveyable water rights by deed and "Change of Ownership" form from IDWR. 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 or its facilities.
- c) The City reserves the right of prior approval to all agreements involving the applicant (or its successors) and the irrigation or drainage district related to the property of this application and any attempt to abandon surface water rights.
- d) Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties.
- e) State the vertical datum used for elevations on all drawings.
- f) Provide engineering certification on all final engineering drawings.
- g) The submittals attached to the application include some alignments for City infrastructure. This information is helpful but has not been reviewed in detail and has not received City Engineer approval. The applicant is advised that detailed review and plan approval occurs at the time of approval of the official project improvement plans.

## **6. Inspection Fees**

An inspection fee will be required for City inspection of the construction of any public or community 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 City inspection fee is \$1.00 per lineal foot of sewer, water and irrigation related pipe and payment is due and payable prior to City's scheduling of a pre-construction conference.

## **7. Right-of-Way**

The subject property fronts one section line street (Ten Mile Road) and one mid-mile streets (Sunbeam St).

- a) Sufficient half right-of-way on the quarter line and section line for the classified streets noted above should be provided and streets constructed pursuant to City and ACHD standards.
- b) Residential Easements – City Code (6-3-8) requires the providing of 10-foot front and back lot line easements and side-lot easements, as necessary. The City Engineer recommends the following:
  - a. 10-foot minimum subdivision boundary easement;
  - b. 10-foot minimum street frontage easement;
  - c. 10-foot back lot line easement as required in code;
  - d. 5-foot minimum side lot line easement and wider easements in instances where underground pipelines are constructed in them;
  - e. Additional easements as needed for facilities not in right-of-way - of width and alignment acceptable to the City Engineer.
- c) It is recommended the location of approaches onto classified streets comply with ACHD approach policies.
- d) 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, development or re-development.

## **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.

## **9. Property Description**

- a) The applicant is required to provide a metes and bounds property description of the subject parcel.



**Project/File:** **Deserthawk Subdivision No. 4/ KPP17-0005/17-03-S/17-03-ZC/17-09-DR**  
*This is a rezone, preliminary plat, and design review application to allow for the development of 34 residential building lots and 7 common lots on 9.4 acres. This site is located at the SEC of Sunbeam Street and Ten Mile Road in Kuna, Idaho.*

**Lead Agency:** City of Kuna

**Site address:** SEC of Sunbeam Street and Ten Mile Road

**Staff Approval:** July 5, 2017

**Applicant:** Cory Barton  
 Endurance Holdings, LLC  
 1977 E. Overland Road  
 Meridian, ID 83642

**Representative:** David Crawford  
 B & A Engineers  
 5505 W. Franklin Road  
 Boise, ID 83705

**Staff Contact:** Mindy Wallace, AICP  
 Phone: 387-6178  
 E-mail: [mwallace@achdidaho.org](mailto:mwallace@achdidaho.org)

## A. Findings of Fact

- Description of Application:** The applicant is requesting approval of a rezone, preliminary plat, and design review application to allow for the development of 34 residential building lots and 7 common lots on 9.4 acres.

The City of Kuna's comprehensive plan calls for medium density residential uses on this site.

- Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Single family residential/Agricultural	R-4/A
South	Single family residential	R-6
East	Rural urban transitional/Agricultural	RUT/A
West	Single family residential	R-6

- Site History:** ACHD has not previously reviewed this site for a development application.
- Transit:** Transit services are not available to serve this site.



5. **New Center Lane Miles:** The proposed development includes 0.4 centerline miles of new public road.
6. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
7. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**  
There are currently no roadways, bridges or intersections in the general vicinity of the project that are currently in the Integrated Five Year Work Plan (IFYWP) or the District's Capital Improvement Plan (CIP).

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

1. **Trip Generation:** This development is estimated to generate 323 vehicle trips per day; 34 vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 9<sup>th</sup> edition.
2. **Condition of Area Roadways**  
Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Ten Mile Road	640-feet	Minor Arterial	24	<i>Better than "E"</i>

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

3. **Average Daily Traffic Count (VDT)**  
*Average daily traffic counts are based on ACHD's most current traffic counts.*
  - The average daily traffic count for Ten Mile Road north of King Road was 388 on 5/1/13.

## **C. Findings for Consideration**

### **1. Ten Mile Road**

a. **Existing Conditions:** Ten Mile Road is improved with 2-travel lanes, and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for Ten Mile Road (25-feet from centerline).

b. **Policy:**

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

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

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

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

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

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

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

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

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

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

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Ten Mile Road 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.

- c. **Applicant Proposal:** The applicant has proposed to widen Ten Mile Road to half of a 72-foot street section with 34-feet of pavement from the centerline of roadway abutting the site, vertical curb, gutter, and a 12-foot wide landscape buffer within 48-feet of right-of-way, and a 5-foot wide detached meandering sidewalk within a 20-foot wide easement.
- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District policy and should not be approved, as proposed. ACHD cannot allow Ten Mile Road to be widened to half of a 72-foot street section in this location, as that improvement is not necessary to serve the site and it would create unsafe driving conditions and driver confusion to have the pavement widened for such a short distance (approximately 640-feet) on Ten Mile Road.

Consistent with ACHD's policies, the applicant should be required to dedicate additional right-of-way to total 48-feet from the centerline of Ten Mile Road abutting the site. The applicant will not be compensation for this right-of-way dedication as this segment of Ten Mile Road is not listed as impact fee eligible in the Capital Improvements Plan.

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

The applicant should be required to construct a 5-foot wide detached concrete sidewalk located a minimum of 41-feet from the centerline of Ten Mile Road abutting the site. If the

sidewalk is located outside of the dedicated right-of-way, then a permanent right-of-way easement should be provided.

The City of Kuna has indicated a desire for some arterial roadways to be constructed as complete streets with pavement widening, curb, and gutter to create a finished look for the roadway. If the City of Kuna requires Ten Mile Road to be constructed as a complete street abutting the site, then it should be constructed as half of a 3-lane, 49-foot street section with 24.5-feet of pavement from the centerline of Ten Mile Road, vertical curb, gutter, and a detached concrete sidewalk, a minimum of 5-feet in width, located a minimum of 41-feet from the centerline of Ten Mile Road abutting the site.

## 2. Sunbeam Street

a. **Existing Conditions:** Sunbeam is an unimproved, unopened right-of-way abutting the site. There is 50-feet of right-of-way for Sunbeam Street.

b. **Policy:**

**Collector Street Policy:** District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.

**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.

**Street Section and Right-of-Way Policy:** District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

**Residential Collector Policy:** District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

**Sidewalk Policy:** District policy 7206.5.6 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all collector streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

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

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

**Half Street Policy:** District Policy 7206.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

**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. A new collector roadway was identified on the MSM with the street typology of Residential Collector. The new collector roadway should align with Sunbeam Street on the west side of Ten Mile Road and continue through the property stubbing to the east. 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.

- c. **Applicant Proposal:** The applicant is proposing to construct Sunbeam Street with 24-feet of pavement, vertical curb, gutter, and a 5-foot wide attached concrete sidewalk abutting the site and a 3-foot wide gravel shoulder and barrow ditch on the north side of the roadway. The improvements are proposed to fit within the existing 50-feet of right-of-way.
- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District policy and should not be approved, as proposed.

The applicant should be required to construct Sunbeam Street has  $\frac{1}{2}$  of a 36-foot residential collector street section, plus an additional 12-feet of pavement to total 30-feet, with vertical curb, gutter, and 7-foot wide attached (or 5-foot wide detached) concrete sidewalk abutting the site and a 3-foot wide gravel shoulder and barrow ditch on the north side of the roadway. These improvements should fit within the existing 50-feet of right-of-way.

If detached sidewalks are constructed and are located outside of the right-of-way, then a permanent right-of-way easement should be provided.

### 3. Internal Local Streets

a. **Existing Conditions:** There are no internal local streets within the site.

b. **Policy:**

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

**Street Section and Right-of-Way Policy:** District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 50-feet wide and that the standard street section shall be 36-feet (back-of-curb to back-of-curb). The District will consider the utilization of a street width less than 36-feet with written fire department approval.

**Standard Urban Local Street—36-foot to 33-foot Street Section and Right-of-way Policy:** District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

The District will also consider the utilization of a street width less than 36-feet with written fire department approval. Most often this width is a 33-foot street section (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size.

**Sidewalk Policy:** District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities

of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

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

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

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

- c. **Applicant's Proposal:** The applicant has proposed to construct the internal local streets as 36-foot street sections with rolled curb, gutter, and 5-foot wide attached concrete sidewalks within 50-feet of right-of-way.

The applicant has proposed to construct 1 knuckle within the site.

- d. **Staff Comments/Recommendations:** The applicant's proposal meet's district policy and should be approved, as proposed. The internal local streets may be constructed as 33 to 34-foot street sections.

#### 4. Roadway Offsets

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

- b. **Policy:**

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

**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).

- c. **Applicant's Proposal:** The applicant has proposed to construct one new local street, Sahara Drive, to intersect Ten Mile Road, located approximately 480-feet south of Sunbeam Street. Sahara Drive is proposed to align centerline to centerline with Sahara Street on the west side of Ten Mile Road across from the site.

The applicant has proposed to construct one new local street, Tanami Avenue, to intersect Sunbeam Street, located approximately 530-feet east of Ten Mile Road.

- d. **Staff Comments/Recommendations:** The applicant's proposal to construct Sahara Street to intersect Ten Mile Road meet's District policy, as the roadway is proposed to align with Sahara Street on the west side of Ten Mile Road across from the site.

The applicant's proposal to construct Tanami Avenue to intersection Sunbeam Street meet's District policy and should be approved, as proposed.

## 5. Stub Streets

a. **Existing Conditions:** There are no stub streets to the site.

b. **Policy:**

**Stub Street Policy:** District policy 7207.2.4 states that stub streets will be required to provide circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7207.2.5.4, except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

In addition, stub streets must meet the following conditions:

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

**Temporary Dead End Streets Policy:** District policy 7207.2.4 requires that the design and construction for cul-de-sac streets shall apply to temporary dead end streets. The temporary cul-de-sac shall be paved and shall be the dimensional requirements of a standard cul-de-sac. The developer shall grant a temporary turnaround easement to the District for those portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends onto a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.

c. **Applicant Proposal:** The applicant is proposing to construct 2 stub streets, one to the south and one to the east. The stub streets are proposed to be located, as follows:

- Stub street to the south, Rangipo Avenue, located 180-feet east of Ten Mile Road.
- Stub street to the east, Sahara Drive, located 530-feet south of Sunbeam Street.

d. **Staff Comments/Recommendations:** The applicant's proposal meet's District policy and should be approved, as proposed. The applicant should be required to install a sign at the terminus of each stub street which states that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

## 6. Tree Planters

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

## 7. Landscaping

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

## **8. Other Access**

Ten Mile Road is classified as a minor arterial roadway; Sunbeam Street is classified as a collector roadway. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways and should be noted on the final plat.

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

1. Dedicate additional right-of-way to total 48-feet from the centerline of Ten Mile Road abutting the site. Compensation will not be provided for this right-of-way dedication.
2. Widen the pavement on Ten Mile Road to a minimum 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site.
3. Construct a 5-foot wide detached concrete sidewalk located a minimum of 41-feet from the centerline of Ten Mile Road abutting the site. Provide a permanent right-of-way easement if detached sidewalks are located outside of the dedicated right-of-way.
4. If the City of Kuna requires Ten Mile Road to be constructed as a complete street abutting the site, then construct Ten Mile Road as half of a 3-lane, 49-foot street section with 24.5-feet of pavement from the centerline of Ten Mile Road, vertical curb, gutter, and a detached concrete sidewalk, a minimum of 5-feet in width, located a minimum of 41-feet from the centerline of Ten Mile Road abutting the site.
5. Construct Sunbeam Street has  $\frac{1}{2}$  of a 36-foot residential collector street section, plus an additional 12-feet of pavement to total 30-feet, with vertical curb, gutter, and 7-foot wide attached (or 5-foot wide detached) concrete sidewalk abutting the site and a 3-foot wide gravel shoulder and barrow ditch on the north side of the roadway within the existing 50-feet of right-of-way.
6. Construct the internal local streets as 36-foot street sections with rolled curb, gutter, and 5-foot wide attached concrete sidewalks within 50-feet of right-of-way.
7. Construct 1 knuckle, as proposed.
8. Construct Sahara Drive, to intersect Ten Mile Road, located 480-feet south of Sunbeam Street. Sahara Drive.
9. Construct Tanami Avenue, to intersect Sunbeam Street, located a 530-feet east of Ten Mile Road.
10. Construct one stub street to the south, Rangipo Avenue, located 180-feet east of Ten Mile Road. Install a sign at the terminus of Rangipo Avenue, which states that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
11. Construct one stub street to the east, Sahara Drive, located 530-feet south of Sunbeam Street. Install a sign at the terminus of Sahara Drive, which states that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
12. Payment of impacts fees are due prior to issuance of a building permit.
13. Comply with all Standard Conditions of Approval.

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

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.

3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

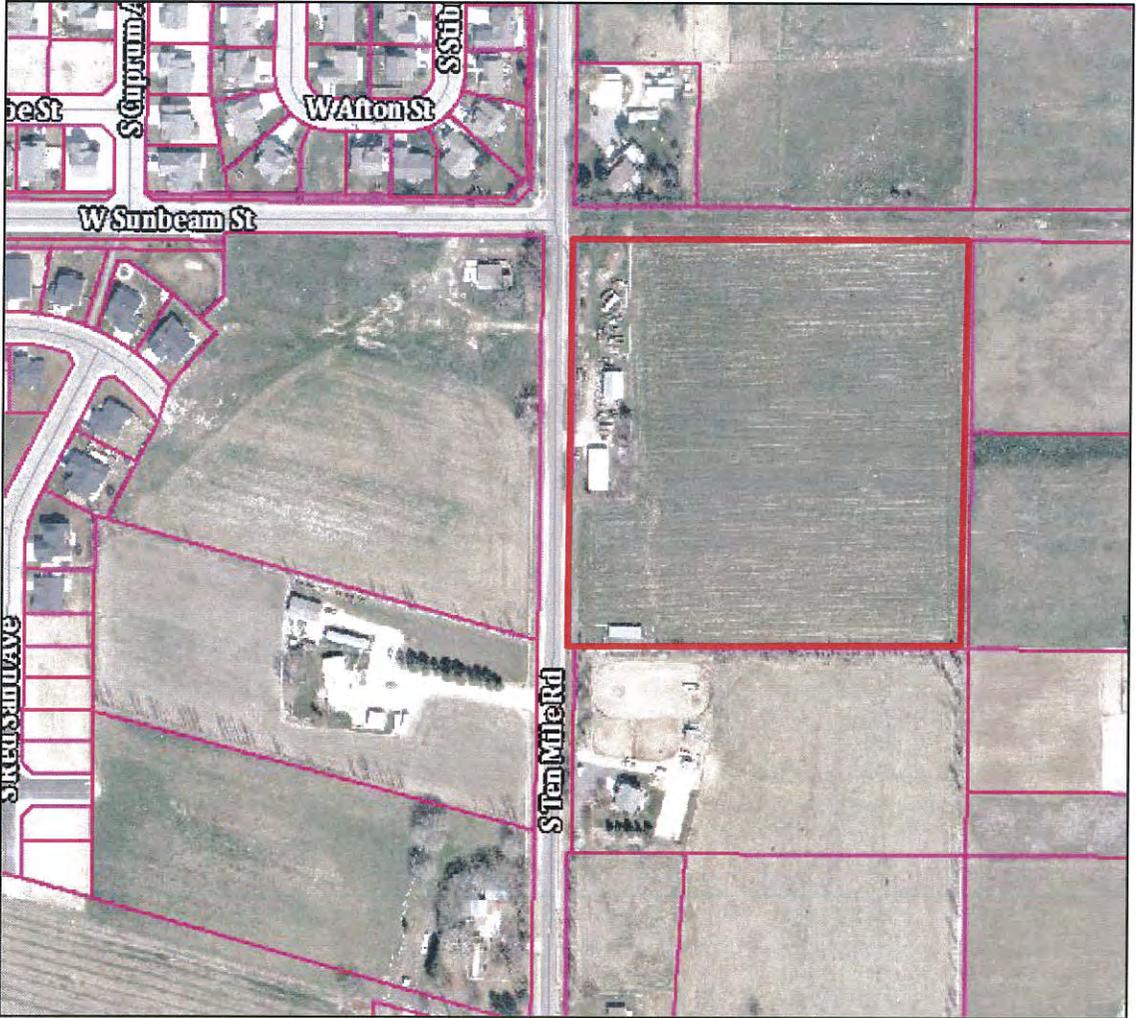
## **F. Conclusions of Law**

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

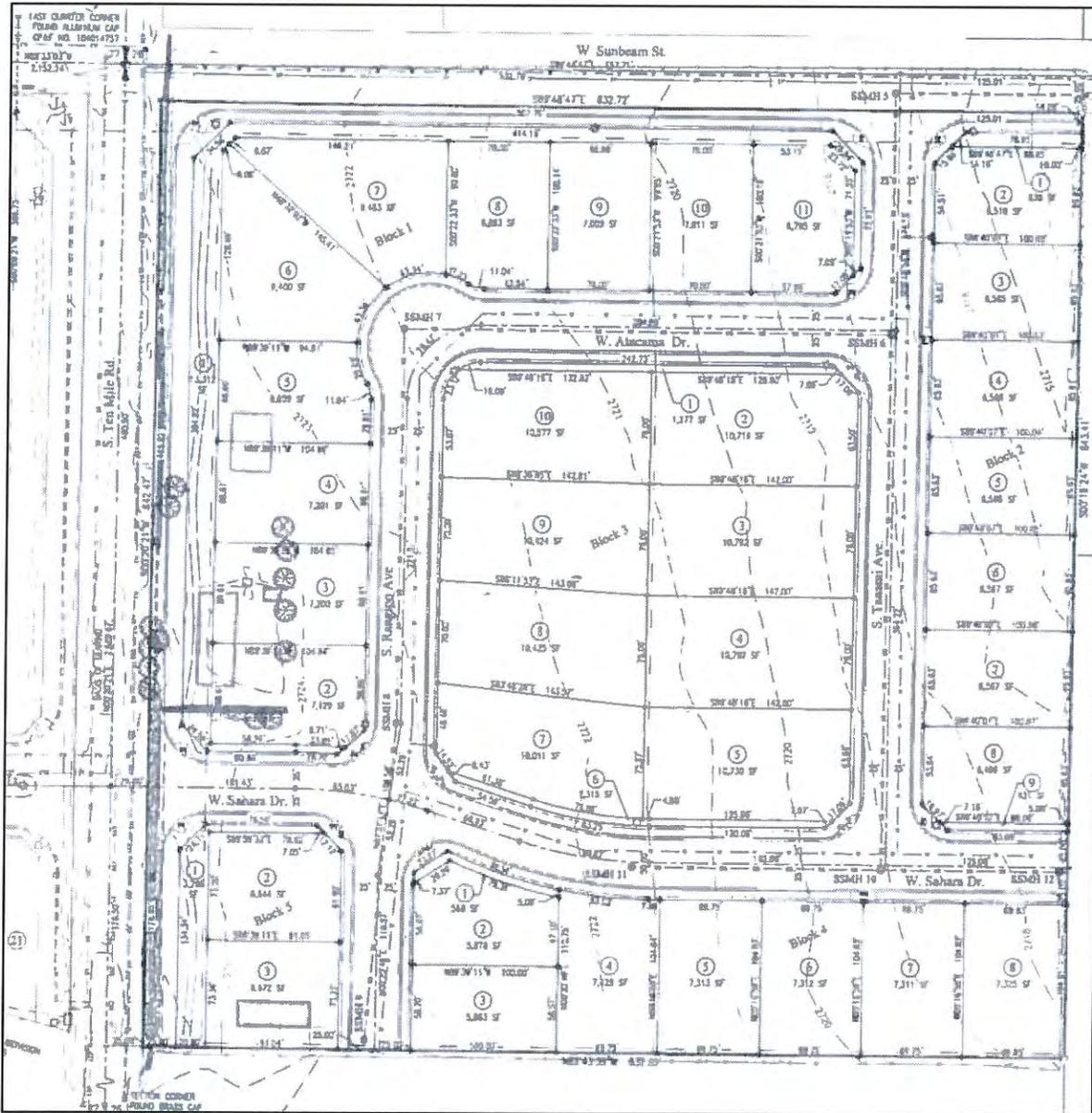
## **G. Attachments**

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

VICINITY MAP



# SITE PLAN



## Ada County Utility Coordinating Council

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

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

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

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

# Development Process Checklist

## Items Completed to Date:

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

## Items to be completed by Applicant:

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

### DID YOU REMEMBER:

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

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

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

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

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

#### *Construction (Subdivisions)*

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

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

#### **Idaho Power Company**

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

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

## Request for Appeal of Staff Decision

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

## Request for Reconsideration of Commission Action

1. **Request for Reconsideration of Commission Action:** A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.
  - a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.
  - b. The request must be in writing and delivered to the Secretary of the Highway District no later than 11:00 a.m. 2 days prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.
  - c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.
  - d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.
  - e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.
  - f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.



**CENTRAL DISTRICT HEALTH DEPARTMENT**  
**Environmental Health Division**

Return to:

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

RECEIVED  
6-6-17

Rezone # 17-03-ZC / 17-09-DR

Conditional Use # \_\_\_\_\_

Preliminary / Final / Short Plat 17-03-S

Deserthawk No4

- 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: [Signature]

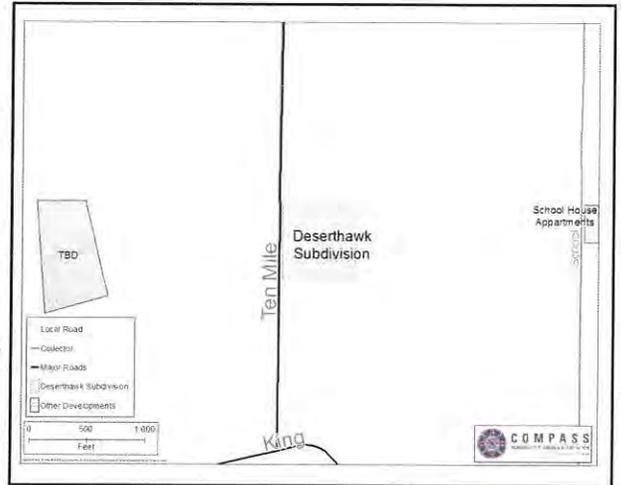
Date: 5/31/17

Exhibit  
B-5

# 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**.

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](#).



[Click for detailed map.](#)

**Name of Development:** Desert Hawk Subdivision

**Summary:** Rezone of 9.5 acres for 34 residential lots. This proposal meets 9 CIM checklist items and does not meet 12 items. The site is not served by walkable schools, parks, transit, or grocery stores. Consider widening the proposed detached sidewalk along Ten Mile Road to form a multi-use pathway per the 2016 Kuna Regional Pathway Map.

## Land Use

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

- Downtown       Employment Center       Existing Neighborhood       Foothills  
 Future Neighborhood       Mixed Use       Prime Farmland       Rural  
 Small Town       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
14	0	48	0	62	2

**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
576	137	610	137	2,708	767

**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](http://www.compassidaho.org)  
 Email: [info@compassidaho.org](mailto:info@compassidaho.org)  
 Telephone: (208) 475-2239



**COMPASS**  
 COMMUNITY PLANNING ASSOCIATION  
 of Southwest Idaho

## 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:** Streetscape improvements on Main Street include crosswalks, bulbouts, lighting and bike racks

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

**Comments:** The site plan indicates stub roads and the ingress aligns with Sunbeam Street.

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

**Comments:** Site is outside of VRT's Valley Connect planning area for demand response bus services.

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**)



**IDAHO TRANSPORTATION DEPARTMENT**  
P.O. Box 8028  
Boise, ID 83707-2028

(208) 334-8300  
itd.idaho.gov

---

June 12, 2017

Trevor Kesner  
City of Kuna, Planning and Zoning Department  
P.O. Box 13  
Kuna, ID 83634

**VIA EMAIL**

**RE: 17-03-S 17-03-ZC 17-09-DR DESERTHAWK SUBDIVISION NO. 4**

The Idaho Transportation Department has reviewed the referenced subdivision, rezone, and design review applications from David Crawford Holdings, LLC for a subdivision with 34 residential and 7 common lots on 9.43 acres located on the southwest corner of South Ten Mile Road and Sunbeam Street, southwest of SH-69 milepost 0.00. ITD has the following comments:

1. ITD has no objection to the construction of a subdivision at this location.
2. This property does not abut the State highway system.

If you have any questions, you may contact Shona Tonkin at 334-8341 or me at 332-7190.

Sincerely,

A handwritten signature in blue ink that reads 'Ken Couch'.

Ken Couch  
Development Services Coordinator  
Ken.Couch@itd.idaho.gov

---

Exhibit

B-7



RECEIVED

JUN 20 2017

CITY OF KUNA

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

June 13, 2017

Trevor Kesner, Planner II  
City of Kuna  
P.O. Box 13  
Kuna, ID 83634

**RE: 17-03S, 17-03ZC & 17-09DR/ Deserthawk Subdivision No. 4; R5070501800**

Dear Trevor:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application as it lies outside of our district boundaries. Please contact Bob Carter, Boise Project- Board of Control, at 208-344-1141, 2465 Overland Rd. Room 202 Boise, ID 83705-3173.

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,

Andy Madsen  
Asst. Water Superintendent  
Nampa & Meridian Irrigation District  
AM/gnf

PC: Office/File  
B. Carter, BOC



Exhibit  
**B-8**

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

**BRIAN McDEVITT**  
CHAIRMAN OF THE BOARD

**RICHARD DURRANT**  
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

RECEIVED

JUN 27 2017

CITY OF KUNA

10 June 2017

City of Kuna  
751 W. 4<sup>th</sup> St.  
Kuna, Idaho 83634

RE: David Crawford- Deserthawk Sub. No. 4 **17-03-S, 17-03-ZC & 17-09-DR**  
SW Crnr of S. Ten Mile & W. Sunbeam St.  
Boise-Kuna Irrigation District BK-1300 L  
Narcissa Lateral 00+10  
Sec. 26, T2N, R1W, BM.

Trevor Kesner, Planner II:

There are no Project facilities located on the above-mentioned property; however, it does in fact possess a valid water right.

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

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

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 Boise-Kuna Irrigation District prior to review and approval of an irrigation plan by Boise Project Board of Control.

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

Exhibit

B-10

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 written in a cursive style with a large, stylized "B" and "C".

