



KUNA PLANNING AND ZONING COMMISSION
Agenda for September 26, 2017

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

1. CALL TO ORDER AND ROLL CALL

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

2. CONSENT AGENDA

- a. Planning and Zoning Commission Meeting Minutes for September 12, 2017.
- b. **17-03-AN** (Annexation), **17-07-S** (Subdivision) – Rising Sun Estates Subdivision; A request to annex approximately 36.30 acres into Kuna City with an R-4, residential zone, and to subdivide the property into 91 single family residential lots and 5 common lots known as Rising Sun Estates Subdivision. *Findings of Fact and Conclusions of Law.*
- c. **17-04-AN** (Annexation) – A request from John Browning for approval to annex approximately 6.82 acres located at 882 E Hubbard Road, Kuna, ID 83634 with an R-6 (medium density) residential zoning designation. *Findings of Fact and Conclusions of Law.*

3. PUBLIC HEARING

- a. **17-07-ZC** (Rezone) – A request from Scott Noriyuki, to rezone a parcel's current R-4 (medium-density) residential zoning designation to a C-1 (neighborhood-commercial) zoning designation. The site is located at the southeast corner of West Hubbard Road and North Linder Road, Kuna ID.

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 | X | Trevor Kesner, Planner II | Absent |
| Commissioner Stephen Damron | Absent | Jace Hellman, Planner I | X |
| Commissioner John Laraway | X | | |

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 August 22, 2017.
- b) **17-02-AN** (Annexation), **17-06-S** (Preliminary) – Cazador; Residential Subdivision – a request seeking annexation of approximately 40.20 acres into Kuna City with an R-6 zone (Medium Density Residential) and preliminary plat approval to create a subdivision with a gross density of 4.08 dwellings per acre, yielding 164 residential, and 18 common lots. The site address is 2332 N. Ten Mile Road. ***Findings of Fact and Conclusions of Law.***

Commissioner Gealy motions to approve the consent agenda; Commissioner Laraway Seconds, all aye and motion carried 4-0.

2. OLD BUSINESS

- a) **17-04-AN** (Annexation) – a request from John Browning for approval to annex approximately 6.82 acres located at 882 E Hubbard Road, Kuna, ID 83634 with an R-8 (medium density) residential zoning designation. – ***Tabled from August 22, 2017.***

C/Young: We had closed the public testimony and we were in our discussion and there was question for the applicant about bringing that parcel as an R-6 versus an R-8 and in our packet, tonight there is an email from the applicant that R-6 is acceptable. Is there any other discussion on that item? **C/Gealy:** I have nothing else. **C/Young:** Okay, then I will stand for a motion.

Commissioner Gealy motions to recommend approval to City Council, Case No. 17-04-AN (Annexation) with the conditions outlined in the staff report, and with a residential zoning designation of R-6; Commissioner Laraway seconds, all aye and motion carried 4-0.

3. NEW BUSINESS

- a) **17-01-Vac** – File Ridge Subdivision Easement Vacation Request: The applicant is requesting approval for Easement Vacation for a portion of the File Ridge Subdivision Final Plat (Bk. 106, pg. 14640 – Ada County Records). The applicant proposes releasing the easements on the east, west, and south sides of Lot 1, block 1,

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File Ridge final plat, the south easements will remain fully intact (Ada County Assessor Parcel No. R2823300010).

Troy Behunin: Thanks Chairman, and other Commissioners, for the record planner III, Kuna Planning and Zoning Department. This doesn't happen very often where we have a vacation request, for vacation from an easement or something else that has already been entitled. What is funny is that in this case we have the Ridley's #2 subdivision which is a commercial subdivision on the south side of deer flat road, this will actually wrap around the northern and western part of the existing Ridley's commercial subdivision. The proposal before you here tonight is for the vacation of an easement for what is called File Ridge Subdivision, and the reason for this is that File Ridge Subdivision was actually platted by Idaho Central Credit Union. Shortly after that recorded, Steve Ridley recorded his final plat. For whatever reason, the two parties got together and decided they would land swap. ICCU would acquire one of the properties in Ridley's Family Center Subdivision No. 1 and Mark Ridley would acquire the File Ridge Subdivision. He felt that was a better fit for the plans he had for the property west of him and the to the north of him. The configuration of File Ridge Subdivision did not really work with his vision for that area, that would require a replat of the File Ridge Subdivision because it was recorded with the county. Following Kuna City Code, what happens is an Applicant is required to put easements around their boundary for all utility stubs and for the purposes of providing services. The purpose for this vacation request is to abandon the easements on the west side of File Ridge Subdivision, on the east side of File Ridge Subdivision and it would also vacate the easements on the south side. Now, the applicant did point out to me that there was a small error on the staff report. It does indicate that all of the easements will remain in place, except for the southern boundary, it should say all of the easements will be removed except for the north boundary along Deer Flat Road. The easements that were being abandoned will actually reappear when Ridley's No. 2 comes forth and the new shape of File Ridge is determined, so it is more or less vacating them and realigning them in a different place when Ridley's #2 comes forward. So that is the request for you tonight, this is just a recommendation to the City Council, and this is just a public meeting and I will stand for any questions that you might have. **C/Young:** are there any questions for staff at this time? **C/Gealy:** I have no questions. **C/Hennis:** This is just the one lot though, within the old Profile Ridge Subdivision, this is just the one piece and we are just trying to include in this in a roundabout way. **Troy Behunin:** This is exactly right. It is the lot directly south of the Ridley's sign on Deer Flat. It is just over an acre in size. We are not losing any easements, it is more or less just realigning three sides of them. I will also let you know that the city did require the applicant to contact the utility providers and either obtain a release or a no interest in the easements, and the applicant has done that and those have been provided to you. **C/Laraway:** How many are needed. **Troy Behunin:** I believe there is four. **C/Laraway:** Because I noticed that there is one already in there from Quest that was already approved. **Troy Behunin:** It was approved by Quest yeah. Idaho Power, Intermountain Gas and Cable One. The City of Kuna would actually be the fifth utility provided, if it was successful in front of Council, that would release interest in those defined easements. **C/Laraway:** This is not a norm for us, but business of property and real estate, I would assume this something that happens quite often. **Troy Behunin:** This does happen regularly in other parts of the valley. **C/Laraway:** And the easements are going to be reestablished? So, we are not really losing anything, we are just going to pick it up later? **Troy Behunin:** That would be correct. File Ridge Subdivision is just going to change with the replat and Ridley's #2 Subdivision is actually going to be considered before council here shortly. **C/Young:** Anybody have any more questions? Okay thank you. Any thoughts or concerns? **C/Gealy:** I have no concerns. **C/Hennis:** It seems pretty straight forward, it is just more legals than anything. **C/Young:** If there is nothing else, I will stand for a motion.

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Commissioner Gealy motions to recommend approval to City Council, Case No. 17-01-VAC (vacation), File Ridge Subdivision easement vacation request; Commissioner Hennis seconds, all aye and motion carried 4-0.

4. PUBLIC HEARING

- a) **17-03-AN** (Annexation), **17-07-S** (Subdivision) and **17-21-DR** (Design Review) – Rising Sun Estates Subdivision; A request to annex approximately 36.30 acres into Kuna City with an R-4, residential zone, and to subdivide the property into 91 single family residential lots and 5 common lots and have reserved the name Rising Sun Estates Subdivision. A Design Review application for the common areas and buffer landscaping accompanies this application. The site is located at the south west corner of East Kuna and South Stroebel Roads, site address is 2067 E Kuna Road, Kuna, Idaho, In Section 30, T 2N, R 1E, APN #: R0615250650n.

Steve Arnold: Mr. Chairman, Commission, for the record Steve Arnold, A Team Land Consultants, 1785 Whisper Cove, Boise, ID. I will go through an overall depiction of the project and then some of the specifics and thoughts behind the design. This is 36.28 acres, we are proposing 91 single family lots, the lots range from just under 10,000 square feet, to 3/4 of an acre. Our overall density is roughly 2.5 units per acre. The comp plan and the plan for this area is between 2 to 4 units per acre, so we are on the lower end of this. The existing zoning is RR. We are proposing an R-4 zoning. One of the things, and the vision we have for the project, and it is because we keep marketing other subdivisions around here, and we keep hearing is a need for larger lots. I am not against the small lots, but there is definitely a demand right now for larger units. Constantly when we are selling homes, the buyers are asking for RV parking. So, a lot of this was laid out so we could areas where we could get a RV garage or RV parking on the lot. That being said, we are really focusing on the end game here, the product type that we are going to be putting out there. A lot of thought process is going into the homes and the size that we are putting in there, and the control we are going to have. We are going to be managing which builders come in and which product type comes in. So, we are going to have in the ACC for the subdivision, who manages those homes. We will manage things like the facades, the color the tones and the different textures of the buildings. Why we do that is we try to build equity by design. So, you start out building the homes nicer and by the time you get the end phase the goal is that the last lots are worth much more of a value than what the first ones came in with. Some of our last few phases will be adjacent to Indian Creek, or there to the east to the site. Phasing will all depending on utilities coming in and how that works. Some design considerations with the actual layout and what we are proposing. Kuna road is a minor arterial and it is planned to have five-foot detached sidewalk. City Code requires a 20-foot landscaping buffer, we are going to add an extra five feet to buffer any extra noise that might be added. Stroebel is identified as a collector, ACHD is requiring that we build have a 36-foot-wide street section so we will have curb and gutter and I am proposing a detached sidewalk that will be located in an easement. There again, city code requires a 20-foot buffer, we are proposing a 25 foot, again that is to buffer the residents of the subdivision from the noise of the adjacent road. Throughout the subdivision we are planning on doing a 36-foot street section with an 8-foot planter on either side. With that we are trying to hit that higher end price point, so we will be planting a landscape strip there with street trees and create a nice boulevard effect with the detached sidewalks. Our entrance out to Stroebel, we originally planned it quite away to the south, and during our neighborhood meeting, that was one of the concerns that they had, was the lights that we had hitting the homes further to the south, so we did move that. That entrance will be landscaped as well, both on the north and the south side to create a nice approach into the subdivision. Our second entrance onto Kuna Road will utilize an existing right of way from ACHD. We are currently in process of negotiating with the owners we are buying this property for, because they own property on both and west side of that unopened right of way. Our goal is to try and work with them, and right now there is an existing 44-foot strip of right of way, but what we would like to do is either buy or utilize an easement for another 20-feet on either side. We don't have that worked out just yet, otherwise we would be showing

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that. But our goal is to create another secondary access into the subdivision that has nice landscaping. We did landscape where we could, where we own that little sliver in up at the northwest corner of the property. We are extending the pathway along Indian Creek, and that is 30 to 35-foot common lot, with a ten-foot pathway in there, and currently there is extensive vegetation in there, but what we take out we will re-landscape, because the goal is to create a nice pathway and keep as many existing trees as we can and meander the pathway through there to create a nice amenity for the subdivision. Something that was added into the staff report and it was my error not showing and it was something Troy suggested that we do, and I agree with it, was that on the east stretch along Indian Creek we are going to coordinate two pathway connections from the roadway to Indian Creek. Currently our connection was off Stroebel and off of our common park, and the common park there in the east, we are planning on providing a gazebo and picnic area as a staging area for people walking and utilizing the green belt. We are going to have an HOA that maintains all of the landscaping and the integrity of our subdivision. So, this will be under one control. Usually the traffic is a concern and we looked at the traffic that would be generated by the site. Currently, it will generate 866 trips per day, we anticipate a lot of those to be split to either entrance, one out to Kuna and one out to Stroebel. Kuna, currently has 266 peak hour trips, and a roadway as a minor arterial can go up to 575, so we are way under traffic related generation issues. Stroebel again is a collector, and there are no counts on there because there hasn't been enough traffic that ACHD sees the need to go out there, but it can handle up to 425 trips, which is well under what this site is going to generate. State highway 69 has 8900 Trips a day on it, it can well above 30,000 to 40,000 trips a day on it, because it is a principal arterial. ACHD has approved this design, and they have accepted the site. One of the conditions of approval that ACHD has brought up that we are adding to on to our east west street down to the south, I am going to add a couple chokers there. Chokers are basically a bulb out, and it generally tends to slow down some traffic. So, as we laid out the site, we tried to get as many large lots as possible, because we believe that is market niche that is being missed. It is a unique parcel, and it will be challenging to lay the roads out within it, but I think what we have before you tonight is going to be another nice project. I did Denali Subdivision, and they say it used to be the best sub north of the tracks, I think this is going to exceed or as good as Denali, with that I am going to stand for any questions. **C/Young:** Are there any questions for the applicant at this time? **C/Gealy:** I have no questions at this time. **C/Hennis:** I have a couple of questions. So, next to your pocket park and I believe, it is lot 12 clear over next to the pocket park on the far left, how do you access that lot? **Steve Arnold:** Chairman Young, Commissioners this property has got a sewer easement that is coming through it, essential in alignment with the road there, the easement still goes through the common park and the proposed lot and what I am proposing we do because we need a hard surface for the sewer easement, I am proposing to put a flag lot that comes off street and goes down along the northern boundary or our common area and that other lot and that hard surface will be utilized by both the resident that owns the lot and the city for maintenance, so there will be a joint easement that we will be placing over that driveway into that lot, but it is currently proposed as a flag lot for right now. **C/Hennis:** Much like the other lots there, just due south of the young property in the middle? **Steve Arnold:** Correct. **C/Hennis:** So, you are just going to have flag poles there in what you have indicated as phase two. **Steve Arnold:** Correct. **C/Hennis:** Lastly, it looks like lot 2 and 3 up where that proposed Easter Avenue is coming down, again how to do you access lot 2 and 3? I would assume you would drive down Easter Avenue for two... **Steve Arnold:** Correct, that is another flag lot. **C/Hennis:** So that is that little indication between 5 & 7, the little stub. **Steve Arnold:** Yup, that is correct. Again, the attempt here is that we are trying to get as many big lots as we can with limited amount of street. **C/Hennis:** Right I understand, there was a couple of them that I couldn't see what you were doing especially around the lower left, so thank you. **C/Gealy:** Can I have a follow up question to that? The easement then for the lot down to the south west, that is an easement just for access to the lot and for City maintenance? It is not vehicle access for the public to the pocket park? **Steve Arnold:** correct, the park will have a pathway that goes into it. The flag lot is direct access to that lot and on that flag, will be an easement

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for the city sewer for maintenance, which requires a hard surface to get vehicle in and out along the sewer. We will also have that hard surface extending through our common park going to the west. **C/Gealy:** But that easement is not for park maintenance, it is for sewer maintenance. **Steve Arnold:** Correct. **C/Gealy:** so, there is no vehicle access to that park? **Steve Arnold:** Correct, it is neighborhood pocket park that people just walk to. **C/Gealy:** what my understanding is you would be gifting that to the city. **Steve Arnold:** The pocket park? No that is for the neighborhood. **C/Gealy:** So that is an HOA. **Steve Arnold:** HOA, that is correct. **C/Gealy:** Maintained. **Steve Arnold:** That's correct. **C/Gealy:** Thank you, I have no further questions at this time. **C/Young:** Okay, are there any other questions for the applicant at this time? Okay, thank you. We will now have staff come forward.

Troy Behunin: Good Evening Commissioners, for the record, TB, Planner III, 751 W. 4th Street, Kuna. Staff would point out that the report on page one has it listed erroneously as 17-13-DR, it is 17-21-DR. The applications before you tonight are case No's 17-03-AN, 17-07-S and 17-21-DR (Annexation, Preliminary Plat and Design Review) is presented for your vote to recommend approval or denial to Council for the Annexation & PP, and your decision on the Design Review component. The application materials have been assembled for your packets, hopefully you have had a chance to review them as needed. All of the noticing procedures have been followed to hold the public hearing tonight. The applicant seeks annexation of approximately 36.30 acres, into Kuna City limits with an R-4 zone, which matches the Comp Plan map, designation of Low Den Res. This project is known as the Rising Sun Subdivision which is located at the southwest corner of Kuna and Stroebel Roads. This project has frontage along Kuna and Stroebel Road and proposes access in two places. One on each classified roadway. The site touches City limits on the north line and so qualifies for annexation into the City. Applicant also proposed a preliminary plat for up to 91 buildable lots and 5 common lots four shared driveways. Applicant has also submitted for subdivision landscape design review and staff has no concerns with their proposed landscaping. Applicant will extend all public utilities to the site and anticipates 3 phases for the project total which will bring 91 total buildable lots, with a density proposed at 2.5 Dwelling units per acre and with 5 common lots that total approx. 4.17 acres or, 12% of open space including trails and pathways along Indian Creek and a smaller park to the west, with a gazebo and big-toy for children. Staff has discussed additional pass-through trails in at least 3 additional locations for connectivity, Steve Arnold stated they have no objection. Staff has worked with the applicant to get it before you tonight, and they have submitted everything staff has asked for. Staff finds this application to be in concert with the comprehensive plan goals and the comp plan map. Staff would also point out that under section L on page 10 of the staff report, under item e. it states, "A stub street, with utility stubs, shall be extended from the project south of the Kuna Canal to the property east of the project." Staff notes that this should say.... "The stub street to the west shall be extended to adjacent properties as proposed, and include utility stubs". I stand for questions. **C/Laraway:** When we approve these plats, and we have had some conversation about the lots in the back, and the access roads that go back to them, are they able to get emergency vehicles in there? **Troy Behunin:** For the shared driveways? **C/Laraway:** Yeah, they just don't look that wide on here. **Troy Behunin:** They will have to be compliant with the Kuna Fire District Regulations, which is 250 feet. They will have to be compliant with the rules for that. For whatever reason, that number is alluding me right now, but I believe it is 250 feet for a driveway. **C/Laraway:** What about the width? **Troy Behunin:** The width will also have to be compliant with that as well, at least a 20-foot-wide paved surface. **C/Laraway:** Thank you. **C/Young:** Any other questions at this time? **Troy Behunin:** where these shared driveways would be, staff would actually recommend a 25 to 30-foot-wide paved surface. **C/Laraway:** Those are considered driveways, and not ACHD roads? **Troy Behunin:** They are private driveways. **C/Gealy:** The secondary access road at Easter Avenue, is that a permanent access? **Troy Behunin:** That would be a permanent road. **C/Gealy:** not temporary? **Troy Behunin:** Not temporary, correct, and then when the parcel, they great big square that dips not into the middle of the site, develops, it will responsible for

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the eastern part of Easter Avenue. **C/Young:** Okay. **C/Gealy:** Have you identified with the applicant where the pathways are that give access to the development to Indian Creek? **Troy Behunin:** We did discuss that, staff suggest that when someone is entering the property from Stroebel Road, that entry road is called Sol avenue or Sol Street, and that the pathway would be somewhere in the middle mark for that block, that would be satisfactory to have it go through there. **C/Hennis:** I thought we were talking about pathways going from Theo Drive down to the Waterfront. **Troy Behunin:** Yes, we have actually suggested three connections, one is you enter on Sol Street, and then at least two on Theo Drive so that citizens can access the creek from that east west corridor, it was not decided but somewhere where the streets meet so it basically divides it up into thirds, so people don't have to walk to far to find two larger lots next to each other, they can sacrifice a little bit of land for a twenty-foot easement, or a twenty-foot access. **C/Young:** Okay, so somewhere just east of Marisal, and probably somewhere just west of Sunniva Avenue. **Troy Behunin:** Correct, somewhere just west of that. **C/Laraway:** One quick question we talked about Lot 12, it looks like south of Lot 12 there is an area that is blocked out, and it is not park nor building lot, is that going to be something particular? **Troy Behunin:** Lot 12 next to the pocket park? **C/Laraway:** yeah, well south of that there is a blocked off area that looks like almost a half lot. Is that going to be anything? **Troy Behunin:** Actually, that is not splitting the lot, that is the Avalon-Orchard tracts subdivision line, it is not creating another lot, it is just an errant delineation. If you look at the pattern of the line it indicates that it is section line or a previous boundary line. **C/Laraway:** But that is all going to be a part of lot 12? **Troy Behunin:** yeah. **C/Laraway:** One more question, at the top of Kuna road there, they have a roundabout, is that just a drawn representation? **Troy Behunin:** Actually, ACHD has indicated that they would like to place a single lane roundabout at that intersection, not immediately but they are planning for it, and they are asking for right of way to be reserved, not dedicated, but reserved and planned around. Which, they have accommodated. **C/Gealy:** What was your recommendation in respect with the monument sign? **Troy Behunin:** All subdivisions, that have a monument sign for the entry, they are all required to have design review for them, the design review application did not include a monument sign request, it is nothing that will hold up any of the approvals, it can be done at any point and time. We just want to make sure that it gets done. **C/Gealy:** Are you recommending two monument signs, one at each entrance. **Troy Behunin:** If the applicant would like to have two, then we would like that, we are not making a recommendation on the number of signs. **C/Gealy:** At least one? **Troy Behunin:** ***inaudible*** **C/Gealy:** Thank you. **C/Young:** any more questions for staff at this time? **C/Gealy:** I have no further questions at this time. **C/Young:** Then this time I will open the public testimony at 6:45. I don't see anybody listed to testify for neutral or in opposition, is there anybody who has not signed up who would like to? **C/Hennis:** That is for any questions that you might have. **Alvina Unser:** I just asked Steve if he would change that entrance, and you did do that didn't you? Because he had it right down there across from my house, which would have been right on the other side of the bridge, where traffic is horrible. I can look down the road and see nobody coming and by the time I blackout of my driveway onto Stroebel, they are beeping at me. I guess my other question is on that pathway, is that going to be open to Stroebel Road, or are you going to be putting your berm in clear down to the creek. **Steve Arnold:** I am going to leave it open. **Alvina Unser:** You're going to leave it open? **C/Young:** Actually, if you could ask all of your questions to Steve, and then he can respond of the record after in the microphone as well, so just go ahead and ask all of your questions. **Alvina Unser:** Well those were just my questions, if that was going to open on to Stroebel Road, because we are getting a lot of tubers in there, and I am wondering if we are going to use that pathway to get into the creek, I don't know, or if they are still going to come in on this other side to get in. I don't know if your stop the tubers floating the creek. **C/Hennis:** okay, thank you. **C/Young:** Thank you, and Steve will respond here in just a moment, is there anybody else who has not signed in, okay, is there anybody else so we can just do it all at once. Please come up and sign in here. For the record, the last speaker was Alvina Unser at 300 Stroebel, here in Kuna. **Laura Anderson:** I am at 474 Stroebel Road, so we are just kiddy corner to the south of the development. We are in favor of it, but we do have, and this might not be the right place to have this

