

## OFFICIALS

Joe Stear, Mayor  
Richard Cardoza, Council President  
Briana Buban-Vonder Haar, Council Member  
Pat Jones, Council Member  
Greg McPherson, Council Member



## CITY OF KUNA

**Kuna City Hall Council Chamber, 751 W 4th Street, Kuna, Idaho 83634**

**City Council Meeting  
MINUTES  
Tuesday, September 5, 2017**

### **6:00 P.M. REGULAR CITY COUNCIL**

#### **1. *Call to Order and Roll Call***

##### **COUNCIL MEMBERS PRESENT:**

Mayor Joe Stear  
Council President Richard Cardoza  
Council Member Pat Jones  
Council Member Briana Buban-Vonder Haar  
Council Member Greg McPherson

##### **CITY STAFF PRESENT:**

Chris Engels, City Clerk  
Bob Bachman, Public Works Director  
John Marsh, City Treasurer  
Wendy Howell, Planning & Zoning Director  
Troy Behunin, Planner III  
Trevor Kesner, Planner II

**2. *Invocation:*** Karen Hernandez, United Methodist Church

**3. *Pledge of Allegiance:*** Mayor Stear

**4. *Consent Agenda:***  
(Timestamp 00:03:00)

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

#### **A. City Council Meeting Minutes:**

**1. Regular City Council Minutes, August 15, 2017**

**B.** Accounts Payable Dated August 31, 2017 in the Amount of \$479,713.07

**C.** Alcohol Licenses:

**I.** JK Vond, LLC dba Super C at 331 N Avenue D – Off Premise Beer & Off Premise Wine

**D.** Resolutions

**I.** Consideration to approve Patagonia Development Inc Reimbursements

**a.** Consideration to approve Resolution No. R60-2017

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE CITY TREASURER, JOHN MARSH, TO PAY PATAGONIA DEVELOPMENT INC. THE AMOUNT OF \$2,229.23 FOR REIMBURSEMENT PURSUANT TO THE TERMS OF THE PRESSURE IRRIGATION TRUNK REIMBURSEMENT AGREEMENT.

**b.** Consideration to approve Resolution No. R61-2017

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE CITY TREASURER, JOHN MARSH, TO PAY PATAGONIA DEVELOPMENT INC. THE AMOUNT OF \$34,582.65 FOR REIMBURSEMENT PURSUANT TO THE TERMS OF THE PRESSURE IRRIGATION PUMP STATION REIMBURSEMENT AGREEMENT.

**c.** Consideration to approve Resolution No. R62-2017

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE CITY TREASURER, JOHN MARSH, TO PAY PATAGONIA DEVELOPMENT INC. THE AMOUNT OF \$14,900.87 FOR REIMBURSEMENT PURSUANT TO THE TERMS OF THE WATER TRUCK REIMBURSEMENT AGREEMENT.

**d.** Consideration to approve Resolution No. R63-2017

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE CITY TREASURER, JOHN MARSH, TO PAY PATAGONIA DEVELOPMENT INC. THE AMOUNT OF \$2,401.41 FOR REIMBURSEMENT PURSUANT TO THE TERMS OF THE SEWER TRUCK REIMBURSEMENT AGREEMENT.

- e. Consideration to approve Resolution No. R64-2017

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE CITY TREASURER, JOHN MARSH, TO PAY PATAGONIA DEVELOPMENT INC. THE AMOUNT OF \$66,192.07 FOR REIMBURSEMENT PURSUANT TO THE TERMS OF THE SEWER LIFT STATION REIMBURSEMENT AGREEMENT.

- 2. Consideration to approve Danskin Lift Station Reimbursements

- a. Consideration to approve Resolution No. R65-2017

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE CITY TREASURER, JOHN MARSH, TO PAY COREY BARTON HOMES, INC. DBA CBH HOMES THE AMOUNT OF \$17,099.28 FOR REIMBURSEMENT FOR QUARTER 2-2017 PURSUANT TO THE TERMS OF THE REIMBURSEMENT AGREEMENT.

- b. Consideration to approve Resolution No. R66-2017

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE CITY TREASURER, JOHN MARSH, TO PAY E4 PARTNERSHIP, LLLP THE AMOUNT OF \$4,274.83 FOR REIMBURSEMENT FOR QUARTER 2-2017 PURSUANT TO THE TERMS OF THE REIMBURSEMENT AGREEMENT.

- 3. Consideration to approve Resolution No. R68-2017

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE CITY TREASURER, JOHN MARSH, TO PAY THE INVOICE IN THE AMOUNT \$52,570.20 TO VORTEX USA, INC. REPRESENTING THE THIRTY PERCENT (30%) DOWN PAYMENT FOR THE SPLASH PAD FOR THE CITY'S PARKS DEPARTMENT; AND AUTHORIZING THE MAYOR TO EXECUTE THE PURCHASE AGREEMENT.

Council President Cardoza asked about a transaction on the accounts payable.

City Treasurer John Marsh explained it pertained to what was originally a cash performance bond. The City maintained those in an agency fund which was in a separate trust account at the former Bank of the Cascades. The City processed and deposited that amount in that account. When they subsequently reimbursed those developers for those performance bonds the City paid them out of the US Bank account by mistake. The transaction was just the City reimbursing itself from 1 account to the other.

**Council Member Buban-Vonder Haar moved to approve the consent agenda. Seconded by Council Member McPherson. Approved by the following roll call vote:**

**Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar, and McPherson.**

**Voting No: None**

**Absent: None**

**Motion carried 4-0.**

**5. Community Reports or Requests:**

*(Timestamp 00:04:46)*

- A. Ada County Sheriff's Office presenting a Chevy Tahoe to the City of Kuna – Justin Dusseau, Ada County Sheriff's Office and Jon McDaniel, Kuna Police Chief

**Council Member Buban-Vonder Haar moved to table the presentation until the September 19, 2017 City Council Meeting. Seconded by Council Member McPherson. Motion carried 4-0.**

**6. Public Hearings:** (6:00 p.m. or as soon thereafter as matters may be heard.)

- A. Public Hearing and consideration to approve Ordinance No. 2017-14 and Resolution No. R67-2017 – Annual Appropriations – John Marsh, City Treasurer  
*(Timestamp 00:05:18)*

- I. Public Hearing and consideration to approve Ordinance No. 2017-14

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018, APPROPRIATING THE SUM OF \$26,723,318 TO DEFRAID EXPENSES AND LIABILITIES OF THE CITY OF KUNA FOR SAID FISCAL YEAR; AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY; SPECIFYING THE OBJECTS AND PROPOSED EXPENSES FOR WHICH SAID APPROPRIATION IS MADE; AND PROVIDING AN EFFECTIVE DATE.

*Consideration to waive three readings*

*Consideration to approve ordinance*

*Consideration to approve a summary publication of ordinance*

City Treasurer John Marsh recapped the changes to the budget based on final amounts. The total budget for the General Fund was set at \$6,107,435.00.