Bob Carter  
Assistant Project Manager, BPBC

bdc/bc

cc: Clint McCormick      Watermaster, Div; 2 BPBC  
    Lauren Boehlke      Secretary – Treasurer, BKID  
    File



CITY OF KUNA  
**PLANNING & ZONING DEPARTMENT**  
PO Box 13 • 751 W. 4<sup>th</sup> St • Kuna, Idaho • 83634  
Phone (208) 922-5274 • Fax: (208) 922-5989  
www.kunacity.id.gov

**NOTE: REVISED HEARING DATE**

Dear Property Owner:

NOTICE IS HEREBY GIVEN: The City of Kuna **Planning and Zoning Commission** is scheduled to hold a public hearing on **June 27, 2017 beginning at 6:00 pm** concerning the following application(s):

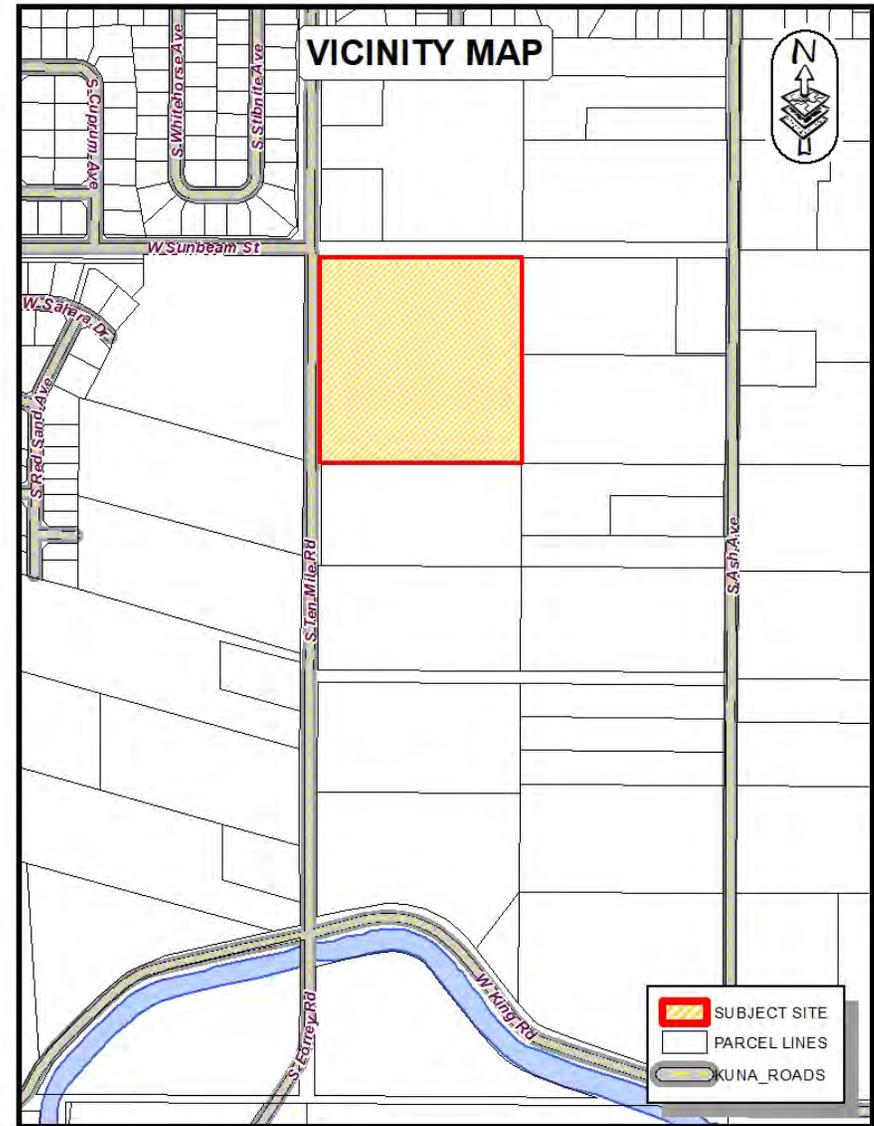
**A request from David Crawford (B&A Engineers) representing Endurance Holdings, LLC** to rezone an approximately 9.43-acre parcel from the current Ag (Agriculture Dist.) to a residential (R-6) zoning designation, and subdivide the property to create a 34-residential building lot and 7-common lot subdivision, known as *Deserthawk Subdivision No. 4*. A Design Review request for common area landscaping accompanies this request.

**The site is located on the southwest corner (SWC) of the intersection of South Ten Mile Road and West Sunbeam Street, Kuna, Idaho 83634 (APN # R5070501800) in Section 26, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho (refer to adjacent map).**

The hearing will be held in the Council Chambers at Kuna City Hall located at 751 W. 4th Street, Kuna, Idaho.

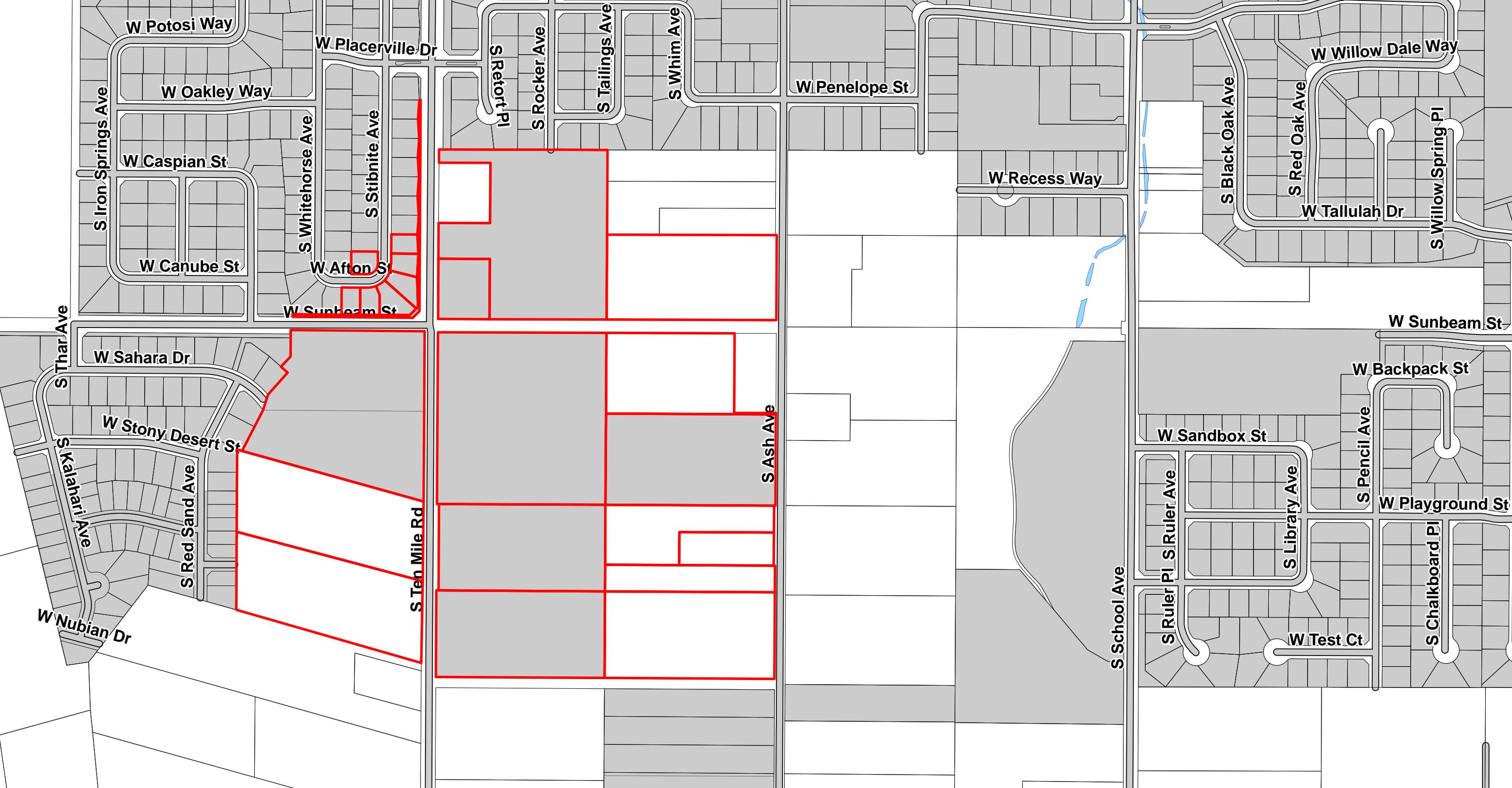
All documents concerning public hearing items may be reviewed at Kuna City Hall, 763 West Avalon Street, Kuna, Idaho, 83634. Office hours are 8:00 am to 5:00 pm, Monday through Friday, except holidays. If you have questions or would like additional information, please contact the Planning and Zoning Department at (208) 922-5274.

You are invited to provide oral or written comments to the Council at the hearing. Please note that all comments made to the Council during the public hearing will be restricted to three (3) minutes per person. Prior to the hearing, written comments may be submitted to the appropriate govern body at least seven (7) days prior to the hearing. These comments will be forwarded to the Commission.



**MAILED 06/01/2017**

In all correspondence concerning this case, please refer to the following case number(s): **17-03-S** (Subdivision), **17-03-ZC** (Rezone) and **17-09-DR** (Design Review): *Deserthawk Subdivision No. 4*



W Potosi Way

W Placerville Dr

W Willow Dale Way

S Iron Springs Ave

W Oakley Way

W Penelope St

S Retort Pl

S Rocker Ave

S Tailings Ave

S Whim Ave

W Caspian St

W Recess Way

S Black Oak Ave

S Red Oak Ave

W Tallulah Dr

S Willow Spring Pl

W Canube St

W Afton St

W Sunbeam St

W Sunbeam St

S Thar Ave

W Sahara Dr

W Backpack St

W Stony Desert St

W Sandbox St

S Kalahari Ave

S Red Sand Ave

S Ash Ave

S Pencil Ave

W Playground St

W Nubian Dr

S Ten Mile Rd

S School Ave

S Ruler Ave

S Library Ave

W Test Ct

S Chalkboard Pl

AVRIL FRANCIS CARL  
AVRIL INGRID V  
2430 SENTRY DR # B209  
ANCHORAGE, AK 99507-0000

BADER CARL  
780 S TEN MILE RD  
KUNA, ID 83634-0000

BADER CARL J  
P O BOX 332  
KUNA, ID 83634-0000

CLARK ROBERT MATTHEW  
CLARK JESSICA  
741 S STIBNITE AVE  
KUNA, ID 83634-0000

COX DONALD G  
COX CARMA C  
1015 S TEN MILE RD  
KUNA, ID 83634-1725

DALLOLIO BRYAN FREDRICK  
DALLOLIO ANGELA ELLEN  
1125 S TEN MILE RD  
KUNA, ID 83634-0000

ELLWAY BRIAN  
ELLWAY TERRESA  
742 S STIBNITE AVE  
KUNA, ID 83634-0000

ENDURANCE HOLDINGS LLC  
1977 E OVERLAND RD  
MERIDIAN, ID 83642-0000

GABBARD JOHN E  
GABBARD RAINA  
1036 S TEN MILE RD  
KUNA, ID 83634-0000

JENSEN LINNIE R  
1099 S ASH AVE  
KUNA, ID 83634-1729

MALLATT KYLE  
1661 W AFTON ST  
KUNA, ID 83634-0000

MARSALA NICHOLAS J  
MARSALA STEPHANIE D  
1677 W AFTON ST  
KUNA, ID 83634-0000

MARTIN WANDA A  
1649 W AFTON ST  
KUNA, ID 83634-0000

NEWMAN DOUGLAS A &  
NEWMAN PEGGY S  
29776 DAVIS RD  
BRUNEAU, ID 83604-5038

OWENS MICHAEL J  
OWENS KIMBERLY K  
1025 S ASH AVE  
KUNA, ID 83634-0000

QUARLES ROGER C  
QUARLES BONA A  
1075 S ASH AVE  
KUNA, ID 83634-0000

REISENAUER JERALD W  
REISENAUER PATRICIA L  
943 S ASH AVE  
KUNA, ID 83634-0000

SAFFORD DANIEL  
SAFFORD GINA  
1200 S TEN MILE RD  
KUNA, ID 83634-0000

SAVAGE GREGORY L JR  
SAVAGE PATRICIA A  
756 S STIBNITE AVE  
KUNA, ID 83634-0000

SAXTON LAYNE G  
SAXTON BRENDA L  
1185 S ASH AVE  
KUNA, ID 83634-0000

SOUTH FARM LLC  
6152 W HALF MOON LN  
EAGLE, ID 83616-0000

SUTTER'S MILL SUBDIVISION NO 1 HOA  
PO BOX 87  
KUNA, ID 83634-0000

YOUNG THURLOW D  
728 S STIBNITE AVE  
KUNA, ID 83634-0000

RECEIVED  
6-5-17

June 5, 2017

To: Kuna Planning and Zoning Commission

Re: 17-03-S (Subdivision), 17-03-ZC (Rezone) and 17-09-DR (Design Review): Deserthawk Subdivision No. 4

From: Patty Reisenauer 943 S Ash Ave, Kuna

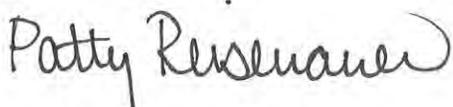
I am writing to reply to the rezoning of the 9.43-acre parcel from the current Agricultural zone to a residential (R-6) zone. My property sits directly east of this property.

My family moved to our new home in October 2015. We moved out of subdivision life to enjoy the peace and serenity of country life. Now we are in danger of returning to a life that we moved away from.

The current atmosphere is one of peace and quiet of the country. If you rezone this property to residential, the neighborhood atmosphere and our quality of life will change to city life which brings more crime, too many houses, too much noise, and too much traffic.

Please keep our Agriculture status by not rezoning this property. If we would have to compromise, please do not allow this property to be subdivided into any less than 2 acre parcels. We would appreciate the opportunity to keep the feel of our country neighborhood as long as possible. Thank you for allowing us to keep our current quality of life.

Sincerely,



Patty Reisenauer

EXHIBIT 3.C

Phone: 922-5274  
Fax: 922-5989

**File #'s 17-03-S (Subdivision),  
17-03-ZC (Rezone) and 17-09-DR  
(Design Review):  
Deserthawk Subdivision No. 4**

NOTICE IS HEREBY GIVEN; the Kuna Planning & Zoning Commission will hold a public hearing, **Tuesday, June 27, 2017 at 6:00 pm**, or as soon as can be heard at Kuna City Hall, 751 W. 4th St., Kuna, ID; in connection with a Subdivision and Rezone request from B&A Engineers representing Endurance Holdings, LLC, to subdivide and rezone an approximately 9.43-acre parcel from the current Ag (Agriculture Dist.) to an R 6 zoning designation, to create 34 residential building lots and 7 common lots for the proposed Deserthawk Subdivision No. 4. A Design Review request for common area landscaping accompanies this request. The site is located on the southwest corner of the intersection of South Ten Mile Road and West Sunbeam Street, Kuna, Idaho 83634 (APN # R5070501800)

All persons wishing to testify must state his/her name and residential address. No person shall speak until recognized by the Chairman. A three (3) minute time limit may be placed on all testimony.

The public is invited to present written and/or oral comments. Any written testimony must be received by close of business June 21, 2017, or it may not be considered. Please mail to P.O. Box 13 Kuna, ID 83634, or drop off at City Hall 751 W. 4th Street, Kuna, ID.

Please do not contact anyone who would be involved in this decision-making process, which includes the Planning & Zoning Commissioners, City Council Members, or the Mayor; as such private conversations would be considered ex parte (one sided) and could jeopardize the public hearing process.

If you have any questions or require special accommodations, please contact the Kuna Planning & Zoning Department prior to the meeting at 922-5274.

Kuna Planning & Zoning  
Department

June 7, 2017 1628375

---

**LEGAL NOTICE**



# City of Kuna

## Staff Report – Planning and Zoning Commission

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

**To:** Planning and Zoning Commission

**Case Numbers:** 17-04-ZC (Rezone) and 17-04-S (Preliminary Plat)  
17-13-DR (Design Review)  
***Ashton Estates Subdivision***

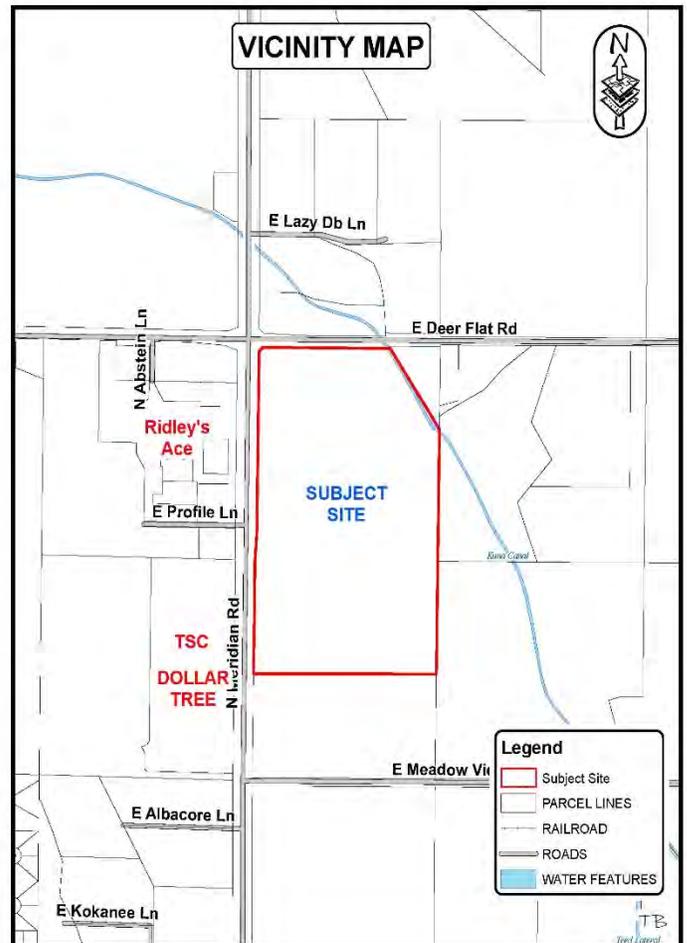
**Location:** Southeast Corner (SEC) Meridian and Deer Flat Roads, Kuna, Idaho 83634

**Planner:** Troy Behunin, Planner III

**Hearing Date:** July 13, 2017  
(SPECIAL MEETING)

**Owner:** SDN, LLC,  
Don Newell  
P.O. Box 1939  
Eagle, ID 83616  
208.404.2161  
[Ashton.home@hotmail.com](mailto:Ashton.home@hotmail.com)

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



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| A. Process and Noticing  | I. Proposed Factual Summary              |
| B. Applicants Request    | J. Proposed Findings of Fact             |
| C. Aerial map            | K. Proposed Comprehensive Plan Analysis  |
| D. Site History          | L. Proposed Idaho Code Analysis          |
| E. General Project Facts | M. Proposed Conclusions of Law           |
| F. Staff Analysis        | N. Proposed Recommended P & Z Conditions |
| G. Applicable Standards  |  |
| H. Procedural Background |  |

### A. Process and Noticing:

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states that rezone's and preliminary plat's are designated as public hearings, with the Planning and Zoning 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          | April 12, 2017 (2 people attended) |
| ii. Agency Comment Request       | May 30, 2017                       |
| iii. 315' Property Owners Notice | June 23, 2017 and July 5, 2017     |
| iv. Kuna, Melba Newspaper        | June 28, 2017                      |
| v. Site Posted                   | June 16, 2017                      |

**B. Applicant's Request:**

On behalf of SDN, LLC, the applicant, Kirsti Grabo with KM Engineering, requests approval to rezone the portions of this site previously zoned as R-12 (High Density Res.) to, and increasing the C-1 (Neighborhood Commercial) and the R-6 (Medium Density Residential) zones. Applicant also requests approval for a preliminary plat that includes 9 commercial lots, 133 single-family lots, 20 common lots and a proposed City park lot. The subject site is located on the southeast corner (SEC) of Meridian and Deer Flat Roads.

**C. Aerial Map:**



©Copyrighted

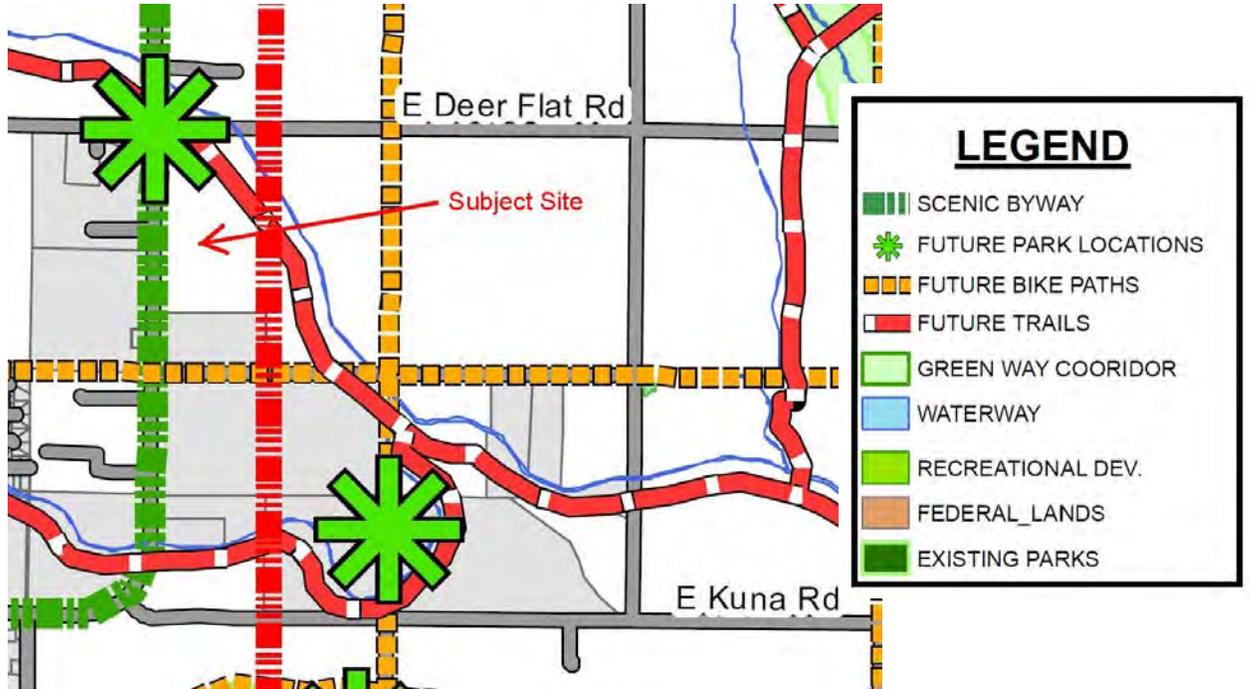
**D. Site History:**

This site is in the City limits 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 designation for this site was recently amended to Mixed-Use General for the approximate 50.7 acres.

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. It is the City's goal and desire to increase the number of trails and pathways in Kuna. Accordingly, 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 the area of the project.



3. **Surrounding Land Uses:**

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

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

- Parcel Size: 50.7 acres (approximately).
- Zoning: **R-12** (High Density Residential), **R-6** (Medium Density Residential) and **C-1** (Neighborhood Commercial), Kuna City.
- Parcel (APN) #: S1419223151.

5. **Services:**

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

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

The land is currently 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. 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 end of the Meridian frontage. 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 of the Deer Flat frontage. Staff notes that Kuna's Highway Overlay District (District) standards state that connection to Meridian Road and other points of access within the District shall be limited to the full and/or mid-mile alignments, or at a distance greater than 600' from centerline of Meridian Road.

8. **Environmental Issues:**

Staff is not aware of any environmental, health or safety conflicts, beyond the designation of being in the nitrate priority area.

9. **Agency Responses:**

The following agencies returned comments which are included as exhibits with this case file and report:

- City Engineer (Antonio Conti, 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 4*
- *Compass-Community Planning Association (Carl Miller), Exhibit B5*
- Department of Environmental Quality (DEQ) *Exhibit B 6*

F. **Staff Analysis:**

Fulfilling the conditions of approval for the entitlements received in early 2017 (16-10-AN & 16-03-CPM), the applicant proposes this subdivision application which includes nine commercial lots, 133 residential lots and 20 common lots and a proposal for a City park. This project is adjacent to a principle arterial (Meridian Rd.) and minor arterial (Deer Flat Rd.). All major public utilities are near, or adjacent to this site. Applicant intends to develop the site as a mixed-use development with commercial pads and new single-family housing options. It is anticipated this development will require four phases for complete build-out, for both residential lots and commercial pads.

The project size is approximately 51 acres in size and proposes two different zones as delineated on the preliminary plat where the zone lines are proposed. The C-1 (Neighborhood Commercial) is proposed to be approximately 19.86 acres and the R-6 (Medium Density Residential) is proposed to be approximately 34.76 acres (this includes lands to the centerline of both roadways). The proposed commercial uses along Meridian and Deer Flat Roads are in compliance with recommendations from the Comprehensive Plan and with staffs request to extend commercial uses as far south and east as reasonable, as directed by Council. The medium residential uses provide 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 proposed City Park is centrally located and applies good design principles, highlights mixed-use principles, and compliments the two proposed uses.

Staff has reviewed Kuna's Comprehensive Plan (Comp Plan), which promotes commercial development, and a variety of housing types for all income levels numerous times throughout the document. 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. Applicant will be required to maintain technical compliance with Kuna City Code (KCC), as the site develops. Staff recommends the applicant work with Kuna Rural Fire District (KRFD) to conform to the secondary access requirements of the KRFD, for the number of homes utilizing access points, roadway access and circulation at time of development.

The Highway Overlay District (District) standards state that connection to Meridian Road and other points of access within the District shall be limited to the full and/or mid-mile alignments, or at distances greater than 600' from centerline of Meridian Road. Since this project does not abut a full/mid-mile road, Commission should consider allowing the entrances as proposed but as temporary full-accesses only. Furthermore, as the area further develops, the City, ACHD or ITD may enforce the access portion of the Overlay District (or other policies / standards) in the form of a right-in/right-out for one or both of the proposed full entrances due to traffic volume and/or safety concerns and/or other needs.

Staff has reviewed the proposed landscape plan for the subdivision and finds that the Meridian Road frontage lacks the number of trees and shrubs required according to KCC Title 5-17-15 and in the Overlay District standards. The remaining proposed landscape for the project is in substantial conformance with the Design Review (for Subdivision Landscape) Code for Kuna. Additionally, staff requests that applicant add several notes to the landscape plan in order to follow the City's goals and practices for landscaping. Those changes are requested in the proposed conditions of approval – Condition # 12.