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concern but maybe a recommendation may be made. We are concerned also kind of like with what Ms. Unser said, and that is the speed limit over there. Because there is that hill, just south of the creek, traffic goes so fast, but you can't see it coming until they are right on you, and I am afraid with all of that extra traffic coming and going, it is going to be a real dangerous location. So, we might need to make an adjustment on the speed for sure. Other than that, we are in favor of the subdivision. **C/Young:** Okay, Thank you. Okay, seeing nobody else listed to testify, I will have Steve please come back up. **Steve Arnold:** Chairman Young, members of the commission, I think the main concern was the pathway connection out there. I think that is a city regional path, and I don't think that I can block it, but if they want us to redirect it or move it somewhere I can definitely do that. But, this is regional pathway that's in your plans, that we are just building. Our goal, there is a parking issue that I have been told by the neighbors along Stroebel, so we are going to work directly with ACHD to try and make sure that there are no parking signs installed and work with them to help enforce that, because Stroebel is a collector and you should have parking on it. Hopefully we can get that resolved with them, and with that I will stand for any additional questions. **C/Hennis:** I think with regards to that, there have been some previous improvements made in the last couple years to give consideration to the tubers and the recreation users there that have actually worked pretty well, so I invite you to work with the city to do some of the same, to provide them with some extra, you know they basically have given them extra wide shoulders over there and it has allowed to get off the pavement to allow better traffic flow through there. It is a consideration that is going to happen, and putting no parking signs won't stop them, I travel that road. So, it's something, please, that we will have you work with the City on to try to help with that situation, and they have done a good job whether it was the City or ACHD that provided those, they have actually done some nice improvements over the last couple years and it has worked pretty well I think. **C/Young:** hopefully they have helped with some of the properties along there. **C/Hennis:** It is a heavy recreational use this time of year, so you know with the tubers. So, any additional help, like access to that path would be welcome. Things to please work with ACHD and see what they have come up with as well. **C/Young:** I know the speed limit is ACHD, but maybe in our proposal to Council, ask them to maybe speak to ACHD about reducing the speed limit along Stroebel. **C/Laraway:** is it a 50 MPH speed limit there next to the bridge? **C/Hennis:** yes. **Steve Arnold:** it should probably be reduced to 35 MPH through there, for site distance reasons. **C/Hennis:** One quick question for the applicant regarding the flag pole lots regarding the common driveway, it that going to be kept by the HOA. **Steve Arnold:** Chairman Young, Commissioner Hennis, yes, that is, as a condition in the staff report, that we agreed to, and I don't think that I went on record, that we do agree with all of the conditions in the staff report, but in our CC&Rs and in the deed restrictions for the two properties there will be specific discussions about how those are maintained by the owners of the flag lots. So, those will be maintained, and as troy has stated they will be fire rated, and they are quite a bit less distance, it is 250 feet from a public street to the actual building that the home can't exceed, whether it is flag lot or any other kind of lot situation. **C/Gealy:** But the driveway will still...I mean if you're having people looking for RV parking the driveway would still accommodate RVs. **Steve Arnold:** Oh yeah, they driveways will accommodate a 70,000-pound fire truck so they can accommodate RVs. **C/Hennis:** Okay great, Thank you. **C/Young:** are there any other questions for Steve? **C/Gealy:** well, I have some concerns, I don't even know if they are questions, and one of the concerns is the pocket park, and what appears to be very limited access, even for maintenance, and it seems to me to be even more appropriate to have vehicle access, if it was to only bring in a lawn mower or to collect trash from the pocket park to have some vehicle access, even if it was just for maintenance purposes. **Steve Arnold:** Chairman Young, and Commissioner Gealy, the access to the park, which is a sewer easement, on that sewer easement we have to have a 20-foot wide hard surface on, so along that flag lot that comes in we will have a piece of the easement that runs along the north boundary of that little curve in there, and that will have a 20-foot hard surface that will both for access into the park, both for pedestrian or vehicle for maintenance, it will also be available for the city sewer. So, you will have a 20-foot hard surface for sewer, we will use it for maintenance for the park for lawn mowers

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and stuff, and we will use for pedestrian access to, along with pedestrian connections south from the pocket park to the trail system. **C/Gealy:** So, that would be stipulated that that easement would be available for maintenance so the owner of that home on lot 12 would be aware of at least maintenance traffic. I think there is a risk that you are going to have other vehicular traffic on that easement as well. **Steve Arnold:** Well, what we will do in those situations is we put bollards up that block general vehicle access. In this case we would probably make it so the bollards go to the west of wherever the resident makes their driveway and sign it up front, that this is a private drive. **C/Gealy:** Do you intend to pave the pathway along the creek or will it be a natural surface. **Steve Arnold:** its paved. **C/Gealy:** I think it is great, I really like it and I don't want you to misinterpret my concerns, but there is a lot of summer recreation tubing traffic that happens on that corner there and I wondered if you had considered putting that park on the other end, to relieve some of the pressure on that bridge and some of the neighbors over there. **Steve Arnold:** We considered that, my concern is that if encourage additional parking from the public onto the subdivision that that would a detriment to our subdivision with people using the park as a parking area for the tubing, and I think that would be a detriment to our subdivision. I like Commissioner Hennis's idea of working with ACHD, and perhaps create areas of parking parallel or on either side of the road, and I think that would have less impact on our subdivision then to put a park where people drive into the subdivision, park or park along our streets to go tubing. So, that was a consideration I just don't feel it would be good for our subdivision. **C/Gealy:** Thank you. **C/Laraway:** One question also, I know this is going to be down the road a little bit, but if this green belt is going to attach itself to the City's, is that park going to be open to public? **Steve Arnold:** Chairman Young, Commissioner Laraway, we won't be restricting it. It would be difficult, it is just like any common park in a subdivision, it would be private, but you don't fence them off. **C/Laraway:** I am just bringing it up, that that is reality and it is probably going to happen. **C/Gealy:** there may be other users, but they won't be getting there by vehicle, unless it was a bicycle. **Steve Arnold:** Correct. **C/Young:** Are there any further questions for the applicant. **C/Hennis:** I have no questions. **C/Gealy:** I have no further questions. **C/Young:** and with that we will close the public testimony at 7:03. That brings up our discussion and anybody have any thoughts. **C/Laraway:** I think Commissioner Gealy said, this is a subdivision that is outside the norm that we have been approving and think we need to go in that direction if we get the opportunity. **C/Hennis:** I do like what they have done with the little larger lots, and providing some of the more amenities that we have been talking about and trying to include into the City's subdivision that we have been hearing a lot lately. I think the fact that it is less than an R-4 is really nice. I do want to make one common in regard to the pocket park. I think that it's an advantage to the subdivision owners to have it at the other end and maybe use it a little more privately as opposed to right along Stroebel and we all know in summer time that that is going to be inundated by other people, so that still gives them a refuge that they can use. I think it is better at the other end. **C/Young:** I agree, I know with subdivisions that are much farther west and downstream from typically where people put in right here and there are neighborhoods there with their private parks and there are issues there, but that is people getting out. This one is more near the entry point so hopefully people would bypass that then try and use it. As far as the speed limits, I know it is always a concern, especially with the amount of activity in the area, but hopefully it will be in the record and maybe we can ask council as a side note, can we talk to ACHD about some of these areas. **C/Hennis:** well they always say they don't address these traffic issues until something comes into the area, so having this subdivision come into the area, and having the roundabout into that area is going to bring that conversation up, I think a lot more rapidly I believe than anything else. So, I think it will come about its own way. Trying to fit this into that parcel is kind of difficult I think they did an interesting job here. There are some good amenities. **C/Gealy:** I have heard several conditions. What I heard was some work staff on landscaping, on the monument sign, on the pathways to Indian Creek, and to work with ACHD on the parking with Stroebel road, and that there was an adjustment to the staff report in regard to the stub street to the west. Were there any other adjustments? **C/Hennis:** No, that is all I have, and the monument sign, that is going to be something that they

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address later. They are going to have to bring that in separately. **C/Gealy:** this is design review. **C/Hennis:** But they don't have the sign yet, they have to bring it forth to us as a sign permit, correct? **Troy Behunin:** That base was already covered, but proposed condition number seven says that all entry monument must go through design review. Staff was just bringing it up for the public record. It was shown on the plans but it was not in the application. We want everyone to remember we have to do it later. **C/Gealy:** Okay, thank you.

Commissioner Hennis motions to recommend approval to City Council for Case No. 17-03-AN (Annexation), 17-07-5 (Subdivision) for the Rising Sun Estates Subdivision with the conditions as outlined in the staff report, with the additional conditions to work with the city on landscaping for the buffers on Kuna and Stroebel, to provide two pathways along Theo Drive accessing the waterfront and one around middle point across Sol to Sunniva Avenue, also to work with ACHD for parking considerations and mitigations along Stroebel Road, and adjusting the stub street to the west as outlined by Troy Behunin; Commissioner Gealy Seconds, all aye and motion carried 4-0.

Commissioner Hennis motions to approve 17-21-DR (Design Review) for the Rising Sun Estates Subdivision with the conditions as outlined in the staff report, and recommended conditions, listed above, by the Planning and Zoning Commission; Commissioner Gealy Seconds, all aye and motion carried 4-0.

5. COMMISSION DISCUSSION AND REPORTS

Wendy Howell: I want to remind everyone that on September 20th is the community workshop for the new comprehensive plan. It is from 4 to 7 at the high school. If you would like to visit our booth at the football game, the following night, September 21st, there will be a drawing for prizes and gift cards from local businesses.

6. ADJOURNMENT

Commissioner Gealy motions to adjourn; Commissioner Hennis Seconds, all aye and motion carried 4-0.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

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



City of Kuna

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

P & Z- Findings of Fact & Conclusions of Law

To: Planning and Zoning Commission

Case Number(s): 17-03-AN (Annex), 17-07-S (Subdivision) & 17-13-DR (Design Review):
Rising Sun Subdivision

Location: South West Corner (SWC) of E Kuna Road and S Stroebel Road, Kuna, Idaho 83634

Planner: Troy Behunin, Planner III

Hearing Date: September 12, 2017

Owner: **Debra Young**
1143 N. 3400 E.
Rigby, ID 83422

Representative: **A Team Land Consultants**
Steve Arnold
1785 S. Whisper Cove Ave.
Boise, ID 83709
208.871.7020
steve@ateamboise.com

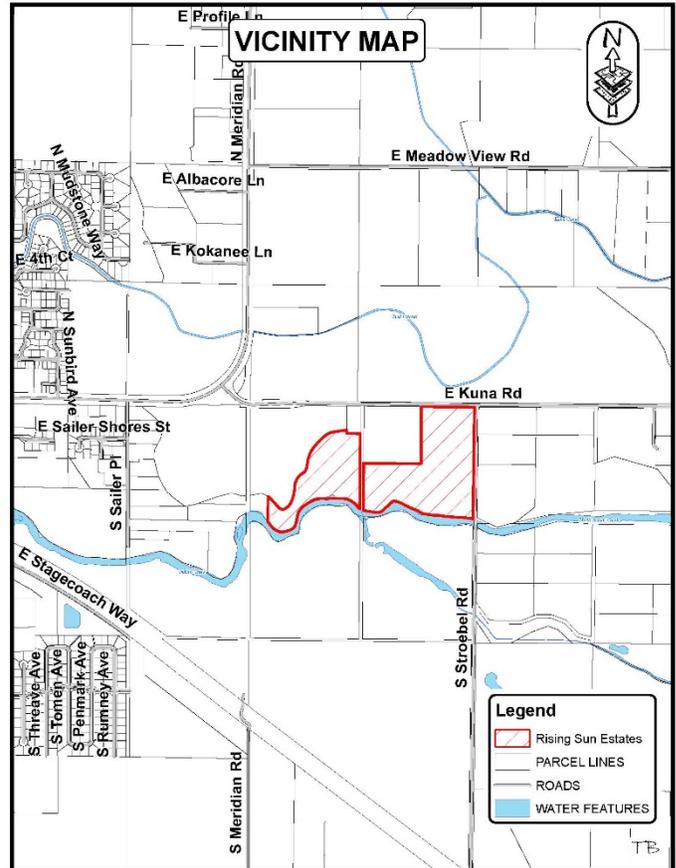


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A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states that design reviews are designated as *public meetings*, with the Planning and Zoning Commission (acting as the Design Review Board) as the decision-making body; and that annexations and subdivision applications are designated as *public hearings*, with the Planning and Zoning Commission as the recommending body, and City Council as the decision-making body. These land use applications were given proper public notice and have followed the requirements set forth in Idaho Code, Chapter 65, Local Land Use Planning Act (LLUPA).

a. Notifications

- | | |
|---------------------------|---------------------------------------|
| i. Neighborhood Meeting | May 25, 2017 (nine persons attended) |
| ii. Agencies | July 6, 2017 |
| iii. 300' Property Owners | August 18, 2017 |

- iv. Kuna, Melba Newspaper
- v. Site Posted

August 9, 2017
September 1, 2017

B. Applicant Request:

1. Applicant requests to annex approximately 36.30 acres into Kuna City with an R-4, residential zone, and to subdivide the property into 91 single family residential lots and 5 common lots and have reserved the name Rising Sun Estates Subdivision. A Design Review application for the common areas and buffer landscaping accompanies this application. The site is located at the south west corner of East Kuna and South Stroebel Roads, site address is 2067 E Kuna Road, Kuna, Idaho, In Section 30, T 2N, R 1E, APN #: R0615250650.

2. **Site Location Map:**



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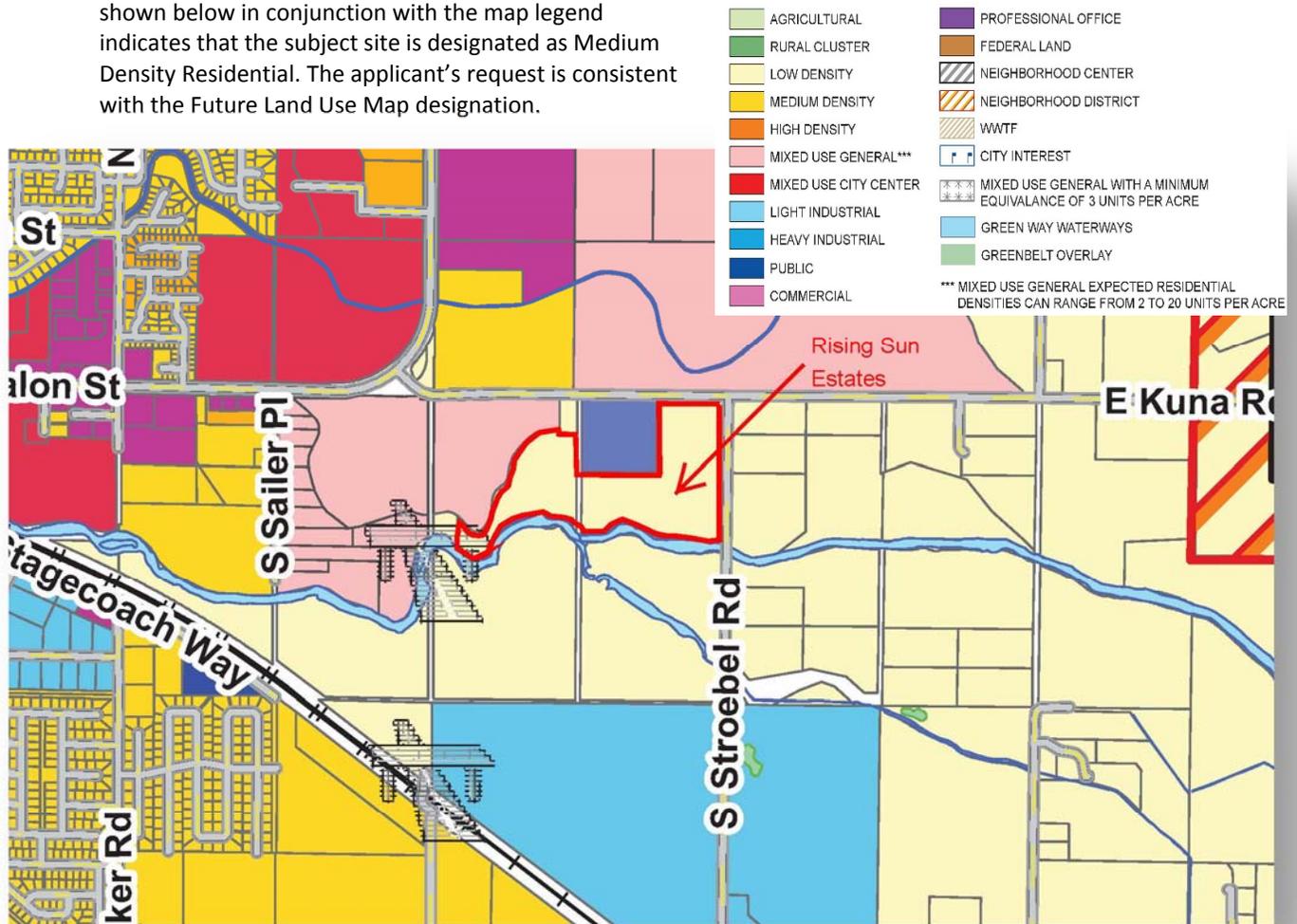
- C. History:** The approximately 36.30-acre subject site is currently in Ada County, however, it is contiguous to Kuna City limits on the north and west portions of the parcel and have historically been used for Agricultural purposes.

D. General Projects Facts:

1. **Comprehensive Plan Designation:** The City of Kuna’s Future Land Use Map identifies the subject site as Low Density Residential (2 – 4 Units per acre). Staff views this land use request to be consistent with the approved Future Land Use Map.