Mayor Stear opened the public hearing.

Support: None

Against: None

Neutral: None

**Council Member Buban-Vonder Haar moved to close the public hearing. Seconded by Council Member McPherson. Motion carried 4-0.**

Council Member Buban-Vonder Haar asked if funds had been approved for an SUV and if they were being removed if the City received an SUV.

Mr. Marsh replied no.

Mayor Stear added it was not removed but the money did not have to be spent if the transaction took place. The transaction had not officially taken place yet so that was the reason for keeping it in the budget.

Council Member Jones addressed Council and Mayor about concerns he had about the Economic Development position. He said he hadn't located a city in the Treasure Valley that currently had an Economic Development Director.

Mayor Stear explained it was not a director position. The Economic Development person would be under Planning & Zoning Director Wendy Howell. They had discussed in the Economic Development Committee the importance of someone spending a lot of time keeping up on things and making contacts with businesses to find out what could be done to help and promote. He was very hopeful an Economic Development position would end up paying for itself in the long run.

Council Member Jones clarified there would be guidelines, goals, and accountability for that position to report to Council.

Mayor Stear responded that would actually be under Ms. Howell. They could certainly do reports through the Economic Development Committee. As that expanded they would give Council updates.

Council Member Jones agreed the influx of business into the community needed to be continued but they had recently been getting good influx without a director. Retail brought itself a bit but he agreed the industrial park needed help. He hoped they could figure out a plan to get that industrial park going. He figured they could discuss it further when they were creating the position but he had trouble with it because he was not seeing that director position in other cities and he felt Kuna was getting a good influx of businesses without it. It was a lot of money to spend on a position that could be hard to remove in the future if it did not pan out the way they wanted.

Mayor Stear reiterated it was not a director position but an employee position so if there were things that did not work out they could resolve those issues without a lot of effort.

**Council Member Buban-Vonder Haar moved to waive three readings of Ordinance No. 2017-14. Seconded by Council Member McPherson. Motion carried 4-0.**

**Council Member Buban-Vonder Haar moved to approve Ordinance No. 2017-14. Seconded by Council Member McPherson. Approved by the following roll call vote:**

**Voting Aye: Council Members Cardoza, Buban-Vonder Haar, and McPherson.**

**Voting No: Jones**

**Absent: None**

**Motion carried 3-1.**

**Council Member Buban-Vonder Haar moved to approve the summary publication of Ordinance No. 2017-14. Seconded by Council Member McPherson. Motion carried 3-1. Council Member Jones voted no.**

2. Consideration to approve Resolution No. R67-2017

A RESOLUTION OF THE CITY OF KUNA, IDAHO CERTIFYING THE INTENT OF THE KUNA CITY COUNCIL TO LEVY, AS PART OF THE GENERAL TAX LEVY ADOPTED PURSUANT TO ORDINANCE NO. 2017-14, FOREGONE PROPERTY TAXES.

**Council Member Buban-Vonder Haar moved to approve Resolution No. R67-2017. Seconded by Council Member McPherson. Motion carried 4-0.**

**B. Public Hearing and Consideration to approve 17-05-ZC (Rezone) – Trevor Kesner, Planner II  
(Timestamp 00:16:19)**

John Van Dyke with JSV Development requests to change an approximately 1.46-acre parcel from the existing R-6 (medium-density residential) zoning designation to a C-1 (Neighborhood Business District) zone. The site is located north of West Avalon Street, south of West Owyhee Avenue, approximately 80 feet west of the intersection of North Bridge Avenue and West Shortline Street; addressed as 692 W. Avalon Street, Kuna, ID 83634.

John Van Dyke, 1088 W Bear Track Drive, Meridian, Idaho 83642, presented the request to Council and gave a brief background of the project. Along with his application he submitted some site plans to provide proof of concept and show that it met all setbacks and the required number of parking spaces. He stood for questions.

Council Member Jones asked about the number of parking spaces going in.

Mr. Van Dyke did not know the number off the top of his head.

Council Member Jones said he would look.

Planner II Trevor Kesner presented the application to Council. He added as a point of clarification that he had passed out a revised staff report. The changes were highlighted in yellow which was basically changing wording from commission to council. There were no substantial changes in the recommended conditions of approval. The applicant received a copy of what was before Council as well so he was aware of the highlighted changes.

Mr. Kesner reviewed the site and project. Staff felt the land use change would be compatible with downtown revitalization and put forward a recommendation of approval. He stood for questions.

Mayor Stear opened the public hearing.

Support: None

Against: None

Neutral: None

**Council Member Buban-Vonder Haar moved to close the public hearing. Seconded by Council Member McPherson. Motion carried 4-0.**

Council Member Jones expressed several concerns regarding the intent and what had been presented to Council. It looked like all traffic would be flowing off of Owyhee Street. He saw that COMPASS labeled it as an F-Grade and ACHD did not provide anything. He was concerned adding that amount of cars to Owyhee Street would create a substantial road block especially if a train came through there. He was concerned about the amount of residences and commercial and the traffic they would cause.

Mr. Kesner responded he was not sure if he could correctly address how that would be mitigated as far as stacking at that intersection. He agreed it would increase trips on that road. Essentially, the applicant would be required to improve the roadway abutting his site with full curb gutter and sidewalk. Obviously there would have to be some right-of-way exchanging and movement within the site in order for ACHD to keep their right-of-way as it went into the site. He had not seen anything in the ACHD final staff report about any kind of mitigating measures to calm traffic or prevent any kind of stacking.

Council Member Jones noted he had only seen something about a right-of-way for a roundabout at Shoreline, Avalon, and Bridge but nothing including Owyhee and he had not seen anything in their future plans regarding that intersection.

Council Member Buban-Vonder Haar clarified at that point they were just doing a zone change and all of that would have to be signed off by ACHD when they did decide to develop it commercially. She did not think that by approving the zoning change that day they would be giving permission or agreeing to the 5 4-plexes.

Council Member Jones did not know if the applicant would want to go through with the zone change if he would be denied for the other part he wanted to accomplish. He did not want to put that question to the applicant at that time. He just wanted to express his concerns regarding traffic.

Council Member Buban-Vonder Harr stated looking at the Comp Plan the request met a lot of the economic development goals and land use goals in terms of providing additional commercial opportunities especially in the city center. This was near other forth coming multi-family housing so it would provide additional commercial options within walking distance of those sites as well. It added to the pedestrian network and it appeared to be consistent with and in compliance with City Code.

Council President Cardoza asked Planning & Zoning Director Wendy Howell if C-1 allowed residential separate from the commercial building or did the commercial building have to be residential above and commercial below.

Ms. Howell responded residential above and commercial below for mixed use.