Applicant is made aware that all new commercial uses must go through design review for the building(s), signage, parking lot(s) and landscaping for future development, prior to building permits being issued.

Staff has determined this application complies with the goals and policies of Kuna city for this corridor, and 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 17-04-ZC and 17-4-S, subject to the conditions of approval by Kuna's Commission and/or the City Council, and recommends approval of case No 17-13-DR to the Commission.

**G. Applicable Standards:**

1. City of Kuna Zoning Ordinance Title 5, Chapter 13
2. City of Kuna Comprehensive Plan, adopted September 1, 2009
3. City of Kuna Subdivision Regulations Title 6, Chapters 3 and 4
4. City of Kuna Design Review Code Title 5, Chapter 4
5. City of Kuna Landscape Code Title 5, Chapter 17
6. Idaho Code, Title 67, Chapter 65- the Local Land Use Planning Act.

**H. Procedural Background:**

At a special meeting on July 13, 2017, the Commission considered the applications, including agency comments, staff's report, application exhibits and public testimony presented or given.

**I. Proposed Factual Summary:**

This site is located on the southeast corner of Meridian and Deer Flat Roads. The project consists of 50.7 (approx.) acres and is currently zoned R-12, R-6 and C-1. Applicant requests changing portions of the approved R-12 zone to C-1, while other portions of the R-12 are proposed to change to Medium Density Residential. The C-1 (Neighborhood Commercial) will increase in size from approximately 17.99 acres to (approx.) 19.86 acres. While the R-6 (Medium Density Residential) will increase in size from approximately 27.26 acres to (approx.) 34.76 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 existing roads are classified roadways.

**J. Proposed Findings of Fact:**

**17-04-ZC, 17-04-S and 17-13-DR:** Based upon the record contained in Case No's 17-04-ZC, 17-04-S and 17-13-DR, including the Comprehensive Plan, Kuna City Code, staff's memorandums, the exhibits, and the testimony during the public hearing, the Commission hereby recommends *approval/denial* of the Findings of Fact and Conclusions of Law, and conditions of approval for Case No's 17-04-ZC, 17-04-S and 17-13-DR, a request for a rezone and preliminary plat and Design Review in Kuna City limits request by the applicant follows:

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

1. The Commission *does/does not* accept the facts as outlined in the staff memo, the public testimony and the supporting evidence list presented.

**Comment:** *The Commission held a public hearing on the subject applications on July 13, 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 17-04-ZC, 17-04-S and 17-13-DR, this proposal does/does not appear to *generally* comply with the Comprehensive Plan and Comp Plan Map.

**Comment:** *The Comp Plan has listed numerous goals for providing commercial, single-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 Commission has the authority to recommend approval or denial of these applications and also to approve/deny the Design Review application.

**Comment:** *At a special meeting on July 13, 2017, Commission voted to recommend approval/denial for case No's 17-04-ZC, 17-04-S and 17-13-DR.*

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 special public hearing on July 13, 2017.*

**K. Proposed Comprehensive Plan Analysis:**

City Council 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]).

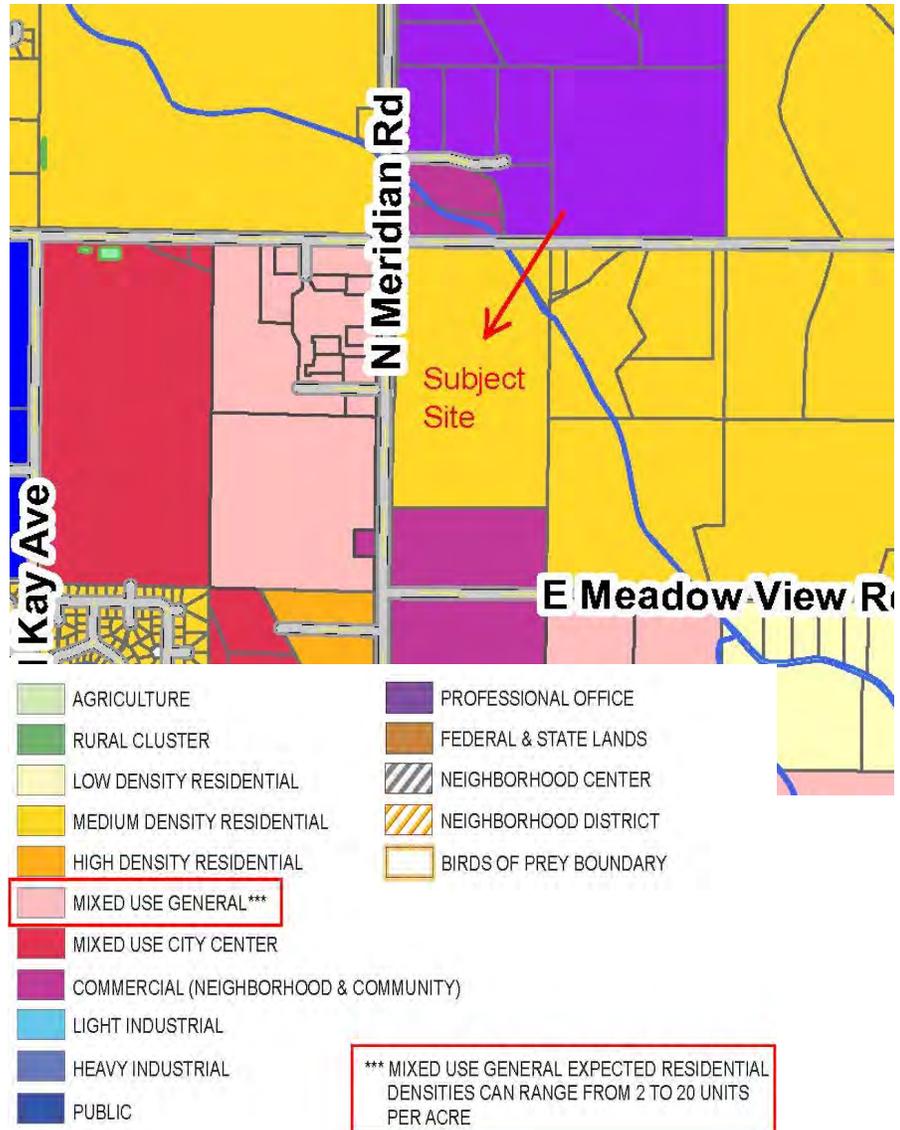
Residents hoped for the creation of business and light commercial use centers within neighborhoods. These centers would include restaurants, gas stations, churches, multi-family use facilities, and other mixed-use developments (Page 13 - CP).

**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.



**LEGEND**

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 several 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 generally 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 many 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 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 City Council 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. Commission 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 subdivision and development into a single-family and commercial subdivision, as proposed.

**Comment:** *The 50.7 acre (approximate) project does/does not appear to be suitable for this subdivision and development as a mixed-use style 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 Rezone and Subdivision applications are/are not likely to cause adverse public health problems.

**Comment:** *The subdivision of the property would/would not 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 does/ does not appear to avoid detriment to the present and potential surrounding uses; to the health, safety, and general we are 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 does/does not appear 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/are not 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 17-04-ZC, 17-04-S and 17-13-DR, Commission finds Case No.s 17-04-ZC, 17-04-S and 17-13-DR does/does not adequately comply with Kuna City Code.
7. Based on the evidence contained in Case No.s 17-04-ZC, 17-04-S and 17-13-DR, Commission finds Case No.s 17-04-ZC, 17-04-S and 17-13-DR does/does not generally comply with Kuna's zoning Code.

**N. P & Z Commission's Recommended Conditions of Approval:**

**17-04-ZC (Rezone) and 17-04-Sub (Subdivision),** *Note: This proposed motion is to recommend approval, conditional approval, or denial for this request to City Council. If the Commission wishes to approve or deny specific parts of the requests as detailed in this report, those changes must be specified.*

**17-13-DRC (Design Review),** *Note: The proposed motion is to approve or deny the design review request. If the Planning and Zoning Commission wishes to approve or deny specific parts of the requests as detailed in the report, those changes must be specified.*

On July 13, 2017, the Planning and Zoning Commission voted to recommend *approval/denial* for case No.s 17-04-ZC, 17-04-S and 17-13-DR, 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/denial for Case No.s 17-04-ZC and 17-04-S with/without 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 applicant's proposed preliminary plat (dated 05.5.17) and landscape plan (dated 05.3.2017) shall be considered a binding site plans, or as modified and approved through the public hearing process.
  12. Applicant shall add the following notes to the landscape plans and resubmit a PDF for Planning and Zoning approved plans, bearing the changes.
    - 12.1 – *Landscape contractor shall remove all twine/ropes and burlap from root balls.*
    - 12.2 – *Landscape contractor shall remove the wire basket from the top 1/2 of the root ball.*
  13. 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.
  14. 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.
  15. Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
  16. Developer/owner/applicant shall comply with all local, state and federal laws.

**DATED:** This \_\_\_\_ day of \_\_\_\_\_, 2017.



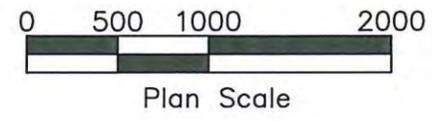
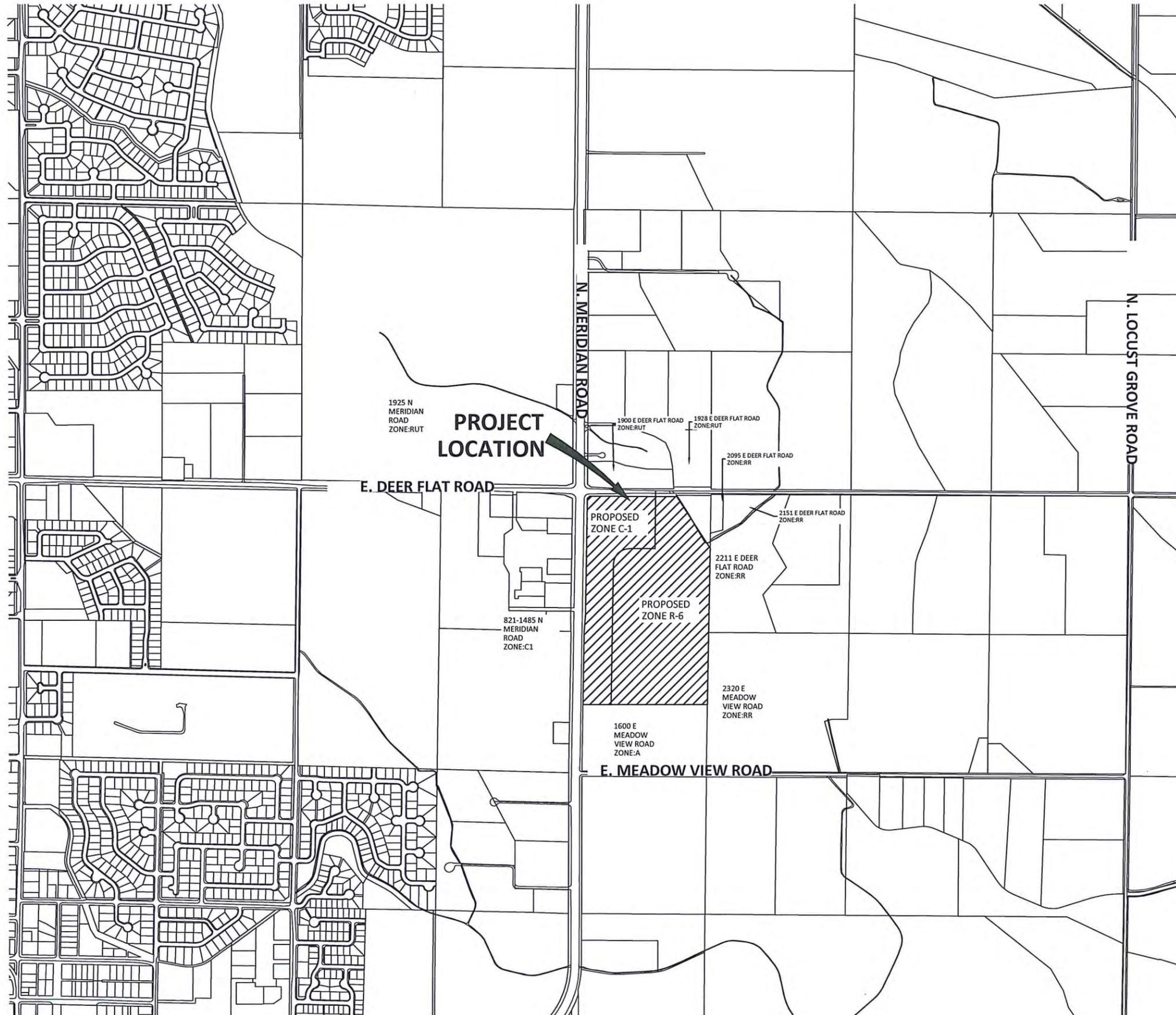
Subject Parcel

N Meridian Rd

69

E Deer Flat Rd

Meadow View Rd



ASHTON ESTATES  
KUNA, IDAHO

VICINITY MAP/ NEIGHBORHOOD ZONING



ENGINEERS . SURVEYORS . PLANNERS  
BOISE, IDAHO (208) 639-6939

DATE: 5/5/2017  
PROJECT: 16-083

1 OF 1

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May 5, 2017  
Project No.: 16-083

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

**RE: Ashton Estates – Kuna, ID  
Rezoning and Preliminary Plat Applications**

Dear Mr. Behunin:

On behalf of SDN, LLC, we are pleased to submit the attached applications and required supplements for a rezoning and preliminary plat for the project referenced above.

The subject property is approximately 50.6 acres of agricultural ground identified as parcel number S1419223151 and located at the southeast corner of East Deer Flat and North Meridian Roads. Earlier this year, the property was approved for annexation into the City of Kuna with a combination of C-1, R-6, and R-12 zoning, as well as a Comprehensive Plan amendment from Medium-Density Residential to Mixed Use General (File Nos. 16-03-CPM and 16-10-AN). These approvals were contingent upon submittal of a preliminary plat, which is included herewith.

#### Rezoning

At the time of the annexation request, the developers anticipated a mix of uses for the site including 14.28 acres of commercial and/or multi-family use (C-1), 9.09 acres of multi-family use (R-12), and 27.26 acres of single-family use (R-6). Since that time, the site plans have been refined and the portion of the multi-family component associated with the R-12 zone is no longer contemplated. Further, growing interest in the commercial area has prompted the developer to request an increase in the commercial acreage. As shown on the attached preliminary plat and exhibits, the developer is now requesting a rezoning to include 16.15 acres of C-1 and 34.49 acres of R-6 with no R-12. If multi-family uses are contemplated in the future, they will likely be located along Meridian Road south of the main access in the C-1 zone. The requested zoning is still commensurate with the approved Mixed Use General Comprehensive Plan designation and continues to be compatible with the surrounding areas, which carry designations of Commercial and Professional Office to the north, Commercial to the south, and Mixed Use General to the west.

#### Preliminary Plat

The attached preliminary plat proposes 9 commercial/multi-family lots, 133 buildable single-family residential lots, 20 common lots, and 1 anticipated City park lot for a total of 163 lots. In the R-6 area, the layout reflects a gross density of 3.86 units per acre and a net density of 5.16 units per acre, both of which are below the density allowed in the R-6 zone. The area designated for single-family use will allow homes to be set back from Meridian and Deer Flat Roads while also providing buffering between commercial uses at the northwest corner and current agricultural uses to the east and south.

The project includes 6.86 acres of open space, including the proposed 3-acre City park, which is centrally located and easily accessible by both residents of Ashton Estates and the community at large. As the project progresses, we look forward to working with the Parks & Recreation Department to facilitate this addition to the City's growing park system. The remaining open space within the subdivision will be owned and maintained by the Ashton Estates Owners Association. Please see the attached draft CC&Rs for language regarding maintenance of these common lots.

As a part of this project, we are requesting four points of access along the existing public roads as follows. The distances below are measured from the intersection of Meridian and Deer Flat Roads, and the accesses have been placed to meet ACHD and ITD spacing requirements.

East Deer Flat Road

- Full access 660' east of the intersection
- Right-in/Right-out access 330' east of the intersection

North Meridian Road / SH 69

- Full access 1,120' south of the intersection in alignment with existing approach across the road
- Right-in/Right-out access 600' south of the intersection

As shown on the preliminary plat, both full access points will be utilized for public streets and distribution of traffic through the entirety of the project. Further, these streets will be stubbed to the neighboring properties on the south and east for future connectivity.

The right-in/right-out approaches will provide direct access to the commercial component of this project. Adequate access is critical to the success of commercial development, and the addition of these access points aids in the flow of traffic not only to/from Meridian and Deer Flat Roads, but across the various commercial properties, as well. All the commercial properties will be subject to reciprocal access easements to protect access to the approaches for all parties.

Both ITD and ACHD have reviewed the Traffic Study for this project and have expressed no opposition to the access locations.

Large Scale Development

Due to the size of this project, it qualifies as a Large Scale Development per Kuna's Zoning Ordinance. Following is additional information required for Large Scale Developments.

- A. *Identify all public services that would be provided to the development (i.e. fire protection, police protection, central water, central sewer, road construction, parks and open space, recreation, maintenance, schools and solid waste collection).*

Fire Protection – Kuna Rural Fire District

Police –Ada County Sherriff and Kuna Police Department

Central Water – City of Kuna

Central Sewer – City of Kuna

Pressure Irrigation – City of Kuna via shares from Boise Kuna Irrigation District

Road Construction – ACHD and ITD

Parks & Open Space – Park owned/maintained by the City - common lots owned/maintained by HOA

Recreation – Park owned/maintained by the City  
 Schools – School District No. 3 and/or Charter Schools  
 Solid Waste Collection – J&M Sanitation

*B. Estimate the public service costs to provide adequate service to the development.*

The developer has worked with the City of Kuna, ACHD, and ITD regarding utilities and roadways for the project. Further, facility maps have been obtained from Idaho Power, Intermountain Gas, CenturyLink, and Cable One indicating locations of their services in the area. Installation costs for sewer, water, and other utilities will be borne by the developer and homebuilders, while use costs will be borne by the homeowners. The additional tax base generated by the addition of this project will contribute to the other public services, such as schools, police, and fire protection. The cost for trash service will be borne by the homeowners.

*C. Estimate the tax revenue that will be generated from the development.*

<b>Ashton Estates Subdivision</b> <b>Estimated Yearly Tax Generation (2016 Tax Rates)</b> <b>133 Single-Family Homes + Approximately 425,961 Commercial SF</b> <b>Estimated Valuation of \$275,000 per Home + \$30/sf for Commercial</b>					
Tax District	2016 Levy	Description	Annual Taxes at Buildout – Residential	Annual Taxes at Buildout – Commercial	Total
1	0.003017951	ADA COUNTY	\$110,381.56	\$38,565.88	\$148,947.44
3	0.000150938	EMERGENCY MEDICAL	\$5,520.56	\$1,928.81	\$7,449.37
6	0.000955148	ACHD	\$34,934.54	\$12,205.67	\$47,140.21
9	0.005	SCHOOL DISTRICT NO. 3	\$182,875.00	\$63,894.15	\$246,769.15
11	0.000598269	KUNA LIBRARY	\$21,881.69	\$7,645.18	\$29,526.87
17	0.003016302	KUNA CITY	\$110,321.25	\$38,544.81	\$148,866.06
22	0.000133644	KUNA CEMETERY	\$4,888.03	\$1,707.81	\$6,595.84
28	0.001304607	KUNA FIRE	\$47,716.00	\$16,671.35	\$64,387.35
43	0.00002927	MOSQUITO ABATEMENT	\$1,070.55	\$374.04	\$1,444.59
100	0.000159508	CWI	\$5,834.01	\$2,038.33	\$7,872.33
<b>Total</b>	<b>0.014365637</b>		<b>\$525,423.17</b>	<b>\$183,576.03</b>	<b>\$708,999.21</b>

*D. Suggest public means of financing the services for the development if the cost for the public services would not be offset by tax revenue received from the development.*

It is anticipated that the costs for public services will be offset by the tax revenue generated by the homes and commercial uses.

Conclusion

With the proposals discussed herein, we feel that the new Ashton Estates project complements the City's vision for commercial uses along major roadways while also providing additional housing opportunities for this growing area. We look forward to working with staff to accomplish this great addition to the City of Kuna.

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

Sincerely,  
**KM Engineering, LLP**



Kirsti Grabo  
Development Coordinator

cc: SDN, LLC



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)	
Project name	
Date Received	
Date Accepted/ Complete	
Cross Reference Files	
Commission Hearing Date	
City Council Hearing Date	

### Contact/Applicant Information

Owners of Record: <u>SDN, LLC</u>	Phone Number: <u>208.404.2161</u>
Address: <u>PO Box 1939</u>	E-Mail: <u>ashton.homes@hotmail.com</u>
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>kgrabokmengllp.com</u>
City, State, Zip: <u>Boise, ID 83714</u>	Fax #: <u>208.639.6930</u>

### Subject Property Information

Site Address: <u>North Meridian Road</u>
Site Location (Cross Streets): <u>Southeast Corner of Meridian &amp; Deer Flat</u>
Parcel Number (s): <u>S1419223151</u>
Section, Township, Range: <u>Section 19, T2N, R1E</u>
Property size: <u>50.6 acres</u>
Current land use: <u>ag</u> Proposed land use: <u>mixed use</u>
Current zoning district: <u>Ada County RUT but</u> Proposed zoning district: <u>C1 &amp; R6</u>

approved for C1, R6, R12 in Kuna

**Project Description**

Project / subdivision name: Ashton Estates

General description of proposed project / request: rezone and preliminary plat for mixed use project

Type of use proposed (check all that apply):

Residential 133 single-family lots

Commercial 9 lots (possibility for commercial and multi-family)

Office \_\_\_\_\_

Industrial \_\_\_\_\_

Other \_\_\_\_\_

Amenities provided with this development (if applicable): 3-acre park

**Residential Project Summary (if applicable)**

Are there existing buildings?  Yes  No

Please describe the existing buildings: \_\_\_\_\_

Any existing buildings to remain?  Yes  No

Number of residential units: 133 Number of building lots: 133

Number of common and/or other lots: 20 common & 1 park

Type of dwellings proposed:

Single-Family \_\_\_\_\_

Townhouses \_\_\_\_\_

Duplexes \_\_\_\_\_

Multi-Family possibility of multi-family along Meridian Road

Other \_\_\_\_\_

Minimum Square footage of structure (s): \_\_\_\_\_

Gross density (DU/acre-total property): 3.86 Net density (DU/acre-excluding roads): 5.16

Percentage of open space provided: 19.9% Acreage of open space: 6.86  
(in residential area)

Type of open space provided (i.e. landscaping, public, common, etc.): landscaping, public and common

**Non-Residential Project Summary (if applicable)**

Number of building lots: 9 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:

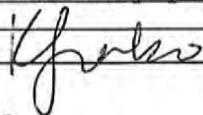
a. Handicapped spaces: \_\_\_\_\_ Dimensions: \_\_\_\_\_

b. Total Parking spaces: \_\_\_\_\_ Dimensions: \_\_\_\_\_

c. Width of driveway aisle: \_\_\_\_\_

Proposed Lighting: \_\_\_\_\_

Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.):  
please see preliminary plat and landscape plan

Applicant's Signature:  Date: 5.5.17



# City of Kuna Design Review Application

P.O. Box 13  
Kuna, Idaho 83634  
(208) 922.5274  
Fax: (208) 922.5989  
Website: www.kunacity.id.gov

FILE NO.: \_\_\_\_\_

CROSS REF.: \_\_\_\_\_

FILES: \_\_\_\_\_

The City of Kuna has adopted a Design Review process whose purpose is to make Kuna a pleasant and comfortable place to live and work. This Design Review process is based on standards and guidelines found in the Design Review Ordinance No. 2007-02 and the Architecture and Site Design Booklet. Both of these documents can be found online ([www.cityofkuna.com](http://www.cityofkuna.com)) or are picked up in the City's Planning and zoning department is located at 763 W Avalon, Kuna ID. Staff is glad to assist you with your application form.

**The Design Review application applies to the following land use actions:**

- ▶ Multi- family dwellings (3 or more)
- ▶ Commercial
- ▶ Industrial
- ▶ Institutional
- ▶ Office
- ▶ Common Area
- ▶ Subdivision Signage
- ▶ Proposed Conversions
- ▶ Proposed changes in land use and/or building use or exterior remodeling
- ▶ Exterior restoration, and enlargement or expansion of existing buildings, signs or sites.

## Application Submittal Requirements

Applicant Use		Staff Use
<input checked="" type="checkbox"/>	Date of pre- application meeting : _____ <i>Note: Pre-Applications are valid for a period of three (3) months.</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	A complete Design Review Application form <i>Note: It is the applicant's responsibility to use a current application.</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Detailed letter of explanation or justification for the application, describing the project and design elements, and how the project complies with Design Review standards.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	One (1) Vicinity Map (8 ½" x 11") at 1" = 300' scale (or similar), label the location of the property and adjacent streets.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	One 8 ½" x 11" colored aerial photo depicting proposed site, street names, and surrounding area within five-hundred feet (500').	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Copy of Deed; and, if the applicant is not the owner, an <b>original</b> notarized statement (affidavit of legal interest) from the owner (and all interested parties) stating the applicant is authorized to submit this application.	<input type="checkbox"/>

Detailed site, landscape, drainage plan, elevation and to scale. (No smaller than 1"=30', unless otherwise approved.)

**One of each plan** (site, landscape, drainage plan and elevations) is required to be submitted in the following plan sizes:

- (1) 24" X 36" TO SCALE COPIES
- (1) 11" X 17" REDUCTIONS
- (1) 8 1/2" X 11" REDUCTIONS

Provide a color rendering and material sample board specifically noting where each color and material is to be located on the structure.

Note: Provide photo of the colored rendering and material samples board to City Staff electronically in a JPG or PDF format.