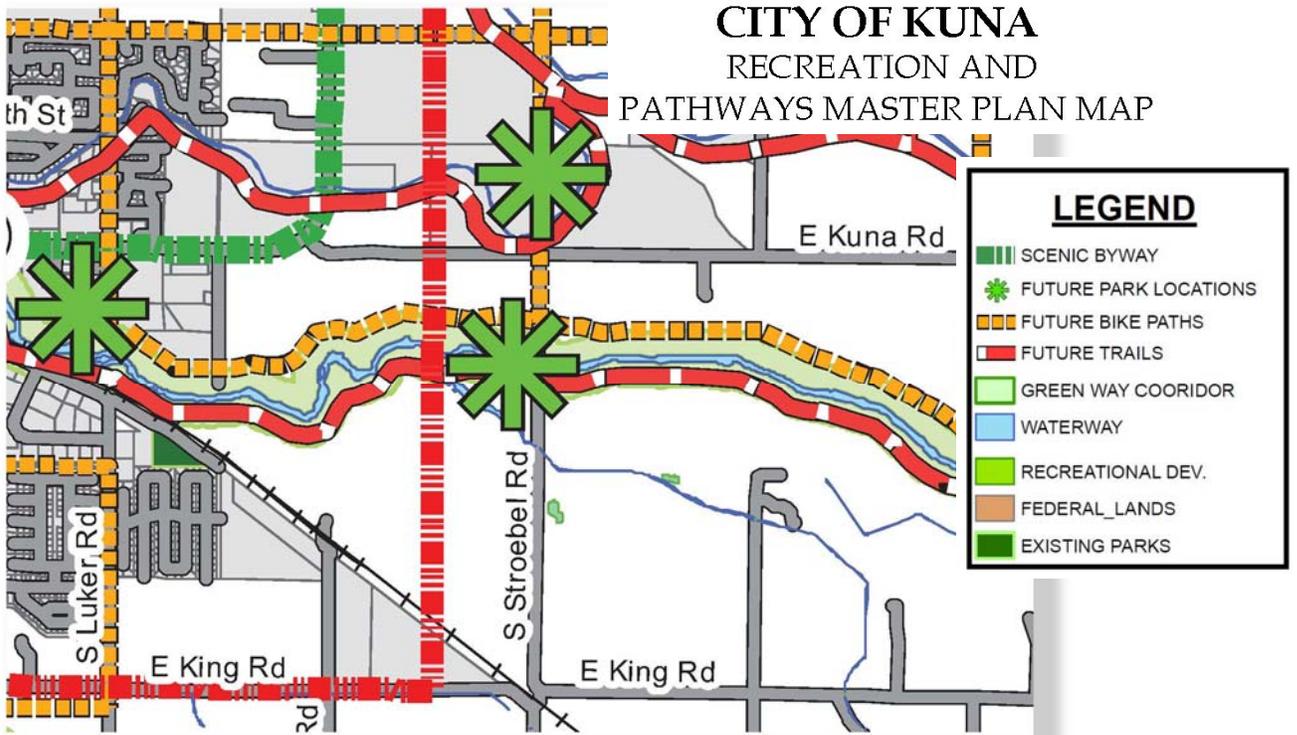
2. **Kuna Comprehensive Plan Future Land Use Map:**

The Kuna Comprehensive Plan Future Land Use Map shown below in conjunction with the map legend indicates that the subject site is designated as Medium Density Residential. The applicant's request is consistent with the Future Land Use Map designation.



3. **Kuna Recreation and Pathways Master Plan Map:**

The Kuna Recreation and Master Pathways Plan map identifies a future trail adjacent to the Kuna Canal waterway as it flows through the subject site. The applicants submitted, proposed landscape plan accommodates this trail designation along the Kuna Canal.



4. Surrounding Existing Land Uses and Zoning Designations:

| | | |
|--------------|----------------|--|
| North | M2, RUT, AG | Agriculture – City of Kuna General Industrial & Rural Urban Transition - Ada County |
| South | RR | Rural Residential – Ada County |
| East | RUT | Rural Residential – Ada County |
| West | RUT | Rural Urban Transitional – Ada County |

5. Parcel Sizes, Current Zoning, Parcel Numbers:

- Approx. 36.30 acres total
- RR (Rural Residential) – Ada County
- Parcel # R0615250650

6. 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 City Police (Ada County Sheriff's office)
 Sanitation Services – J & M Sanitation

7. Existing Structures, Vegetation and Natural Features: Currently there no structures on the subject site. This site slopes slightly to the south, towards Indian Creek, but is otherwise generally flat. Indian Creek flows east to west on the south side of the subject parcel. On-site vegetation consists of vegetation typically associated with agricultural fields.

8. **Transportation / Connectivity:** The applicant proposes to construct a portion of Easter Avenue as a half street section from East Kuna Road to serve the subdivision on the west side within the existing rights-of-way (**ROW**); also, to widen South Stroebel Road from East Kuna Road to the project's eastern entrance and further south to the projects southern-most frontage. Applicant also proposes four (4) total shared driveways throughout the development that will likely affect 15 home lots.

ITD will require the applicant to prepare and submit a traffic impact study (**TIS**). ACHD will not require a TIS at this time. However, ACHD does require improvements along the frontages of Kuna and Stroebel Roads, and the existing Eater Avenue ROW.

ACHD recommends a 35-foot wide ROW dedication for Luna Road and ROW as needed for Stroebel Road to accommodate one-half of a 36' roadway improvement, plus additional land for single-lane round about at the intersection of Kuna and Stroebel. Applicant shall improve both classified roads with vertical curb, gutter and sidewalks along with additional requirements listed in the ACHD report dated: July 27, 2017.

There are multiple pedestrian and bicycle pathway connections throughout the development to support alternative transportation choices for residents, and create a more walkable and pedestrian friendly neighborhood environment.

9. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

10. **Agency Responses:** The following responding agency comments are included as exhibits with this case file:

- Kuna City Public Works Director (Bob Bachman) – Exhibit B-1
- Ada County Highway District (ACHD) – Exhibit B-2
- Boise Project Board of Control – Exhibit B-3
- Central District Health Department (CDHD) – Exhibit B-4
- Community Planning Association of Southwest Idaho (COMPASS) – Exhibit B-5
- Department of Environmental Quality – Exhibit B-6
- Idaho Transportation Department (ITD) – Exhibit B-7

E. Staff Analysis:

Applicant requests approval to annex approximately 36.30 total acres with a current county zoning designation of Rural Residential (RR) into Kuna City limits with an R-4 (Low Density Residential) zone; and to subdivide the subject property creating a 91 lot, single family subdivision, known as Rising Sun Estates Subdivision. Applicant also proposes to develop five additional lots (including a 13,800 SF pocket park), into common lots for the use by residents. Applicant proposes one of these five common lots to be used by all Kuna residents, and will be developed as a multi-use pathway along Indian Creek, creating an additional segment to the greenbelt system as designated on the Master Recreation and Pathways Map. The pathway is proposed to be built by the developer (See Letter of Intent), and then dedicated to the City. A Homeowners Association (HOA) will be established for the care and maintenance for all other common lots.

The site is eligible for annexation, as it touches current City limits on the north side of the project. The applicant seeks an R-4 (Low Density Residential) zone for the subdivision. Applicant is proposing three (3) phases of development which will largely be driven by the consumer market.

Kuna Code allows for flag lots (KCC 6-4-2-G), however, if not planned for appropriately, they may become a burden to homeowners. These shared driveways appear to serve 15 homes. Staff recommends the applicant follow KCC 6-4-2-G (for flag lots), and provide a perpetual plan/agreement to be recorded with the County, for the maintenance, upkeep and continuous care for the shared driveways as well. If applicant can demonstrate

permanent and continuous maintenance and care that may not be dissolved except by City Councils approval, staff has no concerns with the four proposed shared driveways.

Public services will be extended to the property at the developers cost, by extending existing or proposed City facilities. It is anticipated that City sewer will be extended in the future, in part by the City, to the area.

A design review application accompanies the applicant's request for the common area landscaping and buffers. Staff recommends through-connections for pedestrians and non-motorized transportation between home lots for better access to the greenbelt and throughout the subdivision as a whole, as some block lengths are long blocks. Staff notes that a monument sign is called out for the subdivision, but was not included with the design review application, all monument signs are required to go through design review. This process can be accomplished at a later date without any delay to the project. Staff finds that the proposed landscaping does not appear to be compliant for the buffers on Kuna and Stroebel Roads. Staff recommends the applicant be conditioned to become compliant with KCC 5-17-15. Additionally, staff requests that applicant add 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, staff recommends that the applicant resubmit a plan bearing these changes.

Staff has determined these applications comply with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards Case No.'s 17-03-AN, 17-07-S and 17-21-DR, to the Commission with the recommended conditions of approval.

F. Applicable Standards:

1. Kuna City Code Chapter 6 – Chapter 1-6; Subdivision Regulations,
2. Kuna City Code Title 5 – Chapter 1-17; Zoning Regulations,
3. City of Kuna Comprehensive Plan and Future Land Use Map,
4. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

G. Procedural Background:

The Commission held a Public Hearing on September 12, 2017, to consider Cases No.'s 17-03-AN, 17-07-S and 17-21-DR, including the submitted application documents, agency comments, staffs report, application exhibits and public testimony presented at the hearing.

H. Factual Summary:

This site is located at the south west corner (SWC) of East Kuna and South Stroebel Roads. Applicant proposes to annex approximately 36.30 acres into the City of Kuna with an R-4 (Low density residential) zone. Applicant has submitted a preliminary plat to subdivide the parcel into 91 buildable lots and 5 common lots, 12% open space, four (4) shared driveways and proposes to improve Kuna and Stroebel Roads to City and ACHD standards.

I. Comprehensive Plan Analysis:

The comprehensive plan is a living document, intended for use as a guide to governmental bodies. The plan is not law that must be strictly adhered to in the most stringent sense; it is to be used by public officials to assist their decision making for the City. The Kuna Planning and Zoning Commission accepts the Comprehensive Plan components as described:

Goals, Policies and Objectives from the Kuna Comprehensive Plan:

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 evaluate with guidance from the City attorney and the Idaho Attorney General's six criterion established to determine the potential for property takings.

Comment: *Utilizing the Idaho Attorney Generals 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:

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 a pathway / greenbelt 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 spaces and utilization of the Indian Creek corridor for a future pathway, varied housing densities and types and promotes desirable, cohesive community character and a quality neighborhood.*

Natural Resources Goals and Objectives - Section 7 - Summary:

Retain natural resources that contribute to Kuna's quality of life while developing a green grid of trails for bikes throughout the City for recreation and alternative transportation needs.

Comment: *The proposed application provides pathways through the development as well as a trail along Indian Creek for recreation and alternate transportation modes.*

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 for this development and the authority to annex the requested lands into the City. This application will expand 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, COMPASS and the City Public Works Director have provided a report. The project meets with the transportation goals of the City by extending public rights-of-way on East Kuna and South Stroebel Roads to create additional transportation connections.*

Recreation Goals and Objectives - Section 10 - Summary:

Ensure a City wide system of parks, trails and recreational opportunities for a variety of year-round outdoor activities balancing active and passive open spaces with easy access for users. Encourage the development of

community and neighborhood-centered recreational facilities including gathering places connected by trails, walkways, bikeways and horse paths.

Comment: *Applicant's proposed subdivision incorporates trails along Indian Creek, and open spaces for residents, meeting the goals of the City.*

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 91 single family lots which will contribute to high-quality lots of varied sizes to be developed in a logical and orderly manner. The development adds trails and open space, creating a pleasant neighborhood environment.*

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 and landscape features to buffer incompatible uses to create a sense of place for the community to foster neighborhood interactions and activities.*

J. Commissions Conclusions of Law:

Based on the evidence contained in Case No's 17-03-AN, 17-07-S and 17-21-DR, the Kuna Planning and Zoning Commission finds Case No's 17-03-AN, 17-07-S and 17-21-DR comply with Kuna City Code, the Kuna Comprehensive Plan and the goals of the Design Review Committee, as proposed or conditioned.

1. This request appears to be consistent, or in compliance with Kuna City Code (KCC).
Comment: *The proposed project meets the land use and area standards in Chapter 3, Title 5 of KCC. Staff also finds that the proposed project meets all applicable requirements of Title 6 of KCC.*
2. The site is / is not physically suitable for a subdivision.
Comment: *The 36.30 acre subdivision is large enough to include a mix of lot sizes, community open space(s), pathways and a trail along Indian Creek.*
3. The annexation and subdivision uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
Comment: *The land to be annexed is not used as wildlife habitat. Roads, homes and open spaces are planned for construction according the City requirements and best practices. Staff is not aware of any environmental damage or loss of habitat associated with the proposed development.*
4. The annexation and subdivision application is not likely to cause adverse public health problems.
Comment: *The annexation of the property requires a zoning designation per Kuna Code 5-13-9. The low density zone requires connection to public sewer and water, therefore eliminating the occurrence of adverse public health problems. Through correspondence with public service providers and application evaluation, this project appears to avoid detriment to surrounding uses.*

5. 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: *The annexation, rezone and design of the subdivision did consider the location of the property adjacent to Indian Creek, classified roadways (Kuna and Stroebel Rd.) and the system. The subject property can be connected to the City's public sewer, water and pressure irrigation facilities. The adjacent uses are complimentary uses (Kuna) as proposed in the Kuna Comprehensive Plan Future Land Use Map.*

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

Comment: *Correspondence from ACHD and Kuna Public Works confirms that the proposed streets and utility services are suitable and adequate for this residential project. ACHD confirms that the proposed streets within and adjacent to the subdivision are adequate for the proposed development.*

K. Commission Findings of Fact:

Based upon the record in 17-03-AN, 17-07-S and 17-21-DR, including the Comprehensive Plan, Kuna City Code, Staff's report, including the exhibits, and the testimony elicited during the public hearing, the Commission hereby recommends *approval* for Case No's 17-03-AN and 17-07-S, a request for annexation and subdivision preliminary plat to Council, and approves Case No. 17-21-DR Subdivision Design Review request by the applicant as follows:

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

1. In making a decision regarding the Subdivision application, the Council is to consider Idaho Code §67-6535 (2), which states the following:

The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

In addition, Idaho Code §67-6535(2) (a), provides that:

Failure to identify the nature of compliance or noncompliance with express approval standards or failure to explain compliance or noncompliance with relevant decision criteria shall be grounds for invalidation of an approved permit or site-specific authorization, or denial of same, on appeal.

2. The Commission has the authority to *recommend* approval for Case No's 17-03-AN and 17-07-S. On September 12, 2017, the Commission voted to recommend approval to Council.
3. The Commission has the authority to *approve* Case No. 17-16-DR. On September 12, 2017, the Commission voted to recommend approval of Case No. 17-21-DR.
4. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances to hold a public hearing on September 12, 2017, with the Commission.

L. Recommendation of the Commission:

Note: 17-03-AN (Annexation) and 17-07-S (Subdivision): *The proposed motion is to recommend approval, conditional approval, or denial for these requests 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.*

Note: 17-21-DR (Design Review): *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.*

Based on the facts outlined in staff's report and public testimony during the public hearing the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval* for Case No's 17-03-AN and 17-07-S; annexation and preliminary plat and hereby *approves* 17-21-DR; Design Review *with* the following conditions of approval:

- *Applicant shall follow the conditions as outlines in the staff report,*
- *Work with staff on the buffers along Kuna and Stroebel Roads, to bring into compliance,*
- *Applicant shall work with staff to provide two pathway connections along Theo Dr. to access the waterfront/greenbelt, and one at the mid-point across from Oriana to Sunniva Avenues,*
- *Work with ACHD on parking considerations and mitigation along Stroebel Road,*
- *Adjust the stub street on the west as described by staff, (The stub street to the west shall be extended to adjacent properties as proposed, and include utility stubs).*

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 Project and Board of Control* shall approval any modifications to the existing irrigation system.
 - e. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.

A stub street (with utility stubs) shall be extended from the project south of the Kuna Canal to the property east of the project. 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 be commenced without the approval and permit from Ada County Highway District and Idaho Transportation Department.

- 2.1- Dedicate right-of-way in sufficient amounts to follow Kuna City and ACHD standards and widths.
2. Installation of utility 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.
3. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
4. Street lighting shall use LED lights, with spacing and wattages meeting KCC 5-4-6; applicant shall coordinate a street light plan for P&Z approval in concert with the prepared construction drawings for the project.

5. Parking within the site shall comply with KCC 5-9-3. A separate Design Review application is required for the community clubhouse and parking lot.
6. Fencing within and around the site shall comply with KCC standards.
7. A sign permit is required prior to any subdivision entrance sign construction and shall comply with KCC 5-10-4. Monument signs will require a separate design review.
8. 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 three days or as the planting season permits as required to meet KCC 5-17-7 standards. Maintenance and planting within public rights-of-way shall be approved from the public entities owning the property.
9. Submit a petition to the City (if necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation system of the City (KMID) prior to requesting final plat signature from the City Engineer.
10. The land owner/applicant/developer and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Commission and/or Council, or seek amending them through public hearing processes.
11. The applicant's proposed preliminary plat (dated 06/19/17) and landscape plan (dated 06/19/2017) shall be considered 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 plan 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 add pathways through long blocks to provide better interconnectivity for pedestrian and non-motorized transportation.
14. Applicant shall follow staff, city engineer and other agency recommended requirements as applicable.
15. Applicant shall demonstrate permanent access, maintenance and care for all lots affected by shared driveways as proposed on the preliminary plat bearing the same date as above.
16. Compliance with all local, state and federal laws is required.

DATED: This 26th day of September, 2017.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST: _____
Troy Behunin, Planner III,
Kuna Planning and Zoning Department



City of Kuna

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

Findings of Fact and Conclusion of Law – P&Z Commission

To: Planning and Zoning Commission

Case Number(s): 17-04-AN (Annexation)
Location: 882 E Hubbard Rd.
Kuna, ID 83634

Planner: Jace Hellman, Planner I

Hearing Date: August 22, 2017
Tabled To: September 12, 2017
Findings: September 26, 2017

Owner/applicant: John Browning
880 East Hubbard Road
Kuna, ID 83634
firstservicegroup@gmail.com

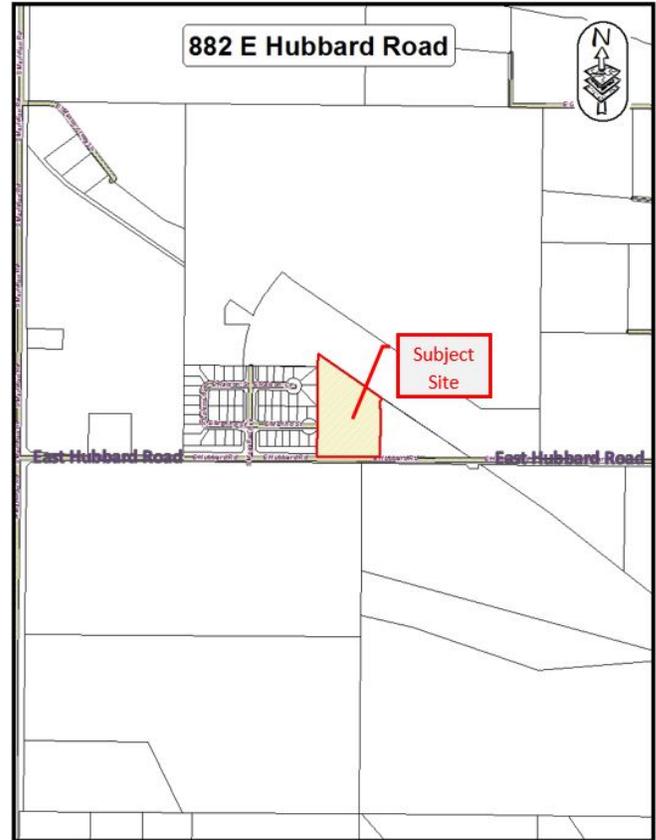


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- A. Course Proceedings
- B. Applicant Request
- C. Zoning and Property Range Maps
- D. History
- E. General Project Facts
- F. Staff Analysis
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- H. Comprehensive Plan Analysis
- I. Findings of Fact
- J. Conclusions of Law
- K. Decision by the Commission

A. Course of Proceedings

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

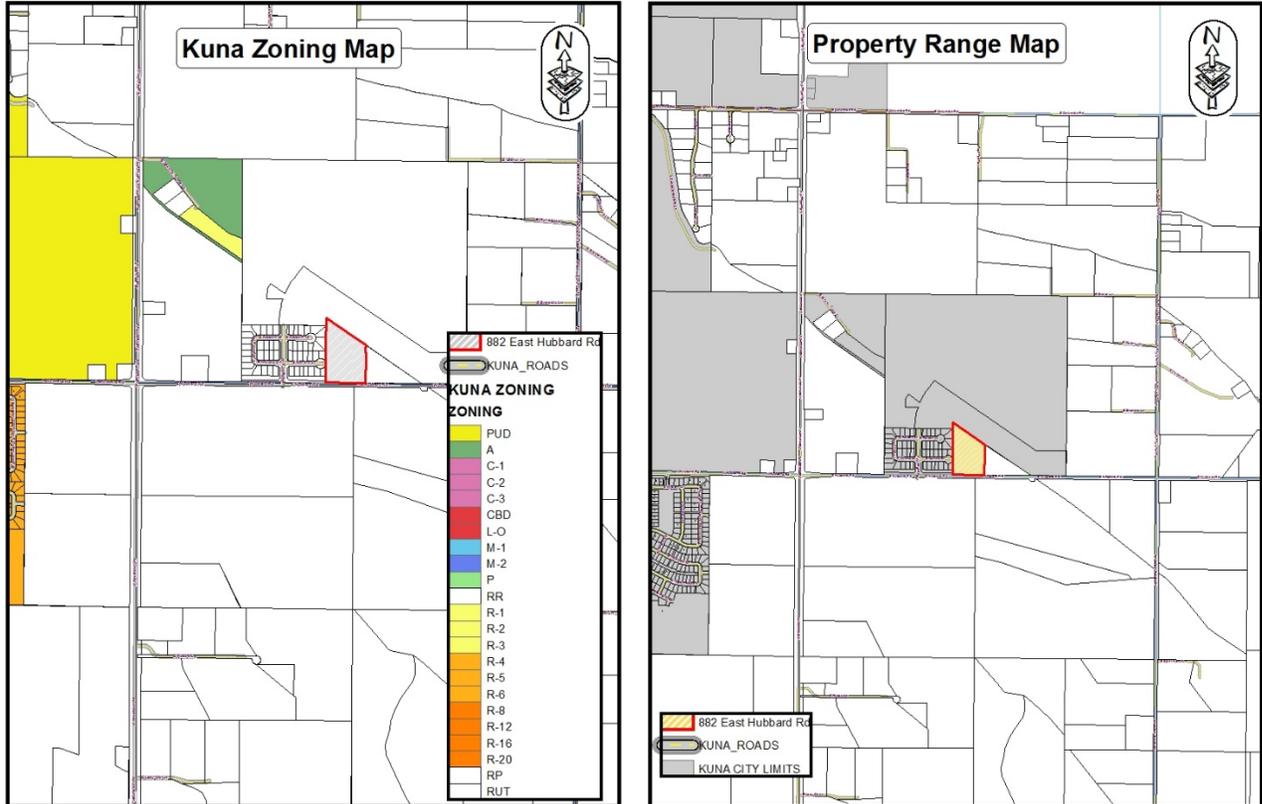
a. Notifications

- | | |
|---------------------------|-----------------|
| i. Neighborhood Meeting | May 10, 2017 |
| ii. Agencies Notified | July 24, 2017 |
| iii. 300' Property Owners | August 2, 2017 |
| iv. Kuna, Melba Newspaper | August 2, 2017 |
| v. Site Posted | August 11, 2017 |

B. Applicant Request:

1. The applicant requests approval to annex approximately 6.82 acres located at 882 East Hubbard Road, Kuna, Idaho with an **R-6 residential zoning designation**.