Council Member Buban-Vonder Haar clarified the question was more along the lines of does multi-family count as commercial meaning a 4-plex could be built in a C-1 zone and it would count as commercial and not necessarily considered a residential use.

Ms. Howell replied that was correct.

**Council Member Buban-Vonder Haar moved to approve 17-05-ZC (Rezone) with the conditions of approval as listed. Seconded by Council Member McPherson. Motion carried 3-1. Council Member Jones voted no.**

**C. Public Hearing and Consideration to approve 17-03-S (Subdivision) and 17-03-ZC (Rezone) – Trevor Kesner, Planner II  
(Timestamp 00:28:46)**

A preliminary plat and rezone request from David Crawford with B&A Engineers, representing owners Endurance Holdings, LLC, to rezone an approximately 9.43-acre parcel within an existing agricultural (Ag) zone to a medium density residential

(R-6) designation; and subdivide the parcel into 34 residential building lots and seven (7) common lots. The subject site is located approximately 2,500 feet south of the intersection of West Avalon Street and South Ten Mile Road, on the southeast corner (SEC) of South Ten Mile Road and West Sunbeam Street alignment, and is addressed as 874 S. Ten Mile Rd., Kuna, Idaho.

David Crawford with B&A Engineers presented the project and gave some history. He explained the proposed layout. The project did have a unique situation along Sunbeam Street, the projects north boundary. There was full width right-of-way existing east and west along the north boundary from Ten Mile Road to the east boundary of the development however Sunbeam Street had never been improved. This project would build its half of Sunbeam Street which would be 29 feet from centerline to back of curb and a 42 foot right-of-way. That would allow a full 2 lanes of travel all the way through but primarily only serviced the developments northern entrance at least until the adjacent property connected to Ash Street. There was also existing utilities but they did not have the capacity to take on the project so they were making a connection through Sunbeam Street over to Ash Street and up to Penelope Street which was done in accordance with the City of Kuna Engineer at the time. They believe they presented a development that would be an attractive economic asset to the community and consistent with what had been approved in other parts of the neighborhood and was consistent with the comprehensive plan. He stood for questions.

Planner II Trevor Kesner noted the reduced width on Ten Mile would probably not be an issue. ACHD did not require curb gutter and side walk but the City asked for it and they would give the City a more complete street which would give the project a nice finished looked. He added that the applicant had made some changes to the landscaping plan based on the Planning & Zoning Commission's recommendations to add some additional trees along Ten Mile for shade and noise buffering. They introduced those changes into the record. He stood for questions.

Council Member Buban-Vonder Haar noticed there was a neighborhood meeting with a couple people signed in but did not see notes from the meeting.

Mr. Kesner replied Exhibit A2-N referred to the neighborhood meeting certification.

Council Member Buban-Vonder Haar said it was on page 302 of the entire packet and 77 of 144 under 6C.

Mr. Crawford shared the notes were included in the narrative. They were on page 3 of the narrative. He reviewed what was discussed at the meeting and the Planning & Zoning Commission's request for more trees. He passed out the landscaping exhibit with the changes made based on the commission's request and stood for any further questions.

Council Member Jones asked if the builder or the developer applied for building permits.

Mr. Crawford replied the builder applied for building permits.

Council Member Jones clarified Mr. Crawford had nothing to do with it at that point.

Mr. Crawford explained he was usually gone by that point.

Mayor Stear opened the public hearing.

Support: None

Against: None

Neutral: None

**Council Member Buban-Vonder Haar moved to close the public hearing. Seconded by Council Member McPherson. Motion carried 4-0.**

Council President Cardoza asked Mr. Crawford which was the common lot.

Mr. Kesner showed him on his map.

Council President Cardoza asked if the area added up to 10% which was what he thought was required by code.

Mr. Kesner replied maybe if they make concessions within the Park Impact Fee.

Council President Cardoza clarified there was not a specific lot set aside as a common lot.

Mr. Kesner responded no, other than the landscaping.

Planning & Zoning Director Wendy Howell clarified the 10% open space was only required if it was a PUD.

**Council Member Jones moved to approve 17-03-S (Subdivision) and 17-03-ZC (Rezone) with the conditions of approval as listed. Seconded by Council Member Buban-Vonder Haar. Motion carried 4-0.**

**D. Public Hearing and consideration to approve 17-04-ZC (Rezone) and 17-04-S (Subdivision) – Troy Behunin Planner III  
(Timestamp 00:46:52)**

Applicant, Kirsti Grabo with KM Engineering, requests approval for a rezone for approximately 19.86 acres to C-1, and 34.76 acres to R-6 Medium Density Residential. Applicant also proposes a preliminary plat for a residential and commercial subdivision. The subject site is located on the southeast corner (SEC) of Meridian and Deer Flat Roads.

Kelly Kehrer from KM Engineering, 9233 W State Street, Boise, Idaho 83714, reviewed the project. He noted as a part of the City Engineer's letter there was a request to work on a regional lift station including a large reservoir on the site and to provide land for that. The developer was happy to provide land that was within the common space along the canal. The space was large and they wanted to work with in that existing common area so they were not having to donate a significant amount of additional ground that would impact their overall lots for the benefit of all the surrounding properties. He stood for questions.

Council Member Jones appreciated the donation of the space for the park.

Planner III Troy Behunin followed up with a brief review of the request presented to Council and noticing procedures followed. Staff found the requests were complimentary to the comprehensive plan and comprehensive plan map. The applicant agreed to comply adequately with the landscaping code for the buffer along Meridian Road as staff requested. The Planning & Zoning Commission recommended approval. The applicant had basically given staff everything they asked for and were a pleasure to work with. He stood for questions.

Council Member Jones asked Mr. Behunin if he was involved in any of the talks or decisions regarding the lift station and if he could elaborate on those discussions and the amount of space involved.

Mr. Behunin was not involved and only had the information that was listed in the report.

Council Member Jones asked if there was a requirement for him to provide that space.

Mr. Behunin said there was a recommendation from the City Engineer but to his knowledge there was nothing stated or in code that he had to comply with.

Mayor Stear opened the public hearing.

Support: None

Against:

Teresa Perry, 2151 E. Deer Flat Road, Kuna, Idaho 83634, asked what the proposed park acreage was and if it included the parking. She also asked, if the reservoir was required, would it extend along the whole length of the canal to where it buffered up to Deer Flat Road all the way out to the end of their property. In general her biggest concern was how much development was going into Kuna especially in the Deer Flat and Meridian Road area. That area was close to schools and with all the developments that was a lot of traffic. That was taking things back to where they were 10 to 15 years prior with so much traffic before the light was put in and there were so many accidents. These homes were being put in across a very busy State Highway and the kids would want to walk to the stores and school. It was a very dangerous intersection. She did not know how the developers planned to get these kids to places without being hit. She asked that Council take the whole 4 corners into consideration.