The Applicant is obligated to provide a site plan that graphically portrays the site and includes the following features:

### Site Plan

Applicant Use		Staff Use
<input checked="" type="checkbox"/>	North Arrow	<input type="checkbox"/>
<input checked="" type="checkbox"/>	To scale drawings	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Property lines	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Name of "Plan Preparer" with contact information	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Name of project and date	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Existing structures, identify those which are to be relocated or removed	<input type="checkbox"/>
<input checked="" type="checkbox"/>	On-site and adjoining streets, alleys, private drives and rights-of-way	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Drainage location and method of on-site retention / detention	<input type="checkbox"/>
<input type="checkbox"/>	Location of public restrooms	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Existing / proposed utility service and any above-ground utility structures and their location	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location and width of easements, canals and drainage ditches	<input type="checkbox"/>
<input type="checkbox"/>	Location and dimension of off-street parking	<input type="checkbox"/>
<input type="checkbox"/>	Locations and sizes of any loading area, docks, ramps and vehicle storage or service areas	<input type="checkbox"/>
<input type="checkbox"/>	Trash storage areas and exterior mechanical equipment, with proposed method of screening	<input type="checkbox"/>
<input type="checkbox"/>	Sign locations (a separate sign application must be submitted with this application)	<input type="checkbox"/>
<input type="checkbox"/>	On-site transportation circulation plan for motor vehicles, pedestrians and bicycles	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Locations and uses of ALL open spaces	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Locations, types and sizes of sound and visual buffers (Note: all buffers must be located outside the public right-of-way)	<input type="checkbox"/>
<input type="checkbox"/>	Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Locations of subdivision lines (if applicable)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles	<input type="checkbox"/>
<input type="checkbox"/>	Location of walls and fences and indication of their height and material of construction	<input type="checkbox"/>
<input type="checkbox"/>	Roofline and foundation plan of building, location on the site	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location and designations of all sidewalks	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location and designation of all rights-of-way and property lines	<input type="checkbox"/>

## Landscape and Streetscape Plan

The landscape and streetscape plans need to be drawn by the project architect, professional landscape architect, landscape designer, or qualified nurseryman for development's possessing more than twelve thousand (12,000) square feet of private land. The landscaped and streetscape plans must be colored. The Planning Director or City Forester may require the preparation of a landscape plan for smaller developments by one of the noted individuals if the lot(s) have unique attributes.

Applicant Use		Staff Use
<input checked="" type="checkbox"/>	North Arrow	<input type="checkbox"/>
<input checked="" type="checkbox"/>	To scale drawings	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Boundaries, property lines and dimensions	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Name of "Plan Preparer" with contact information	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Name of project and date	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Type and location of all plant materials and other ground covers. <i>Please review the City's plant list and rely upon it to identify the site's planting strategy. Include botanical and common name, quantity, spacing and sizes of all proposed landscape materials at the time of planting, and at maturity. A list of acceptable trees is available upon request from City Planning Staff. If there are any questions, please contact the City Forester, Natalie Reeder, at 208.880.0953</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Existing vegetation identified by specific size. Identify those which are proposed to be relocated or removed.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Method of irrigation. <i>Note: All plant materials, except existing native plants not damaged during construction or xeriscape species shown not to require regular watering, shall be irrigated by underground sprinkler systems set on a timer in order to obtain proper watering duration and ease of maintenance.</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location, description, materials, and cross-sections of special features, including berming, retaining walls, hedges, fences, fountains street/pathway furniture (benches, etc.), etc.	<input type="checkbox"/>
<input type="checkbox"/>	Sign locations <i>Note: A separate sign application must be submitted with this application</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Locations and uses for open spaces	<input type="checkbox"/>
<input type="checkbox"/>	Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location and designations of all sidewalks	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Engineered grading and drainage plans: A generalized drainage plan showing direction drainage with proposed on-site retention. Upon submission of building/construction plans for an approved design review application, a detailed site grading and drainage plan, prepared by a registered professional engineer (PE) shall be submitted to the City for review and approval by the City Engineer.	<input type="checkbox"/>

### Building Elevations

Applicant  
Use

- Detailed elevation plans of each side of any proposed building(s) or additions(s)  
*Note: Four (4) elevations to include all sides of development and must be in color*
- Identify the elevations as to north, south, east, and west orientation
- Colored copies of all proposed building materials and indication where each material and color application is to be located  
*Note: Submit as 11"x17" reductions*
- Screening/treatment of mechanical equipment
- Provide a cross-section of the building showing any roof top mechanical units and their roof placement
- Detailed elevation plans showing the materials to be used in construction of trash enclosures

Staff  
Use

- 
- 
- 
- 
- 
- 

### Lighting Plan

Applicant  
Use

- Exterior lighting including detailed cut sheets and photometric plan (pedestrian, vehicle, security, decoration)
- Types and wattage of all light fixtures  
*Note: The City encourages use of "dark sky" lighting fixtures*
- Placement of all light fixtures shown on elevations and landscaping plans

Staff  
Use

- 
- 
- 

### Roof Plans

Applicant  
Use

- Size and location of all roof top mechanical units

Staff  
Use

-

# Design Review Application

Applicant: KM Engineering, LLP on behalf of Phone: 208.639.6939  
SDN, LLC  
 Owner  Representative Fax/Email: 208.639.6930

Applicant's Address: 9233 West State Street  
Boise, ID Zip: 83714

Owner: SDN, LLC Phone: 208.404.2161

Owner's Address: PO Box 1939 Email: ashton.homes@hotmail.com  
Eagle, ID Zip: 83616

Represented By: *(if different from above)* \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

\_\_\_\_\_ Zip: \_\_\_\_\_

Address of Property: SEC Meridian & Deer Flat Roads

\_\_\_\_\_ Zip: \_\_\_\_\_  
Distance from Major Street Name(s): Meridian &  
Cross Street: immediately at SEC Deer Flat

*Please check the box that reflects the intent of the application*

- BUILDING DESIGN REVIEW  
 SUBDIVISION / COMMON AREA LANDSCAPE

- DESIGN REVIEW MODIFICATION  
 STAFF LEVEL APPLICATION

This Design Review application is a request to construct, add or change the following: (Briefly explain the nature of the request.)

Common area landscaping for Ashton Estates Subdivision

1. Dimension of Property: 50.6 total acres - +/- 6.86 acres of common area

2. Current Land Use(s): ag

3. What are the land uses of the adjoining properties?

North: ag / residential

South: ag

East: ag / residential

West: commercial

4. Is the project intended to be phased, if so what is the phasing time period? yes

Please explain: phasing will be market driven

5. The number and use(s) of all structures: no existing structures -

current preliminary plat proposes mix of commercial and single-family with an option of multi-family in certain commercial areas

6. Building heights: \_\_\_\_\_ Number of stories: \_\_\_\_\_

The height and width relationship of new structures shall be compatible and consistent with the architectural character of the area and proposed use.

Note: The maximum building height for each zoning district is as follows:

L-O: 35'	C-2: 60'	CBD: 80'	M-2: 60'	P: 60'
C-1: 35'	C-3: 60'	M-1: 60'	M-3: 60'	

7. What is the percentage of building space on the lot when compared to the total lot area? \_\_\_\_\_

8. Exterior building materials & colors: (Note: This section must be completed in compliance with the City of Kuna Ordinance No. 2007-21A (as amended); found online at [www.cityofkuna.com](http://www.cityofkuna.com)) under the City Code.

**MATERIAL**

**COLOR**

Roof: \_\_\_\_\_ / \_\_\_\_\_

Walls: (State percentage of wall coverage for each type of building material below for each frontage wall) If there is not adequate space to identify the various building materials and applications, please list them on the attached sheet of this application. Please attach photos to support application types.

% of Wood application: \_\_\_\_\_ / \_\_\_\_\_

% EIFS: \_\_\_\_\_ / \_\_\_\_\_  
*(Exterior Insulation Finish System)*

% Masonry: \_\_\_\_\_ / \_\_\_\_\_

% Face Block: \_\_\_\_\_ / \_\_\_\_\_

% Stucco: \_\_\_\_\_ / \_\_\_\_\_

& other material(s): \_\_\_\_\_ / \_\_\_\_\_

List all other materials: \_\_\_\_\_

Windows/Doors: \_\_\_\_\_ / \_\_\_\_\_  
*(Type of window frames & styles / doors & styles, material)*

Soffits and fascia material: \_\_\_\_\_ / \_\_\_\_\_

Trim, etc.: \_\_\_\_\_ / \_\_\_\_\_

Other: \_\_\_\_\_ / \_\_\_\_\_

9. Please identify Mechanical Units: \_\_\_\_\_

Type/Height: \_\_\_\_\_

Proposed Screening Method: \_\_\_\_\_

10. Please identify trash enclosure: *(size, location, screening & construction materials)* \_\_\_\_\_

11. Are there any irrigation ditches/canals on or adjacent to the property? yes

If yes, what is the name of the irrigation or drainage provider? Kuna Canal / Boise Project

12. Fencing: *(Please provide information about new fencing material as well as any exiting fencing material)*

none existing

Type: subdivision fencing type TBD - will meet City Codes

Size: \_\_\_\_\_

Location: \_\_\_\_\_

*(Please note that the City has height limitations of fencing material and requires a fence permit to be obtained prior to installation)*

13. Proposed method of On-site Drainage Retention/Detention:

to be determined with final design - preliminarily showing seepage beds

14. Percentage of Site Devoted to Building Coverage: \_\_\_\_\_

% of Site Devoted to Landscaping: \_\_\_\_\_ Square Footage: \_\_\_\_\_  
*(Including landscaped rights-of-way)*

% of Site that is Hard Surface: \_\_\_\_\_ Square Footage: \_\_\_\_\_  
*(Paving, driveways, walkways, etc.)*

% of Site Devoted to other uses: \_\_\_\_\_

Describe: \_\_\_\_\_

% of landscaping within the parking lot (landscaped islands, etc.): \_\_\_\_\_

15. For details, please provide dimensions of landscaped areas within public rights-of-way:

16. Are there any existing trees of 4" or greater in caliper on the property? *(Please provide the information on the site plans.)*

If yes, what type, size and the general location? *(The City's goal is to preserve existing tree with greater than a four inch (4") caliper whenever possible):*

no

17. Dock Loading Facilities:

Number of docking facilities and their location: \_\_\_\_\_

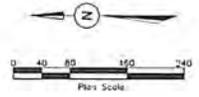
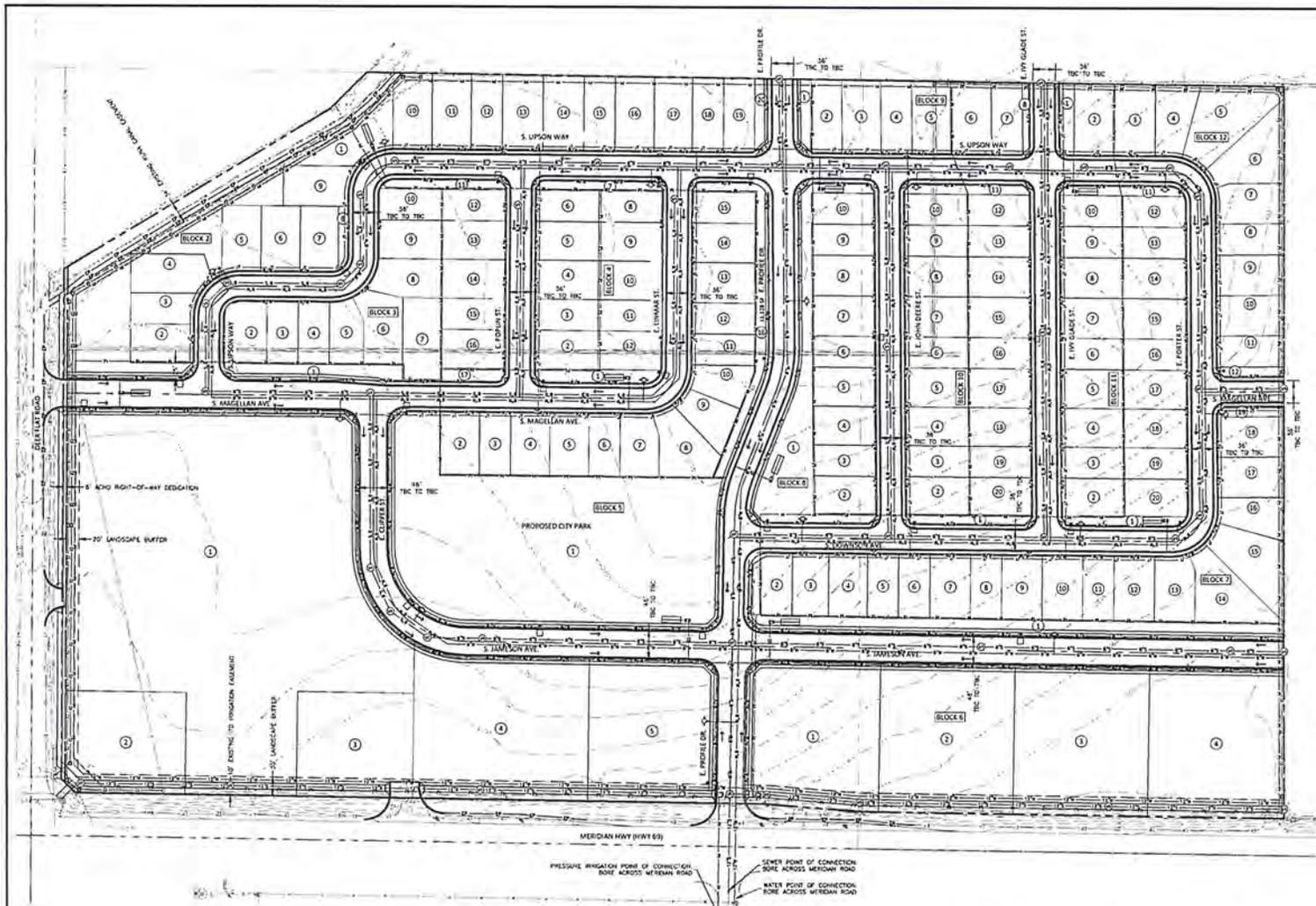
Method of screening: \_\_\_\_\_

18. Pedestrian Amenities: *(bike racks, receptacles, drinking fountains, benches, etc.)* \_\_\_\_\_

19. Setbacks of the proposed building from property lines:





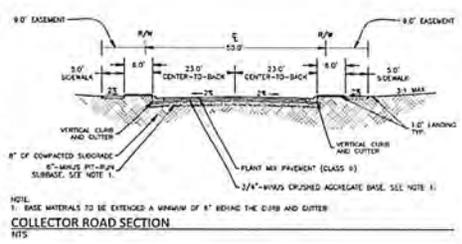
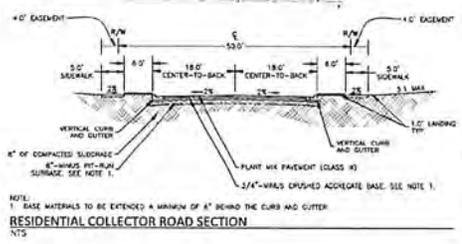
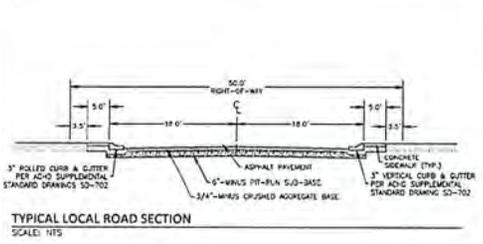


**LEGEND**

--- BOUNDARY LINE	--- EXISTING FEATURES
- - - OFFICE BOUNDARY LINE	--- SANITARY SEWER LINC
- - - PROPOSED LOT LINE	--- WATER LINC
○ FOUND 1/2" HIGH REBAR	--- GAS LINC
● FOUND 3/8" HIGH REBAR	--- DRY-EDGE FINDER LINC
⊙ SWIC	--- GRAVITY IRRIGATION LINC
--- PROPOSED IMPROVEMENTS	⊙ SEWER MANHOLE
--- SEWER LINC	⊙ WATER VALVE
--- GRAVITY IRRIGATION LINC	⊙ WATER METER
--- PRESSURE IRRIGATION LINC	⊙ FIRE HYDRANT
--- JOINT BENCH LINC	⊙ POWER BOX
⊙ SEWER MANHOLE	⊙ POWER POLE
⊙ FIRE HYDRANT	--- EDGE OF PAVEMENT
--- EXISTING CONTOUR AREA	--- EDGE OF GRAVEL
	--- FLOW ARROW
	--- STREET LIGHT

**NOTES**

- DOMESTIC WATER SERVICE WILL BE PROVIDED BY THE CITY OF KUNA. 12" MAINS WILL BE LOCATED AT THE MERIDIAN ROAD CROSSING AND ALONG THE MERIDIAN ROAD FRONTAGE. 8" WATER MAINS WILL BE LOCATED THROUGHOUT THE SUBDIVISION.
- SANITARY SEWER SERVICE WILL BE PROVIDED BY THE CITY OF KUNA. THE PROPERTY WILL BE SERVED BY CONNECTIONS TO THE EXISTING SEWER MAIN IN E. PROFILE LANE. 12" MAINS WILL BE LOCATED AT THE MERIDIAN ROAD CROSSING AND ALONG THE MERIDIAN ROAD FRONTAGE. 8" SEWER MAINS WILL RUN THROUGHOUT THE SUBDIVISION.
- PRESSURE IRRIGATION SERVICE WILL BE PROVIDED BY THE CITY OF KUNA. THE PROPERTY WILL BE SERVED BY CONNECTIONS TO THE EXISTING PRESSURE IRRIGATION MAIN IN E. PROFILE LANE.
- WATER, PRESSURE IRRIGATION AND SEWER LINE SIZES AND LOCATIONS ARE PRELIMINARY AND WILL BE REVISED DURING FINAL DESIGN.
- ALL DOMESTIC WATER AND SANITARY SEWER MAINS WILL BE INSTALLED IN ACCORDANCE WITH THE STANDARDS DEPARTMENT OF ENVIRONMENTAL QUALITY AND CITY OF KUNA REQUIREMENTS.
- ALL STREETS SHALL BE DEDICATED TO ACHD AND THE PUBLIC. ROADWAYS WILL BE CONSTRUCTED TO AT LEAST MINIMUM ACHD STANDARDS. SEE THE PRELIMINARY FUTURE CROSS-SECTIONS ON THIS SHEET.
- STORM DRAINAGE FROM THE PUBLIC ROAD SHALL BE COLLECTED IN CURBS AND GUTTERS AND ROUTED TO STORM RETENTION FACILITIES THAT MEET THE REQUIREMENTS OF ACHD AND THE CITY OF KUNA. THE STORM RETENTION FACILITY TYPES, SIZES, AND LOCATIONS WILL BE DETERMINED DURING FINAL DESIGN.
- PEDESTRIAN RAMPS AND CROSSINGS ARE SHOWN IN A CONCEPTUAL MANNER AND WILL BE REVISED AND DETAILED DURING FINAL DESIGN.
- CONSTRUCTION OF THE FOLLOWING IMPROVEMENTS WILL BE IN COMPLIANCE WITH THE STANDARD KUNA CONSTRUCTION NOTES: WATER, DRAINAGE, SEWER, AND PRESSURE IRRIGATION.



PRELIMINARY NOT FOR CONSTRUCTION

**ASHTON ESTATES SUBDIVISION**  
PRELIMINARY ENGINEERING  
KUNA, IDAHO

REVISIONS		DATE
NO.	ITEM	

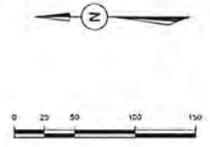
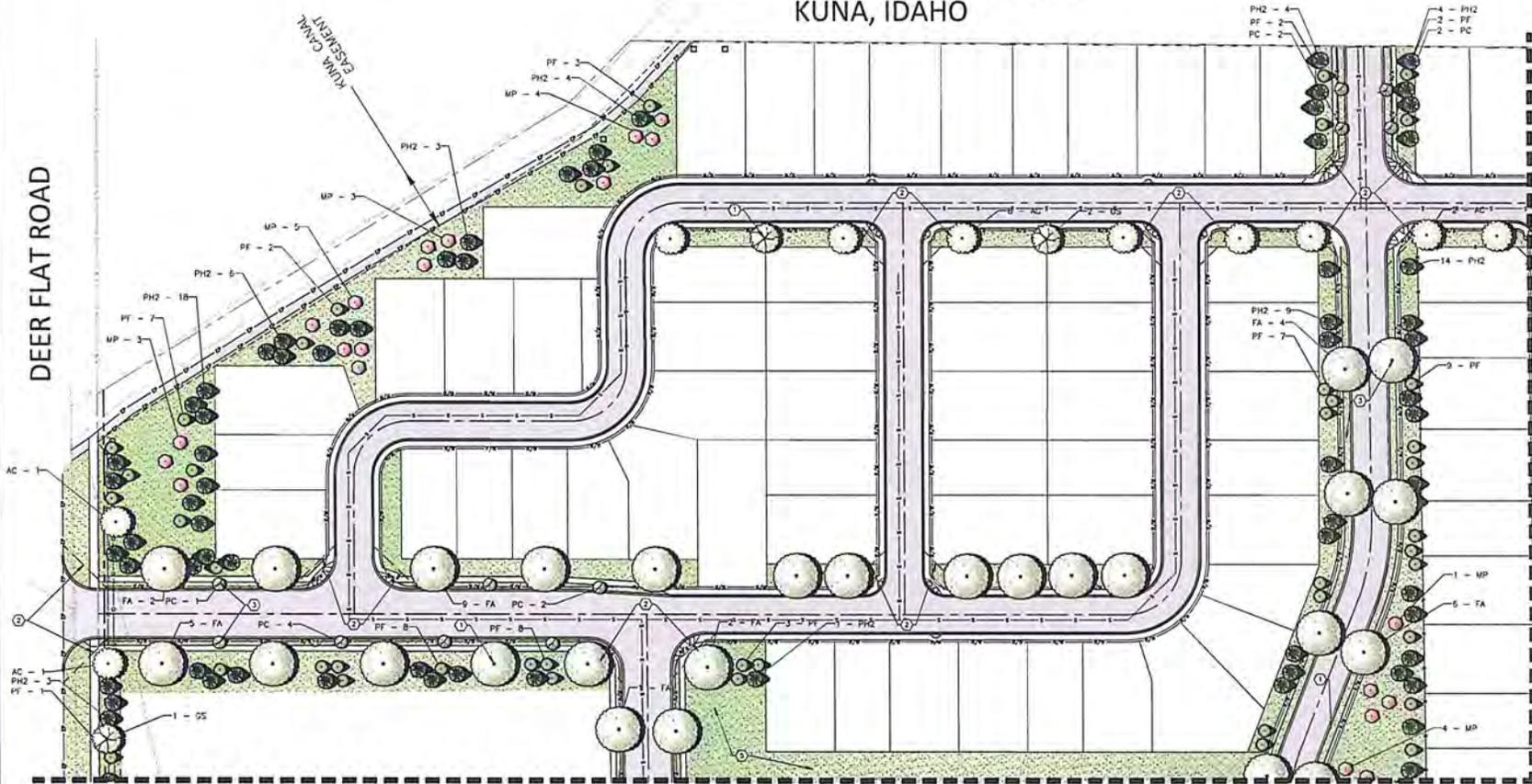


**NATIONAL ENGINEERING**  
**EXCELLENCE**  
**1616**  
**OF**  
**IDAHO**  
05-25-17  
DATE: 8.1.17  
PROJECT: 18-081  
SHEET NO. 2 OF 2

PRELIMINARY - NOT FOR CONSTRUCTION

# DEER FLAT AND MERIDIAN ROAD KUNA, IDAHO

DEER FLAT ROAD



- KEY NOTES**
- INSTALL 3" TREE RING, WITH BARE EARTH SURFACE AT ALL TREES WITHIN TURF AREAS.
  - 40' CLEAR VISION TRIANGLE, NO TREES SHALL BE PLANTED WITHIN A CLEAR VISION TRIANGLE THE MAXIMUM HEIGHT OF ANY VEGETATION GROUND COVER AT MATURITY WITHIN THE CLEAR VISION TRIANGLE SHALL BE 3' FROM THE ADJACENT STREET GRADE.
  - TREES PLANTED IN PARK STRIPS TO BE CENTERED IN STRIP.
  - FUTURE PARK, ACTUAL DESIGN TO BE DETERMINED AT A FUTURE DATE.

- GENERAL NOTES**
- ALL PLANT MATERIAL SHALL CONFORM TO THE AMERICAN HARBORLAND STANDARDS FOR TYPE AND SIZE SHOWN.
  - ALL PLANTED BEDS TO RECEIVE A MIN. 3" DEPTH ORGANIC MULCH, SUCH AS BARK, SOD, AND PERMANENT, OR SIMILAR PRODUCT. USE OF MULCH OR ROCK AS THE ONLY GROUND COVER IN REDUCED PLANTING AREAS IS PROHIBITED. MULCH IS TO BE USED UNTIL PERMEABLE FABRIC WEED BARRIER UNDER ROCK WEALTH. IMPERMEABLE PLASTIC WEED BARRIERS ARE PROHIBITED.
  - ALL TREE, TURF, PLANT MATERIAL, AND IRRIGATION PROPOSED WITHIN THE PLANTER STRIP BETWEEN BACK OF CURB AND SIDEWALK SHALL BE INSTALLED BY THE HOME BUILDER IN CONJUNCTION WITH THE RESIDENTIAL LOT DEVELOPMENT.
  - ALL TREES PLANTED IN THE PARK STRIP (OR BULKHEAD) TO BE CENTERED BETWEEN BACK OF CURB AND SIDEWALK AND ARE SUBJECT TO THE ADJO DEVELOPMENT AGREEMENT FOR LANDSCAPING AND AS SUCH SHALL BE CLASS # TREES IN COMPLIANCE WITH THE ADJO STREET TREE PLANTING POLICIES.
  - FENCING WITHIN SUBDIVISION, ALONG SIDE AND REAR LOT LINES SHALL BE INSTALLED BY BUILDER/HOMEOWNER IN CONJUNCTION WITH INDIVIDUAL LOT DEVELOPMENT AND SHALL COMPLY WITH THE STANDARDS ESTABLISHED IN THE SUBDIVISION'S CC&R'S.

- ACHD LANDSCAPE NOTES**
- TREES SHALL NOT BE PLANTED WITHIN THE 10' CLEAR ZONE OF ALL ACHD STORM DRAIN PIPE, STRUCTURES, OR FACILITIES.
  - SEEDING BEDS MUST BE PROTECTED FROM ANY AND ALL CONSTRUCTION ACTIVITIES UNTIL THE COMPLETION AND INSTALLATION OF THE LANDSCAPE IRRIGATION SYSTEM.