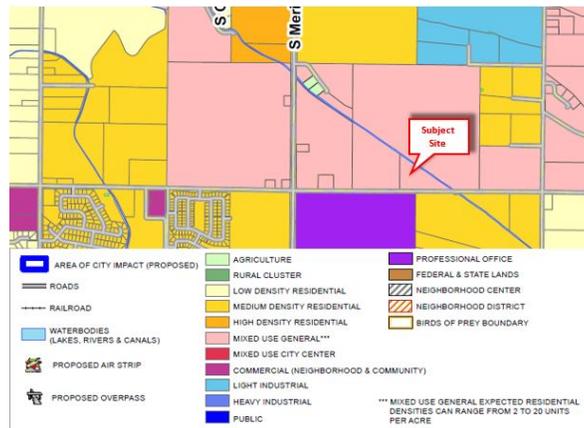
C. Zoning and Property Range Maps:



D. History: The parcel is contiguous to city limits along the northern and western boundaries, and is currently zoned RR (Rural-Residential) within Ada County’s jurisdiction.

E. General Projects Facts:

Comprehensive Plan Designation: The Future Land Use Map identifies this site as ‘Mixed Use General’. Staff agrees that Mixed Use General’s expected residential densities can range from 2 to 20 units per acre. Staff views this annexation request to be consistent with the approved Future Land Use Map.



1. **Surrounding Land Uses:**

| | | |
|--------------|-----|---|
| North | R-6 | Medium Density Residential – City of Kuna |
| South | RR | Rural Residential – Ada County |
| East | RR | Rural Residential – Ada County |
| West | R-6 | Medium Density Residential – City of Kuna |

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

- Approx. 6.82 +/- total acres
- Zone: RR, Rural Residential (Ada County)
- Parcel # S1407347180

3. **Services:**

Sanitary Sewer – Private Septic (Future City of Kuna)
Potable Water – Private Domestic Well (future City of Kuna)
Irrigation District –Boise-Kuna
Future 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

4. **Existing Structures, Vegetation and Natural Features:** The subject site currently contains no existing buildings. The United States’ Mason Creek Feeder lies within the boundaries of the subject site. The site is currently used as pasture land. The site’s topography is generally flat with a potential 0-2% slope in areas.

5. **Transportation / Connectivity:** The parcel does not have curb, gutter or sidewalks. The site is accessed from East Hubbard Road.

6. **Environmental Issues:** The subject site lies within the designated ‘Nitrate Priority Area’ (NPA) for groundwater monitoring. Beyond the NPA, staff is not aware of any additional environmental issues, health or safety conflicts.

7. **Agency Responses:** The following agencies returned comments which are included as exhibits with this case file:

- Public Works – Exhibit C3
- Boise Project Board of Control – Exhibit B1
- Nampa & Meridian Irrigation District – Exhibit B2
- Compass – Exhibit B3
- Idaho Transportation Department – Exhibit B4
- Central District Health Department – Exhibit B5
- **ACHD – Exhibit B6**

F. Staff Analysis:

The subject site is directly east of the Patagonia Subdivision off East Hubbard Road. The applicant requests to annex the 6.82-acre parcel into Kuna City limits with an **R-6 (medium density) zoning designation**. Future development of the site or any portions thereof shall be in accordance with the provisions set forth in Kuna City Code (KCC). This includes the possibility that the applicant may

sell the subject property to another party, who may intend to develop the site consistent with adjacent developments. Potable water and sanitary sewer are within 300-feet of the subject site. Staff has determined that the applicant should be required to connect to City services at the time of any future development. The applicants' property will need to show how they can maintain surface water rights for proper irrigation or they will be required to connect to the City's pressurized irrigation system. Public potable water is not to be used for irrigation purposes. Staff is recommending connection to the City's pressurized irrigation system at the time of any future development.

The United States' Mason Creek Feeder lies within the boundary of this parcel. 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. The Boise Project Board of Control is contracted to operate and maintain this lateral. The federal easement is asserted 37 feet north and 35 feet south of the lateral's centerline, and no future activity or development shall hinder The Boise Project Board of Control's ability to operate and maintain this lateral.

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

G. Applicable Standards:

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

H. Comprehensive Plan Analysis:

The Kuna City Council accepts the Comprehensive Plan components as described below.

1. The proposed applications for this site are consistent with the following Comprehensive Plan components:

GOALS AND POLICY – 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.

GOALS AND POLICY – Land Use

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

I. Findings of Fact:

1. This request appears to be in compliance with all ordinances and laws of the City, including Kuna City Code (KCC).
2. The site is physically suitable for annexation.

3. The annexation is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
4. The annexation is not likely to cause adverse public health problems.
5. 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.
6. The existing street and utility services in proximity to the site appear to be adequate for the current use; however, any future site improvements as determined by the City Engineer and the Planning and Zoning Director, shall comply with the provisions set forth in Kuna City Code (KCC).
7. The Commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence as presented.
8. Based on the evidence contained in Case No. 17-04-AN, this proposal complies with the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map.
9. The Planning and Zoning Commission has the authority to recommend approval, conditional approval or denial for the annexation application.

J. Conclusions of Law:

1. Based on the evidence contained in Case No 17-04-AN, the Kuna Planning & Zoning Commission finds Case No. 17-04-AN *complies* with Kuna City Code.
2. Based on the evidence contained in Case No 17-04-AN, the Kuna Planning & Zoning Commission finds Case No. 17-04-AN *is* consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho State Code and Kuna City Ordinances.

K. Decision by the Planning & Zoning Commission:

Note: This motion is to recommend approval/conditional approval/denial of this annexation request to the City Council. However, if the Commission wishes to approve or deny specific parts of the request as detailed in this report, they must be specified.

Comment: The original application requested annexation in Kuna City Limits with an R-8 Zoning Designation. On August 22, 2017, The Planning and Zoning Commission proposed an R-6 Zoning Designation during their discussion, and the applicant's representative was not able to accept or deny this proposed change. The Commission voted 4-0 to table the case until September 12, 2017 to discuss the possibility of a R-6 (medium density) residential zoning designation. The applicant accepted R-6 as a zoning designation prior to the hearing and the Commission voted 4-0 to recommend approval of 17-04-AN (annexation) to the City Council with a zoning designation of R-6.

Based on the facts outlined in staff's report and any public testimony at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval* of Case No. 17-04-AN; a request for annexation from John Browning, with the following conditions of approval:

1. All development submittals are required to include the lighting, landscaping, drainage and development plans as required by Planning and Zoning. All site improvements are prohibited prior to approval of the following agencies. The applicant/owner shall obtain written approval on letterhead or may be written/stamped on the approved construction plans from the agencies noted:
 - a. Central District Health Department (CDHD).

- b. The City Engineer shall approve the future sewer and water, irrigation and drainage construction plans.
 - c. The Kuna Fire District shall approve all site development and building plans.
 - d. The Boise-Kuna Irrigation District shall approve 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 permits for future development.
2. All public rights-of-way shall be dedicated to the City and/or Ada County Highway District. No public street construction may be commenced without the approval and permits from Ada County Highway District. With future development and as necessary, dedicate right-of-way in sufficient amounts, to follow City and ACHD standards and widths.
 3. Potable water and sanitary sewer are within 300-feet of the subject site. Applicant shall connect to City services at the time of any future development.
 4. For future development, all utilities shall be installed underground, unless otherwise approved (see KCC 6-4-2-W).
 5. 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.
 6. Applicant shall not impede the Boise Project Board of Control's ability to operate and maintain the United States' Mason Creek Feeder.
 7. Any site improvements shall require the property owner to comply with the provisions set forth in Kuna City Code (KCC).
 8. At the time of any future development, applicant shall submit a petition to the City (as necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation District (KMID).
 9. Applicant shall follow Kuna staff, City Engineer and any other agency recommended requirements as applicable.
 10. Applicant shall abide by all applicable federal, state and local laws and ordinances.

DATED: This 26th day of September, 2017.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Jace Hellman, Planner I
Kuna Planning and Zoning Department

B. Applicants Request:

1. A request from Scott Noriyuki, to rezone a parcel's current R-4 (medium-density) residential zoning designation to a C-1 (neighborhood-commercial) zoning designation. The site is located at the southeast corner of West Hubbard Road and North Linder Road, Kuna ID

C. Site History:

This parcel is lot 8, block 1 of the Kelleher Subdivision. The final plat was recorded on October 12th, 2006. The parcel in question has remained vacant.

D. General Projects Facts:

1. Surrounding Land Use Zoning Designations:

| | | |
|--------------|-----|--|
| North | C-1 | Neighborhood Commercial District - Kuna City |
| South | R-4 | Medium Density Residential – Kuna City |
| East | R-4 | Medium Density Residential – Kuna City |
| West | A | Agriculture – Kuna City |

2. Parcel Sizes, Current Zoning, Parcel Number:

- Parcel Size: 1.96 acres (approximately)
- Current Zoning: R-4 (Medium-Density Residential)
- Parcel #: R4865420080

3. Services:

Sanitary Sewer– City of Kuna (adjacent to site)
 Potable Water – City of Kuna (adjacent to site)
 Irrigation District – Kuna Municipal District
 Pressurized Irrigation – City of Kuna (KMID) (adjacent to site)
 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:

This parcel has remained bare since the recording of the final plat in October 2006. The site's topography is generally flat with a potential 0-2% slope in areas.

5. Transportation / Connectivity:

The subject site is located on the southeast corner of West Hubbard Road and North Linder Road. The site has frontage access via an existing curb-cut on North Linder Road. Future site improvements will be reviewed and assessed by Ada County Highway District for any required improvements and/or additional impacts to the roadway system.

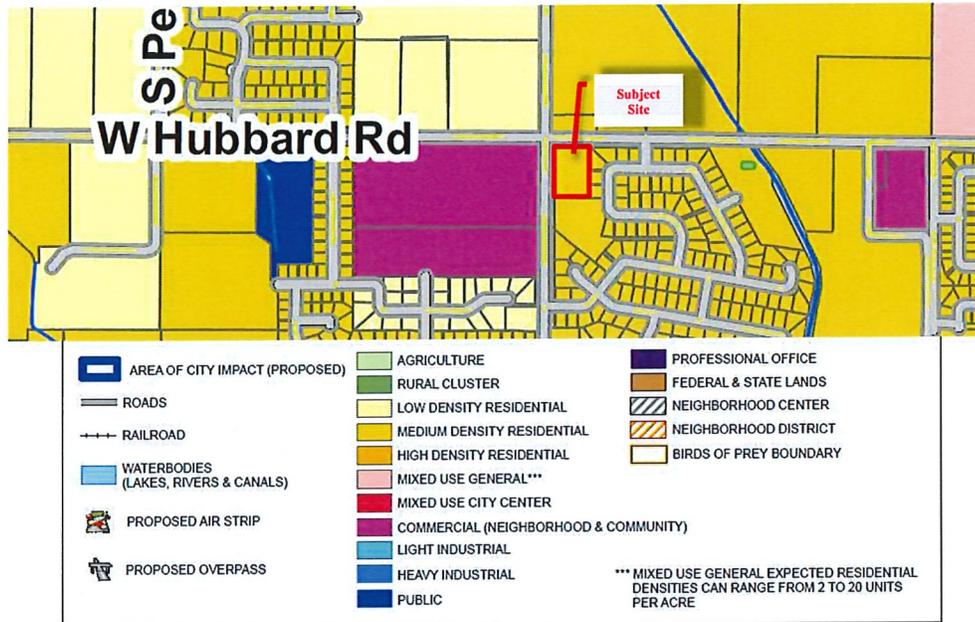
6. Environmental Issues:

The subject site lies within the designated 'Nitrate Priority Area' (NPA) for groundwater monitoring. Beyond the NPA, staff is not aware of any additional environmental issues, health or safety conflicts.

7. Comprehensive Plan Future Land Use Map:

The site is identified as medium-density residential on Kuna's Comprehensive Plan Future Land Use Map. The comprehensive plan is a living document, intended for use as a guide by governmental bodies. The plan is not law that must be adhered to in the most stringent sense; it is to be used by public officials to guide their decision-making for the City. While the Comprehensive Plan Map (CPM) calls for a residential use on this parcel, staff believes this rezone request is in harmony with, and compatible to, the adjacent commercial uses and other C-1 (neighborhood commercial) zoning designations.

Staff views this proposed land use request to be consistent with the surrounding area land uses and zoning designations.



8. Agency Responses:

The following agencies returned comments:

- Idaho Transportation Department – Exhibit B2
- Nampa & Meridian Irrigation District – Exhibit B3
- Boise Project Board of Control – Exhibit B4
- Central District Health Department – Exhibit B5
- Compass – Exhibit B6
- Ada County Highway District – Exhibit B7

E. Staff Analysis:

The applicant is requesting to rezone an approximately 1.96-acre parcel from a R-4 (medium-density) residential zoning designation to a C-1 (neighborhood commercial) zone. The Comprehensive Plan’s Future Land Use Map has identified this parcel as a medium density residential. A rezone, if granted, would not require a comprehensive map amendment due to its proximity to other future commercial zoning designations and its location on a hard corner. Staff views the applicant’s request to be consistent with adjacent uses and the Comprehensive

Sanitary sewer, potable water and pressurized irrigation are all within 300 feet of the site. Staff is recommending ultimate connection to City facilities and services at such time future development occurs on this parcel.

Staff agrees with ACHD’s recommendation to remove the existing driveway on Linder Road for the site, and to add vertical curb, gutter and detached sidewalk to match the existing improvements and to introduce a *temporary* full access, 30-foot wide, with proper curb return to Hubbard Road, with the condition that the driveway will likely be restricted to right-in/right-out only in the future as determined by ACHD and/or the City of Kuna.

Staff has determined this application generally complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and fits the current adjacent commercial zoning designations. Staff forwards a recommendation of approval for Case # 17-07-ZC, subject to the recommended conditions of approval listed in Section ‘L’ of this report.

F. Applicable Standards:

1. Kuna City Code (KCC) Title 1,
2. Kuna City Code (KCC) Title 5, Chapter 14.
3. City of Kuna Comprehensive Plan and Future Land Use Map
4. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act

G. Proposed Procedural Process:

On September 26, 2017, the Planning and Zoning Commission will consider the project, including the submitted application items, agency comments, staff's report, application exhibits and any public testimony presented or given.

H. Proposed Findings of Fact for Commission Consideration:

1. **Rezone:** Based on the record contained in Case No. 17-07-ZC, including the exhibits, staff's report and any public testimony at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval/conditional approval/denial* of the Findings of Fact and Conclusions of Law, and conditions of approval for Case No. 17-07-ZC rezone.
2. The Kuna Planning and Zoning Commission approves/conditionally approves/denies the facts as outlined in the staff report, the public testimony and the supporting evidence list presented.

Comment: The Kuna Commission held a public hearing on the subject applications on September 26, 2017 to hear from the 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.

3. Based on the evidence contained in Case No. 17-07-ZC, this proposal appears to generally comply with the Comprehensive Plan and Future Land Use Map.

Comment: The Comp Plan Future Land Use Map designates the approximately 1.96 acres (subject property) as medium-density residential. The proposed rezone to a commercial use (C-1) conforms with adjacent commercial uses.

4. The Kuna Planning and Zoning Commission has the authority to recommend approval or denial for this application.

Comment: On September 26, 2017, Kuna's Planning and Zoning Commission will vote to recommend approval/conditional approval/denial of application 17-07-ZC.

5. 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 section, notice requirements were met to hold a public hearing on September 26, 2017.

I. Comprehensive Plan Analysis:

The Kuna Planning and Zoning Commission accepts the Comprehensive Plan components as described below. The proposed zone change for the site is consistent with the following Comprehensive Plan components:

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 criteria established to determine the potential for property taking.

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

Land Use Goals and Objectives – Section 6 – Summary:

Preserve and enhance the Kuna community quality of life.

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

J. Kuna City Code Analysis:

1. This request appears to be consistent and in compliance with all Kuna City Code (KCC).

Comment: The proposed application adheres to the applicable requirements of Title 5 of the KCC.

2. The site is physically suitable for a commercial zoning designation.

Comment: The 1.96-acre parcel is suitable to accommodate a commercial use.

3. The rezone to commercial uses is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.

Comment: The land to be rezoned is not used as wildlife habitat. Roads, structures and open space already exist and will therefore not cause environmental damage or loss of habitat.

4. The Rezone application is not likely to cause adverse public health problems.

Comment: The proposed commercial zoning designation will be required to connect to Kuna public sewer and water eliminating the occurrence of adverse public health problems.

5. 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: The rezone request considers the location of the property and adjacent uses. The adjacent uses are commercial and residential – as referenced in the Kuna Comprehensive Plan Future Land Use Map.

6. The existing and proposed utility services in proximity to the site are suitable and adequate for commercial use.

Comment: Correspondence from Kuna Public Works confirms that the utility services are suitable and adequate for a commercial use.

K. Proposed Conclusions of Law:

1. Based on the evidence contained in Case No 17-07-ZC, Commission finds Case No. 17-07-ZC generally complies with Kuna City Code.
2. Based on the evidence contained in Case No. 17-07-ZC, Commission finds Case No. 17-07-ZC is generally consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

L. Recommended Conditions of Approval:

Note: This proposed motion is to approve, conditional approval, or deny this request. If the Commission wishes to approve or deny specific parts of the requests as detailed in this report, those changes must be specified.

On September 26, 2017, the Planning and Zoning Commission voted to recommend *approval/conditional approval/denial* for Case No 17-07-ZC, based on the facts outlined in staff's report and the testimony during the public hearing by the Planning and Zoning Commission of Kuna, Idaho, the Commission hereby recommends *approval/conditional approval/denial* for Case No. 17-07-ZC, a rezone request from Scott Noriyuki, with the following conditions of approval to Council:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All site improvements are prohibited prior to approval of the following agencies:
 - a. The City Engineer shall approve sewer hook-ups.
 - b. The City Engineer shall approve 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.
 - d. The *Kuna Municipal 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 each building permit.
2. Irrigation/drainage waters shall not be impeded by any construction on site per Idaho Code Section 31-3805. Compliance with the requirements of the Boise Project Board of Control is required.
3. Storm Drainage and/or Street Runoff must be retained on site.
4. Fencing within and/or around the site shall comply with Kuna City Code at time of development.
5. All parking within the site shall comply with KCC 5-9 for all future development.
6. Signage within the site shall comply with KCC 5-10 for all future development.
7. Lighting within the site shall comply with KCC 5-9-5-B for all future development.
8. Landscaping on site shall comply with KCC 5-17 for all future development and 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. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
9. Any future site improvements shall require the property owner to comply with the provisions set forth in Kuna City Code (KCC).
10. City Services and Facilities are within 300 FT of the subject property. The landowner/applicant/developer, and any future assigns having an interest in the subject property, shall make ultimate connection to City Services and Facilities at such time any future development occurs.
11. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions and Kuna City Code or seek amending them through the public hearing processes.
12. Applicant shall dedicate an additional 14-feet of right of way to total 48-feet from the centerline of right of way along Linder Road abutting the site.
13. Applicant shall follow Kuna staff, City Engineer and other agency recommended requirements as applicable.
14. Applicant shall comply with all local, state and federal laws.