David Andrus, 1928 E. Deer Flat Road, Kuna, Idaho 83634, expressed concern about the reservoir lift station. It would be impacting all the residents in that area and he was not sure what that would look like or what kind of an eye sore that would be. There was also concern about a barrier along Deer Flat Road. There had been talk about the barrier for Meridian Road but there had been no talk about a barrier for Deer Flat. He was concerned about looking at the back of big brick buildings with trucks backing in all the time. The look at the back of big commercial stores was terrible. He asked if there would be something in the plans so they would not be looking at the worst part of a commercial building and all the trucks coming in and out. He was also concerned about traffic and additional congestion that Deer Flat could not handle at that point.

Neutral: None

Kelly Kehrer from KM Engineering replied to the questions asked. The park was 3 acres which included parking. In regards to the condition of the reservoir he read item 3.F. from the engineering letter. In terms of how it would look or its design, that had not been determined yet and it was up to the City Engineer. In talking about Deer Flat, the buffer along Meridian Road would also extend along Deer Flat. As for the individual store front aesthetics, they would have to come in with their own applications. He moved on to the traffic concerns. They were working with ITD and ACHD and would be performing the required improvements to mitigate their traffic impact. Beyond that, they were excited to bring the project into the city. He stood for any further questions.

Council Member Buban-Vonder Haar asked Public Works Director Bob Bachman if the City wanted the park. She did not want to sound ungrateful but thought the City didn't want small acreage parks all over the place. That was why they set up the Park Impact Fee; so they could have bigger parks with more amenities that would be accessible to more people.

Mr. Bachman replied that was the direction he remember the City going but he could not honestly answer the direction Parks Director Bobby Withrow was going on that.

Council Member Buban-Vonder Haar had some concerns about that especially considering there was no other development over there at that time so they would be committing the City to pay for the maintenance and upkeep of a park that at that point would only benefit a single subdivision which felt unfair. She asked if the City would have to develop the parking lot and pay for all of that kind of stuff as well.

Mr. Behunin responded he knew that Mr. Withrow had been talking with the developer and 3 acres, the size of the park, had been hashed out. It was smaller than what Mr. Withrow preferred but it was something the City would accept at that time.

Council Member Buban-Vonder Haar asked if the park donation was in lieu of the Park Impact Fee or in addition to it.

Mayor Stear explained there would still be Park Impact Fees but the amount of money spent on the park would be deducted from those fees.

Mr. Behunin added that it was a credit basis; not dollar for dollar. He explained how it worked. He also noted the comp plan map did designate that area as having a city park near that intersection.

Council Member Buban-Vonder Haar clarified the City would just be getting the land and would be responsible for turning it into a park.

Mr. Behunin did not recall what Mr. Withrow and the applicant discussed but the applicant was nodding that that was what was agreed upon.

Council Member Buban-Vonder Haar asked if there was a meeting of the minds regarding the lift station.

Mr. Bachman responded maybe. It appeared it was supposed to be a 600,000 gallon reservoir based on the recommendation. They had been requiring all new developments to have a supply and source for irrigation for every square mile. He thought that was what the previous City Engineer had been getting at with his recommendation. The size and the layout would be determined during the design phase and they would work with the applicant on that to see exactly where and how it would fit and what it would look like.

Council Member Buban-Vonder Haar was nervous about approving the preliminary plat because they were essentially, as she understood it, approving the layout of the single family homes. It was her impression the lift station and reservoir would go at the north end of those. It sounded like there would not be a chance to say they need more room for it later but she didn't really know.

Mr. Bachman did not know what that footprint would look like or require at that point. All he knew was it was recommended which was standard.

Mr. Behunin reminded Council there had not been any discussion on design or actual sizing of the potential pond. That would come later during the construction document creation period. At that time they would get down to the nuts and bolts of how big it would need to be. If there was a required change for making room for any size of a retention pond for irrigation purposes it was more or less removing lots and creating more open space or green space. It would not be adding density so it would not conflict with Council's approval of the preliminary plat.

Council Member Buban-Vonder Haar was still concerned about whether or not there was a meeting of the minds.

Mr. Behunin replied there would be. At some point there would be a meeting between the City Engineer, the Public Works Director, and the applicant's engineer to hammer out the specific details. She was right that there was not a need for a 100,000 gallon tank at that time but that would be worked out. The City Engineer's recommendation was a base to work from and some of those details were not known at that time. This happened more frequently than not.

Council Member Buban-Vonder Haar clarified the applicant would just be out of luck if the footprint would need to be bigger than what was originally thought at the current stage.

Mr. Behunin explained generally there were negotiations for something. It may not be the full recommendation but there were concessions for somethings.

Mayor Stear summarized the difference in opinion being the size of the pond and the applicant not wanting to be responsible for providing the amount of irrigation retention water needed for all of the surrounding development.

Mr. Behunin stated that was the way he understood it.

Council Member Jones was concerned about putting in a requirement for something they couldn't answer a question for. He felt if the applicant was going to lose land based on the footprint being bigger than expected he should know about it then and that he shouldn't have to create a reservoir for all surrounding communities.

Mr. Behunin explained the simple way to tackle this sort of scenario would be to simply state the condition as the applicant would need to work with the staff, the engineer, and the Public Works Director to size it appropriately; no number attached just build what was needed.

Council Member Jones asked City Attorney Richard Roats if he could ask the applicant if that was something he was agreeable to.

Mr. Roats did not believe the site was adequate for 600,000 gallons. If they went through with the preliminary plat approval that day and the applicant proceeded, the City would be responsible for the engineering and construction of it, which in talking to Mr. Bachman, they had determined was not in the budget. There weren't even engineer drawings showing size that they could base negotiations on. In the meantime the applicant would be working on the development. He recommended tabling the item for 2 weeks so they could look at it. Once it got going down that road they would have a difficult time backing off and could end up having to look for a site elsewhere.

Council Member Jones was comfortable with that if the applicant was willing to table it for 2 weeks. He thought that would be in everyone's best interest.

Kelly Kehrer from KM Engineering replied the challenge was they had had their preliminary plat submitted for 3 months at that point and they were there. They had brought this up previously at the Planning & Zoning meeting. They wanted to get going on their project and he knew as a part of it they had a problem with Ridley's and the PI. He knew the PI system was important but at the same time it was a regional PI station so he felt it was a little unfair to ask them bear the burden of taking up lots in their subdivision when it was benefiting the whole area. Everybody was not necessarily putting their fair share in with that scenario. He felt they were being put in a rough situation. Obviously, the developer really wanted to get going on the project and would prefer to keep things moving.

Council Member Jones had the same concern regarding putting the burden on that developer but he had to mitigate that somehow and he did not know how to do that without some answers. He had to protect the City and he thought that by giving the City 2 more weeks it would actually help both parties to resolve the question.

Mr. Kehrer suggested meeting in the middle by conditioning it as was and if for some reason they felt the size of the reservoir was growing to a point it impacted their development they could come back to City Council to discuss it.