- GENERAL IRRIGATION NOTES**
- ALL PLANT MATERIALS TO BE WATERED BY THE DEVELOPER OR SUBDIVISION PREPROCESSED IRRIGATION SYSTEM. IRRIGATION OF COMMON AREAS SHALL BE VIA THE SUBDIVISION'S PREPROCESSED IRRIGATION SYSTEM. IRRIGATION OF INDIVIDUAL LOT'S AND LANDSCAPING ALONG THE FRONTAGE OF PRIVATE LOTS SHALL BE VIA METERED, POTABLE WATER AND THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNERS.
  - COVERAGE, THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ONE HUNDRED PERCENT (100%) COVERAGE WITH HEAD TO HEAD SPACING OR TRIANGULAR SPACING AS APPROPRIATE.
  - MATCHED PRECIPITATION RATES: SPRINKLER HEADS SHALL HAVE MATCHED PRECIPITATION RATES WITH EACH CONTROL VALVE.
  - IRRIGATION DISTRICTS: SPRINKLER HEADS BRIDGING LAWN OR OTHER HIGH WATER DEMAND AREAS SHALL BE GROUPED SO THAT THEY ARE ON THE SEPARATE ZONE OR DISTRICT FROM THOSE REDUCING TREES, SHRUBS, OR OTHER REDUCED WATER DEMAND AREAS.
  - OVERSPRAY: SPRINKLER HEADS SHALL BE ADJUSTED TO PREVENT OVERSPRAY INTO UNWANTED SURFACES SUCH AS STREETS, SIDEWALKS, DRIVEWAYS, AND PARKING AREAS.

PLANT SCHEDULE						
DECIDUOUS TREES	BOTANICAL NAME	COMMON NAME	SIZE	MATURE SIZE HxW	CLASS	QTY
AC	<i>Acer glabrum</i> 'Crimson King'	Crimson King Maple	2" CAL B&B	35' X 30'		34
FA	<i>Fraxinus americana</i> 'Autumn Purple'	Autumn Purple Ash	2" CAL B&B	45' X 45'	Class II	36
OS	<i>Gleditsia triacanthos</i> 'Skyline'	Skyline Honey Locust	2" CAL B&B	35' X 30'		15
EVERGREEN TREES	BOTANICAL NAME	COMMON NAME	SIZE	MATURE SIZE HxW	CLASS	QTY
PH2	<i>Picea pungens</i> 'Hoopsii'	Hoopsii Blue Spruce	6"-8" D&D	35' X 15'		102
PF	<i>Pinus flexilis</i> 'Vanderwolf's Pyramid'	Vanderwolf's Pyramid Pine	10"-12" B&B	25' X 15'		68
FLOWERING TREES	BOTANICAL NAME	COMMON NAME	SIZE	MATURE SIZE HxW	CLASS	QTY
MP	<i>Malus x 'Prairie Fire'</i>	Prairie Fire Crab Apple	2" CAL B&B	15' X 15'		23
PC	<i>Pyrus calleryana</i> 'Capital'	Capital Gallery Pear	2" CAL B&B	35' X 15'		35
GROUND COVERS	BOTANICAL NAME	COMMON NAME	COVT			
	Turf Sod Bluegrass	Kentucky Bluegrass	SOD			

PRELIMINARY NOT FOR CONSTRUCTION

**LANDSCAPE PLAN**

REVISIONS		
NO.	ITEM	DATE

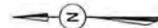
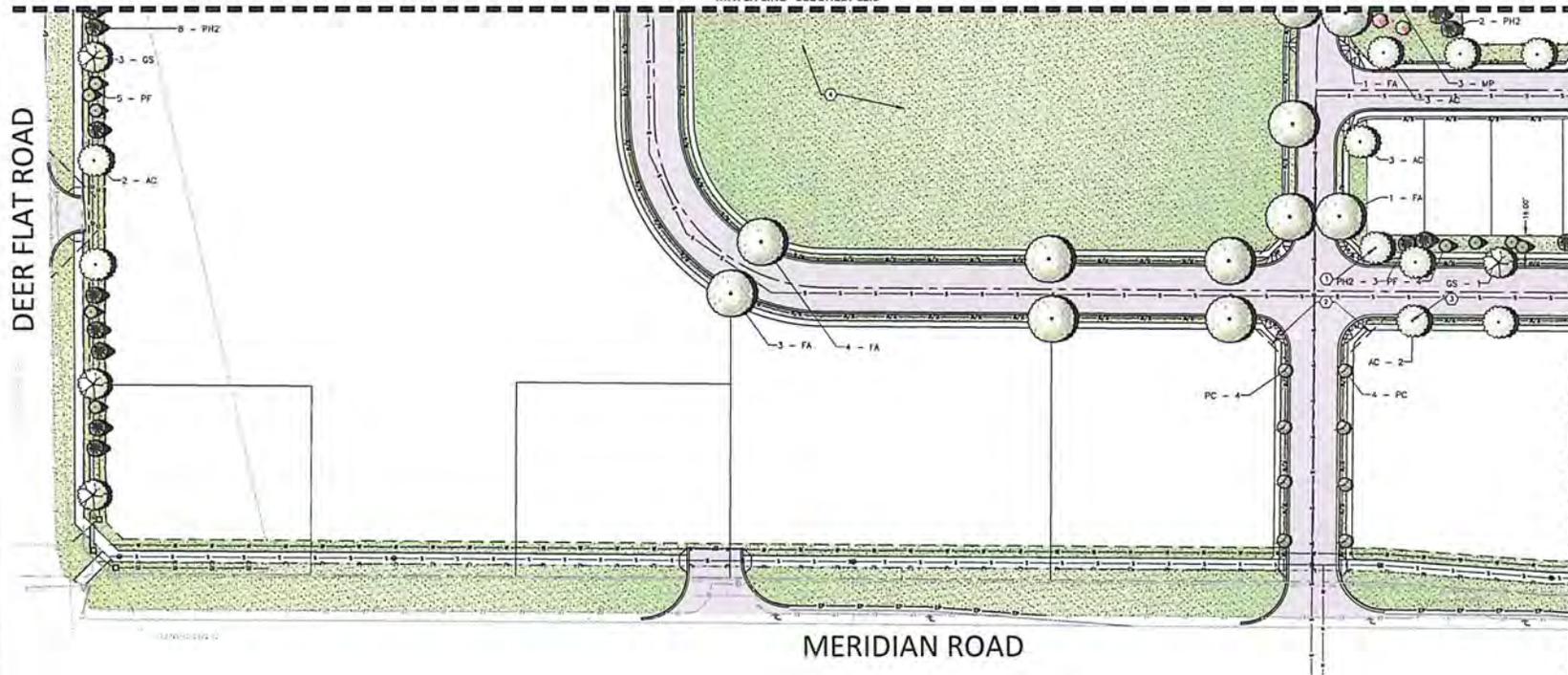


DATE: 3/2/21  
PROJECT: 18-081  
SHEET NO. L1.0 1 OF 3

PRELIMINARY - NOT FOR CONSTRUCTION

# DEER FLAT AND MERIDIAN ROAD KUNA, IDAHO

MATCH LINE - SEE SHEET L1.0



### KEY NOTES

1. INSTALL 3" TREE RING, WITH BARE EARTH SURFACE AT ALL TREES WITH TURF AREAS.
2. 40' CLEAR VISION TRIANGLE. NO TREES SHALL BE PLANTED WITHIN A CLEAR VISION TRIANGLE. THE MAXIMUM HEIGHT OF ANY VEGETATIVE GROUND COVER AT MATURITY WITHIN THE CLEAR VISION TRIANGLE SHALL BE 3' FROM THE ADJACENT STREET CURB.
3. TREES PLANTED IN PARK STRIPS TO BE CENTERED IN STRIP.
4. FUTURE PARK. ACTUAL DESIGN TO BE DETERMINED AT A FUTURE DATE.

### GENERAL NOTES

1. ALL PLANT MATERIAL SHALL CONFORM TO THE AMERICAN HORTICULTURAL STANDARDS FOR TYPE AND SIZE SHOW.
2. ALL PLANTED BEDS TO RECEIVE A MIN. 3" DEPTH ORGANIC MULCH, SUCH AS BARK, SOIL, AND, PERHAPS, OR SIMILAR PRODUCTS. USE OF MULCH OR ROCK AS THE ONLY GROUND COVER IN REQUIRED PLANTING AREAS IS PROHIBITED. IF ROCK MULCH IS USED, INITIAL PERMEABLE FABRIC NEED MATTER UNDER ROCK MULCH. IMPERMEABLE PLASTIC NEED BATHERS ARE PROHIBITED.
3. ALL TREE, TURF, PLANT MATERIAL, AND IRRIGATION PROPOSED WITHIN THE PLANTER STRIP BETWEEN BACK OF CURB AND SIDEWALK SHALL BE NOTIFIED BY THE HOME BUILDER IN CONJUNCTION WITH THE INDIVIDUAL LOT DEVELOPMENT.
4. ALL TREES PLANTED IN THE PARK STRIP (BY BUILDERS) TO BE CENTERED BETWEEN BACK OF CURB AND SIDEWALK AND ARE SUBJECT TO THE ACHD DEVELOPMENT AGREEMENT FOR LANDSCAPING AND AS SUCH SHALL BE CLASS 1 TREES IN COMPLIANCE WITH THE ACHD STREET TREE PLANTING POLICES.
5. FENCING WITHIN SUBDIVISION, ALONG SIDE AND REAR LOT LINES SHALL BE INSTALLED BY BUILDER/HOMEOWNER IN CONJUNCTION WITH INDIVIDUAL LOT DEVELOPMENT AND SHALL COMPLY WITH THE STANDARDS ESTABLISHED IN THE SUBDIVISION'S CC&R.

### ACHD LANDSCAPE NOTES

1. TREES SHALL NOT BE PLANTED WITHIN THE 10' CLEAR ZONE OF ALL ACHD STORM DRAIN PIPE, STRUCTURES, OR FACILITIES.
2. SEEPAGE BEDS MUST BE PROVIDED FROM ANY AND ALL CONTAMINATION DURING THE CONSTRUCTION AND INSTALLATION OF THE LANDSCAPE IRRIGATION SYSTEM.

### GENERAL IRRIGATION NOTES

1. ALL PLANT MATERIALS TO BE WATERED BY THE DEVELOPER OR SUBDIVISION PREDESIGNED IRRIGATION SYSTEM. IRRIGATION OF COMMON AREAS SHALL BE VIA THE SUBDIVISION'S PREDESIGNED IRRIGATION SYSTEM. IRRIGATION OF INDIVIDUAL LOTS AND LANDSCAPING ALONG THE FRONTAGE OF PRIVATE LOTS SHALL BE VIA RETICULATED POTABLE WATER AND THE RESPONSIBILITY OF THE RESIDENTIAL LOT OWNERS.
2. COVERAGE, THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ONE HUNDRED PERCENT (100%) COVERAGE WITH HEAD TO HEAD SPACING OR TRIANGULAR SPACING AS APPROPRIATE.
3. MATCHED PRECIPITATION RATES. SPRINKLER HEADS SHALL HAVE MATCHED PRECIPITATION RATES WITHIN EACH CONTROL VALVE.
4. IRRIGATION DISTRICTS. SPRINKLER HEADS IRRIGATING LAWN OR OTHER HIGH WATER DEMAND AREAS SHALL BE CONFIGURED SO THAT THEY ARE ON THE SEPARATE ZONE OR DISTRICT FROM THOSE IRRIGATING TREES, SHRUBS, OR OTHER REDUCED WATER DEMAND AREAS.
5. OVERTSPRAY. SPRINKLER HEADS SHALL BE ADJUSTED TO REDUCE OVERTSPRAY INTO ADJACENT SURFACES SUCH AS STREETS, SIDEWALKS, DRIVEWAYS, AND PARKING AREAS.

PLANT SCHEDULE						
	BOTANICAL NAME	COMMON NAME	SIZE	MATURE SIZE HxW	CLASS	QTY
<b>DECIDUOUS TREES</b>						
AC	Acer platanoides 'Crimson King'	Crimson King Maple	2" CAL B&B	35' X30'		34
FA	Fraxinus americana 'Autumn Purple'	Autumn Purple Ash	2" CAL B&B	45' X45'	Class II	36
GS	Gleditsia triacanthos 'Skyline'	Skyline Honey Locust	2" CAL B&B	35' X30'		15
<b>EVERGREEN TREES</b>						
PHZ	Picea pungens 'Hoopsii'	Hoopsii Blue Spruce	5"-8" B&B	35' X15'		102
PF	Pinus flexilis 'Vanderwolf's Pyramid'	Vanderwolf's Pyramid Pine	10"-12" B&B	25' X15'		68
<b>FLOWERING TREES</b>						
MP	Malus x 'Prairifire'	Prairifire Crab Apple	2" CAL B&B	15' X15'		23
PC	Pyrus calleryana 'Capital'	Capital Callery Pear	2" CAL B&B	35' X15'		35
<b>GROUND COVERS</b>						
	Turf Sod Bluegrass	Kentucky Bluegrass	SOD			

PRELIMINARY NOT FOR CONSTRUCTION

## LANDSCAPE PLAN

REVISIONS		
NO.	ITEM	DATE

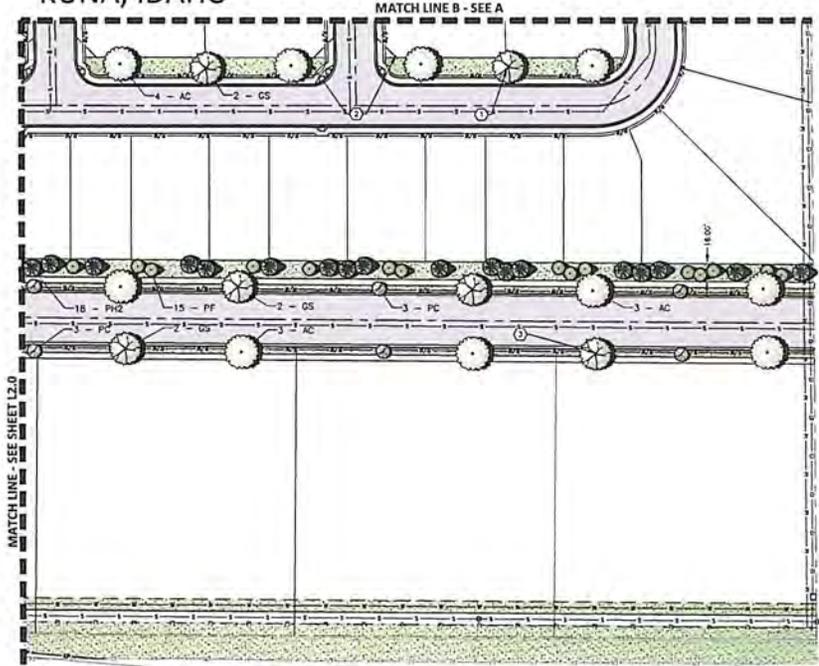
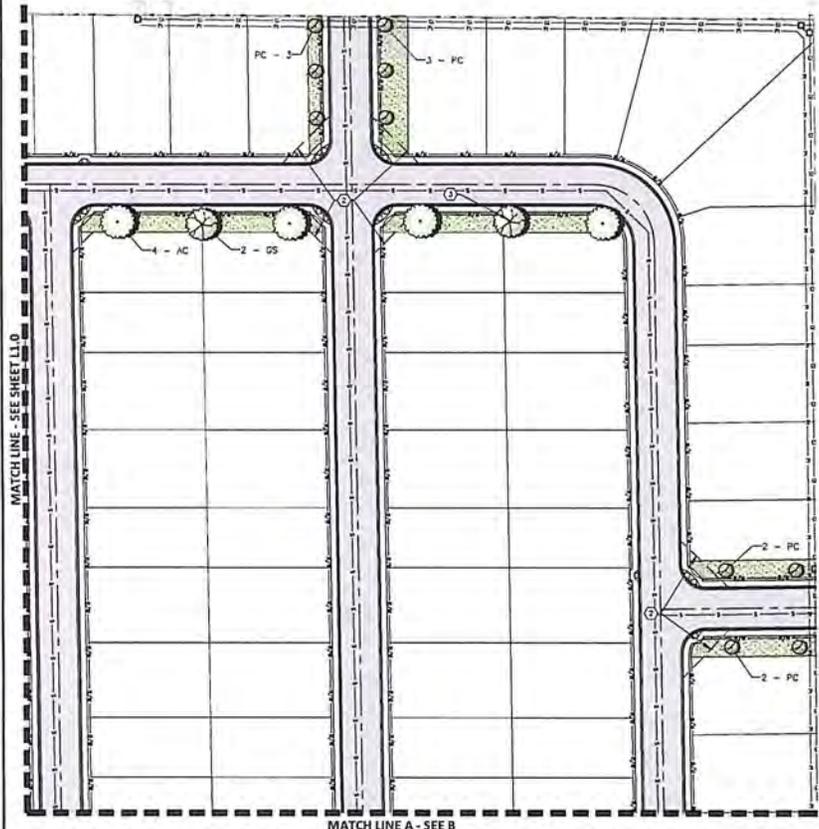
**km**  
ENGINEERING

8233 WEST STATE STREET  
BOISE, IDAHO 83724  
PHONE (208) 838-8838  
FAX (208) 838-8835

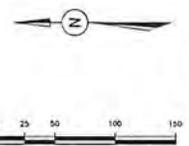
DATE: 5/2/21  
PROJECT: 18-081  
SHEET NO. L2.0 2 OF 3

PRELIMINARY - NOT FOR CONSTRUCTION

# DEER FLAT AND MERIDIAN ROAD KUNA, IDAHO



MERIDIAN ROAD



**KEY NOTES**

1. INSTALL 3" TREE RING, WITH BARE EARTH SURFACE AT ALL TREES WITHIN TURF AREAS.
2. 40' CLEAR VISION TRIANGLE, NO TREES SHALL BE PLANTED WITHIN A CLEAR VISION TRIANGLE. THE MAXIMUM HEIGHT OF ANY VEGETATIVE GROUND COVER AT ANYTIME WITHIN THE CLEAR VISION TRIANGLE SHALL BE 3' FROM THE ADJACENT STREET CORNER.
3. TREES PLANTED IN PARK STRIPS TO BE CENTERED IN STRIP.
4. FUTURE PARK: ACTUAL DESIGN TO BE DETERMINED AT A FUTURE DATE.

**GENERAL NOTES**

1. ALL PLANT MATERIAL SHALL CONFORM TO THE AMERICAN HEDERIPERMAN STANDARDS FOR TYPE AND SIZE DESIGN.
2. ALL PLANTED BEDS TO RECEIVE A MIN. 3" DEPTH ORGANIC MULCH, SUCH AS BARK, SOIL AND PERMANENT OR SLAGAN PRODUCTS. USE OF MULCH OR ROCK AS THE ONLY GROUND COVER IN REQUIRED PLANTING AREAS IS PROHIBITED. IF ROCK MULCH IS USED, INSTALL A PERMEABLE FABRIC WEED BARRIER UNDER ROCK WHICH WEEDS CAN BE PLANTED.
3. ALL TREE, TURF, PLANT MATERIAL, AND IRRIGATION PROPOSED WITHIN THE PLANTER STRIP BETWEEN BACK OF CURB AND SIDEWALK SHALL BE INSTALLED BY THE HOME BUILDER IN CONJUNCTION WITH THE INDIVIDUAL LOT DEVELOPMENT.
4. ALL TREES PLANTED IN THE PARK STRIP (BY BUILDER) TO BE CENTERED BETWEEN BACK OF CURB AND SIDEWALK AND ARE SUBJECT TO THE ACHD DEVELOPMENT AGREEMENT FOR LANDSCAPING AND AS SUCH SHALL BE CLASS 1 TREES IN COMPLIANCE WITH THE ACHD STREET TREE PLANTING POLICIES.
5. FENCING WITHIN SUBDIVISION, ALONG SIDE AND REAR LOT LINES SHALL BE INSTALLED BY BUILDER/PROVIDER IN CONJUNCTION WITH INDIVIDUAL LOT DEVELOPMENT AND SHALL COMPLY WITH THE STANDARDS ESTABLISHED BY THE SUBDIVISION'S CC&RS.

**ACHD LANDSCAPE NOTES**

1. TREES SHALL NOT BE PLANTED WITHIN THE 10' CLEAR ZONE OF ALL ACHD STORM DRAIN PIPE, STRUCTURES, OR FACILITIES.
2. IRRIGATION BEDS MUST BE PROTECTED FROM ANY AND ALL CONTAMINATION DURING THE CONSTRUCTION AND INSTALLATION OF THE LANDSCAPE IRRIGATION SYSTEM.

**GENERAL IRRIGATION NOTES**

1. ALL PLANT MATERIALS TO BE WATERED BY THE DEVELOPER OR SUBDIVISION PRESSURIZED IRRIGATION SYSTEM. IRRIGATION OF COMMON AREAS SHALL BE VIA THE SUBDIVISION'S PRESSURIZED IRRIGATION SYSTEM. IRRIGATION OF INDIVIDUAL LOTS AND LANDSCAPING ALONG THE FRONTAGE OF PRIVATE LOTS SHALL BE VIA METERS, POTABLE WATER AND THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNERS.
2. COVERAGE: THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ONE HUNDRED PERCENT (100%) COVERAGE WITH HEAD TO HEAD SPACING OR TRIANGULAR SPACING AS APPROPRIATE.
3. MATCHED PRECIPITATION RATES: SPRINKLER HEADS SHALL HAVE MATCHED PRECIPITATION RATES WITH EACH CONTROL VALVE.
4. IRRIGATION DISTRICTS: SPRINKLER HEADS IRRIGATING LAWN OR OTHER HIGH WATER DEMAND AREAS SHALL BE CIRCUITED SO THAT THEY ARE ON THE SEPARATE ZONE OR DISTRICT FROM THOSE IRRIGATING TREES, SHRUBS, OR OTHER REDUCED WATER DEMAND AREAS.
5. OVERSPRAY: SPRINKLER HEADS SHALL BE ADJUSTED TO PREVENT OVERSPRAY ONTO ADJACENT SURFACES SUCH AS STREETS, SIDEWALKS, DRIVEWAYS, AND PARKING AREAS.

PLANT SCHEDULE						
DECIDUOUS TREES	BOTANICAL NAME	COMMON NAME	SIZE	MATURE SIZE HxW	CLASS	QTY
AC	Acer platanoides 'Crimson King'	Crimson King Maple	2" CAL. B&B	35'x30'		34
FA	Fraxinus americana 'Autumn Purple'	Autumn Purple Ash	2" CAL. B&B	45'x45'	Class II	36
GS	Gedalia triacanthos 'Skyline'	Skyline Honey Locust	2" CAL. B&B	35'x30'		15
EVERGREEN TREES	BOTANICAL NAME	COMMON NAME	SIZE	MATURE SIZE HxW	CLASS	QTY
PH2	Picea pungens 'Hoops'	Hoops Blue Spruce	8"-8" B&B	35'x15'		182
PF	Pinus flexilis 'Vanderwolf's Pyramid'	Vanderwolf's Pyramid Pine	10"-12" B&B	25'x15'		68
FLOWERING TREES	BOTANICAL NAME	COMMON NAME	SIZE	MATURE SIZE HxW	CLASS	QTY
MP	Malus x 'Prairifire'	Prairifire Crab Apple	2" CAL. B&B	15'x15'		23
PC	Pyrus calleryana 'Capital'	Capital Callery Pear	2" CAL. B&B	35'x15'		35
GROUND COVERS	BOTANICAL NAME	COMMON NAME	CONT.			
	Turf Sod Bluegrass	Kentucky Bluegrass	SOD			

PRELIMINARY NOT FOR CONSTRUCTION

**LANDSCAPE PLAN**

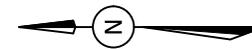
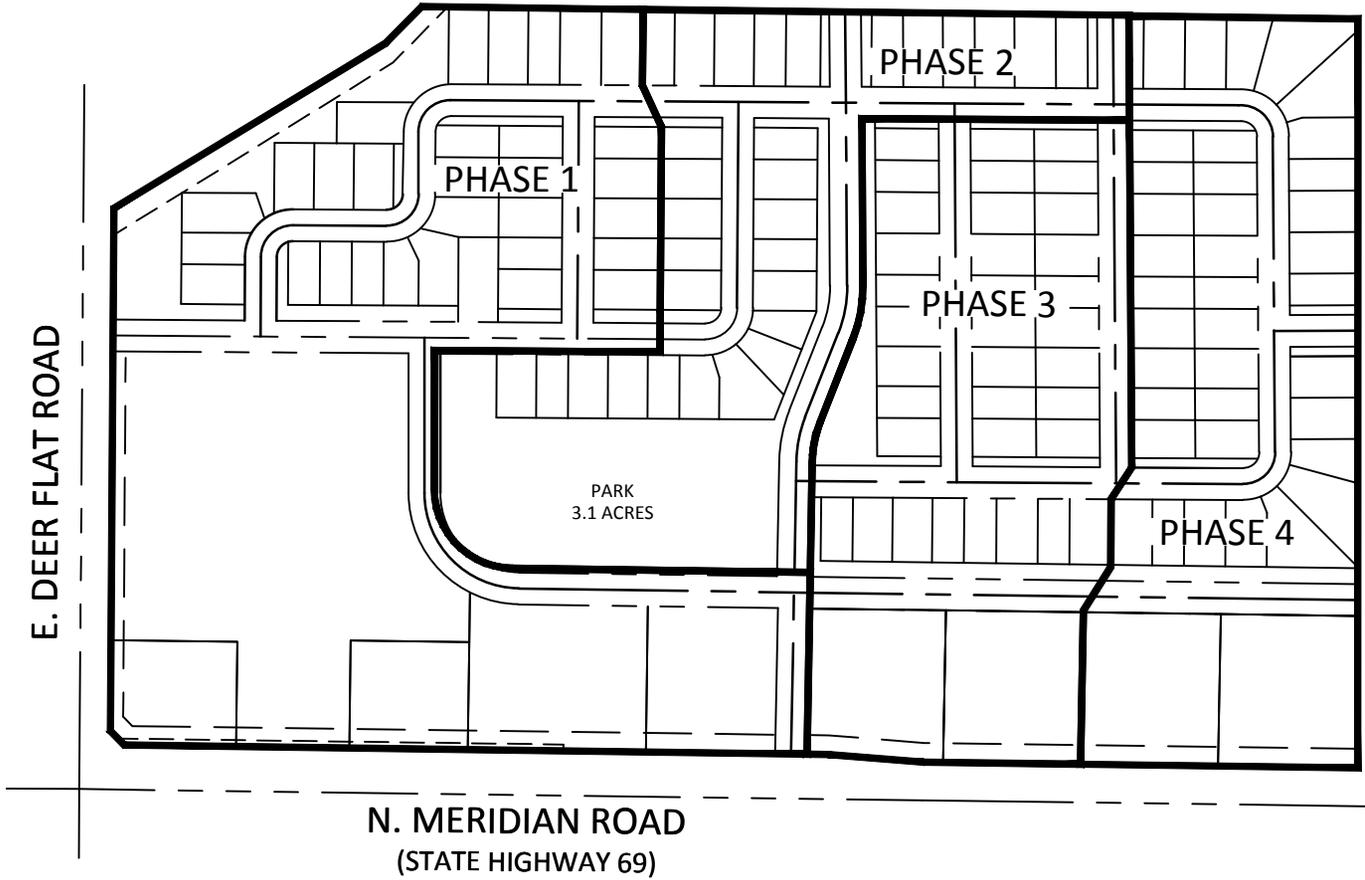
REVISIONS		
NO.	ITEM	DATE



DATE: 5/2/11  
PROJECT: 18-081  
SHEET NO. L3.0 3 OF 3

PRELIMINARY - NOT FOR CONSTRUCTION

\\KMSBS\PROJECT\16-083\CAD\EXHIBITS\16-083 PHASING PLAN.DWG, MIKE BULTMAN, 5/5/2017, DWG TO PDF.PC3, ----



ASHTON ESTATES  
KUNA, ID

CONCEPTUAL PHASING PLAN

DATE: 5/5/2017

PROJECT: 16-083

SHEET:  
1 OF 1



ENGINEERS . SURVEYORS . PLANNERS

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

# Exhibit B 1



**CITY OF KUNA**  
**P.O. BOX 13**  
**KUNA, ID 83634**  
[www.kunacity.id.gov](http://www.kunacity.id.gov)

ANTONIO M CONTI  
CITY ENGINEER

Telephone (208) 639-5343; Fax (208) 287-1731

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

---

## MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Antonio M Conti  
Kuna City Engineer

RE: Ashton Estates  
17-04-S, 17-04-ZC

DATE: June 12, 2017

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The City Engineer has reviewed the Preliminary Plat and Rezone request of the above applicant dated May 5, 2017. It is noted that specific development plans are provided, which includes 9 commercial/multi-family lots, 133 single family lots, 20 common lots, 1 City park for a total of 163 lots. Accordingly, the City Engineer provides the following comments:

### 1. Sanitary Sewer Needs

- a) The applicant's property is presently used for agricultural purposes, is not connected to City services and would be subject to connection fees for the demand of the ultimate connected load as provided in the City's Standard Table. City Code (6-4-20) requires connection to the City sewer system for all sanitary sewer needs.
- b) The property is located within the Profile Ridge sewer shed which discharges to the Danskin Lift Station and thence to the North Wastewater Treatment Plant.
- c) This property was not included in Local Improvement District 2006-1, and consequently, has no connection fee credits and reserved treatment capacity. Nevertheless, there are adequate connection credits available for purchase from others. 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.
- d) For any connected load, it is recommended this application be conditioned to conform to the sewer master plan, particularly to the providing of sewer mains and trunk lines in the master plan.
- e) The nearest Sewer Main capable of serving this property lies on the opposite side of Highway 69 approximately 200 feet distant. It will require the applicant to bore an oversized line across the Highway.
- f) At all reasonable locations where sewer service could be extended to adjoining properties, sewer mains should be stubbed to the property line or extended in right-of-

# Exhibit B 1

way in or adjacent to the project – both at useable depths. This applies to a sewer main with easements to be extended north and south along the Highway 69 frontage.