RECEIVED
8.15.17



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.

Project name: **Kelkehar 4-Plex** Applicant: **Scott Noriyuki Northside Management**

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

| Applicant (✓) | Description | Staff (✓) |
|---------------|--|-----------|
| ✓ | Completed and signed Commission & Council Review Application. | ✓ |
| ✓ | Letter of Intent indicating reasons for proposed rezone . If reason for rezone is development, also submit a conceptual plan. | ✓ |
| ✓ | 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. | ✓ |
| ✓ | 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. | ✓ |
| ✓ | Development Agreement & Development Agreement Checklist | |
| ✓ | Recorded warranty deed for the property. | ✓ |
| ✓ | Proof of ownership—A copy of your deed and Affidavit of Legal Interest. (All parties involved) | |
| ✓ | Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application). | ✓ |
| ✓ | 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.

Exhibit
A2

RECEIVED
8.15.17



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) | 17-07-26 |
| Project name | Scott Noriguchi Rezoning |
| Date Received | 8/15/2017 |
| Date Accepted/ Complete | |
| Cross Reference Files | |
| Commission Hearing Date | |
| City Council Hearing Date | |

Contact/Applicant Information

| | |
|---|--|
| Owners of Record: <u>JRL Properties LLC</u> | Phone Number: _____ |
| Address: <u>2358 Titze Way</u> | E-Mail: _____ |
| City, State, Zip: <u>Meridian, ID 83642</u> | Fax #: _____ |
| Applicant (Developer): <u>Scott Noriguchi</u> | Phone Number: <u>208 230-1202</u> |
| Address: <u>6810 Fairhill Pl</u> | E-Mail: <u>scott@northsidemgt.com</u> |
| City, State, Zip: <u>Boise, ID 83714</u> | Fax #: _____ |
| Engineer/Representative: <u>Greg Carter</u> | Phone Number: <u>208 846-8570</u> |
| Address: <u>1450 E. Water Tower</u> | E-Mail: <u>gcarter@idahosurvey.com</u> |
| City, State, Zip: <u>Meridian, ID 83642</u> | Fax #: _____ |

Subject Property Information

| | |
|--|--|
| Site Address: <u>E. Hubbard RD, Kuna, ID 83634</u> | |
| Site Location (Cross Streets): <u>SE Corner of Hubbard & Cider</u> | |
| Parcel Number (s): <u>R4865420080</u> | |
| Section, Township, Range: _____ | |
| Property size: <u>1.96 Acres</u> | |
| Current land use: <u>Vacant</u> | Proposed land use: <u>Multi-Family</u> |
| Current zoning district: <u>R-4</u> | Proposed zoning district: <u>C-1</u> |



Project Description

Project / subdivision name: Kelleher 4-Plex
 General description of proposed project / request: Rezoned Development of 9 4-Plex Buildings
 Type of use proposed (check all that apply):
 Residential Multi-Family
 Commercial _____
 Office _____
 Industrial _____
 Other _____
 Amenities provided with this development (if applicable): Open space

Residential Project Summary (if applicable)

Are there existing buildings? Yes No
 Please describe the existing buildings: N/A
 Any existing buildings to remain? Yes No
 Number of residential units: 36 Number of building lots: 1
 Number of common and/or other lots: 0
 Type of dwellings proposed:
 Single-Family _____
 Townhouses _____
 Duplexes _____
 Multi-Family _____
 Other _____
 Minimum Square footage of structure (s): 5,616 S.F.
 Gross density (DU/acre-total property): 18.4 Net density (DU/acre-excluding roads): _____
 Percentage of open space provided: 20+ Acreage of open space: .39+
 Type of open space provided (i.e. landscaping, public, common, etc.): Landscaping/Common

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): N/A 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: 9 Dimensions: As Required
 b. Total Parking spaces: 56 Dimensions: 20x9
 c. Width of driveway aisle: 24'
 Proposed Lighting: Wall Packs & Light Poles
 Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.): _____

Applicant's Signature: [Signature] Date: 8/6/17



RECEIVED
8.15.17

August 1st, 2017

Honorable Mayor and City Council
City of Kuna
W. 4th St.
Kuna, Idaho 83634

RE: E. Hubbard Rd (R4865420080) Rezone – Letter of Intent

Dear Mayor and Council,

As representative for JRL Properties, LP, please accept this application for the E. Hubbard Rd. Rezone located at the Northeast corner of W. Hubbard and N. Linder roads in Kuna, Idaho. The property contains 1.96 acres, currently zoned R-4. We are requesting to rezone the property to C-1 for the purposes of developing a Multi-Family project. The parcel has water, sewer and joint trench services stubbed to and sized appropriately for this proposed density and use. This letter is included with the appropriate land use application for a rezone, together with filing fees and various exhibits. The enclosed application has been submitted in accordance with the requirements of the Kuna City Unified Development Code.

The property lies within the existing Kelleher Subdivision and pressurized irrigation will be connected to the existing pump station. No variances or deed restrictions are requested with this application. Drainage will be handled by on-site detention areas and will be designed to the standards of all appropriate regulatory agencies.

This development provides a much needed, diversified and high quality residential use that compliments the other residential uses as well as the rapidly expanding development in the immediate area. This project was well received by the homeowners/property owners adjacent to the site during our Neighborhood meeting.

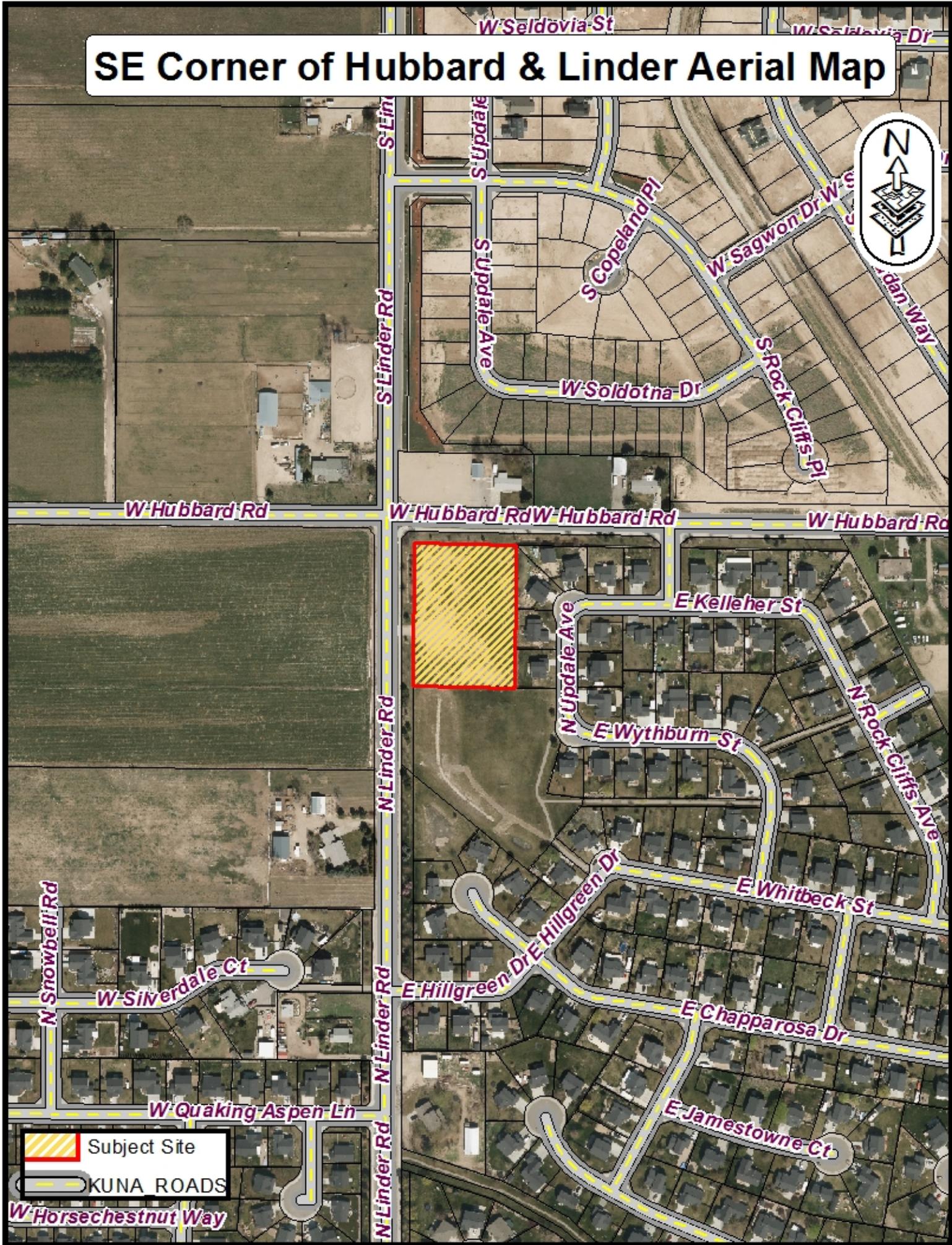
In conclusion, this will be a quality addition to the City of Kuna. We look forward to working with you and your staff and would request approval of this wonderful development.

Sincerely,

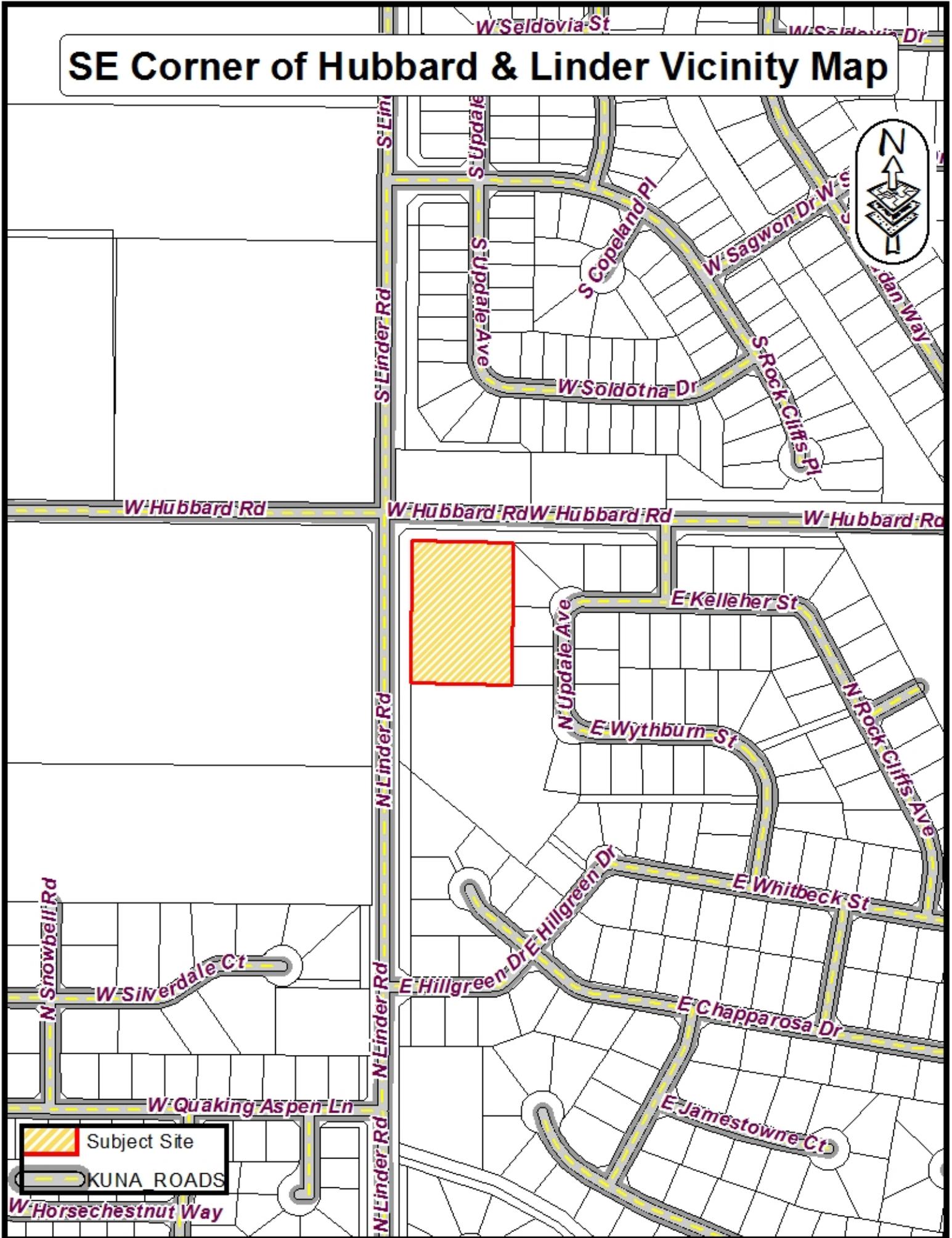
Scott Noriyuki
Northside Management



SE Corner of Hubbard & Linder Aerial Map



SE Corner of Hubbard & Linder Vicinity Map



**DESCRIPTION FOR
LOT 8 BLOCK 1 KELLEHER SUBDIVISION**

A parcel of land being Lot 8, Block 1 of Kelleher Subdivision as filed in Book 96 of Plats at Pages 11979-11982, records Ada County, Idaho located in the NW1/4 of Section 13, T.2N., R.1W., B.M., City of Kuna, Ada County, Idaho more particularly described as follows:

BEGINNING at the NW corner of said Lot 8 of Kelleher Subdivision;

thence along the North boundary line of said Lot 8 South 88°53'15" East, 246.74 feet to the NE corner of said Lot 8;

thence along the East boundary line of said Lot 8 South 00°03'41" West, 346.49 feet to the SE corner of said Lot 8;

thence along the South boundary line of said Lot 8 North 88°53'10" West, 246.72 feet to the SW corner of said Lot 8;

thence along the West boundary line of said Lot 8 North 00°03'29" East, 346.48 feet to the **POINT OF BEGINNING**. Containing 1.96 acres, more or less.



11 12
14 13

E. HUBBARD RD.

N. LINDER RD.
S0°03'29"W 1321.88'

N0°03'29"E 346.48'

S88°53'15"E 246.74'

POINT OF BEGINNING
NW CORNER OF LOT 8 BLOCK 1

KELLEHER SUBDIVISION
BLOCK 1
BOOK 96, PAGE 11979

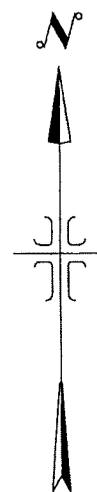
S0°03'41"W 346.49'

N88°53'10"W 246.72'

N 1/16



SCALE: 1" = 60'



C:\VSG Projects\Kelleher Sub Lot 8 BLK 1 17-262\deg\Lot 8 BLK 1 Exhibit.dwg 8/18/2017 11:05:01 AM



IDAHO
SURVEY
GROUP, LLC

1450 E. WATERTOWER ST.
SUITE 130
MERIDIAN, IDAHO 83642
(208) 848-8570

EXHIBIT ___ DRAWING FOR
LOT 8 BLOCK 1 KELLEHER SUBDIVISION

LOCATED IN THE NW 1/4 OF SECTION 13, T.2N., R.1W., B.M.,
CITY OF KUNA, ADA COUNTY, IDAHO

JOB NO.
17-262

SHEET NO.
1

DWG. DATE
8/18/2017

Parcel Map Check Report

LOT 8 BLOCK 1 KELLEHER SUBDIVISION

BLOCK 1: LOT 8

Segment# 1: Line

Course: S0.0341W (dms)

North: 3,764.64'

Length: 346.49'

East: 4,365.24'

Segment# 2: Line

Course: N88.5310W (dms)

North: 3,769.43'

Length: 246.72'

East: 4,118.57'

Segment# 3: Line

Course: N0.0329E (dms)

North: 4,115.91'

Length: 346.48'

East: 4,118.92'

Segment# 4: Line

Course: S88.5315E (dms)

North: 4,111.12'

Length: 246.74'

East: 4,365.61'

Perimeter: 1,186.43'

Error Closure: 0.00

Error North : -0.004

Area: 85,474.33Sq.Ft.

Course: S0.4337W (dms)

East: 0.000

Precision 1: 1,186,430,000.00





ADA COUNTY RECORDER J. DAVID NAVARRO AMOUNT 3.00 1
BOISE IDAHO 02/12/07 04:07 PM
DEPUTY Neava Haney
RECORDED - REQUEST OF
Pioneer
107020894

RECEIVED
8.15.17

8151 W. Rifleman Ave. / Boise, Idaho 83704 / (208) 377-2700

ACCOMMODATION
OA 8534

QUITCLAIM DEED

224310

For Value Received

Oakwood Enterprises, LLC

do hereby convey, release, remise and forever quit claim unto

JRL Properties, L.P., as to an undivided 50% interest and
Glasgow Enterprises, LLC, as to an undivided 50% interest

whose address is 2364 S. Titanium, Meridian, Idaho 83642 ,

the following described premises, to-wit:

Lot 8 in Block 1 of Kelleher Subdivision, according to the plat thereof, filed in Book 96 of Plats at pages 11979-11982, records of Ada County, Idaho.

together with their appurtenances.

Dated: February 8, 2007

Oakwood Enterprises, LLC

STATE OF Idaho, County of Ada, ss

On this 12th day of February, in the year of 2007, before me The Undersigned, a notary public, personally appeared John Laude, known or identified to be one of the member(s)/manager(s) in a limited liability company, of Oakwood Enterprises, LLC and the member(s)/manager(s) who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he/she/they executed the same in said limited liability company name.



Shannon Moser

Notary Public of Idaho
Residing at Boise
Commission expires: 03-25-10

Exhibit
A2F



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

Phone: (208) 922-5274
Fax: (208) 922-5989
Web: www.kunacity.id.gov

City of Kuna AFFIDAVIT OF LEGAL INTEREST

State of Idaho)
) ss
County of Ada)

I, John Lunde - 9839 W. Cable Car St., Suite 101
Name Address
Boise, Idaho 83709
City 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 Scott Noriupki - 6810 Fairhill Pl - Boise, ID 83714 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 18th day of August, 2017

Signature

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

[Signature]
Notary Public for Idaho

Residing at: Boise ID

My commission expires: 9/6/2019



Exhibit
A2g



Neighborhood Meeting Certification

RECEIVED
8-15-17

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

Date and time of neighborhood meeting: 6/13/17 @ 5pm - 6pm

Location of neighborhood meeting: E. Hubbard Rd - see Attached Invite

SITE INFORMATION:

Location: Quarter: - Section: - Township: - Range: - Total Acres: 1.96

Subdivision Name: Kelleher Sub Lot: 8 Block: 1

Site Address: E. Hubbard Rd Tax Parcel Number(s): R4865420080

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

CURRENT PROPERTY OWNER:

Name: JRL Properties LP

Address: 738 S. Bridgeway City: Boise State: ID Zip: 83616

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

Name: Scott Noriyuki Business (if applicable): NorthSide Management

Address: 6810 Fairhill PL City: Boise State: ID Zip: 83714

Exhibit
Azh

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 _____

Complete

APPLICANT:

Name: Scott Noriyuki

Address: 6810 Fiddell Pl

City: Boise State: ID Zip: 83714

Telephone: 208-230-1202 Fax: _____

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 8/1/17



RECEIVED
8.15.17

June 5th, 2017

RE: Invitation to Neighborhood Meeting

Dear Neighbor.

On behalf of my client, I am pleased to invite you to a Neighborhood Meeting June 13th, 2017 to review the status of our Rezone application. The meeting will be held on-site at E. Hubbard Road, Kuna, ID. The meeting will be held between 5:00 pm and 6:00 pm. See map below for detailed location.



At this time we are Not requesting to modify the site or build new structures. This rezone request is in conformance with the City of Kuna Comprehensive Land Use Plan and simply allows for the properties future to be known from a planning standpoint.

Thank you and we look forward to meeting with you.