Council Member Buban-Vonder Haar felt for planning purposes and for City it would be better to take some time to figure it out ahead of time in addition to any sorts of credits they would be entitled to for bearing any sort of burdens regarding this.

Mayor Stear asked Mr. Roats if this fell under the same deal as doing oversizing; when someone is asked to do more than they need in order to work with the other development going on and the compensation for that.

Mr. Roats explained in the case he was familiar with the developer purchased that and they were going to convert it to the pressurized irrigation pond at the City's expense. He had not seen a reimbursement agreement for the actual pond. He thought they could maybe sit down and figure out if that was a possibility for this.

The ones he had seen had been a donation with the City then putting in the infrastructure and that was the offset because then the property owner got the benefit.

Council Member Buban-Vonder Haar said the difference was oversizing a line was below ground and it would be going in anyways.

Council President Cardoza asked if Mayor Stear was referring to late comers fees.

Mayor Stear replied more or less.

Council Member Buban-Vonder Haar suggested cutting off part of the park if more space was needed that way they would not be cutting into buildable lots.

Mr. Kehrer explained if they could do that they would be all over that. It was really that this was where it made economic sense to develop it.

Council Member Buban-Vonder Haar asked again if they would be alright with tabling the item so more details could be determined on the front end.

Mr. Kehrer responded if that was where they were at then he guessed they would agree to table it for 2 weeks but the developer was chomping at the bit to get going on the project. He had users interested in the commercial pads and 2 weeks can make or break a commercial development.

Council Member Buban-Vonder Haar suggested wording the approval to allow for commercial development to start moving forward and for residential development to be on hold until the lift station and reservoir was figured out and there was a joint understanding of what was being built and where it was going and making sure additional planned lots were not being cut out.

Mr. Roats thought that made sense and they could get to discussing it right away.

Mr. Kehrer found that acceptable but would like the lift station and reservoir aggressively figured out.

Council Member Jones did not have a problem with that.

Council Member Buban-Vonder Haar asked Mr. Bachman if they did end up needing to take from the park area would the park still be of adequate size that they would still want to make it.

Planning & Zoning Director Wendy Howell believed the standards for the park was actually 5 acres but Parks Director Bobby Withrow and the applicant had been in negotiations regarding this park of 3 acres.

Council Member Jones thought there were guidelines regarding the minimum size of a park being donated to the City.

Ms. Howell replied there were but she was not involved in the negotiations so she could not say what had transpired there.

Council Member Jones asked about the Park Impact Fee requiring parks to have certain amenities depending on the size of the park.

Mr. Roats said that was correct but it was important to note commercial did not pay that Park Impact Fee. There would only be 133 homes contributing to that amount so it was a little unique. He had not talked to Mr. Withrow about his thoughts on it.

Council Member Buban-Vonder Haar clarified they were not donating a park they were donating land for the City to make a park and paying some Park Impact Fees in addition to that.

Council Member Jones noted the Council Packet stated the developer and the Parks Department would determine the park amenities through a joint effort. That was throwing him off a bit.

Council Member Buban-Vonder Haar said they could discuss that when they discuss everything else.

Council Member Jones said if they needed to vote they could vote with the conditions as Council Member Buban-Vonder Haar suggested but he preferred to table it.

Council Member Buban-Vonder Haar asked if there was a memo from ITD in the packet.

Mr. Behunin replied ITD may not have included their comments. ITD had actually been tardy with their comments on a couple of projects and he did not show that they had issued comments for that project.

Council Member Buban-Vonder Haar asked if they needed to wait for those comments.

Mr. Behunin said they had been waiting since early May.

Council Member Jones asked about requirements regarding the buffer along Meridian Road being different than other subdivisions not adjoining Meridian Road and requirements for a commercial site.

Mr. Behunin replied the different requirements on Meridian Road were because of the Highway District overlay. The recommendation for commercial was 30 feet and for residential it was 50 feet.

Mr. Kehrer noted ITD did not send out a formal response but they had submitted their traffic study and went through the process of having that study approved with the required improvements with ITD.

Mayor Stear asked if it was Council's wish to close the public hearing at that point.

Council Member Buban-Vonder Haar had one more point of clarification to follow up on one of the testimonies. She asked, when the City planned lift stations and ponds, did the City do any sort of landscaping or visual mitigation to make it more appealing to adjoin properties.

Public Works Director Bob Bachman replied yes they usually worked with the developer to figure out which area it would be in and that it was landscaped on the outside of the fence with some sort of buffer.

Council Member Buban-Vonder Haar asked if folks were curious about that could they come in to get info or if they could be involved in the process.

Mr. Bachman was more than willing to talk with them and once it was built and landscaped the HOA would take over the maintenance.

Council Member Jones asked how many gallons Sadie Creek held.

Mr. Bachman did not know. He thought the Ardell station was about the size of this one and that was sitting on about 3.5 acres.

Teresa Perry, 2151 E Deer Flat, Kuna, Idaho 83634, asked if it would be a tank.

Council Member Buban-Vonder Haar said no.

**Council Member Buban-Vonder Haar moved to close the public hearing. Seconded by Council Member McPherson. Motion carried 4-0.**

Council President Cardoza asked if they were just approving the commercial part of the rezone of the subdivision and how they could do that as a motion. He had mixed emotions about making a vote on a preliminary plat they did not have answers for.

Mr. Roats explained because it was a preliminary plat they could not separate the commercial and the residential. He advised Council that there was roughly a quarter of an acre available in the northeast corner of the development. The one that sat along the canal was the largest piece for the proposed lagoon. If the pond was made 8 feet deep it would fit on that quarter of an acre so he did not think there would be a

problem putting it there and it could look like a pond. That being said it should be approved as 1 package.

Council Member Jones asked if they could dig that deep there.

The possibility of hitting rock was discussed.

Mr. Bachman concluded digging that deep should be fine and staff felt the site was an adequate size.

Council President Cardoza reviewed the size of the park and how much would be left after parking and a restroom were put in. He was not sure that would be large enough.

Mayor Stear stated Parks Director Bobby Withrow had been working a little outside of the box but he did not know what Mr. Withrow had in mind for this specific park but he couldn't imagine it being something he wasn't comfortable with. He had been pretty stingy.

Council President Cardoza expressed his concerns regarding accepting a smaller park and who was responsible for the public utilities. He wanted to table the item until a City Engineer and the Parks Department were present.

Mr. Bachman addressed the public utilities. The developer would be responsible to get the utilities to their frontage and on to their property. If the utilities were up to the highway they would be responsible for boring them.

Mr. Kehrer said the developer was paying for the cost to get services across from Ridley's under the highway.

Council Member Buban-Vonder Haar reviewed how the project was consistent with the comp plan and that it was compliant with state and city code.

Council Member Jones asked, since there was no City Engineer at that time, if it was possible to require the contracted engineering companies to get answers for their questions within 2 weeks.