- g) For assistance in locating existing facilities and understanding issues associated with connection, please contact the City Engineer at 639-5343.

## 2. Potable Water Needs

- a) The applicant's property is presently used for agricultural purposes, it is not connected to City water service and would be subject to connection fees for the demand of the ultimate connected load as provided in the City's Standard Table. City Code (6-4-2X) requires connection to the City water system for all potable water needs. The City has sufficient potable water supply to serve this site.
- b) The nearest point of water connection for the property lies on the opposite side of Highway 69 approximately 200 feet distant. It will require the applicant to bore an oversized line across the Highway.
- c) Improvements necessary to provide adequate fire protection as required by Kuna Fire District will be required of the development.
- d) For any connected load, it is recommended this application be conditioned to conform to the water master plan. Specifically, 12-inch water mains are required in the portions of the project fronting the Highway 69 and Deer Flat Road.
- e) 8-inch water mains should be installed by developer in internal subdivision streets.
- f) At least 8-inch water mains are to be extended and connected by developer to water trunk lines and mains through all entryway streets to Deer Flat Road and Highway 69 and in stub streets to adjacent properties.
- g) The City Engineer concludes redundancy of water transmission route to the development site is not provided by existing facilities. This matter is under consideration in the City's CIP.
- h) For assistance in locating existing facilities, please contact the City Engineer at 638-5343.

## 3. Pressure Irrigation

- a) The property's irrigation needs are presently served by local canals from surface water rights. The applicant's property is not connected to the City pressure irrigation system. Relying on drinking water for irrigation purposes is contrary to City Code (6-4-2I) and the public interest, is not accounted for in the approved Water Master Plan and the City Engineer recommends connection to existing City pressurized irrigation facilities. When connecting to the pressure irrigation system, the applicant will need to abide by any relevant irrigation reimbursement policies and agreements and any relevant connection fees.
- b) It is recommended this project be conditioned to require connection and annexation to the City Pressure Irrigation system at the time of development. It is further recommended that annexation into the municipal irrigation district and pooling of water rights is a requirement at the time of final platting.
- c) The development is subject to connection fees based on number of dwellings and lot size for the residential area and based on ultimate landscaped area and lot size for the commercial area and common lots, as provided in City Resolutions.

# Exhibit B 1

- d) The nearest point of connection for the Ashton Hills project is on the opposite side of Highway 69 approximately 200 feet distant. It will require the applicant to bore an oversized line across the Highway.
- e) For any connected load, it is recommended this application be conditioned to conform to the Pressure Irrigation Master Plan. The Master Plan designates the providing of trunk lines in the Highway 69 and Deer Flat frontages.
- f) The property's irrigation needs are presently served by the Boise-Kuna Irrigation District. The City Engineer has evaluated the distribution of irrigation pump stations and available supply in the vicinity of the project and concludes there is need for a pump station and 600,000 gallon reservoir along Kuna Canal within the bounds of the project. The City Engineer recommends the project provide sufficient land for the station and reservoir, provide three phase power to the pump station site and provide a drain line for over-flow water. The City would construct the pump station and reservoir as long as the project extends a 12-inch PI main from the Hwy 69 location to the project.
- g) It is recommended that conformity with approved City PI standards is required, including the providing of adequately sized internal and boundary loop lines.
- h) For assistance in locating existing facilities, please contact the City Engineer at 639-5343.

## 4. Grading and Storm Drainage

The following is required because alteration of surface features is proposed (such as grading or paving) in connection with this application:

- a) Runoff from public right-of-way is regulated by ACHD or ITD, depending on the agency responsible for the right-of-way. Plans are required to conform to the appropriate agency standards.
- b) Exclusive of public right-of-way, any increase in quantity or rate of runoff or decrease in quality of runoff compared to historical conditions must be detained, treated and released at rates no greater than historical amounts. In the alternative, offsite disposal of storm water in excess of historical rates or conditions or disposal at locations different than provided historically, approval of the operating entity is required. The City of Kuna relies on the ACHD Stormwater Policy Manual to establish the requirements for design of any private disposal system.
- c) The city is now requiring with every new development, a documentation map that illustrates the surface and sub-surface water irrigation supply as well as drainage ways that exist in the applicant's property and in the right-of-way adjacent to the proposed development to be submitted as part of construction plans. The map must include 2-foot contours, a layout and essential features of existing irrigation ditches, drainage ditches and pipelines within and adjacent to the proposed development. Open and piped facilities should be noted. The map should include any proposed changes to the systems.
- d) All upstream drainage rights and downstream water delivery rights are to be preserved as a condition of development. Constructed facilities to preserve these rights must be designed by a licensed professional engineer, plans provided with the project plan set for review by the City Engineer and constructed in a manner and with materials acceptable to the City Engineer. Facilities provided must be accessible (easements or right-of-way) for continued maintenance, and if necessary, replacement.

## 5. General

# Exhibit B 1

- a) With the addition of this property into the corporate limits of Kuna and its potential connection to water and 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, any conveyable water rights by deed and “Change of Ownership” form from IDWR. 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 or its facilities. Kuna Canal is one of those facilities.
- c) The City reserves the right of prior approval to all agreements involving the applicant (or its successors) and the irrigation or drainage district related to the property of this application and any attempt to abandon surface water rights.
- d) Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties.
- e) State the vertical datum used for elevations on all drawings.
- f) Provide engineering certification on all final engineering drawings.
- g) The submittals attached to the application include some alignments for City infrastructure. This information is helpful but has not been reviewed in detail and has not received City Engineer approval. The applicant is advised that detailed review and plan approval occurs at the time of approval of the official project improvement plans.

## 6. Inspection Fees

An inspection fee will be required for City inspection of the construction of any public or community 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 City inspection fee is \$1.00 per lineal foot of sewer, water and irrigation related pipe and payment is due and payable prior to City’s scheduling of a pre-construction conference.

## 7. Right-of-Way

The subject property fronts on its north side by a section line principal arterial street (Deer Flat - ACHD) and on its west by a section line principal arterial highway (Highway 69 – ITD) and truck route. The following conditions are related to these classified streets and future quarter line classified streets and apply at the time of 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, ACHD and ITD standards.
- b) It is recommended approaches onto the classified streets comply with ACHD and ITD 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 in connection with property development.

# Exhibit B 1

- d) Residential Easements – City Code (6-3-8) requires the providing of 10-foot front and back lot line easements and side-lot easements, as necessary. The City Engineer recommends the following:
  - a. 10-foot minimum subdivision boundary easement;
  - b. 10-foot minimum street frontage easement;
  - c. 10-foot back lot line easement as required in code;
  - d. 5-foot minimum side lot line easement and wider easements in instances where underground pipelines are constructed in them;
  - a. Additional easements as needed for facilities not in right-of-way - of width and alignment acceptable to the City Engineer.

## **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.

## **9. Phasing of Development**

- a) Any phasing plan, to be acceptable, must extend city services, extend transportation facilities and extend other utilities in a manner to maintain reliable service to the buildable lots in the subdivision and not disrupt service to neighboring properties.
- b) A phasing plan, to be acceptable, must not delay expenditures for infrastructure to burden with expenses in a disproportionate manner the later phases of a project.
- c) Irrespective of compliance with the above conditions, the City Engineer in general does not approve or reject phasing plans without the advice and consent of the Planning and Zoning Director.

## **10. 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  
Sara M. Baker, Commissioner  
Kent Goldthorpe, Commissioner  
Jim Hansen, Commissioner

Date: June 29, 2017

*(Via email)*

To: KM Engineering  
Kirsti Grabo  
9233 W State Street  
Boise, ID 83714

Subject: Ashton Estates/ KPP17-0006/ 17-04-S/17-04-ZC  
SEC of Deer Flat Road & SH-69

On June 29, 2017, the Ada County Highway District staff acted on your application for the above referenced project. The attached report lists site-specific requirements, conditions of approval and street improvements, which are required.

If you have any questions, please feel free to contact me at (208) 387-6171.

Sincerely,

A handwritten signature in blue ink that reads 'Stacey Yarrington'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Stacey Yarrington  
Planner III  
Development Services  
Ada County Highway District

CC: Project file  
City of Kuna (via email)  
SDN, LLC (via email)



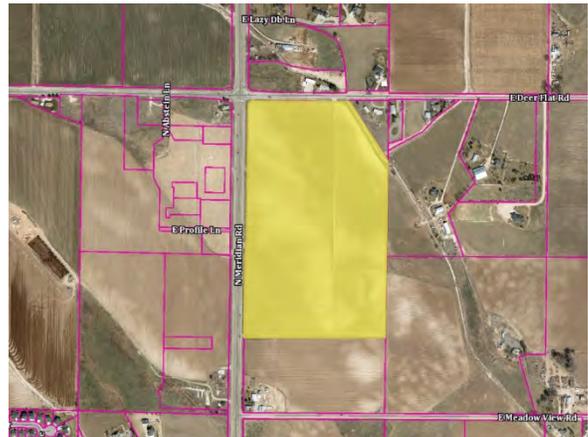
**Project/File:** **Ashton Estates/ KPP17-0006/ 17-04-S/17-04-ZC**  
*This is a rezone and preliminary plat for a mixed use development consisting of 9 commercial/multi-family lots, 133 buildable single-family lots, 20 common lots, and 1 proposed City Park. The site is located on 50.6-acres.*

**Lead Agency:** City of Kuna  
**Site address:** SEC Deer Flat Road & SH-69  
**Staff Approval:** June 29, 2017

**Applicant:** SDN, LLC  
 PO Box 1939  
 Eagle, ID 83616

**Representative:** KM Engineering  
 Kirsti Grabo  
 9233 W State Street  
 Boise, ID 83714

**Staff Contact:** Stacey Yarrington  
 Phone: 387-6171  
 E-mail: [syarrington@achdidaho.org](mailto:syarrington@achdidaho.org)



## **A. Findings of Fact**

1. **Description of Application:** The applicant is requesting approval to rezone the portion of the site from R-12 (High density residential) to increase the C-1 (Neighborhood Commercial) and R-6 (Medium density residential) areas; and a preliminary plat consisting of 9 commercial/multi-family lots, 133 buildable single-family lots, 20 common lots, and 1 City Park, located on 50.6-acres.

2. **Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Rural Urban Transition (Ada County)	RUT
South	Agricultural	A
East	Rural Residential (Ada County)	RR
West	Neighborhood Commercial, Medium density residential	C-1, R-6

3. **Site History:** ACHD previously reviewed this site as Ashton Estates/ KUNA16-0020/ 16-10-AN/ 16-03-CPM in January 2017. The requirements of this staff report are consistent with those of the prior action.

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4. **Adjacent Development:** The following developments are pending or underway in the vicinity of the site:
  - Profile Ridge, a mixed use development, located directly west of the site is in various phases of development and was approved by ACHD on November 7, 2007.
  - Winfield Subdivision, located on the NWC of Deer Flat & SH-69, consisting of 348 single residential lots, is currently under review by ACHD.
  - KJ's Superstore, a convenient store/ gas station and carwash, located directly west of the site was approved by ACHD on June 21, 2017.
5. **Transit:** Transit services are not available to serve this site.
6. **New Center Lane Miles:** The proposed development includes 1.76 centerline miles of new public road.
7. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
8. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**

There are currently no roadways, bridges or intersections in the general vicinity of the project that are currently in the Integrated Five Year Work Plan (IFYWP).

  - The intersection of Linder Road and Deer Flat Road is scheduled in the IFYWP to be widened to 5-lanes on the north leg, 4-lanes on the south, 5-lanes east, and 5-lanes on the west leg, and reconstructed/signalized in 2020.
  - Deer Flat Road is listed in the CIP to be widened to 5-lanes from Linder Road to SH-69/ Meridian Road between 2026 and 2030.
  - The intersection of Deer Flat Road and SH-69/ Meridian Road is listed in the CIP to be widened to 6-lanes on the north leg, 6-lanes on the south, 6-lanes east, and 6-lanes on the west leg, and signalized between 2031 and 2035.

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

1. **Trip Generation:** This development is estimated to generate 4,836 vehicle trips per day; 358 vehicle trips per hour in the PM peak hour, based on traffic impact study (TIS).

2. **Traffic Impact Study**

Thompson Engineers prepared a traffic impact study for the proposed Ashton Estates. Below is an executive summary of the findings **as presented by Thompson Engineers**. The following executive summary is **not the opinion of ACHD staff**. ACHD has reviewed the submitted traffic impact study for consistency with ACHD policies and practices, and may have additional requirements beyond what is noted in the summary. ACHD Staff comments on the submitted traffic impact study can be found below under staff comments.

**Staff Comments/Recommendations:** ACHD Traffic Services and Planning Review staff has reviewed and generally agree with the findings and conclusions of the submitted traffic impact study for Ashton Estates Subdivision.

- The TIS notes that under total traffic conditions in the build out year (2020), the intersection of Meridian Road and Deer Flat Road will operate at LOS F under total traffic conditions. The southbound right turn movement will operate at LOS F. This intersection is scheduled in the CIP to be widened in 2031 to 2035. Staff does not recommend improvements to the Deer Flat Road/SH-69 intersection as this development does not add traffic to the southbound right turn movement.

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- The TIS notes that a right turn lane is warranted on Deer Flat Road at the Deer Flat Road/Magellan Avenue (site entrance) intersection. The applicant should be required to construct a dedicated right turn lane on Deer Flat Road at the Magellan Avenue intersection.
- The TIS also notes that a right turn lane is warranted on SH-69 at the Profile Drive (site entrance) intersection. If allowed by the Idaho Transportation Department (ITD), the applicant should be required to construct a right turn lane on SH-69 at the Profile Drive intersection.

### 3. 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	Existing Plus Project
**SH-69/ Meridian Road	1,960-feet	Principal Arterial	673	N/A	N/A
Deer Flat Road	842-feet	Minor Arterial	239	Better than "E"	N/A

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

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

### 4. Average Daily Traffic Count (VDT)

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

- The average daily traffic count for SH-69/ Meridian Road south of Deer Flat Road was 11,067 on 09/23/17.
- The average daily traffic count for Deer Flat Road east of SH-69/ Meridian Road was 1,065 on 10/20/2016.

## C. Findings for Consideration

### 1. SH-69/Meridian Road

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

### 2. Deer Flat Road

a. **Existing Conditions:** Deer Flat Road is improved with 2-travel lanes, and no curb, gutter or sidewalk abutting the site. Existing right-of-way varies between 86 to 73 feet for Deer Flat Road (48-feet from centerline).

b. **Policy:**

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

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

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

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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.

**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).

**Turn Lanes:** District Policy 7205.4.9 states that if right or left turn lanes are warranted per a submitted Traffic Impact Study, the storage and taper lengths shall be designed in accordance with the minimum AASHTO and MUTCD standards. The storage length shall be a minimum of 100-feet in length. The applicant will not be compensated by ACHD for the dedication of additional right-of-way and pavement widening.

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

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

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

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Deer Flat Road is designated in the MSM as a Transitional/ Commercial Arterial with 5-lanes and on-street bike lanes, a 69-foot street section within 87-feet of right-of-way.

- c. **Applicant Proposal:** The applicant is proposing to dedicate 6-feet of additional right-of-way to total 54-feet of right-of-way along Deer Flat Road abutting the site.
- d. **Staff Comments/Recommendations:** The applicant's proposal to dedicate 6-feet of additional right-of-way to total 54-feet of right-of-way along Deer Flat Road abutting the site meets District policy and should be approved, as proposed. The additional right-of-way is impact fee eligible for reimbursement.

Deer Flat Road is improved with 24 to 50 feet of pavement and 3-foot wide gravel shoulders abutting the site. The applicant should be required to widen Deer Flat Road with 17-feet of pavement from centerline of Deer Flat Road abutting the site, plus a 3-foot wide gravel shoulder.

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As indicated in the traffic impact study (TIS), a right turn lane is warranted on Deer Flat Road/ at the Magellan Avenue (site entrance) intersection. Therefore, the applicant should be required to construct a dedicated right turn lane on Deer Flat Road at the Magellan Avenue intersection. The right turn lane should be constructed with minimum 100-feet in storage length.

The applicant should be required to construct 5-foot wide concrete sidewalk located a minimum 49-feet from centerline of Deer Flat Road, abutting the site. The applicant should provide a permanent right-of-way easement for any public sidewalk placed outside of the dedicated right-of-way.

### 3. Internal Collectors

a. **Existing Conditions:** There are no existing streets internal to the site.

b. **Policy:**

**Collector Street Policy:** District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.

**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.

**Street Section and Right-of-Way Policy:** District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

**Residential Collector Policy:** District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

**Sidewalk Policy:** District policy 7206.5.6 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all collector streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

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

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

c. **Applicant Proposal:** The applicant is proposing to construct a new north/south collector street, Magellan Avenue/Clipper Street/Jameson Avenue, as a 46-foot street section with

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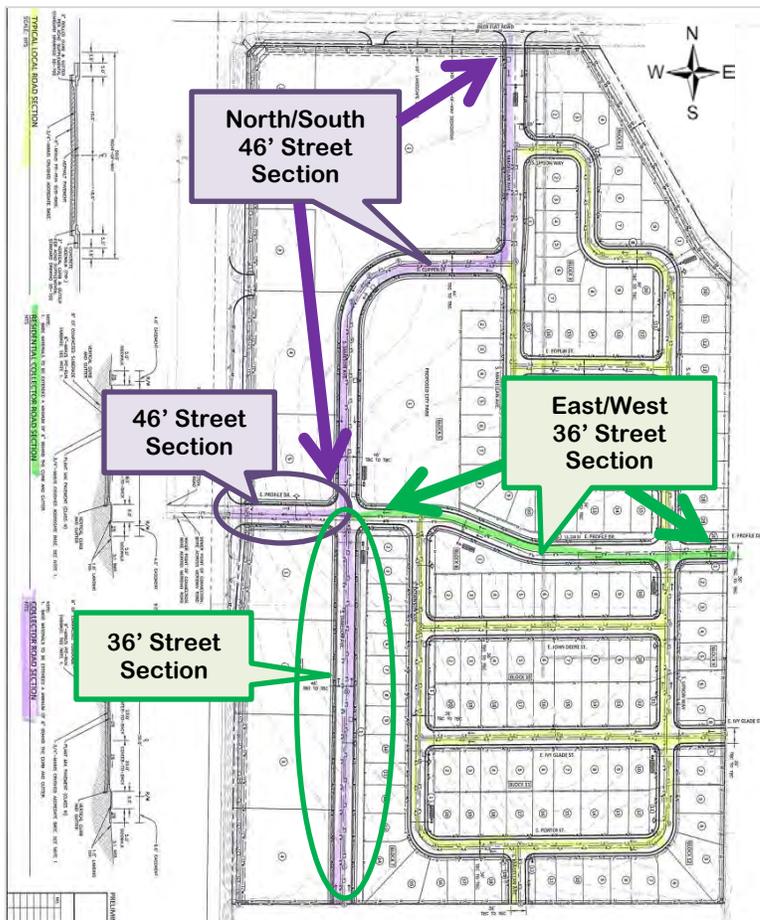
vertical curb and gutter within 50-feet of right-of-way; 6-foot wide parkway strip, and detached 5-foot wide concrete sidewalk within an easement. The collector is proposed to provide access to the commercial areas of the site with no front on housing.

The applicant is proposing to construct a new west/east collector street, Profile Drive, from SH-69 east to the Profile Dr./ Jameson Ave. intersection as a 46-foot street section with vertical curb and gutter within 50-feet of right-of-way; 6-foot wide parkway strip, and detached 5-foot wide concrete sidewalk within an easement; reducing to a 36-foot street section with vertical curb and gutter within 50-feet of right-of-way; 6-foot wide parkways strip, and detached 5-foot wide concrete sidewalk within an easement between Jameson Ave. to the east property line. No front on housing is proposed on Profile Drive.

- d. Staff Comments/Recommendations:** The applicant should construct a new north/south collector street, from Deer Flat Road south to the Profile Dr./ Jameson Ave. intersection, as a 46-foot street section with vertical curb and gutter within 50-feet of right-of-way; 6-foot wide parkway strip, and detached 5-foot wide concrete sidewalk within an easement.

The applicant should construct the remaining section of the new north/south collection street, Jameson Avenue, from the Profile Drive/ Jameson Ave. intersection south to the south property line as a 36-foot street section with vertical curb and gutter within 50-feet of right-of-way; 6-foot wide parkway strip, and detached 5-foot wide concrete sidewalk within an easement.

The applicant should construct a new west/east collector street, Profile Drive, from SH-69 east to the Profile Dr./ Jameson Ave. intersection, as a 46-foot street section with vertical curb and gutter within 50-feet of right-of-way; 6-foot wide parkway strip, and detached 5-foot wide concrete sidewalk within an easement.



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The applicant should construct the remaining new west/east collector street, Profile Drive, from the Profile Dr./Jameson Ave. intersection east to the east property line a 36-foot street section with vertical curb and gutter within 50-feet of right-of-way; 6-foot wide parkways strip, and detached 5-foot wide concrete sidewalk within an easement.

The applicant should provide an 8-foot wide parkway strip if street trees are to be placed within the strip.

The permanent right-of-way easement should encompass the entire area between the right-of-way line and 2-feet behind the back edge of sidewalk.

The applicant should be required to install “NO PARKING” signs along the collector streets.

## 4. Internal Local Streets

a. **Existing Conditions:** There are no existing streets internal to the site.

b. **Policy:**

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

**Street Section and Right-of-Way Policy:** District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 50-feet wide and that the standard street section shall be 36-feet (back-of-curb to back-of-curb). The District will consider the utilization of a street width less than 36-feet with written fire department approval.

**Standard Urban Local Street—36-foot to 33-foot Street Section and Right-of-way Policy:** District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

The District will also consider the utilization of a street width less than 36-feet with written fire department approval. Most often this width is a 33-foot street section (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size.

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

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

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

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

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

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

- c. **Applicant's Proposal:** The applicant is proposing to construct the internal local streets as 36-foot street sections with curb, gutter, and attached 5-foot wide concrete sidewalks within 50-feet of right-of-way.
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy and should be approved, as proposed. The internal local streets may be constructed as 33 to 34-foot wide street sections with fire department approval.

## 5. Roadway Offsets

- a. **Existing Conditions:** There are no existing streets onto Deer Flat Road from the site.

- b. **Policy:**

**Collector Offset Policy:** District policy 7205.4.2 states that the optimum spacing for new signalized collector roadways intersecting minor arterials is one half-mile.

**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).

- c. **Applicant's Proposal:** The applicant is proposing to construct one collector roadway, Magellan Avenue, to intersect Deer Flat Road, located approximately 710-feet east of SH-69/ Meridian Road (measured centerline to centerline).

The applicant is proposing to construct the internal local streets with minimum 125-foot offsets.

- d. **Staff Comments/Recommendations:** The applicant's proposal to construct Magellan Avenue, to intersect Deer Flat Road, located approximately 710-feet east of SH-69/ Meridian Road does not meet District Collector Offset policy, which requires new collector roadways to intersect minor arterial roadways at the half mile. However, staff recommends a modification of policy to allow the location due to the fact that the site has limited frontage along Deer Flat Road and cannot meet the spacing requirement. This is a 40% modification to the dimensional standard and is approved at the Manager's discretion. This is consistent with ACHD's prior action on the site (KUNA16-0020).

The applicant's proposal to construct the internal local streets with minimum 125-foot offsets meets District policy and should be approved, as proposed.

## 6. Stub Streets

- a. **Existing Conditions:** There are no existing stub streets to the site.

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## b. Policy:

**Stub Street Policy:** District policy 7206.2.4 (collector)/ 7207.2.4 (local) states that stub streets will be required to provide circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7206.2.5.4 (collector)/ 7207.2.5.4 (local), except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE." or "THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS STREET WILL BE EXTENDED AND WIDENED IN THE FUTURE."