Sincerely,

Scott Noriyuki
Northside Management
scott@northsidemgt.com

RECEIVED
8.15.17



City of Kuna
**COMMITMENT TO
PROPERTY POSTING**

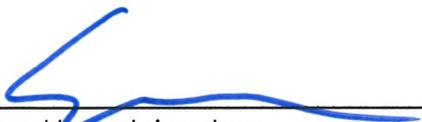
City of Kuna
P.O. Box 13
Kuna, Idaho 83634
Phone: (208) 922-5274
Fax: (208) 922-5989
Web: www.cityofkuna.com

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

8/11/17

Date





RECEIVED
9.18.17

City of Kuna

PROOF OF PROPERTY POSTING

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

Phone: (208) 922-5274
Fax: (208) 922-5989
Web: www.kunacity.id.gov

Lot 8/Block 1 - Kelleher Sub

This notice shall confirm that the Public Hearing Notice for (NAME OF SUBDIVISION) was posted as required per Kuna City Ordinance 5-1-5B. Sign posted (DAY OF THE WEEK, MONTH, DATE AND YEAR).

15th Day of September, 2017

DATED this 18th day of September, 2017

Signature,

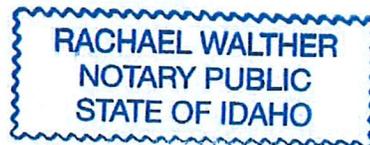

Owner/Developer
Scott Noriyuki

STATE OF IDAHO)
County of Ada) : ss

On this 18th day of September, 2017, before me the undersigned, a Notary Public in and for said State, personally appeared before me (Owner, Developer).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Rachael Walther
Notary Public
Residing at Idaho
Commission Expires 4/14/23



**CITY OF KUNA
PUBLIC HEARING NOTICE**
KUNA PLANNING AND ZONING COMMISSION

THE CITY OF KUNA WILL HOLD A PUBLIC HEARING

DATE: September 26th, 2017

TIME: 6:00 P.M.

LOCATION: Kuna City Hall 751 W. 4th St., Kuna, Idaho

PURPOSE: Rezone Lot 8 of Block 1 - 1.96 Acres - within the Kelleher
Subdivision to C-1 for future multi-family dwellings.

LOCATION: SE Corner of W. Hubbard Rd. and Linder Rd., Kuna, ID

APPLICATION BY: NorthSide Management, LLC

Contact a City Planner 208-922-5546 with any questions.

18.09.2017

CITY OF KUNA PUBLIC HEARING NOTICE

KUNA PLANNING AND ZONING COMMISSION

THE CITY OF KUNA WILL HOLD A PUBLIC HEARING

DATE: September 26th, 2017

TIME: 6:00 P.M.

LOCATION: Kuna City Hall 751 W. 4th St., Kuna, Idaho

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Subdivision to C-1 for future multi-family dwellings.

LOCATION: SE Corner of W. Hubbard Rd. and Linder Rd., Kuna, ID

APPLICATION BY: NorthSide Management, LLC

Contact a City Planner 208-922-5546 with any questions.

18.09.2017

Jace Hellman

From: Jace Hellman
Sent: Thursday, August 17, 2017 2:40 PM
To: ACHD; Ada County Engineer; Antonio Conti; Attorney Icloud; Becky Rone - Kuna USPS Addressing; Bob Bachman; Boise Project Board of Control; Boise Project Board of Control; Boise-Kuna Irrigation Distr.; Cable One t.v.; Central District Health Dept. CDHD; COMPASS; DEQ (Alicia.martin@deq.idaho.gov); Eric Adolfson; Idaho Power; Idaho Power; Idaho Power Easements; Intermountain Gas; Intermountain Gas; J&M Sanitation - Chad Gordon; Jaime Gollither; Julie Stanely - Regional Address Mgmt.; Ken Couch; Idaho Transportation Department; Kuna Police; Kuna Postmaster - Marc C. Boyer; Kuna School District; Kuna School District; Kuna School District; Mike Borzick; Nampa Meridian Irrigation District; Natalie Purkey (npurkey@kunaid.gov); New York Irrigation; Planning Mgr: Ada County Development Services; Terry Gammel
Subject: Request for comment Case 17-07-ZC (Rezone)
Attachments: agency comment packet(1).pdf

August 17, 2017

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

| | |
|--------------------------------------|---|
| FILE NUMBER | 17-07-ZC (Rezone) Scott Noriyuki |
| PROJECT DESCRIPTION | Applicant, Scott Noriyuki, is requesting to rezone 1.96 acres on the south-east corner of East Hubbard Road and Linder Avenue from its current R-4 (medium density) residential zoning designation to a C-1 (neighborhood) commercial zoning designation. |
| SITE LOCATION | East Hubbard Road, Kuna, ID 83634 (Parcel No. R4865420080) |
| APPLICANT/ REPRESENTATIVE | Scott Noriyuki 6810 Fairhill Pl Boise, ID 83714 208-230-1202 scott@northsidemgt.com |
| SCHEDULED HEARING DATE | Tuesday, September 26, 2017 6:00 p.m. |
| KUNA STAFF CONTACT | Jace Hellman, Planner I jhellman@kunaid.gov Phone: 922-5274 Fax: 922-5989 |

We have included an attachment with this email containing the application items that were submitted to assist you with your consideration and responses. **No response within 15 business days will indicate you have no objection or concerns with this proposed project.** We would appreciate any information you can supply us as to how this action would affect the services you provide. The public hearing is at 6:00 p.m. or as soon thereafter as it may be heard located at Kuna City Hall 751 W. 4th Street, Kuna, ID 83634.





IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028
Boise, ID 83707-2028

RECEIVED
8.24.17

(208) 334-8300
itd.idaho.gov

August 24, 2017

Jace Hellman
City of Kuna, Planning and Zoning Department
P.O. Box 13
Kuna, ID 83634

VIA EMAIL

RE: 17-07-ZC SCOTT NORIYUKI

The Idaho Transportation Department has reviewed the referenced zoning change application by Scott Noriyuki for a parcel located at the south west corner of West Hubbard Road and Linder Road, west of SH-69 mile post 4.08. ITD has the following comments:

1. This property does not abut the State highway system.
2. IDAPA 39.03.60 rules govern advertising along the State highway system. The applicant can contact the ITD District 3 Traffic Section at 334-8300 for more information.
3. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
4. ITD does not object to the zoning change application as presented.

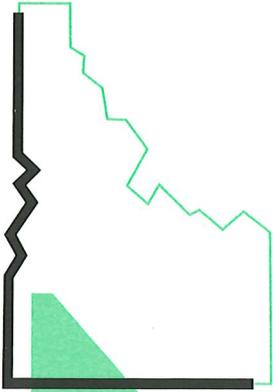
If you have any questions, you may contact Shona Tonkin at 334-8341 or me at 332-7190.

Sincerely,

A handwritten signature in black ink that reads "Ken Couch".

Ken Couch
Development Services Coordinator
Ken.Couch@itd.idaho.gov

Exhibit
B2



RECEIVED

AUG 29 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

August 23, 2017

City of Kuna
Planning & Zoning Dept.
P.O. Box 13
Kuna, ID 83634

RE: Rezone 17-07-ZC/ Kelleher 4-Plex; E. Hubbard Road

Dear Planning & Zoning Department:

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, with Boise Project Board of Control at (208)-344-1141, 2465 Overland Road, 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,

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

PC: Office/ File
B. Carter, BOC



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

xhibit
B3



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

- ACZ
Boise
Eagle
Garden City
Kuna
Meridian
Star

Rezone # 17-07-2c
Conditional Use #
Preliminary / Final / Short Plat

City of Kuna

- 1. We have No Objections to this Proposal.
2. We recommend Denial of this Proposal.
3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
4. We will require more data concerning soil conditions on this Proposal before we can comment.
5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
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:

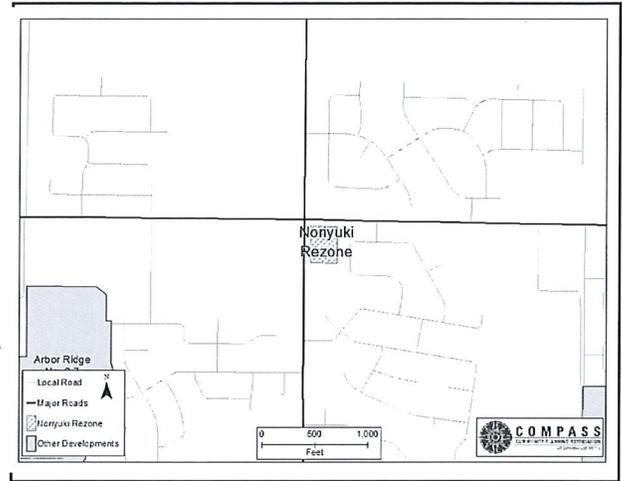
[Signature]

Date: 8/28/17

Exhibit BS

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 for detailed 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: Noriyuki

Summary: 36 residential units southeast of the intersection of Hubbard Road and Linder Road. This proposal meets 7 CIM 2040 checklist items and does not meet 13 items.

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 |
| 256 | 15 | 292 | 15 | 267 | 28 |

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 |
| 1,220 | 233 | 2,689 | 269 | 2,933 | 925 |

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



More information on COMPASS and *Communities in Motion 2040* can be found at:
www.compassidaho.org
 Email: info@compassidaho.org
 Telephone: (208) 475-2239



COMPASS
 COMMUNITY PLANNING ASSOCIATION
 of Idaho

Exhibit
 B6

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: No TIP projects in proximity to site

- Yes** **No** **N/A** The proposal uses appropriate access management techniques as described in the **COMPASS Access Management Toolkit**.

Comments: _____

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

Comments: Not part of valleyconnect plan

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**)



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

Date: September 18, 2017

(Via email)

To: Northside Management
Scott Noriyuki
6810 Fairhill Place
Boise, ID 83714

Subject: KUNA17-0013/ 17-07-ZC
SEC of Hubbard and Linder Roads

On September 18, 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,

Stacey Yarrington
Planner III
Development Services
Ada County Highway District

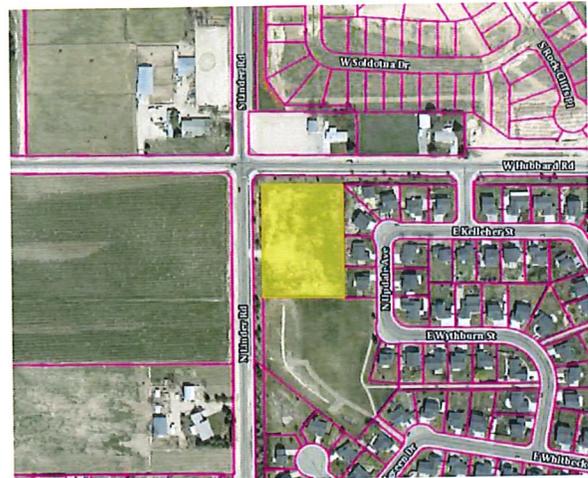
CC: Project File
City of Kuna (via email)
Idaho Survey Group (via email)





Project/File: KUNA17-0013/ 17-07-ZC
 This is a rezone application from R-4 (Medium density Residential) to C-1 (Neighborhood Commercial) for the purpose of developing a multi-family project located on 1.96-acres.

Lead Agency: City of Kuna
Site address: SEC of Hubbard and Linder Roads
Staff Approval: September 18, 2017
Applicant: Northside Management
 Scott Noriyuki
 6810 Fairhill Place
 Boise, ID 83714
Representative: Idaho Survey Group
 Greg Carter
 1450 E Watertower Street, Ste. 130
 Meridian, ID 83642
Staff Contact: Stacey Yarrington, Planner III
 Phone: 387-6171
 E-mail: syarrington@achdidaho.org



A. Findings of Fact

- Description of Application:** The applicant is requesting approval for a rezone from R-4 (Medium density residential) to C-1 (Neighborhood Commercial) for the purpose of developing a multi-family project located on 1.96-acres.

The City of Kuna's Future Land Use map designates this site as medium density residential.

- Description of Adjacent Surrounding Area:**

| Direction | Land Use | Zoning |
|-----------|---|----------|
| North | Neighborhood Commercial/ Medium density Residential | C-1/ R-4 |
| South | Medium density Residential | R-4 |
| East | Medium density Residential | R-4 |
| West | Agricultural | A |

- Site History:** ACHD previously reviewed this site as part of the Kelleher Subdivision/KPP-03-13 in March 2004. The requirements of this staff report are consistent with those of the prior action.
- Adjacent Development:** The following developments are pending or underway in the vicinity of the site:

- Ardell Estates, a 261 single family lot development is in various phases of development, located southwest of the site was approved by ACHD in August 2015.
 - Timbermist, a 233 single family lot development is in various phases of development, located directly north of the site was approved by ACHD in August 2006.
 - Arbor Ridge, a mixed use development is in various phases of development, located west of the site was approved by ACHD in September 2002.
5. **Transit:** Transit services are not available to serve this site.
 6. **New Center Lane Miles:** There are no new centerline miles of public roadway associated with this project.
 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):**
 - The intersection of Deer Flat Road and Linder 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.
 - The intersection of Hubbard Road and SH 69/ Meridian Road is listed in the CIP to be widened to 6-lanes on the north leg, 5-lanes on the south, 4-lanes east, and 3-lanes on the west leg, and signalized between 2031 and 2035.
 - The intersection of Hubbard Road and Ten Mile Road is listed in the CIP to be widened to 2-lanes on the north leg, 2-lanes on the south, 2-lanes east, and 2-lanes on the west leg, and constructed as a single lane roundabout between 2031 and 2035.

B. Traffic Findings for Consideration

1. **Trip Generation:** The trip generation rates listed below are per unit (based on multi-family use) and are based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition.

| Use per 1,000 sf or Unit | Avg. Daily Trips | PM Peak Hour |
|---|------------------|--------------|
| Residential Condominium/ Townhouse/ Duplex (unit) | 5.81 | 0.52 |
| Apartment (unit) | 6.65 | 0.62 |

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 | Existing Plus Project |
|-----------------------------------|----------|---------------------------|----------------------------|-------------------------------|-----------------------|
| **State Highway 69/ Meridian Road | 0-feet | Principal Arterial | 1,359 | N/A | N/A |
| Hubbard Road | 245-feet | Minor Arterial | 267 | Better than "E" | Better than "E" |
| Linder Road | 344-feet | Minor Arterial | 403 | Better than "E" | Better than "E" |
| Deer Flat Road | 0-feet | Minor Arterial | 627 | Better than "E" | Better than "E" |

* Acceptable level of service for a five-lane principal arterial is "E" (1,780 VPH).

- * Acceptable level of service for a two-lane minor arterial is "E" (575 VPH).
- * Acceptable level of service for a three-lane minor arterial is "E" (720 VPH).

** ACHD does not set level of service thresholds for State Highways.

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 SH 69/ Meridian Road south of Columbia Road was 21,456 on 03/23/2017.
- The average daily traffic count for Hubbard Road east of Linder Road was 3,076 on 01/20/2016.
- The average daily traffic count for Linder Road north of Deer Flat Road was 7,053 on 03/22/2017.
- The average daily traffic count for Deer Flat Road west of SH 69/ Meridian Road was 8,918 on 07/27/2016.

C. Findings for Consideration

This application is for a rezone application only. Listed below are some of the findings for consideration that the District may identify when it reviews a future development application. The District may add additional findings for consideration when it reviews a specific development application.

1. Hubbard Road

a. **Existing Conditions:** Hubbard Road is improved with 2-travel lanes, 30-feet of pavement vertical curb, gutter, and 5-foot wide detached sidewalk abutting the site. There is 60-feet of right-of-way for Hubbard Road (34-feet from centerline). There is a 30-foot wide Master Stormwater Drainage easement between the existing right-of-way and the property line.

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 Policy 7205.2.1 & 7205.5.2 states that the standard 3-lane street section shall be 46-feet (back-of-curb to back-of-curb) within 70 feet of right-of-way. This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

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.

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 Hubbard Road is designated in the MSM as a Residential Arterial with 3-lanes and on-street bike lanes, a 47-foot street section within 74-feet of right-of-way.

The MSM also designates the intersection of Hubbard Road and Linder Road as a future multi-lane roundabout. Additional right-of-way may be required to accommodate the roundabout as shown in Attachment 3.

- c. **Applicant Proposal:** The applicant is not proposing any improvements to Hubbard Road abutting the site.
- d. **Staff Comments/Recommendations:** Hubbard Road is currently improved with 2-travel lanes, 30-feet of pavement, vertical curb, gutter, and 5-foot wide detached sidewalk abutting the site. Hubbard Road was constructed as ½ of a 46-foot street section with the prior action of the Kelleher Subdivision, meeting the intent of the MSM. Therefore, no additional street improvements are required as part of this application. Additional right-of-way may be required to accommodate the multi-lane roundabout at the Hubbard/Linder intersection.

Consistent with District Minor Improvements policy, the applicant should be required to repair or replace any deficient or deteriorated curb, gutter, sidewalk along Hubbard Road, abutting the site; and update pedestrian facilities at the Hubbard/Linder Road intersection.

2. Linder Road

- a. **Existing Conditions:** Linder Road is improved with 2-travel lanes, 30-feet of pavement, vertical curb, gutter, and 5-foot wide detached sidewalk abutting the site. There is 65-feet of right-of-way for Hubbard Road (34-feet from centerline). There is a 30-foot wide Master Stormwater Drainage easement between the existing right-of-way and the property line.

There is an existing 25-foot wide driveway onto Linder Road from the site.

- 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 Policy 7205.2.1 & 7205.5.2 states 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.

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.

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 Hubbard Road is designated in the MSM as a Residential Arterial with 5-lanes and on-street bike lanes, a 71-foot street section within 97-feet of right-of-way.

The MSM also designates the intersection of Hubbard Road and Linder Road as a future multi-lane roundabout. Additional right-of-way may be required to accommodate the roundabout as shown in Attachment 3.

- c. **Applicant Proposal:** The applicant is not proposing any improvements to Linder Road abutting the site.
- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District policy because Linder Road is designated as a future 5-lane arterial roadway. Therefore, the applicant should be required to dedicate an additional 14-feet of right-of-way to total 48-feet from centerline of right-of-way along Linder Road abutting the site.

Consistent with District Minor Improvements policy, the applicant should be required to repair or replace any deficient or deteriorated curb, gutter, sidewalk along Linder Road abutting the site; and close the existing driveway onto Linder Road from the site with vertical curb, gutter, and detached sidewalk to match existing improvements.

3. Driveways

Hubbard Road

- a. **Existing Conditions:** There are no existing driveways onto Hubbard Road from the site.

- 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 single 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 660-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 45 MPH to align or offset a minimum of 380-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.

- c. **Applicant's Proposal:** The applicant is proposing to construct a 20-foot wide driveway onto Hubbard Road from the site, located approximately 290-feet east of Linder Road (measured centerline to centerline).
- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District Driveway Location policy because the proposed driveway does not meet the minimum

spacing from an intersection. However, staff recommends a modification of policy to allow the driveway to be located as proposed due to the fact that there is insufficient frontage to meet the spacing requirement and access is being taken from the lesser classified street. Staff further recommends the driveway be constructed as a 30-foot wide, curb return type driveway and approved as a temporary full access. The driveway may be restricted to right-in/right-out in the future as determined by ACHD. This is a 12% modification of Driveway Location policy and is approved at the Manager's discretion.

The applicant should be required to pave the driveway its entire width and at least 30-feet into the site beyond the edge of pavement of Hubbard Road.

4. Parking – Special Not to City of Kuna

The parking needs generated by this development should be provided on-site, as there is not adequate availability of on-street parking adjacent to the site.

5. 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.

6. 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.

7. Other Access

Hubbard Road and Linder Road are classified as minor arterial roadways. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways.

D. Site Specific Conditions of Approval

This application is for a rezone application only. Listed below are some of the findings for consideration that the District may identify when it reviews a future development application. The District may add additional findings for consideration when it reviews a specific development application.

1. Repair or replace any deficient or deteriorated curb, gutter, sidewalk along Hubbard Road, abutting the site; and update pedestrian facilities at the Hubbard/Linder Road intersection.
2. Dedicate an additional 14-feet of right-of-way to total 48-feet from centerline of right-of-way along Linder Road abutting the site.
3. Additional right-of-way may be required to accommodate the roundabout at the Hubbard/Linder intersection as shown in Attachment 3.
4. Repair or replace any deficient or deteriorated curb, gutter, sidewalk along Linder Road abutting the site; and close the existing driveway onto Linder Road from the site with vertical curb, gutter, and detached sidewalk to match existing improvements.
5. Construct a maximum 30-foot wide, curb return type driveway onto Hubbard Road from the site, located 290-feet east of Linder Road. The driveway is approved as a temporary full access and may be restricted to right-in/right-out in the future as determined by ACHD.

6. Pave the driveway its entire width and at least 30-feet into the site beyond the edge of pavement of Hubbard Road.
7. Payment of impact fees are due prior to issuance of a building permit.
8. 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.