Mr. Bachman did not think that would be an issue.

Council Member Buban-Vonder Haar clarified the motion was not that the issue had to be resolved in 2 weeks just that the parties get together within 2 weeks to start the discussion.

**Council Member Buban-Vonder Haar moved to approve 17-04-ZC (Rezone) and 17-04-S (Subdivision) with the conditions of approval listed in the packet and with the stipulation that the developer agrees to meet with the City within**

**two (2) weeks to better clarify and plan the lift station, retention pond, and park. Seconded by Council Member McPherson. Motion carried 3-1. Council President Cardoza voted no.**

- E.** Public Hearing and consideration to approve 16-11-AN (Annexation) – Troy Behunin Planner III  
(Timestamp 01:48:57)

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

Jay Walker with AllTerra Consulting, 849 E State Street, Suite 104, Eagle, Idaho 83616, thanked Council and staff and presented the request on behalf of Logan Patten with Kolo, LLC. Mr. Patten had been present but had to leave to attend to an emergency. Mr. Walker gave a brief history of the project and their work and reviewed the application and their commitments. He stood for questions.

Planner III Troy Behunin followed up with a brief review of the request presented to Council and noticing procedures followed. He noted they were just there to discuss the annexation of the property. The request was in concert with the comprehensive plan and comprehensive plan map and in accordance with the goals of the Council. Staff was pleased to hear at the Planning & Zoning hearing that they were considering all options for pathways crossing through the site from the southeast to the northwest and that they were contemplating a pathway as part of their plan. Based on the project being located within the overlay district which stretched a half mile east and west of the centerline of Highway 69, staff did recommend the applicant and his representative continue their discussions with the City, ITD, and ACHD about reasonable ingress and egress consistent with the policies of all parties. The applicant was in the midst of their traffic study. ITD required the study but ACHD did not. If the annexation was approved by the City Council the applicant would bring a preliminary plat to Council at a later time. He stood for questions.

Mayor Stear opened the public hearing.

Support: None

Against:

Teresa Perry, 2151 E Deer Flat Road, Kuna, Idaho 83634, stated she was amazed and appalled they had actually approved the previous public hearing case when all of their questions had not been answered and the people who could answer them were not present. She felt there was no point in testifying if she was not going to be listened to but she moved on to the public hearing at hand. She had the same issues

with this case as she did the last case; traffic, people, kids getting to schools and the new small 2 acre park that the City would have to recoup through the citizens to pay for that would take man power from areas that needed it more. Kuna was growing so fast and it seemed like Planning & Zoning and City Council were approving everything right and left. That was fine but all “t”s should be crossed and all “i”s dotted and they should be looking out for the rest of the public instead of the developer because as a landowner she felt pretty small at that point.

Harry Kahn, 2211 E Deer Flat Road, Kuna, Idaho 83634, felt Ms. Perry pretty much touched on what he wanted to say as far as kids getting to school and traffic concerns. The south side was getting 133 homes so that would be a lot of kids and he wasn't sure what was going in on the north side but it would still be more kids. Traffic was already horrible and it was just a mess.

David Andrus, 1928 E Deer Flat Road, Kuna, Idaho 83634, stated his property bordered this property. There was a neighborhood meeting well over a year prior to this hearing. All kinds of ideas were thrown out. They subsequently tried to get ahold of Logan Patten but he would not return phone calls to let them know what was going in. This property was going to have a detrimental impact on his property. He had been there 20 years and built a very nice home and he could not even find out what was going on. Council was being asked to approve something when they didn't even know what was going on there. It was a very difficult property and they had not gained access to Meridian Road nor did they know what kind of access they would get. He had spoken with ITD that day and they did not know because they were waiting on the developer. The developer did get access on Deer Flat Road that was somewhere between 30 and 100 feet of his access on his property. This was a big concern for him if they put in apartment buildings which could put another 100 or 200 cars in that small 10 acre lot. The congestion this would cause on Deer Flat and Meridian was a big concern as well. His biggest concern was not knowing what was going on but knowing that it would be detrimental to his property and he did not think that had been addressed. There were also water issues regarding the irrigation running along the entire length of his property that fed their subdivision and others down the way. They did try to address the canal that ran through the middle of this property which he also thought was a problem. It seemed there were a lot of unanswered questions but things were getting approved anyways which he found very disheartening. It seemed Council and staff were working more for the developers. Staff sat with the developers like they were buddies during these meetings and citizens felt their voices weren't heard.

Bernie Ball, 1804 E Lazy DB Lane, Kuna, Idaho 83634, lived on the north boundary of this property. His road went out on to Meridian Road. His problem with this development was traffic. He had spoken with ITD who told him there was no way the developer could get access to Meridian Road. Basically it would be 10 or 11 acres with 1 access off Deer Flat. Unless someone made a deal with someone and broke the normal codes that clearly state they do not have access to that because there was not enough room between them; the light, their access, and his road. They

were only about 660 feet from the intersection and it was very difficult getting out on Meridian Road especially if they were going to go south bound and take Deer Flat. Kids should not be out in that kind of traffic. He had only been to a couple of these meetings and was disheartened a little bit. Council was not voting on a preliminary plat at that time but on annexing them into the City. If they were going to try to get access to Meridian Road or whatever he would have to come back and testify again. He did not know the City's rules. He asked if they do not have adequate access to the roads could Council not approve the annexation until that part of the problem was fixed. He heard in the discussion they did not have all of the information from ITD. They do have the information but its just not there. They do not meet the IDAPA rules. He urged Council to deny the annexation if that was something they could do based on traffic conditions and not enough access to arterial roads.

Troy Behunin responded to Mr. Balls questions. ITD would require a traffic impact study and it would have to reviewed and approved. It would have to follow all of their policies. They would quickly learn that these parcels were not big enough to stretch the distances required and they would have to have some sort of mitigating polices in place because in the great state of Idaho you cannot deny access to a public right-of-way for a property. Access has to be granted whether it was temporary or permanent. All of those concerns would be addressed thoroughly and individually through the traffic impact study that would be reviewed by ITD and possibly ACHD. However, they were not there to talk about access that night they were there to talk about annexation. That would come to center stage if development moved forward.

Council Member Jones clarified the property was county property at that time. If Council did not annex them into the City the applicant could go to the county to apply for what they were going to apply to the City for which would give the county say in what they do instead of the City.

Mr. Behunin confirmed that statement and added he could not say what their requirements would be.

Council Member Jones asked if he felt City requirements were more stringent than county requirements.

Mr. Behunin replied yes.

Council Member Jones stated by annexing the property the City would have more control of what went into that property and citizens would have more of a voice in the decision.

Mr. Behunin agreed with the first half of that statement 100% but he did not believe citizens got more voice just because they lived in the City.