In addition, stub streets must meet the following conditions:

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

**Temporary Dead End Streets Policy:** District policy 7206.2.4 (collector)/ 7207.2.4 (local) requires that the design and construction for cul-de-sac streets shall apply to temporary dead end streets. The temporary cul-de-sac shall be paved and shall be the dimensional requirements of a standard cul-de-sac. The developer shall grant a temporary turnaround easement to the District for those portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends onto a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.

## c. Applicant Proposal: The applicant is proposing to construct 4 stub streets as follows:

- A collector stub street, Profile Drive, to the east, located between Block 2, Lot 20 and Block 9, Lot 1, 140-feet in length.
- A local stub street, Ivy Glade Street, to the east, located between Block 9, Lot 8 and Block 12, Lot 1, 140-feet in length.
- A local stub street, Magellan Avenue, to the south, located between Block 12, Lot 12 and Block 7, Lot 19, 130-feet in length.
- A collector stub street, Jameson Avenue, to the south, located between Block 6, Lot 4 and Block 7, Lot 14, 880-feet in length.

## d. Staff Comments/Recommendations: The applicant's proposal meets District policy and should be approved, as proposed. The applicant should be required to install signs at the terminus of Ivy Glade Street and Magellan Avenue stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE." Signs stating that "THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS STREET WILL BE EXTENDED AND WIDENED IN THE FUTURE", should be installed at the terminus of Profile Drive and Jameson Avenue.

The applicant should be required to construct a temporary cul-de-sac turnaround at the terminus of Jameson Avenue, as it extends greater than 150-feet in length. The temporary cul-de-sac turnaround should be paved with a minimum 45-foot turning radius. If the temporary turnaround extends onto a buildable lot the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.

## 7. Driveways

### 7.1 Deer Flat Road

#### a. Existing Conditions: There is an existing 40-foot wide paved driveway, located approximately 785-feet east of SH-69/Meridian Road, onto Deer Flat Road from the site.

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## b. Policy

**Access Points Policy:** District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

**Access Policy:** District policy 7205.4.6 states that direct access to minor arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. If it is necessary to take access to the higher classified street due to a lack of frontage, the minimum allowable spacing shall be based on Table 1a under District policy 7205.4.6, unless a waiver for the access point has been approved by the District Commission.

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

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

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

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

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

- c. **Applicant's Proposal:** The applicant is proposing to construct a 36-foot wide right-in/right-out curb return type driveway onto Deer Flat Road from the site, located 380-feet east of SH-69/ Meridian Road and 330-feet west of the proposed collector street, Magellan Avenue (measured centerline to centerline).

The applicant is proposing to close the existing driveway with detached 5-foot wide sidewalk.

- d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy for a right-in/right-out only driveway and should be approved, as proposed.

The applicant should be required to restrict the driveway to right-in/right-out only with the installation of a 6-inch raised concrete median on Deer Flat Road. The median should extend from SH-69/ Meridian Road to the east to 75-feet beyond the edge of the driveway.

The applicant's proposal to close the existing driveway with sidewalk meets District policy and should be approved, as proposed.

## 7.2 Internal Collectors

- a. **Existing Conditions:** There are no driveways internal to the site.

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## b. Policy:

**Access Policy:** District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

District Policy 7206.1 states that the primary function of a collector is to intercept traffic from the local street system and carry that traffic to the nearest arterial. A secondary function is to service adjacent property. Access will be limited or controlled. Collectors may also be designated at bicycle and bus routes.

**Driveway Location Policy:** District policy 7206.4.4 requires driveways located on collector roadways near a STOP controlled intersection to be located outside of the area of influence; OR a minimum of 150-feet from the intersection, whichever is greater. Dimensions shall be measured from the centerline of the intersection to the centerline of the driveway.

**Successive Driveways:** District policy 7206.4.5 Table 1, requires driveways located on collector roadways with a speed limit of 20 MPH and daily traffic volumes greater than 200 VTD to align or offset a minimum of 245-feet from any existing or proposed driveway.

**Driveway Width Policy:** District policy 7206.4.6 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7206.4.6, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7206.4.6.

**Minor Improvements Policy:** District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

c. **Applicant's Proposal:** The applicant has not proposed any driveways for the commercial/multi-family lots as part of this application.

d. **Staff Comments/Recommendations:** Staff recommends that the driveways for the commercial portion of the development be constructed meeting ACHD's Driveway and Access Management policies, as noted above and that the driveway locations be reviewed and approved by ACHD, as part of future development applications.

Direct lot access onto Profile Drive is prohibited.

The applicant is proposing to have cross access easements for the commercial lots.

## 8. Tree Planters

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

# Exhibit B 2

## 9. Landscaping

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

## 10. Other Access

Deer Flat Road and SH-69/ Meridian Road are classified as minor and principal arterial roadways. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways without ACHD approval and should be noted on the final plat.

## D. Site Specific Conditions of Approval

1. Dedicate 6-feet of additional right-of-way to total 54-feet of right-of-way along Deer Flat Road abutting the site. The additional right-of-way is impact fee eligible for reimbursement.
2. Widen Deer Flat Road with 17-feet of pavement from centerline of Deer Flat Road abutting the site, plus a 3-foot wide gravel shoulder.
3. Construct a dedicated right turn lane on Deer Flat Road at the Magellan Avenue intersection with minimum 100-feet in storage length.
4. Construct 5-foot wide concrete sidewalk on Deer Flat Road located a minimum of 49-feet from centerline abutting the site. Provide a permanent right-of-way easement for any public sidewalk placed outside of the dedicated right-of-way.
5. Construct a new north/south collector street, from Deer Flat Road south to the Profile Dr./ Jameson Ave. intersection, as a 46-foot street section with vertical curb and gutter within 50-feet of right-of-way; 6-foot wide parkway strip, and detached 5-foot wide concrete sidewalk within an easement.
6. Construct the remaining section of the new north/south collection street, Jameson Avenue, from the Profile Drive/ Jameson Ave. intersection south to the south property line as a 36-foot street section with vertical curb and gutter within 50-feet of right-of-way; 6-foot wide parkway strip, and detached 5-foot wide concrete sidewalk within an easement.
7. Construct a new west/east collector street, Profile Drive, from SH-69 east to the Profile Dr./ Jameson Ave. intersection, as a 46-foot street section with vertical curb and gutter within 50-feet of right-of-way; 6-foot wide parkway strip, and detached 5-foot wide concrete sidewalk within an easement.
8. Construct the remaining new west/east collector street, Profile Drive, from the Profile Dr./Jameson Ave. intersection east to the east property line a 36-foot street section with vertical curb and gutter within 50-feet of right-of-way; 6-foot wide parkways strip, and detached 5-foot wide concrete sidewalk within an easement..
9. Install "NO PARKING" signs along the collector streets.
10. Provide an 8-foot wide parkway strip if street trees are to be placed within the parkway strip.
11. The permanent right-of-way easement should encompass the entire area between the right-of-way line and 2-feet behind the back edge of sidewalk.

# Exhibit B 2

12. Construct the internal local streets as 36-foot street sections with curb, gutter, and attached 5-foot wide concrete sidewalks within 50-feet of right-of-way. Local internal streets may be constructed as 33 to 34-foot street sections with fire department approval.
13. Construct one collector roadway, Magellan Avenue, to intersect Deer Flat Road, located 710-feet east of SH-69/ Meridian Road.
14. Construct the internal local streets with minimum 125-foot offsets.
15. Construct a collector stub street, Profile Drive, to the east, located between Block 2, Lot 20 and Block 9, Lot 1, 140-feet in length.
16. Construct a local stub street, Ivy Glade Street, to the east, located between Block 9, Lot 8 and Block 12, Lot 1, 140-feet in length.
17. Construct a local stub street, Magellan Avenue, to the south, located between Block 12, Lot 12 and Block 7, Lot 19, 130-feet in length.
18. Construct a collector stub street, Jameson Avenue, to the south, located between Block 6, Lot 4 and Block 7, Lot 14, 880-feet in length.
19. Construct a temporary cul-de-sac turnaround at the terminus of Jameson Avenue. The temporary cul-de-sac turnaround should be paved with a minimum 45-foot turning radius. If the temporary turnaround extends onto a buildable lot the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.
20. Install signs at the terminus of Ivy Glade Street and Magellan Avenue stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
21. Install signs at the terminus of Profile Drive and Jameson Avenue Signs stating that "THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS STREET WILL BE EXTENDED AND WIDENED IN THE FUTURE".
22. Construct a 36-foot wide right-in/right-out curb return type driveway onto Deer Flat Road from the site, located 380-feet east of SH-69/ Meridian Road and 710-feet west of an existing residential driveway.
23. Install a 6-inch raised concrete median in Deer Flat Road from SH-69/ Meridian Road to the east to 75-feet beyond the edge of the driveway.
24. Close the existing driveway onto Deer Flat Road with 5-foot wide concrete sidewalk.
25. Access onto Magellan Avenue should align with Upson Way directly to the east.
26. Cross access easements should be provided across the commercial/ multi-family lots.
27. Direct lot access onto Profile Drive is prohibited.
28. Other than the access specifically approved with this application, direct lot access is prohibited to Deer Flat Road and shall be noted on the final plat.
29. The driveway locations for Magellan Avenue, Clipper Street, and Jameson Avenue, should be reviewed and approved by ACHD, prior to final plat.
30. Payment of impacts fees are due prior to issuance of a building permit.
31. Comply with all Standard Conditions of Approval.

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

# Exhibit B 2

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

## **F. Conclusions of Law**

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

# Exhibit B 3

**BRIAN McDEVITT**  
CHAIRMAN OF THE BOARD

**RICHARD DURRANT**  
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

RECEIVED  
JUN 29 2017  
CITY OF KUNA

21 June 2017

City of Kuna  
751 W. 4<sup>th</sup> Street  
Kuna, Idaho 83634

RE: KM Engineering- Ashton Estates      **File No. 17-04-S & 17-04-ZC**  
SEC Meridian Rd.& Deer Flat Rd.  
Boise-Kuna Irrigation District              BK-1209B  
Kuna Lateral 110+00  
Sec. 19, T3N, R1E, BM.

Troy Behunin:

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

The Boise Project Board of Control is contracted to operate and maintain this lateral. We assert this federal easement 28 feet northeast and 25 feet southwest of the lateral's centerline. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

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

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

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

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

# Exhibit B 3

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.

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

Whereas this property lies within the Boise-Kuna Irrigation District it is important that representatives of this development contact the BKID office as soon as possible to discuss the pressure system prior to any costly design work

If 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 Boise-Kuna Irrigation District.

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.

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

Sincerely,



Bob Carter

Assistant Project Manager, BPBC

bdc/bc

cc: Clint McCormick      Watermaster, Div; 2 BPBC  
Lauren Boehlke      Secretary – Treasurer, BKID  
File

Exhibit B 4



CENTRAL DISTRICT HEALTH DEPARTMENT  
Environmental Health Division

Return to:

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

RECEIVED  
JUN 06 2017  
CITY OF KUNA

Rezone # 17-01-7C  
 Conditional Use # \_\_\_\_\_  
 Preliminary / Final / Short Plat 17-01-S

Ashton Estates

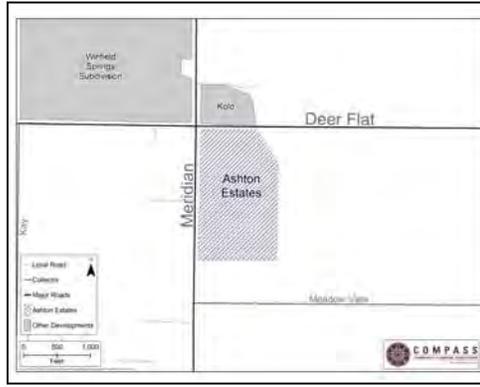
- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
  - high seasonal ground water
  - bedrock from original grade
  - waste flow characteristics
  - 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
  - interim sewage
  - individual sewage
  - community sewage system
  - central water
  - individual water
  - community water well
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - central sewage
  - sewage dry lines
  - community sewage system
  - central water
  - community 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
  - beverage establishment
  - swimming pools or spas
  - grocery store
  - child care center
- 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

14. \_\_\_\_\_ Reviewed By: [Signature]  
 \_\_\_\_\_ Date: 5/31/17

# Exhibit B 5

## 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**.



[Click to enlarge map.](#)

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:** Ashton Estates

**Summary:** Proposal for 133 single-family homes and 425,000 sq. ft. commercial at the southeast intersection of Highway 69 and Deer Flat Road. The proposal meets 12 CIM checklist items and does not meet 11 items. The proposal exceeds growth forecasted for this neighborhood. Consider requiring a public multi-use path way with connections to Deer Flat Road along the Kuna Canal, as planned for within the 2013 Kuna Master Plan. Also, coordinate with Valley Regional Transit to consider bus stop amenities along Highway 69.

**Land Use**

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

- Downtown                       Employment Center                       Existing Neighborhood                       Foothills
- Future Neighborhood                       Mixed Use                       Prime Farmland                       Rural
- Small Town                       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
4	0	137	850	4	0

**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
312	248	660	1,268	1,651	1,387

**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](http://www.compassidaho.org)  
 Email: [info@compassidaho.org](mailto:info@compassidaho.org)  
 Telephone: (208) 475-2239



# Exhibit B 5

## 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: Resurface HWY 69 in 2021 \$4.7M, 2nd project at intersection of Linder & Deer Flat, 2020 \$2.8M
- Yes  No  N/A The proposal uses appropriate access management techniques as described in the [COMPASS Access Management Toolkit](#).
- Comments: The site plan shows stub roads to adjacent properties. Work with ITD and ACHD on access locations.
- Yes  No  N/A This proposal supports Valley Regional Transit's [valleyconnect](#) plan. See [Valley Regional Transit Amenities Development Guidelines](#) for additional detail.
- Comments: Future transit line to Kuna proposed in 2025, consider bus stop integrated into the street design

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 5

## Communities in Motion 2040 Complete Streets Scorecard

The purpose of this checklist is to provide a tool for local governments to evaluate whether land developments are in accordance with the goals of *Communities in Motion 2040* (CIM 2040). Complete Streets Level of Service (LOS) refers to the multimodal (automobile, bicycle, pedestrian, and transit) experience and grades a roadway (A-F) for each mode. COMPASS conducts Complete Streets Level of Service (CSLOS) analysis for developments on arterial roads.



	Mode	Existing	With detached sidewalk and bicycle lane
		Link LOS	Link LOS
Highway 69	Transit	F	F
Meadow View Road to Deer Flat Road	<b>Bike</b>	<b>D</b>	<b>B</b>
	<b>Ped</b>	<b>E</b>	<b>C</b>
Highway Capacity Manual 2010 Methodologies			

	Mode	Existing	With detached sidewalk and bicycle lane
		Link LOS	Link LOS
Deer Flat Road	Transit	F	F
Highway 69 to Locust Grove Road	<b>Bike</b>	<b>B</b>	<b>A</b>
	<b>Ped</b>	<b>C</b>	<b>B</b>
Highway Capacity Manual 2010 Methodologies			

**Walkscore: 15 Car-Dependent.** Walkscore is a walkability index that assigns a numerical walkability on a scale from 0 - 100 based on walking routes to destinations such as grocery stores, schools, parks, restaurants, and retail. Scores of 50 or higher are considered at least "Somewhat Walkable" while scores less than 50 are "Car-Dependent."

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



[www.compassidaho.org](http://www.compassidaho.org)



# Exhibit B 6



STATE OF IDAHO  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
BOISE REGIONAL OFFICE  
1445 North Orchard Street•Boise, ID 83706-2239•(208) 373-0550

## *DEQ Response to Request for Environmental Comment*

Date: June 9, 2017  
Agency Requesting Comments: City of Kuna  
Date Request Received: May 30, 2017  
Applicant/Description: SDN, LLC/17-04-S (Pre-Plat) & 17-04-ZC (Zone Change) - Ashton Estates

*Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <http://www.deq.idaho.gov/ieg/>.*

*The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:*

### **1. Air Quality**

- *Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).*

*For questions, contact David Luft, Air Quality Manager, at 373-0550.*

- *IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.*

*For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.*

### **2. Wastewater and Recycled Water**

- *DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.*

# Exhibit B 6

*All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.*

- *DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.*
- *DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

*For questions, contact Todd Crutcher, Engineering Manager, at 373-0550.*

### **3. Drinking Water**

- *DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.*

*All projects for construction or modification of public drinking water systems require preconstruction approval.*

- *DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at <http://www.deq.idaho.gov/water-quality/drinking-water.aspx>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.*
- *If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.*
- *DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.*
- *DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

*For questions, contact Todd Crutcher, Engineering Manager at 373-0550.*

## **4. Surface Water**

- *A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.*
- *Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.*
- *If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.*
- *The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at:  
<http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>*
- *The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.*

*For questions, contact Lance Holloway, Surface Water Manager, at 373-0550.*

## **5. Hazardous Waste And Ground Water Contamination**

- **Hazardous Waste.** *The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.*
- *No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.*
- **Water Quality Standards.** *Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).*

*Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.*

- **Ground Water Contamination.** *DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."*

*For questions, contact Albert Crawshaw, Waste & Remediation Manager, at 373-0550.*

## **6. Additional Notes**

- *If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 373-0550, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.*
- *If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.*

*We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any our technical staff at 208-373-0550.*

Sincerely,



Aaron Scheff  
[aaron.scheff@deq.idaho.gov](mailto:aaron.scheff@deq.idaho.gov)  
Regional Administrator  
Boise Regional Office  
Idaho Department of Environmental Quality

ec: TRIM 2017AEK74  
File # 2302



May 5, 2017  
Ashton Estates  
Project No. 16-083  
Boundary Legal

**Exhibit A**

A parcel of land situated in Government Lots 1 and 2 of Section 19, Township 3 North, Range 1 East, Boise Meridian, City of Kuna, Ada County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap marking the Northwest corner of said Section 19, which bears  $N00^{\circ}46'08''E$  a distance of 2,649.32 feet from a found aluminum cap marking the West 1/4 corner of said Section 19; Thence following the northerly line of said Government Lot 1,  $S89^{\circ}35'52''E$  a distance of 912.43 feet to a point; Thence leaving said northerly line,  $S00^{\circ}24'25''W$  a distance of 48.00 feet to a point being on the southerly right-of-way line of E. Deer Flat road and the East Bank of the Kuna Canal also being the **POINT OF BEGINNING**.

Thence following the East bank of said Kuna Canal the following two (2) courses:

1.  $S31^{\circ}15'35''E$  a distance of 497.97 feet to a point;
2. Thence  $S45^{\circ}04'05''E$  a distance of 82.21 feet to a point on the easterly line of said Government Lot 1;

Thence leaving said East Bank of the Kuna Canal and following the easterly line of said Government Lot 1,  $S00^{\circ}45'15''W$  a distance of 795.44 feet to a found 1/2-inch rebar marking the southeast corner of said Government Lot 1;

Thence leaving said easterly line of Government Lot 1 and following the easterly line of said Government Lot 2,  $S00^{\circ}45'15''W$  a distance of 675.51 feet to a point;

Thence leaving the easterly line of said Government Lot 2,  $N89^{\circ}58'53''W$  a distance of 1,176.26 feet to a point on the easterly right-of-way line of N. Meridian Road;

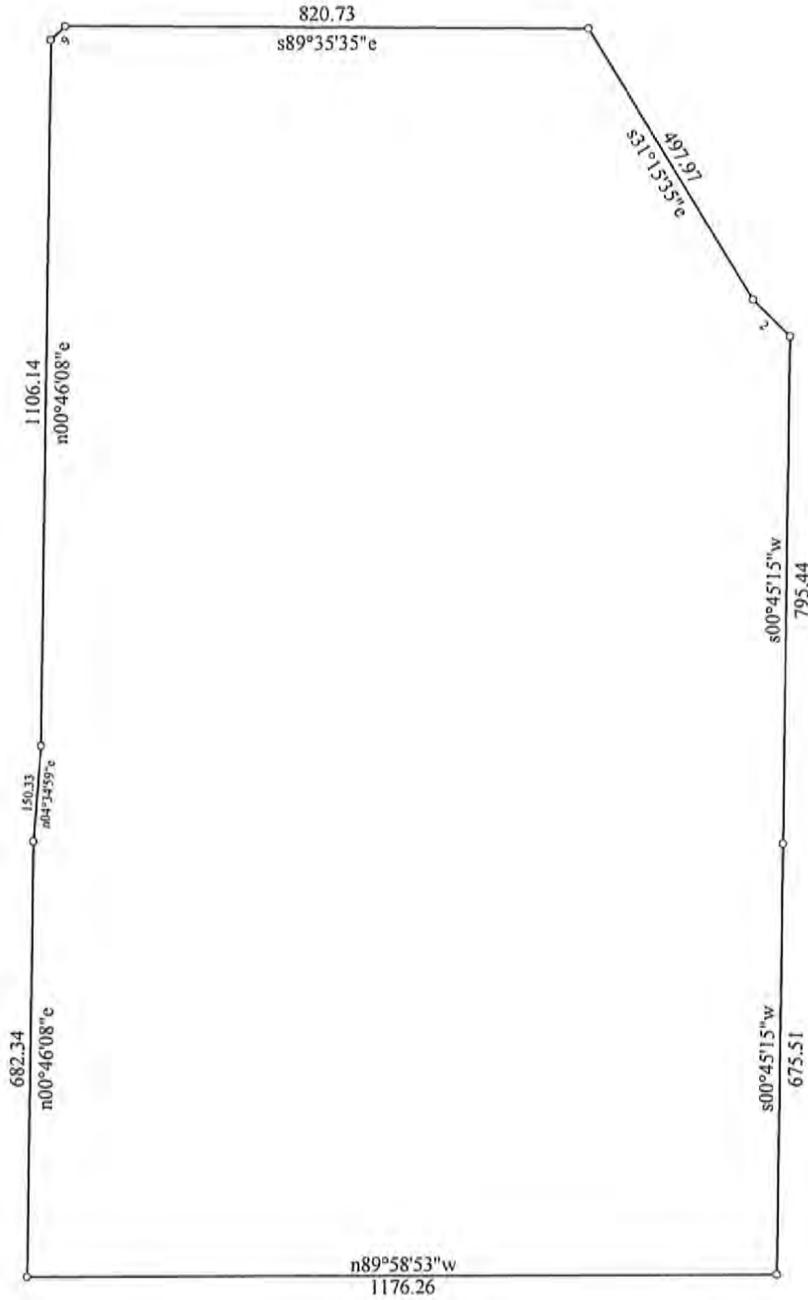
Thence following the easterly right-of-way line of N. Meridian Road the following four (4) courses:

1.  $N00^{\circ}46'08''E$  a distance of 682.34 feet to a point;
2.  $N04^{\circ}34'59''E$  a distance of 150.33 feet to a point;
3.  $N00^{\circ}46'08''E$  a distance of 1106.14 feet to a point;
4.  $N45^{\circ}35'14''E$  a distance of 31.21 feet to a point;

Thence following said southerly right-of-way line,  $S89^{\circ}35'35''E$  a distance of 820.73 feet to the **POINT OF BEGINNING**.

Said parcel contains 50.635 acres more or less, and is subject to all existing easement and/or rights-of-way of record or implied.





Title:		Date: 05-05-2017
Scale: 1 inch = 300 feet	File:	
Tract 1: 50.635 Acres: 2205674 Sq Feet: Closure = s05.2713w 0.00 Feet: Precision >1/999999: Perimeter = 6018 Feet		
001=s31.1535e 497.97	005=n89.5853w 1176.26	009=n45.3514e 31.21
002=s45.0405e 82.21	006=n00.4608e 682.34	010=s89.3535e 820.73
003=s00.4515w 795.44	007=n04.3459e 150.33	
004=s00.4515w 675.51	008=n00.4608e 1106.14	



May 4, 2017  
Ashton Estates  
Project No. 16-083  
C-1 Rezone Legal

**Exhibit A**

A parcel of land situated in Government Lots 1 and 2 of Section 19, Township 3 North, Range 1 East, Boise Meridian, City of Kuna, Ada County, Idaho and being more particularly described as follows:

**BEGINNING** at a found aluminum cap marking the northwest corner of said Section 19, which bears N00°46'08"E a distance of 2,649.32 feet from a found aluminum cap marking the West 1/4 corner of said Section 19;

Thence following the northerly line of said Section 19, S89°35'35"E a distance of 712.59 feet to a point;

Thence leaving said northerly line, S00°23'15"W a distance of 537.42 feet to a point;

Thence N90°00'00"W a distance of 244.41 feet to a point;

Thence 233.61 feet along the arc of a circular curve to the left, said curve having a radius of 150.00 feet, a delta angle of 89°13'52", a chord bearing of S45°23'04"W and a chord distance of 210.70 feet to a point;

Thence S00°46'08"W a distance of 636.51 feet to a point on the southerly line of said Government Lot 1;

Thence S00°46'08"W a distance of 681.89 feet to a point;

Thence N89°58'53"W a distance of 323.81 feet to a point on the westerly line of said Section 19;

Thence following the westerly line of said Section 19, N00°46'08"E a distance of 684.16 feet to the northwest corner of said Government Lot 2;

Thence following said westerly line of said Section 19, N00°46'08"E a distance of 1324.66 feet to the **POINT OF BEGINNING.**

Said parcel contains 19.86 acres more or less, and is subject to all existing easement and/or rights-of-way of record or implied.

Attached hereto is Exhibit B and by this reference is made a part hereof.

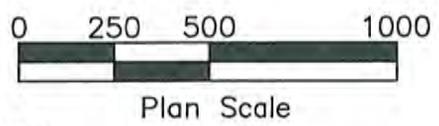




LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	712.59	S89°35'35"E
L2	537.42	S0°23'15"W
L3	244.41	N90°00'00"W
L4	636.51	S0°46'08"W
L5	681.89	S0°46'08"W
L6	323.81	N89°58'53"W



- LEGEND**
- PARCEL BOUNDARY LINE
  - SECTION LINE
  - ZONING LINE
  - CALCULATED POINT
  - FOUND ALUMINUM CAP MONUMENT
  - FOUND 1/2" REBAR MONUMENT
  - REZONE AREA



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	150.00'	233.61'	89°13'52"	S45°23'04"W	210.70'

**km**  
**ENGINEERING**  
ENGINEERS . SURVEYORS . PLANNERS

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

DATE: 5/4/2017  
PROJECT: 16-083  
SHEET: 1 OF 1

**ASHTON ESTATES REZONE (C1)  
EXHIBIT B**

SITUATED IN GOVERNMENT LOTS 1 AND 2 OF SECTION 19, T3N, R1E, BM,  
SOUTHEAST CORNER OF MERIDIAN ROAD AND DEER FLAT ROAD, KUNA, ID



May 5, 2017  
Ashton Estates  
Project No. 16-083  
R-6 Rezone Legal

**Exhibit A**

A parcel of land situated in Government Lots 1 and 2 of Section 19, Township 3 North, Range 1 East, Boise Meridian, City of Kuna, Ada County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap marking the Northwest corner of said Section 19, which bears S00°46'08"W a distance of 2,649.32 feet from a found aluminum cap marking the West 1/4 corner of said Section 19; Thence following the northerly line of said Government Lot 1, S89°35'35"E a distance of 712.59 feet to the **POINT OF BEGINNING**.