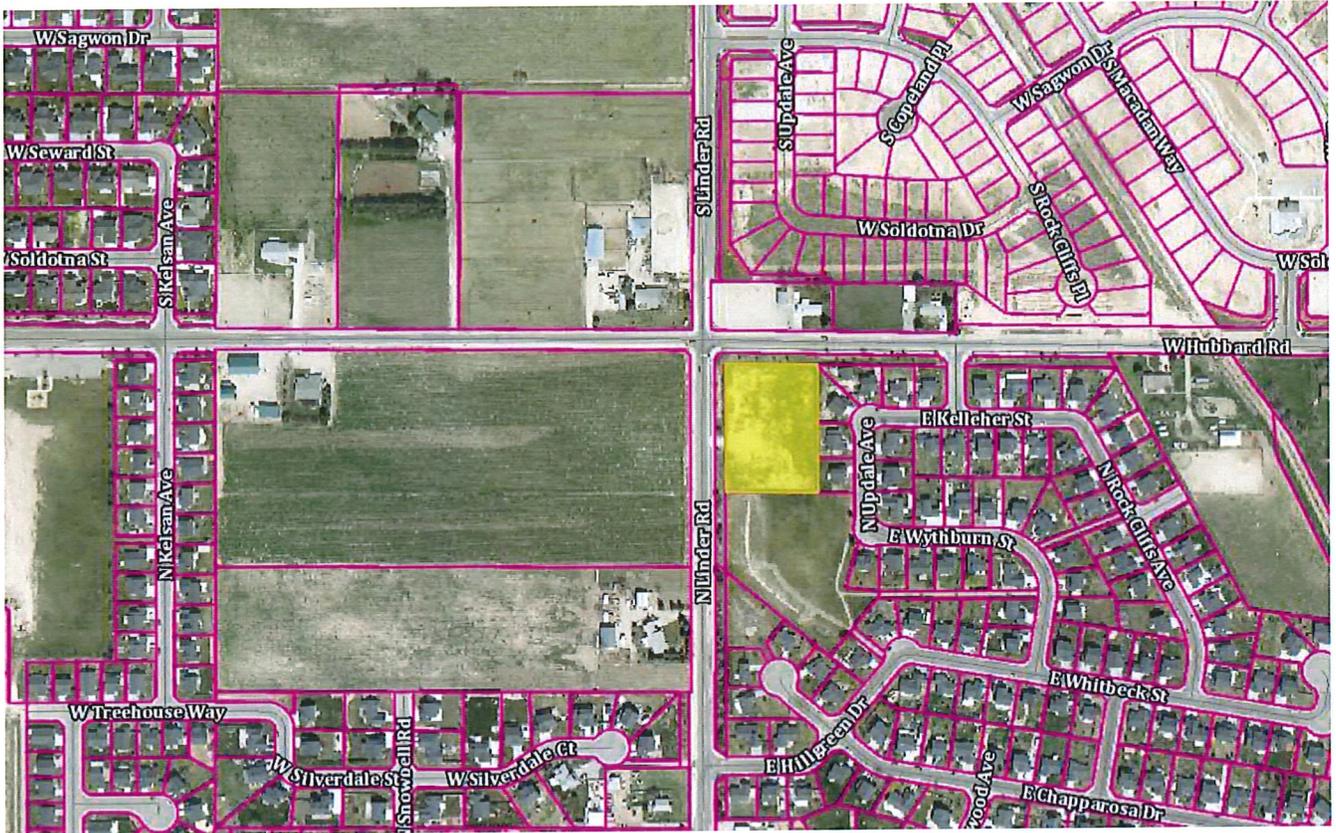
F. Conclusions of Law

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.

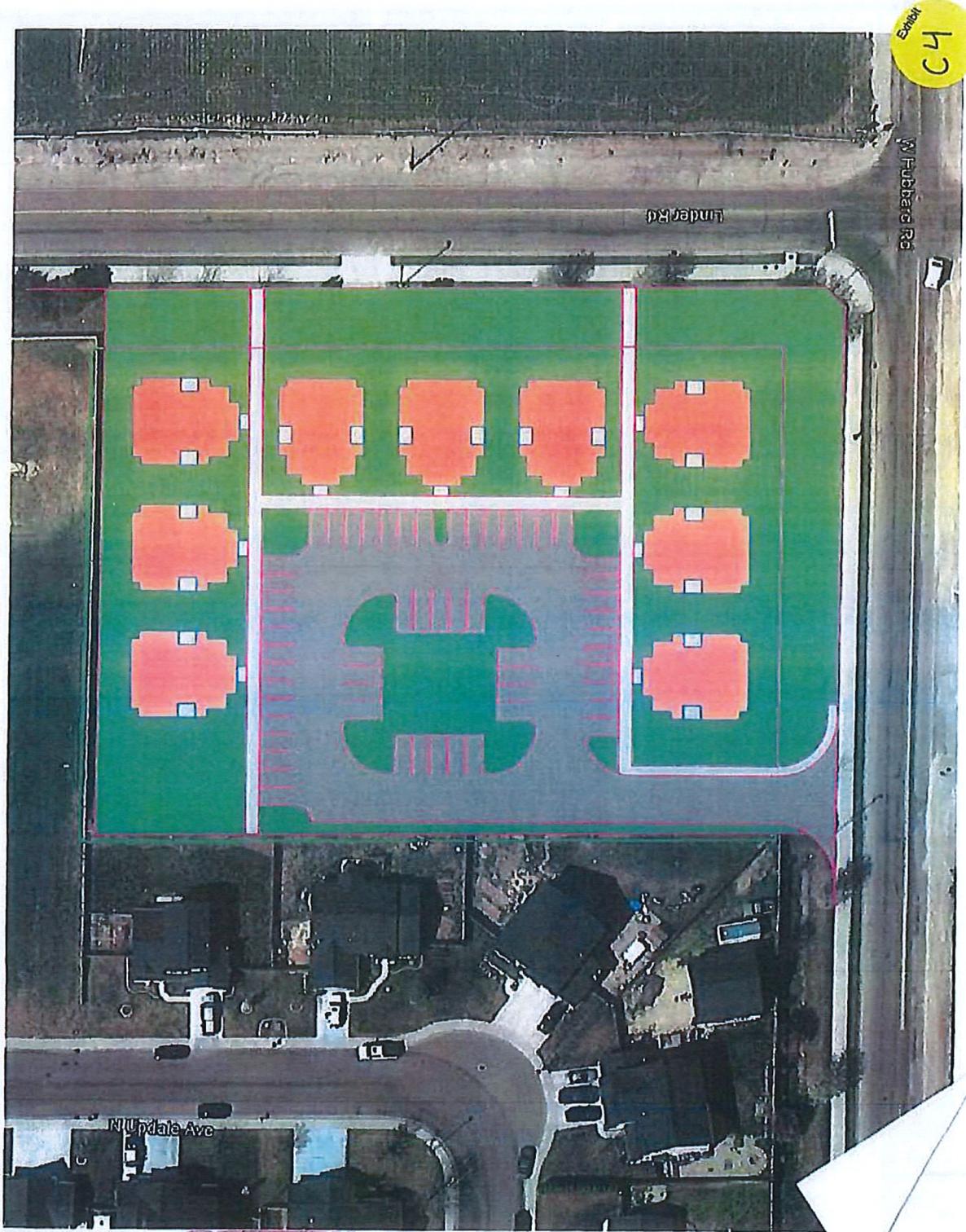
G. Attachments

1. Vicinity Map
2. Site Plan
3. Multi-lane roundabout template
4. Utility Coordinating Council
5. Development Process Checklist
6. Appeal Guidelines

VICINITY MAP

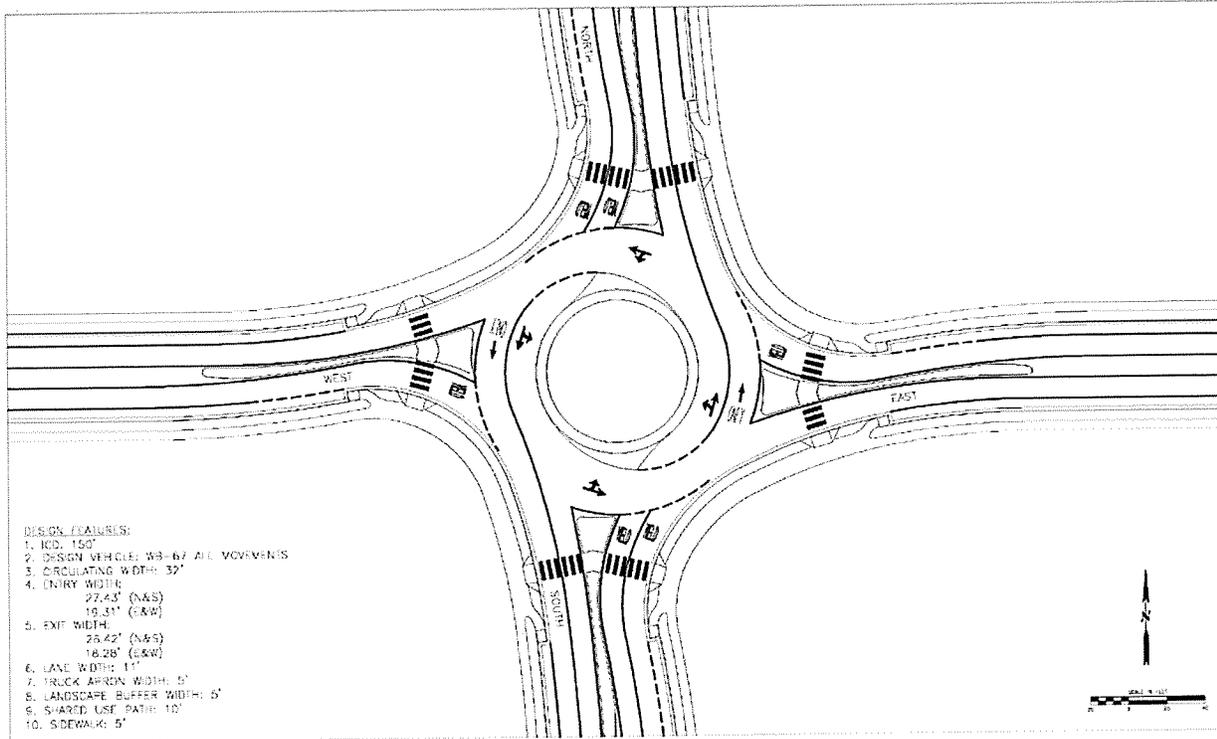


SITE PLAN



RECEIVED
NOV 8 15 17

ML RAB TEMPLATE



Plan Modification
 2100 South 10th St
 Redmond, OR
 97756

ACHD - Multi-lane Roundabout **Figure 1**
 Centered - TEMPLATE August 2011

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 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.



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

BOB BACHMAN
PUBLIC WORKS DIRECTOR

RECEIVED
8.21.17

Telephone (208) 577-8794; Fax (208) 287-1731
Email: bbachman@kunaID.gov

MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Bob Bachman; Public Works Director

RE: Kelleher 4-Plex Project
South of Hubbard Road and East of Linder Road
Rezone
17-07-ZC

DATE: August 21, 2017

The Kelleher 4-Plex Project dated August 17, 2017 has been reviewed by staff. It is noted that specific development plans are not provided except those implied as allowed or permitted in a “C-1” zone. The recommendation of the Public Works Director is to proceed with this Project and address any issues and conditions raised below in connection with this application during plan review:

1. Sanitary Sewer Needs

- a) The City recommends ultimate connection to City facilities.
- b) Wastewater from the applicant’s property has the option of being treated at the North Treatment Plant which has sufficient capacity to serve this site. The nearest point of connection for the Kelleher Multi-family property is located near the southeast corner of said property within an 8” sewer main that discharges into the Danskin Lift Station. 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. One (1) unit is responsible for one (1) sewer connection fee. 36 units – 36 connection fees.
- c) Applicant must conform to City of Kuna Sewer Master Plan.
- d) For assistance in locating existing facilities and understanding issues associated with connection, please contact the GIS Manager at 287-1726.



2. Potable Water Needs

- a) The applicant's property is currently vacant and it is recommended that the applicant connect to City facilities at the commencement of development because facilities are now within 300' of the dwelling.
- b) The nearest point of connection for this property is in an 10-inch water main near the SE corner of the property. When connecting to the water system, the applicant will need to abide by any relevant water reimbursement policies and agreements and any relevant connection fees.
- c) Improvements necessary to provide adequate fire protection as required by Kuna Fire District will be required of the development.
- d) Applicant must conform to City of Kuna Water Master Plan.
- e) For assistance in locating existing facilities, please contact the GIS Manager at 287-1726.

3. Pressure Irrigation

- a) The GIS Manager recommends ultimate connection to City facilities.
- b) The nearest point of connection for this property is directly adjacent and to the North, South and East sides with a series of both 6-inch and 10-inch pressure irrigation mains. When connecting to the pressure irrigation system, the applicant will need to abide by any relevant pressure irrigation reimbursement policies and agreements and any relevant connection fees.
- c) Applicant must conform to City of Kuna Irrigation Master Plan.
- d) For assistance in locating existing facilities, please contact the GIS Manager at 287-1726.

4. Grading and Storm Drainage

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

- a) Please provide a grading and drainage plan which supports and maintains all upstream drainage rights and all downstream irrigation delivery rights as they presently exist for this property.
- b) If impervious area is increased, please provide a storm water disposal plan acceptable to the City Engineer which accounts for the increased storm water drainage. Please provide detail drawings of drainage facilities for review. The city relies on the ACHD Storm water policy as guidance for design.
- c) Any increase in quantity or rate of runoff or decrease in quality of runoff from the site compared to historical conditions must be detained, treated and released at rates no greater than historical amounts.
- d) If offsite disposal of storm water in excess of historical rates or conditions is proposed, or disposed at locations different than provided historically, the approval of the affected entities is required.

5. General

- a) Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties.
- b) State the vertical datum used for elevations on all drawings.
- c) Provide a viable solution for the accessing the property across HOA owned parcels that don't contain ingress/egress easements per the plat. Any lot line adjustments or splits may constitute a replat for this one lot. A conversation on how this will be coordinated and access obtained should be had by both parties.
- d) Please address NOTE 10 of the Kelleher Final Plat Page 2 and how that note will be maintained or amended if need be as it pertains to this project.
- e) Provide engineering certification on all final engineering drawings.

6. Inspection Fees

An inspection fee will be required for City inspection of the construction of any **public** water, sewer and irrigation facility associated with this development. The developer will still require a qualified responsible engineer to do sufficient inspection to justly certify to DEQ the project was completed in accordance with approved plans and specifications and to provide accurate as-built drawings to the City. The developer's engineer and the City's inspector are permitted to coordinate inspections as much as possible. The current inspection fee is \$1.00 per lineal foot of sewer, water and pressure irrigation pipe and payment is due and payable prior to City's approval of final construction plans.

7. Right-of-Way

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

- a) It is recommended new and existing approaches onto the classified streets comply with ACHD approach policies.
- b) It is recommended sidewalk, curb and gutter, street widening and any related storm drainage facilities, consistent with city code and policies, are provided at the time of land-use change or re-development.
- c) It is recommended that ACHD comment on the existing building's encroachment into the Public right-of-way.

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

We look forward to working with you on this project. If we may be of further assistance, feel free to contact me at 577-8794.

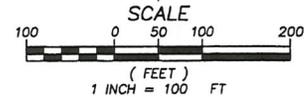
Sincerely,

Bob Bachman
Public Works Director

KELLEHER SUBDIVISION

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF SECTION 13,
T.2N., R.1W., B.M., CITY OF KUNA, ADA COUNTY, IDAHO
2006

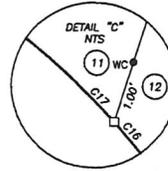
RECEIVED
8.15.17



LEGEND

- ① LOT NUMBER
- FOUND ALUMINUM CAP MONUMENT
- FOUND 5/8" REBAR/CAP, PLS 5461 UNLESS OTHERWISE NOTED
- WC FOUND 5/8" REBAR WITNESS CORNER, AS NOTED
- SET 1/2" X 24" REBAR/CAP PLS 10729
- ⊙ SET 5/8" X 30" REBAR/CAP PLS 10729
- CALCULATED POSITION, NOT SET
- WC● SET 5/8" REBAR WITNESS CORNER/CAP PLS 10729
- (XXX.XX') DATA OF RECORD
- SECTION LINE
- - - - - SUBDIVISION BOUNDARY
- — — — — LOT LINE
- · - · - EASEMENT LINE
- POB POINT OF BEGINNING

UNPLATTED



NW CORNER SECTION 13
FOUND ALUM. CAP
INST. #102129849

N 1/4 COR. SEC 13
FOUND ALUM. CAP
INST. #103049705

N 1/16 COR. SEC. 13,14
5/8" REBAR/AL. CAP PLS 3627
INST. NO. 105100196

W 1/4 COR. SEC. 13
FND. 5/8" REBAR
INST. #103049698

REFERENCE DATA
 RECORD OF SURVEY NO. 6099, INST. NO. 103049702
 RECORD OF SURVEY NO. 3985, INST. NO. 97067863
 RECORD OF SURVEY NO. 1869, INST. NO. 9131034
 CHAPPAROSA RIDGE SUBDIVISION, BK. 88, PG. 10208

NOTES
 1. SEE SHEET 2 OF 4 FOR LINE AND CURVE TABLES.
 2. SEE SHEET 2 OF 4 FOR SUBDIVISION NOTES.

Exhibit
C1

CHAPPAROSA RIDGE SUBDIVISION
BOOK 88, PAGE 10208



W&H PACIFIC
 3130 S. Owyhee St.
 Boise, Idaho 83705-4768
 (208)342-5400
 (208)342-5353 Fax
 wbpacific.com

KELLEHER SUBDIVISION

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF SECTION 13,
T.2N., R.1W., B.M., CITY OF KUNA, ADA COUNTY, IDAHO
2006