Council Member Jones would rather the City have say in how that property was developed than the county. They were only looking at the annexation of that night which would decide who would have a say on what goes in at that property.

Mr. Behunin reviewed what he knew the City had versus the county in regards to the process of developments.

Council President Cardoza asked if the entire parcel on page 64 of 68 was mixed use city center with no professional office within that confine.

Mr. Behunin responded both of the properties in the application were the mixed use city center.

David Andrus, 1928 E Deer Flat Road, Kuna, Idaho 83634, stated Planning & Zoning said the exact same thing so he talked to a land expert after that meeting. The land expert disagreed with what had been said there. Since the property was part of an impact area with the City of Kuna it was highly unlikely the county would try to pursue this property.

Council Member Jones did not know if the developer or property owner had any legal rights to do whatever he wanted with his property which concerned him. He understood there was a lot of frustration out there with the growth of the city but he felt a lot of people did not understand that Council's hands were tied. A lot of their decisions had to be based on a developer meeting the comprehensive plan. If they met the comprehensive plan and followed all of the codes regarding what they were required to do Council could not necessarily deny them. He did not think if anyone was in the same position as the developer they would want them to do differently. He could not speculate on what they would be doing but they were not asking for approval to do what they wanted; they were only asking to come into the City to allow the City's services to be put over there. He would rather they have Kuna's services and for Kuna to be able to dictate what would be put in that corner. He encouraged everyone that was frustrated with the type of growth in the city to express those views right then while the comp plan was being redone. That was what was going to guide the city. He could do more to deny a request with a change in the comp plan. He understood it felt like their testimonies were falling on deaf ears. Council was not allowed to talk to the public about stuff that happened in public hearings. It didn't used to be that way and he did not like that. If he was accused of that he would have to prove his innocence before they would have to prove that anybody's input had influenced his vote. He did not think that was the way the country was built. Council was more of an affirmation vote than a governing body in regards to determining what a developer could do. He asked that they think about that and how they have to make their decisions.

Mike Cline, 475 S Midpine Avenue, Kuna, Idaho 83634, did not live very close to the project but the general goings on concerned him. The traffic was getting worse and worse and they were saying they could not do anything about restricting the

developments. He asked if there was a reason they couldn't do that when they saw things were going wrong with what was planned before.

Council Member Buban-Vonder Haar explained from what Council had been told they didn't have grounds to say no if it complied with the comp plan and all of the planning and zoning rules.

Mr. Cline replied the comp plan didn't take into account that they were wrong and traffic was really bad so they needed to take a step back and make a correction; the correction being that didn't look good because they were putting way to many people down that street than was safe for the kids, environment, or city.

Council Member Buban-Vonder Haar responded they were sometimes required to do traffic studies through ITD or ACHD. Sometimes what she found challenging was having an entity whose specific reason for existence was traffic saying it was ok then who was she to say it was not.

Mr. Cline said her citizens.

Council Member Buban-Vonder Haar said those folks are the experts and the code says all they have to do is meet with the experts and make sure they agree or list what changes needed to be done and incorporate those into the plan. It becomes a bit wishy washy.

Mayor Stear added what can become confusing was the way funding was set and the way ITD and ACHD operated. The roads were not improved until there was enough development and by then it was too late. The roads were too busy and would have to be shut down to make those improvements. That was a problem but he knew developers paid substantial impact fees to ACHD and ITD and those monies went into a pot and when there was enough money those improvements were made when they were warranted. It was rare for those things to be done ahead of time.

Mr. Cline stated Meridian Road was built 4 lanes wide when there was nothing around it but that was an exception. He grew up in Ohio and they had the same issues. If they could not talk to the citizens about it they should drive there in the morning to see it.

Council Member Jones responded they did and they knew what was going on in the city but they were limited in what they could do. He said citizens could go to the ACHD budget hearing and ask why they weren't spending more money in Kuna. Unfortunately in this county the highway district decided how the roads were built. Council had the same concerns and they had the citizens' backs as much as they could.

Council President Cardoza stated his observation after 12 years on the Council was if they had controlled growth from the inside out to where every parcel of land going

out was developed they would have the roads and sidewalks adequate. By their standards they did not have the liberty to control growth the way the city would like it. He reiterated previous Council Members' statements regarding the process for approving developments. He talked about his preference to see growth down Deer Flat going east and to have sidewalks for children to walk on and bicycle lanes. Those would come with growth. Maybe not in the order he would like but they would come. His concern with ACHD was they used statistics. Until there were enough injuries or accidents in an intersection there would not be a stop sign or light. He echoed other Council Members' sentiments regarding frustration with growth and that the comp plan dictated what developers could and could not do and what Council could and could not do. He believed Mayor Stear was working with ACHD on getting more money and roads in Kuna but that was contingent on the growth and impact fees.

Mayor Stear clarified that, although accidents and injuries at intersections did trigger improvements, for the most part they were based on number of trips per day and how many people were using the road.

Neutral: None

**Council Member Buban-Vonder Haar moved to close the public hearing. Seconded by Council Member Jones. Motion carried 4-0.**

Council Member Buban-Vonder Haar stated the request complied with the comprehensive plan and Idaho code therefore Council did not have grounds to deny it.

**Council Member Buban-Vonder Haar moved to approve 16-11-AN (Annexation) with the conditions of approval as listed in the packet. Seconded by Council Member Jones. Motion carried 4-0.**

**7. Business Items:** None

**8. Ordinances:**

- A. Second Reading and Consideration to approve Ordinance No. 2017-13  
(Timestamp 02:33:10)

AN ORDINANCE OF THE CITY COUNCIL FOR KUNA, IDAHO AMENDING TITLE 7, CHAPTER 3, SECTION 4 TITLED "HOURS" TO ALLOW FOR PERSONS TO BE ON THE GREENBELT PATHWAY DURING CERTAIN HOURS WHERE THE CITY HAS INSTALLED LIGHTING, AND PROVIDING AN EFFECTIVE DATE.

Mayor Stear recapped at the last meeting Council had questions for City Attorney Richard Roats concerning this ordinance.

Mr. Roats stood for questions.

Council Member Jones was concerned about the definition of what the Greenbelt path was and how much space could be accessed afterhours. He had discussed it with Mr. Roats. It had been brought to his attention that the intent was it was only the concrete path of the Greenbelt that citizens were allowed to access afterhours and if they were to leave that path they would technically be violating code. He did not believe the police would ticket anyone who accidentally stepped off in the grass but he felt it would be realistic to assume citizens would leave the path to sit on a bench or at a picnic table or to let their animals do their business. He was concerned about that limitation. He also was concerned that if there was a problem with opening this up for afterhours use the only way to narrow the use would be to close down afterhours. He proposed they define what a lighted area was along the realms of any area of lighted greenbelt and that a person could be seen without any additional external lighting. That would allow them access to those areas and not be in violation of code. If it became a problem at that point it could be narrowed to the pathway only. He was concerned citizens would not be informed of what this code allowed them to do and did not allow them to do. He was asking that the code be a little less restrictive. It would give a more realistic idea of what would happen and it would give the City another avenue to restrict it without having to close it down. He mentioned there was some concern about people hiding in bushes. He had no problem with addressing that by enacting some sort of ordinance at another time.