Thence following the northerly line of said Section 19, S89°35'35"E a distance of 199.84 feet to a point;

Thence leaving said northerly line, S00°24'25"W a distance of 48.00 feet to a point on the southerly right-of-way line of East Deer Flat road and the East Bank of the Kuna Canal;

Thence following the East bank of said Kuna Canal the following two (2) courses:

1. S31°15'35"E a distance of 497.97 feet to a point;
2. Thence S45°04'05"E a distance of 82.21 feet to a point on the easterly line of said Government Lot 1;

Thence leaving said East Bank of the Kuna Canal and following the easterly line of said Government Lot 1, S00°45'15"W a distance of 795.44 feet to a found 1/2-inch rebar marking the southeast corner of said Government Lot 1;

Thence leaving said easterly line of Government Lot 1 and following the easterly line of said Government Lot 2, S00°45'15"W a distance of 675.51 feet to a point;

Thence leaving the easterly line of said Government Lot 2, N89°58'53"W a distance of 912.46 feet to a point;

Thence N00°46'08"E a distance of 681.89 feet to a point on the northerly line of said Government Lot 2;

Thence N00°46'08"E a distance of 636.51 feet to a point;

Thence 233.61 feet along the arc of a circular curve to the right, said curve having a radius of 150.00 feet, a delta angle of 89°13'52", a chord bearing of N45°23'04"E and a chord distance of 210.70 feet to a point;

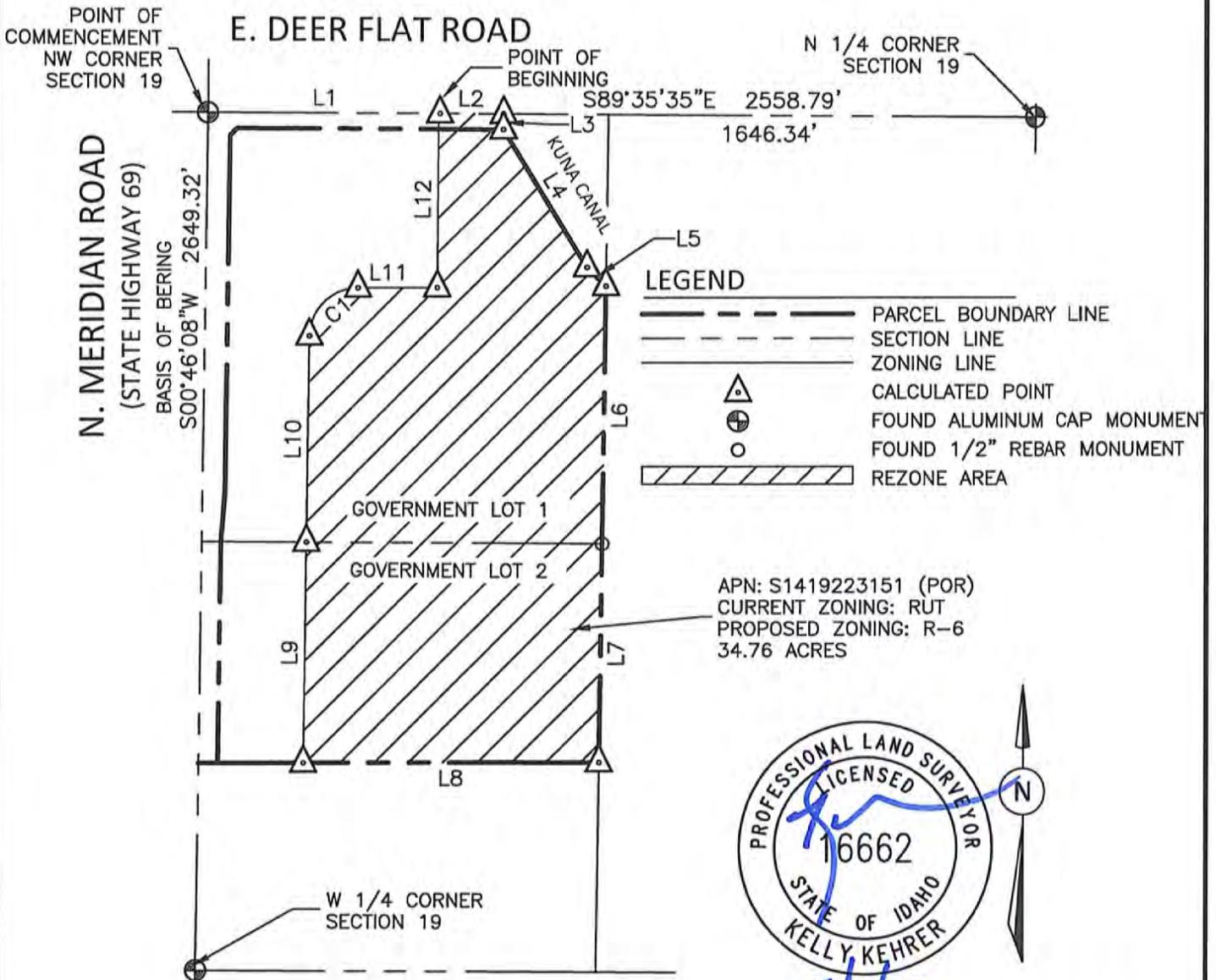
Thence S90°00'00"E a distance of 244.41 feet to a point;

Thence N00°23'15"E a distance of 537.42 feet to the **POINT OF BEGINNING**.

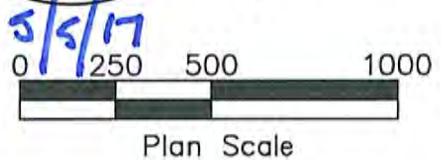
Said parcel contains 34.76 acres more or less, and is subject to all existing easement and/or rights-of-way of record or implied.

Attached hereto is Exhibit B and by this reference is made a part hereof.





APN: S1419223151 (POR)  
 CURRENT ZONING: RUT  
 PROPOSED ZONING: R-6  
 34.76 ACRES



ENGINEERS . SURVEYORS . PLANNERS

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

DATE: 10/21/2016

PROJECT: 16-083

SHEET:  
 1 OF 2

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	150.00'	233.61'	89°13'52"	N45°23'04"E	210.70'

ASHTON ESTATES REZONE (R6)  
 EXHIBIT B

SITUATED IN GOVERNMENT LOTS 1 AND 2 OF SECTION 19, T3N, R1E, BM,  
 SOUTHEAST CORNER OF MERIDIAN ROAD AND DEER FLAT ROAD, KUNA, ID

## Kirsti Grabo

---

**From:** Jerry Hastings [jhastings@adaweb.net]  
**Sent:** Friday, October 7, 2016 3:26 PM  
**To:** Kirsti Grabo; Aaron Ballard  
**Subject:** Ashton Estates Sub Name Reservation

October 7, 2016

Kirst Grabo, KM Engineering  
Aaron Ballard, KM Engineering

RE: Subdivision Name Reservation: **ASHTON ESTATES SUBDIVISION**

At your request, I will reserve the name **ASHTON ESTATES SUBDIVISION** for your project. I can honor this reservation only as long as your project is in the approval process. Final approval can only take place when the final plat is recorded.

This reservation is available for the project as long as it is in the approval process unless the project is terminated by the client, the jurisdiction or the conditions of approval have not been met, in which case the name can be re-used by someone else.

Sincerely,



**Jerry L. Hastings, PLS 5359**  
*County Surveyor*  
**Deputy Clerk Recorder**  
**Ada County Development Services**  
200 W. Front St., Boise, ID 83702  
(208) 287-7912 *office*  
(208) 287-7909 *fax*

---

**From:** Kirsti Grabo [<mailto:KGrabo@kmengllp.com>]  
**Sent:** Thursday, September 29, 2016 11:44 AM  
**To:** Jerry Hastings  
**Cc:** Kelly Kehrer; Aaron Ballard  
**Subject:** Sub Name Request

Hi Jerry –

We are working on a new mixed-use project at the southeast corner of Deer Flat and Meridian Roads in Ada County. The parcel number is S1419223151 and consists of approximately 50 acres. On behalf of the owner (SDN, LLC), we would like to request the name "Ashton Estates Subdivision" for the project. Can you please check your files and let me know if this is acceptable?

Thanks,

Kirsti Grabo  
Development Coordinator  
Office Manager

---

**KM Engineering, LLP**



# Neighborhood Meeting Certification

CITY OF KUNA PLANNING & ZONING \* 763 W. Avalon, Kuna, Idaho, 83634 \* www.kunacity.id.gov \* (208) 922-5274 \* Fax: (208) 922-5989

### GENERAL INFORMATION:

You must conduct a neighborhood meeting prior to application for variance, conditional use, zoning ordinance map amendment, expansion or extension of a nonconforming use, and/or a subdivision. Please see Section 8-7A-3 of the Kuna City Code or ask one of our planners for more information on neighborhood meetings.

The meeting must be held either on a weekend between 10 a.m. and 7 p.m., or a weekday between 6 p.m. and 8 p.m. Meetings cannot be conducted on holidays, holiday weekends, or the day before or after a holiday or holiday weekend. The meeting must be held at one of the following locations:

- The Subject Property;
- The nearest available public meeting place (Examples include fire stations, libraries and community centers);
- An office space within a 1-mile radius of the subject property.

The meeting cannot take place more than 2 months prior to acceptance of the application and the application will not be accepted before the neighborhood meeting is conducted. You are required to send written notification of your meeting, allowing a reasonable amount of time before your meeting for property owners to plan to attend. Contacting and/or meeting individually with residents will not fulfill Neighborhood Meeting requirements.

You may request a list of the people you need to invite to the neighborhood meeting from our department. This list includes property owners within 300 feet of the subject property. Once you have held your neighborhood meeting, please complete this certification form and include it with your application.

**Please Note: The neighborhood meeting must be conducted in one location for attendance by all neighboring residents. Contacting and/or meeting individually with residents does not comply with the neighborhood meeting requirements.**

**Please include a copy of the sign-in sheet for your neighborhood meeting, so we have written record of who attended your meeting and the letter of intent sent to each recipient. In addition, provide any concerns that may have been addressed by individuals that attended the meeting.**

Description of proposed project: Rezone and preliminary plat

Date and time of neighborhood meeting: April 12, 2017 - 6:00 pm

Location of neighborhood meeting: Subject property

### SITE INFORMATION:

Location: Quarter: NW Section: 19 Township: 2N Range: 1E Total Acres: 50.6

Subdivision Name: Ashton Estates Lot: \_\_\_\_\_ Block: \_\_\_\_\_

Site Address: North Meridian Road Tax Parcel Number(s): S1419223151

Kuna, ID 83634

Please make sure to include **all** parcels & addresses included in your proposed use.

### CURRENT PROPERTY OWNER:

Name: SDN, LLC

Address: PO Box 1939 City: Eagle State: ID Zip: 83616

### CONTACT PERSON (Mail recipient and person to call with questions):

Name: Kirsti Grabo Business (if applicable): KM Engineering, LLP

Address: 9233 West State Street City: Boise State: ID Zip: 83714

*emailed to troy 4.13.17*



# SIGN IN SHEET

PROJECT NAME: Ashton Estates Subdivision

Date: April 12th, 2017 @ 6:00 p.m.

	<u>Name</u>	<u>Address</u>	<u>Area</u>	<u>Zip</u>	<u>Phone</u>
1	Dawn Posip Audino	1928 E Deer Flat		83634	208 484-3690 <sup>208</sup> 870 5477
2	Harry Kuh	2211 E. Deer		83634	208 892 7734
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
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19					
20					
21					
22					
23					
24					
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28					
29					
30					

**DATE:** March 30, 2017  
**TO:** Neighbors  
**FROM:** SDN, LLC  
**RE:** Ashton Estates – Property at the Southeast Corner of Meridian & Deer Flat Roads

---

Dear Neighbor:

We are currently working on a preliminary plat application to the City of Kuna for our property located at southeast corner of Meridian and Deer Flat Roads, which is depicted on the enclosed vicinity map. This letter is notice of an opportunity to review and discuss the project as required by City Code; however, this is not a public hearing and public officials will not be present.

At this time, the anticipated development plans include a mix of commercial, multi-family residential and single-family residential uses across the site.

The neighborhood meeting will be held on Wednesday, April 12, 2017, at 6:00 p.m., at the subject property's entrance off of Deer Flat Road.

We look forward to seeing you there.

**Vicinity Map**  
for Neighborhood Meeting



Meeting Location

E Deer Flat Rd

E Crazy 8 Ln

S Rapid Creek Ln

N Meridian Rd

69

1000 ft



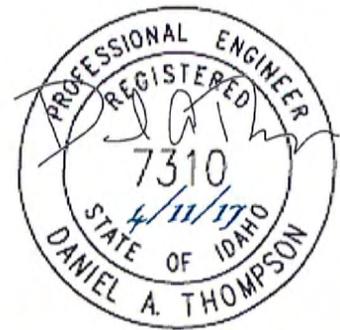
Google earth

©2016 Google

# Traffic Impact Study

## Ashton Estates Subdivision

Kuna, Idaho



Prepared For:

SDN LLC  
PO Box 1939  
Eagle, ID 83616

**November 22, 2016**

**Revised February 22, 2017**

**April 11, 2017**

**Thompson**  **Engineers**  
**Traffic and Civil** **Inc.**

181 East 50<sup>th</sup> St  
Garden City, ID 83714  
(208) 484-4410

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## EXECUTIVE SUMMARY

### *Introduction*

Thompson Engineers, Inc. has been retained to prepare a traffic impact study for the proposed Ashton Estates Subdivision in Kuna, Idaho. The project is located on Deer Flat Road and Meridian Road. The purpose of this study is to evaluate the potential traffic impacts resulting from the project and make recommendations for mitigation of those impacts. The study is prepared in accordance with the requirements of the Ada County Highway District.

### *Proposed Development*

The project is a mixed use development of approximately 93 single family dwelling units, 207 multi family dwelling units, 61,600 SF of commercial space and a 3 acre park. The preliminary plat was not finalized at the time of this report.

The site is expected to access the transportation system via Deer Flat Road and Meridian Road.

The site is within the City of Kuna Area of Impact and abuts the Kuna City Limits.

### *Study Area*

The area of influence is anticipated to be Ada County, Idaho, including the City of Kuna. The primary impacts will be along Deer Flat Road and Meridian Road. The study area will include the intersections of:

- Deer Flat Road and Locust Grove Road
- Deer Flat Road and Meridian Road
- Hubbard Road and Meridian Road

### *Conclusions*

Below are the findings of this report:

- Based on the trip generation methods recommended in the Trip Generation Manual, the site will generate 4836 trips per day, of which 234 trips will occur during the AM peak hour and 358 trips will occur during the PM peak hour.
- The intersection of Meridian Road and Deer Flat Road will operate at LOS D under total traffic conditions in the build out year. The critical peak hour is in the PM peak hour. The southbound right turn movement will operate at LOS E. This development does not add traffic to the southbound right turn movement.
- The intersection of Meridian Road and Hubbard Road will operate at LOS F under background and total traffic conditions in the build out year. The critical peak hour is in the PM peak hour. A signal is programmed for construction prior to the build out year. With a signal, the intersection will operate at LOS B under total traffic conditions.



- The intersection of Deer Flat Road and Locust Grove Road will operate at LOS B under total traffic conditions in the build out year. The critical peak hour is in the PM peak hour.
- The intersection of Deer Flat Road and the site entrance will operate at acceptable levels of service under total traffic conditions in the build out year. The critical peak hour is in the PM peak hour. A right turn lane is warranted at this entrance.
- The intersection of Meridian Road and the site entrance will operate at acceptable levels of service under total traffic conditions in the build out year. The critical peak hour is in the PM peak hour. A right turn lane is warranted at this entrance.
- Deer Flat Road is operating below the maximum recommended volume for LOS D under existing traffic conditions.

## INTRODUCTION

Thompson Engineers, Inc. has been retained to prepare a traffic impact study for the proposed Ashton Estates Subdivision in Kuna, Idaho. The project is located on Deer Flat Road and Meridian Road, approximately as shown in **Figure 1**. The purpose of this study is to evaluate the potential traffic impacts resulting from the project and make recommendations for mitigation of those impacts. In particular, the scope of the study includes the following:

- Trip generation of the proposed development
- Trip distribution and traffic assignment of the site generated traffic
- The capacity of the transportation system to support the development
- Intersection treatment of the site access points

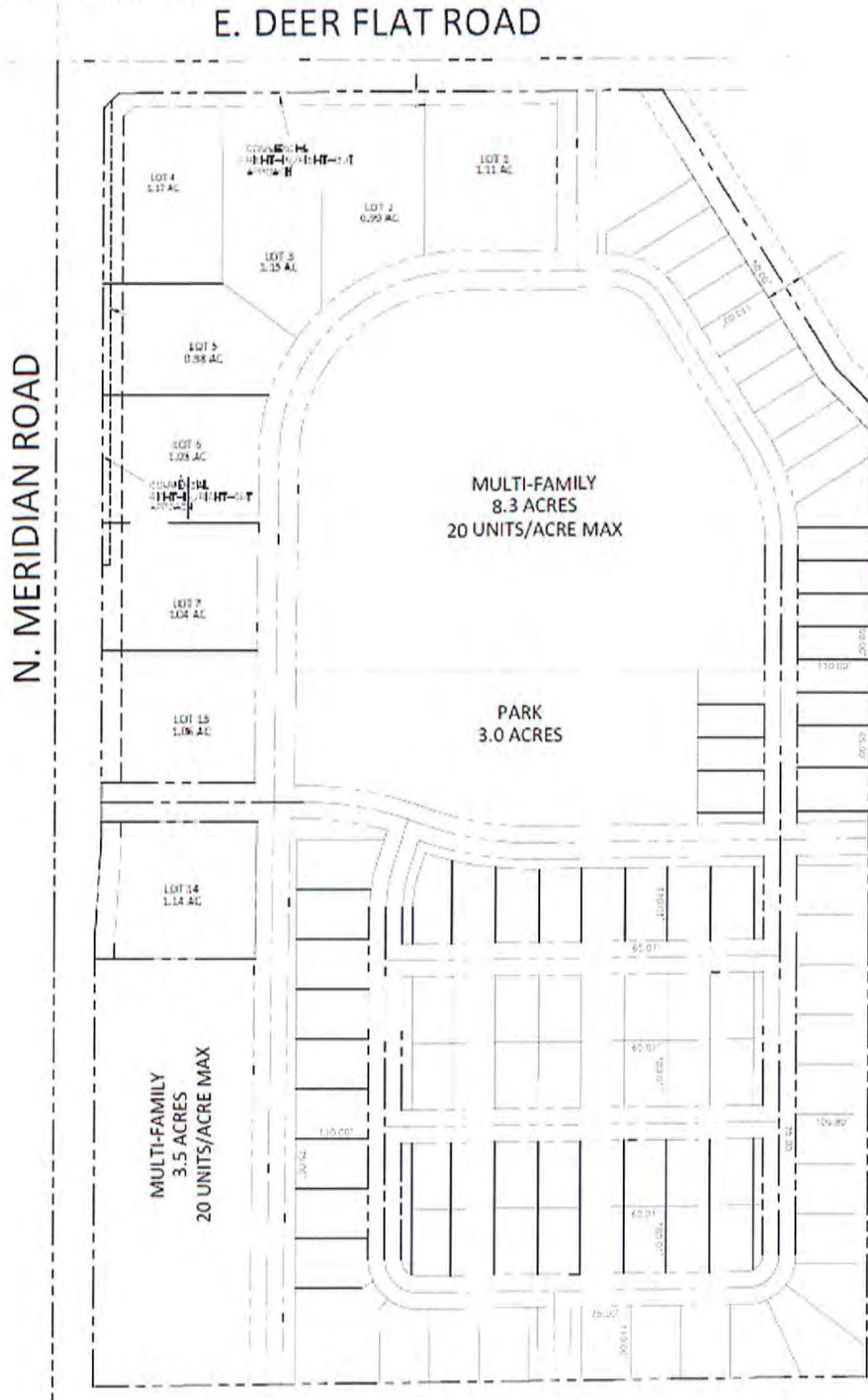
*Figure 1 - Project Location*



## PROPOSED DEVELOPMENT

The project is a mixed use development of approximately 93 single family dwelling units, 207 multi family dwelling units, 61,600 SF of commercial space and a 3 acre park. The preliminary plat was not finalized at the time of this report. A preliminary site plan is shown in **Figure 2**. The site is expected to access the transportation system via Deer Flat Road and Meridian Road.

Figure 2 - Preliminary Site Plan



## STUDY AREA CONDITIONS

### *Study Area*

The area of influence is anticipated to be Ada County, Idaho, including the City of Kuna. The primary impacts will be along Deer Flat Road and Meridian Road. The study area will include the intersection of Deer Flat Road and Locust Grove Road, Meridian Road and Hubbard Road, and Deer Flat Road and Meridian as determined by a model run of the COMPASS transportation model.

### *Land Use*

The site is within the Kuna City area of impact and is currently used for agricultural purposes. It does about the city limits and is in the process of annexation. Existing zoning is for mixed use.

## STUDY PERIOD

### *Build Out Year*

The Build out Year for this project is assumed to be 2020 to correspond with COMPASS data and other development. Actual build out of the site will depend on market conditions and project implementation.

### *Horizon Year*

2030 was selected as the horizon year, in accordance with the requirements of the Ada County Highway District.

## EXISTING CONDITIONS

### *Road System*

Deer Flat Road is classified as a minor arterial road by ACHD. In the vicinity of this project, it has one through lane in each direction, a center left turn lane, and narrow shoulders. Lanes are approximately 12 feet wide. It does not have curb and gutter on either side of the roadway. There is a posted speed of 50 MPH in front of the project.

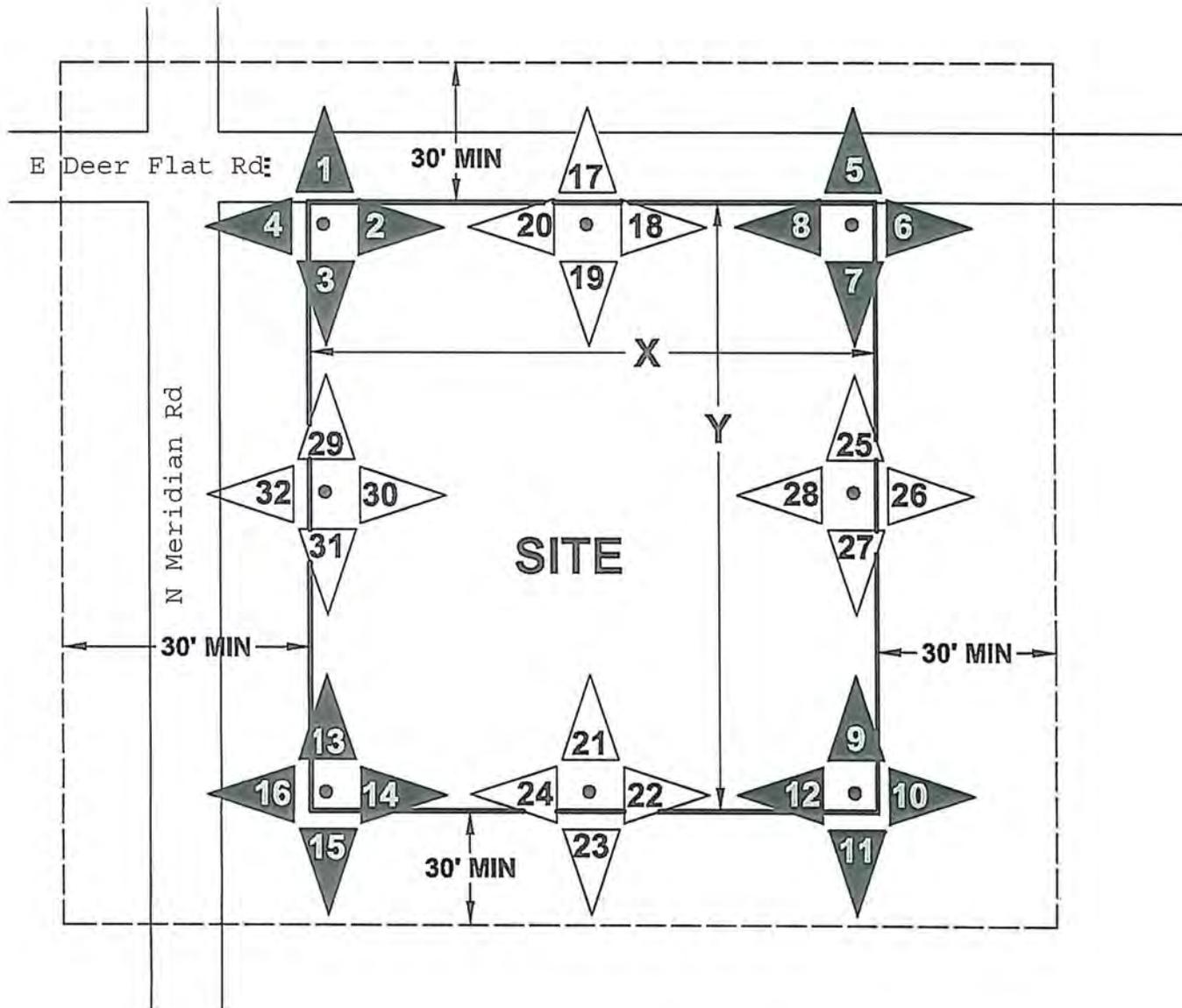
Locust Grove Road is classified as a minor arterial road by ACHD. In the vicinity of this project, it has one through lane in each direction, and narrow shoulders. Lanes are approximately 12 feet wide. It does not have curb and gutter on either side of the roadway. There is a posted speed of 50 MPH in front of the project.

Meridian Road is classified as an arterial road and is designated at State Highway 69 by the Idaho Transportation Department. In the vicinity of this project, it has two through lanes in each direction, a center left turn lane, and wide shoulders. Lanes are approximately 12 feet wide. It does not have curb and gutter on either side of the roadway. There is a posted speed of 55 MPH in the vicinity of the project.

### *Traffic Volumes*

AM and PM Traffic counts were obtained at the intersections in the study area the week of August 23, and October 20, 2016. Existing AM Peak Hour traffic volumes are shown in **Figure 3**. Existing PM Peak Hour traffic volumes are shown in **Figure 4**.

# Ashton Estates - Kuna



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