RECEIVED
8.15.17

| LINE | BEARING | LENGTH |
|------|-------------|--------|
| L1 | N45°35'07"E | 25.69 |
| L2 | N68°45'02"E | 24.07 |
| L3 | S35°13'15"E | 19.80 |
| L4 | N54°46'45"E | 19.80 |
| L5 | S80°13'10"E | 8.44 |
| L6 | N09°23'11"E | 5.80 |
| L7 | N08°23'08"E | 46.53 |
| L8 | N02°23'02"E | 42.06 |
| L9 | N09°23'09"E | 11.96 |
| L10 | N41°22'58"W | 8.55 |
| L11 | N16°32'02"E | 19.80 |
| L12 | N73°27'58"W | 19.80 |
| L13 | N44°26'35"W | 19.61 |
| L14 | S45°33'25"W | 19.99 |
| L15 | N52°22'36"E | 29.48 |
| L16 | S51°15'54"E | 28.93 |
| L17 | S88°53'10"E | 8.51 |
| L18 | S54°46'45"W | 19.80 |
| L19 | N35°13'15"W | 19.80 |
| L20 | N35°13'15"W | 19.80 |
| L21 | S54°46'45"W | 19.80 |
| L22 | S18°18'57"W | 21.04 |
| L25 | N10°20'48"E | 37.85 |
| L26 | N03°15'38"E | 22.45 |
| L27 | N03°15'38"E | 21.83 |
| L28 | N05°17'22"W | 36.43 |
| L29 | N42°40'06"W | 13.01 |

| CURVE | DELTA | RADIUS | ARC | CH. BRC. | CHORD |
|-------|-----------|--------|--------|-------------|--------|
| C1 | 8°38'06" | 20.00 | 3.01 | N35°24'10"E | 3.01 |
| C2 | 33°44'26" | 20.00 | 11.78 | N14°12'54"E | 11.61 |
| C3 | 13°27'37" | 50.00 | 11.75 | S04°04'28"W | 11.72 |
| C4 | 70°22'08" | 50.00 | 61.41 | S45°52'22"W | 57.82 |
| C5 | 60°58'58" | 50.00 | 53.22 | N88°20'08"E | 50.74 |
| C6 | 42°24'33" | 20.00 | 14.79 | S82°01'54"E | 14.46 |
| C7 | 30°01'48" | 50.00 | 26.21 | S84°44'08"W | 25.91 |
| C8 | 30°01'48" | 50.00 | 26.21 | S84°44'56"W | 25.91 |
| C9 | 37°39'32" | 20.00 | 13.15 | N61°23'24"W | 12.91 |
| C10 | 80°49'20" | 52.00 | 73.35 | S82°58'18"E | 67.42 |
| C11 | 61°25'01" | 52.00 | 55.74 | N25°54'32"E | 53.11 |
| C12 | 37°07'57" | 52.00 | 33.70 | N23°21'57"W | 33.11 |
| C13 | 51°18'04" | 20.00 | 17.91 | S16°16'23"E | 17.32 |
| C14 | 14°15'00" | 13.00 | 3.23 | S16°30'39"W | 3.22 |
| C15 | 42°33'50" | 52.00 | 3.99 | N21°28'14"E | 3.99 |
| C16 | 60°43'28" | 52.00 | 55.11 | N11°07'25"W | 52.57 |
| C17 | 60°08'38" | 52.00 | 54.58 | N71°33'28"W | 52.11 |
| C18 | 59°02'22" | 52.00 | 53.58 | S48°51'02"W | 51.24 |
| C19 | 79°57'37" | 52.00 | 72.57 | S20°38'57"E | 66.62 |
| C20 | 70°00'54" | 27.00 | 32.69 | N25°37'19"W | 30.98 |
| C21 | 90°23'41" | 25.00 | 39.44 | N54°34'59"E | 35.48 |
| C22 | 37°21'55" | 50.00 | 32.61 | N28°04'08"E | 32.03 |
| C23 | 53°01'47" | 50.00 | 45.28 | N73°15'52"E | 44.64 |
| C24 | 8°59'56" | 250.00 | 26.17 | N05°44'37"E | 26.16 |
| C25 | 12°23'17" | 250.00 | 54.05 | N02°24'54"E | 53.95 |
| C26 | 12°22'44" | 250.00 | 54.01 | N14°47'54"W | 53.91 |
| C27 | 7°28'42" | 250.00 | 32.63 | N24°43'37"W | 32.61 |
| C28 | 38°14'38" | 225.00 | 150.18 | N09°20'39"W | 147.41 |
| C29 | 20°49'56" | 200.00 | 72.72 | N00°38'18"W | 72.32 |
| C30 | 17°24'42" | 200.00 | 60.78 | N19°45'37"W | 60.54 |
| C31 | 60°25'12" | 25.00 | 28.36 | N58°40'34"W | 25.16 |
| C32 | 60°25'12" | 50.00 | 52.73 | N58°40'34"W | 50.32 |
| C33 | 26°15'55" | 75.00 | 34.51 | N41°38'55"W | 34.21 |
| C34 | 34°03'17" | 75.00 | 44.58 | N71°51'31"W | 43.92 |
| C35 | 8°10'11" | 20.00 | 2.15 | S85°48'04"E | 2.15 |
| C36 | 24°52'45" | 20.00 | 8.68 | S70°16'36"E | 8.62 |
| C37 | 60°38'55" | 50.00 | 52.93 | N88°09'41"W | 50.49 |
| C38 | 62°01'18" | 50.00 | 54.12 | S30°30'12"W | 51.52 |
| C39 | 30°28'48" | 50.00 | 26.60 | S15°44'51"E | 26.29 |
| C40 | 31°02'56" | 20.00 | 10.84 | N15°27'47"W | 10.71 |
| C41 | 45°31'35" | 50.00 | 39.73 | S88°21'03"W | 38.69 |
| C42 | 45°31'35" | 50.00 | 39.73 | S24°49'28"W | 38.69 |
| C43 | 91°03'09" | 25.00 | 39.73 | S45°35'15"W | 35.68 |
| C44 | 88°56'51" | 50.00 | 77.62 | S44°24'44"E | 70.06 |
| C45 | 44°28'25" | 75.00 | 58.22 | S22°10'32"E | 56.77 |
| C46 | 44°28'25" | 75.00 | 58.22 | S65°38'57"E | 56.77 |
| C47 | 18°14'30" | 20.00 | 6.37 | N09°10'56"E | 6.34 |
| C48 | 62°42'55" | 50.00 | 54.73 | S13°03'17"E | 52.04 |
| C49 | 62°42'55" | 50.00 | 54.73 | S75°46'12"E | 52.04 |
| C50 | 12°30'36" | 20.00 | 4.37 | S79°07'38"W | 4.36 |
| C51 | 84°354" | 20.00 | 2.00 | S88°14'53"W | 2.00 |
| C52 | 87°10'10" | 125.00 | 160.17 | N45°18'05"W | 172.36 |
| C53 | 9°11'14" | 125.00 | 20.04 | N02°52'37"E | 20.02 |
| C54 | 2°18'26" | 125.00 | 5.03 | N08°37'27"E | 5.03 |
| C55 | 98°39'30" | 150.00 | 258.30 | N39°33'15"W | 227.55 |
| C56 | 8°34'04" | 175.00 | 26.17 | N84°36'08"W | 26.14 |
| C57 | 16°27'04" | 175.00 | 50.25 | N72°05'34"W | 50.07 |
| C58 | 16°37'15" | 175.00 | 50.77 | N55°33'25"W | 50.59 |
| C59 | 7°08'18" | 175.00 | 21.70 | N43°41'40"W | 21.58 |
| C60 | 23°58'24" | 175.00 | 73.12 | N28°10'21"W | 72.59 |
| C61 | 20°48'47" | 175.00 | 63.57 | N05°47'45"W | 63.22 |
| C62 | 9°10'02" | 175.00 | 15.78 | N07°11'39"E | 15.78 |
| C63 | 50°46'06" | 50.00 | 44.30 | N15°59'55"W | 42.87 |

NOTES

1. LOT 1, BLOCK 1, LOT 1, BLOCK 2, LOT 9, BLOCK 1, LOT 16, BLOCK 1, LOT 23, BLOCK 1, AND LOT 17, BLOCK 5 ARE COMMON AREA LOTS FOR THE PURPOSE OF UTILITIES, LANDSCAPE, RETENTION PONDS AND/OR INGRESS/EGRESS EASEMENTS AS SHOWN AND ARE TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. LANDSCAPE OVER SAID LOTS SHALL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. LOTS SHALL REMAIN FREE OF ENCROACHMENTS AND OBSTRUCTIONS WHICH MAY ADVERSELY IMPACT THE DRAINAGE SYSTEM.
2. A 10 FOOT WIDE PERMANENT EASEMENT FOR PUBLIC UTILITIES, DRAINAGE, AND IRRIGATION IS HEREBY DESIGNATED ALONG THE SUBDIVISION BOUNDARY, AND THE FRONT AND REAR LOT LINES, UNLESS OTHERWISE DIMENSIONED. A 5 FOOT WIDE PERMANENT EASEMENT FOR PUBLIC UTILITIES, DRAINAGE, AND IRRIGATION IS HEREBY DESIGNATED ALONG EACH SIDE OF INTERIOR LOT LINES, UNLESS OTHERWISE DIMENSIONED.
3. ALL SIDEWALKS SHALL BE MAINTAINED BY THE ADA COUNTY HIGHWAY DISTRICT, AND AN EASEMENT FOR THOSE PORTIONS OF THE SIDEWALK LYING OUTSIDE THE RIGHT-OF-WAY HAS BEEN RECORDED AS INSTRUMENT NO. 106048495.
4. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES "NO AGRICULTURAL OPERATION OR AN APPURTENANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME THE OPERATION BEGAN; PROVIDED, THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION OR APPURTENANCE TO IT."
5. IRRIGATION WATER HAS BEEN PROVIDED FROM NEW YORK IRRIGATION DISTRICT, IN COMPLIANCE WITH IDAHO CODE 31-3805(B). LOTS WITHIN THE SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS, AND WILL BE OBLIGATED FOR ASSESSMENTS FROM NEW YORK IRRIGATION DISTRICT, OR THEIR ASSIGNS.
6. ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RESUBDIVISION.
7. MINIMUM BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF KUNA APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF INDIVIDUAL BUILDING PERMITS OR AS SPECIFICALLY APPROVED AND/OR REQUIRED, OR AS SHOWN ON THIS PLAT.
8. DIRECT LOT ACCESS TO N. LINDER ROAD AND E. HUBBARD ROAD FROM ANY LOT OTHER THAN LOT 8, BLOCK 1 IS PROHIBITED.
9. LOT 15, BLOCK 3 IS FOR THE PURPOSE OF THE KUNA CANAL EASEMENT, TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
10. LOT 8, BLOCK 1 IS DESIGNATED AS A COMMERCIAL LOT TO BE OWNED AND MAINTAINED BY OAKWOOD ENTERPRISES, LLC.
11. ALL OF LOTS 9 AND 23 BLOCK 1, AND LOT 17 BLOCK 5, AND A PORTION OF LOT 1 BLOCK 1 AS SHOWN ON THE FACE OF THIS PLAT ARE SERVANT TO AND CONTAINS THE ACHD STORM WATER DRAINAGE SYSTEM. THIS LOT IS ENCUMBERED BY THAT CERTAIN MASTER PERPETUAL STORM WATER DRAINAGE EASEMENT RECORDED ON JUNE 1, 2004 AS INSTRUMENT NO. 104068411, OFFICIAL RECORDS OF ADA COUNTY, AND INCORPORATED HEREIN BY THIS REFERENCE AS IF SET FORTH IN FULL (THE "MASTER EASEMENT"). THE MASTER EASEMENT AND THE STORM WATER DRAINAGE SYSTEM ARE DEDICATED TO ACHD PURSUANT TO SECTION 40-2302 IDAHO CODE. THE MASTER EASEMENT IS FOR THE OPERATION AND MAINTENANCE OF THE STORM WATER DRAINAGE SYSTEM.

L.P. Foster
 10729
 10/12/06



W&H PACIFIC
 3130 S. Owyhee St.
 Boise, Idaho 83705-4788
 (208)542-6400
 (208)542-8353 Fax
 whpacific.com

Planners • Engineers • Surveyors • Landscape Architects

BOOK 16 , PAGE 1486



CITY OF KUNA
PLANNING & ZONING DEPARTMENT
 PO Box 13 • 751 W. 4th St • Kuna, Idaho • 83634
 Phone (208) 922-5274 • Fax: (208) 922-5989
 www.kunacity.id.gov

Dear Property Owner:

NOTICE IS HEREBY GIVEN that the **Kuna Planning & Zoning Commission** is scheduled to hold a public hearing on **Tuesday, September 26, 2017** beginning at 6:00 pm on the following case:

A Rezone request by **Scott Noriyuki**, to rezone a parcel's current R-4 (medium-density) residential zoning designation to a C-1 (neighborhood-commercial) zoning designation. The 1.96-acre site is located at the southeast corner of West Hubbard Road and Linder Road (refer to adjacent map).

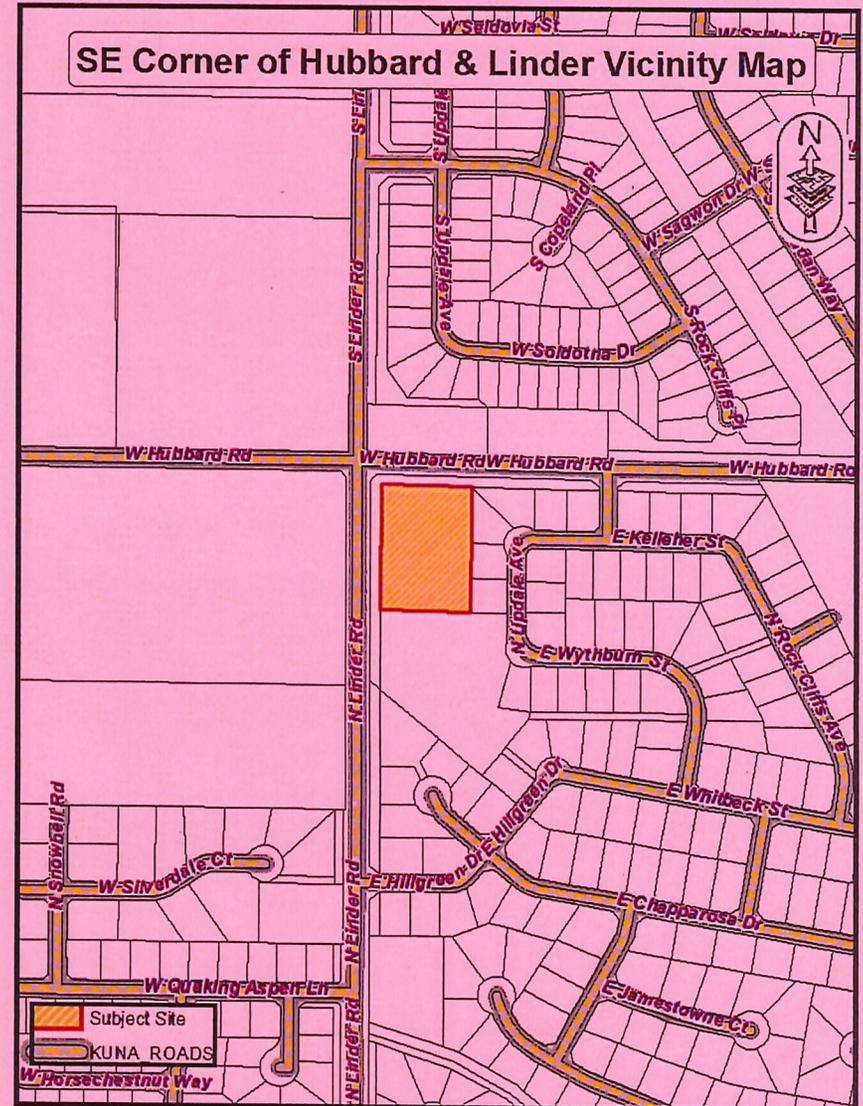
The hearing will be held at **6:00 PM** in the **Council Chambers at Kuna City Hall** located at **751 W. 4th Street, Kuna, Idaho**.

All documents concerning public hearing items may be reviewed at Kuna City Hall, 751 W. 4th 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 Division at (208) 922-5274.

You are invited to provide oral or written comments to the Planning and Zoning Commission at the hearing. Please note that all comments made to the Commission 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 governing body at least seven (7) days prior to the hearing. These comments will be forwarded to the Kuna Planning and Zoning Commission.

In all correspondence concerning this case, please refer to the case number: **17-07-ZC (Rezone)**

MAILED 9/6/2017



PRIMOWNER

ABBRUZZETTI FRANK A
CHAPPAROSA RIDGE SUB HOA INC
CLARK JAMES EDWARD
COKER DAVID LLOYD
ELLIS CHRISTOPHER
FOLEY MATTHEW
FORTIER ANTHONY M
GUTZWILLER FAMILY LIVING TRUST
HENRY MARGARET
HOWARD PAUL JAY
JRL PROPERTIES LP
LARAMIE JOSHUA A
MACBRIDE JOHN G
MAY MICHAEL L
MORRISON BERNARD E
ROBINSON MICHAEL JORDON
STONE MOUNTAIN PROPERTIES LLC
TIMBERMIST HOA INC
TOLL ID I LLC
WILLIAMS MICAELE L
WOLFGRAM DENNIS E
WOMACK LUKE A
YORK RYAN A

SECOWNER

ABBRUZZETTI LINDA C
CLARK VICKI MICHELE
PURIN ASHLEY MARIE
ELLIS CHASTITY
FOLEY TIFFANY
TRACY JADAWN
GUTZWILLER TIMOTHY DAVID TRUSTEE
HENRY DAVID

GLASGOW ENTERPRISES LLC
LARAMIE JENNA K PIVA
MACBRIDE MICHELLE L
MAY JANICE S
MORRISON CONNIE
ROBINSON KATHYRN ALENE

WOLFGRAM HELENE E
WOMACK RENEE L
YORK TIFFANY E

ADDCONCAT

4966 N GROVE AVE
4850 N ROSEPOINT WAY # 104
2965 N LINDER RD
205 E WYTHBURN ST
252 E KELLEHER ST
2877 N UPDALE AVE
2833 N UPDALE AVE
6087 N OLIVER AVE
44636 POCAHONTAS RD
234 E KELLEHER ST
9839 W CABLE CAR ST STE 101
842 OLIVE AVE
236 E WYTHBURN ST
2784 N UPDALE AVE
9565 S LINDER RD
1420 W HUBBARD RD
563 E SAINT KITTS DR
3103 W SHERYL DR STE 100
250 GIBRALTAR RD
193 E WYTHBURN ST
1901 W HUBBARD RD
210 E KELLEHAR ST
2798 N UPDALE AVE

STATCONCAT

WINTON, CA 95388-0000
BOISE, ID 83713-0000
KUNA, ID 83634-0000
BOISE, ID 83714-0000
BAKER CITY, OR 97814-0000
KUNA, ID 83634-0000
BOISE, ID 83709-0000
CORONADO, CA 92118-0000
KUNA, ID 83634-0000
KUNA, ID 83634-0000
MERIDIAN, ID 83642-0000
MERIDIAN, ID 83642-0000
MERIDIAN, ID 83642-0000
MERIDIAN, ID 83642-0000
HORSHAM, PA 19044-0000
KUNA, ID 83634-0000
KUNA, ID 83634-1229
KUNA, ID 83634-0000
KUNA, ID 83634-0000

CITY OF KUNA
P.O. Box 13 - Kuna, ID 83634
Phone: 922-5274 - Fax: 922-5989

File #17-07-ZC (Rezone) Scott Noriyuki

NOTICE IS HEREBY GIVEN, that the Kuna Planning and Zoning Commission will hold a public hearing, **Tuesday, September 26, 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 **Rezone** request from Scott Noriyuki to rezone a parcel's current R-4 (medium-density) residential zoning designation to a C-1 (neighborhood-commercial) zoning designation. **The 1.96-acre site is located at the southeast corner of East Hubbard Road and Linder Avenue.**

The public is invited to present written and/or oral comments at the hearing. Any written testimony must be received by close of business on September 21, 2017, or it may not be considered. Please mail comments to PO 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 would include 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

(No need to print this portion) Please publish one time on September 6, 2017.

(Sent 9/1/2017)

Kuna P.O. # 6043



Jace Hellman

From: Jace Hellman
Sent: Thursday, August 31, 2017 12:02 PM
To: 'IDAHO PRESS TRIBUNE'
Subject: City of Kuna Request for Legal Publication
Attachments: KMN publish Req P&Z.DOCX

Greetings:

We would like to request that you publish the attached legal notification in the **September 6th** cycle of Kuna Melba News on behalf of the City of Kuna, Planning & Zoning Department.
This notification needs to only be published for one (1) cycle.

The Kuna P.O. for this request is #6043 (if you need it).
Thank you.

Jace Hellman
Planner I
City of Kuna
751 W 4th Street
Kuna, ID 83634
jhellman@kunaID.gov



CONFIDENTIALITY NOTICE

This e-mail and any attachments may contain confidential or privileged information. If you are not the intended recipient, you are not authorized to use or distribute any information included in this e-mail or its attachments. If you receive this e-mail in error, please delete it from your system and contact the sender.

IDAHO PRESS TRIBUNE
MERIDIAN PRESS, KUNA MELBA NEWS
C/O ISJ PAYMENT PROCESSING CENTER
PO BOX 1570
POCATELLO ID 83204
(208)467-9251

ORDER CONFIRMATION

Salesperson: LEGALS

Printed at 09/01/17 09:11 by sje14

Acct #: 345222

Ad #: 1666462

Status: N

1 KUNA, CITY OF
P.O. BOX 13
KUNA ID 83634

Start: 09/06/2017 Stop: 09/06/2017
Times Ord: 1 Times Run: ***
LEG 1.00 X 58.00 Words: 220
Total LEG 58.00
Class: 0006 GOVERNMENT NOTICES
Rate: LG Cost: 47.92
Affidavits: 1

Contact: CHRIS ENGLES
Phone: (208)387-7727
Fax#:
Email: awelker@kunaaid.gov; gsmith@k
Agency:

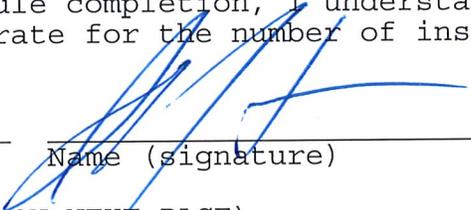
Ad Descrpt: 17-07-ZC
Given by: JACE HELLMAN
Created: sje14 09/01/17 09:07
Last Changed: sje14 09/01/17 09:10

PUB ZONE EDT TP START INS STOP SMTWTFS
KMN A 96 S 09/06

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Jace Hellman
Name (print or type)


Name (signature)

(CONTINUED ON NEXT PAGE)

IDAHO PRESS TRIBUNE
MERIDIAN PRESS, KUNA MELBA NEWS
C/O ISJ PAYMENT PROCESSING CENTER
PO BOX 1570
POCATELLO ID 83204
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ORDER CONFIRMATION (CONTINUED)

Salesperson: LEGALS

Printed at 09/01/17 09:11 by sje14

Acct #: 345222

Ad #: 1666462

Status: N

LEGAL NOTICE

**File #17-07-ZC (Rezone)
Scott Noriyuki**

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Kuna Planning & Zoning
Department

September 6, 2017

166462



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Scott Noriyuki**

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Kuna Planning & Zoning
Department

September 6, 2017

166462