Mr. Roats explained they had to make this change because at that point it was prohibited altogether. The thought was how expansive did they want this to be. The path was a definitive line for people to travel along. He did not believe they were having any problems at that point in time. There was also the thought of putting LED lighting at the back of the City Hall building to illuminate the whole park area so people could go out and sit at a picnic table or bench versus just the lighted area along the pathway. He was open to suggestions on the best way to accomplish this.

Council Member Jones asked if he knew if Caldwell had any ordinances regarding their lighted pathway.

Mr. Roats was not aware of any.

Council Member Jones asked if Kuna City Code mandated it was only the path that was open at night and someone was off the path could that person be ticketed.

Mr. Roats replied certainly but it would be at an officer's discretion. He did not think it would become an enforcement issue. If there was a party or a fight going on it would give the officers an opportunity to investigate what was going on. A big part would be discretion education through warnings. In regards to the definition of lighting it would become difficult because it would get to be subjective. The lighting had been installed and needed to be made available but a line needed to be drawn.

The police officers would probably prefer something that would give them the opportunity to investigate when something was happening.

Council Member Jones felt 99% of the people leaving the path were doing it for reasons they would not expect would create a problem or for an unlawful purpose. He asked why create the ordinance if the majority of people would not follow it and it would not be enforced 99% of the time.

Council Member Buban-Vonder Haar responded the purpose of the ordinance was because people were not allowed on the greenbelt after hours at that point.

Council Member Jones understood that and agreed. He just didn't expect people to be restricted to a 5 foot wide pathway.

Mayor Stear asked how he would like it to be.

Council Member Jones said he gave a solution. He wanted a wider area that could be reduced later.

Mr. Roats asked Council Member Jones to clarify what kind of scenario would be addressed by shrinking down the allowed area.

Council Member Jones reiterated his previous statement regarding giving the City an avenue to address any problems due to the lighting.

Council Member Buban-Vonder Haar thought the recourse for the City would be to enforce the ordinance; not to shut down the Greenbelt.

Council Member Jones stated again that people would not stay on the path. They would leave it for simple things like letting their animals do their business.

Council Member Buban-Vonder Haar said, to her, that was where officer discretion came in. There were not going to be dozens of people on the Greenbelt at 2:00 am. She felt they were making a problem that didn't exist. She certainly did not think there would be dozens of people running amok in the park. It was a limited issue in the past and the lighting was installed to hopefully make it a non-issue. If they were really that concerned about officer discretion she was fine with making it very specific with something like a 5 foot buffer but she really didn't see it as that much of an issue.

Mayor Stear felt putting in a specific buffer opened up an enforcement issue if there was nothing marking that line. He didn't believe an officer would interfere with a couple sitting on the grass not causing any problems.

Council Member Jones asked why they wouldn't just allow them to do that without violating code.

Mayor Stear thought they would allow them to do that.

Council Member Jones said by ignoring the code.

Council Member Buban-Vonder Haar replied no, by exercising discretion. It would be the officer interpreting the code as saying the Greenbelt path and adjoining areas could be used if the use was incident. It could be made so nitpicky and super specific but they were making a problem that didn't exist.

Council Member Jones said he was using this code as a bigger picture looking at having a code they were never going to enforce.

Council Member Buban-Vonder Haar thought the code would be enforced.

Council Member Jones felt it would be enforced for the 1% who it needed to be used against but he did not like codes being used against people when they were not going to be fairly distributed.

Council Member Buban-Vonder could not come up with a way to write this that would not provide too much wiggle room. She was worried it would have to be crafted in such a way that almost anything would be allowed.

Mayor Stear added there would almost have to be a fenced area.

Council discussed the need for the ordinance some more.

Council President Cardoza read the ordinance to mean it encompassed the grassy area on both sides to a certain degree using common sense. If it had read the Greenbelt path he would have totally understood the asphalt path.

Mr. Roats explained in the body it did say Greenbelt path.

Council President Cardoza asked if it was written in a way to give latitude to use the adjoining property on either side of the path.

Mr. Roats explained it was not the title that controlled; it was the body and the body said the Greenbelt path.

Council President Cardoza asked that path be better defined and if it would give the latitude Council Member Jones was talking about.

Mr. Roats said yes and if they used the broader definition of pathway it would include the paved portion and perhaps some portion of the path which would give the officers discretion. He would not want to define it as 5 feet or 10 feet though.

Council President Cardoza thought that would take care of what Council Member Jones was saying.

Council Member Jones said he would be more comfortable with that. He asked if that would work for the officers enforcing the code.

Council Member Buban-Vonder Haar asked for clarification on the definition.

Council Member Jones envisioned it as being anything within a lighted area.

Mayor Stear asked if it was broadened out to much would there be concerns about people saying they thought certain areas had enough light.

Kuna Police Chief Jon McDaniel shared his opinion. After talking to their supervisors and some of the officers about this issue they felt it would be ok to have something along the lines of the path, not pathway, and adjacent areas that are clearly lighted and if they had some issues with the prosecutor's office they could readdress that at a later time. Some thought was put into the lighting stations along the way and they wanted to prevent someone from being able to scare people from the Greenbelt. It would be up to their discretion and they could take pictures of the area that night.

Council President Cardoza clarified it was not so much people on the pathway they would be investigating. There would be some other condition they would look at. Being on the grass would be immaterial but smoking a funny smelling cigarette for example would give probable cause to stop someone.

Chief McDaniel agreed. He thought the advantage potentially of people being in the dark areas adjacent to the pathway would be more probable cause to investigate a situation. The police department also felt that the times when they make contact and don't have to take action could be turned into something positive.

Council President Cardoza asked if officers traditionally walked or biked the Greenbelt at night.

Chief McDaniel replied they did both. In fact they had ridden a decent amount that summer and got enhanced lights on the bikes. They were also looking at using some year-end money to buy a larger bike.

Council Member Buban-Vonder Haar had a suggestion for how to phrase the ordinance. She proposed that 7-3-4-B be rewritten to state "persons may use, enter upon, or occupy at all times the Greenbelt path and adjacent areas which are lit by City installed lighting." She was trying to avoid saying things like areas that are lit because people might interpret that to mean they can carry a lantern or flash light and that would count as a lit area.

Everyone was good with that. The ordinance would be up for its third reading at the next Council Meeting.

*Consideration to waive third reading*

*Consideration to approve ordinance*

*Consideration to approve summary publication of ordinance*

**9. Mayor/Council Announcements:**

*(Timestamp 03:02:38)*

Public Works Director Bob Bachman gave an update on downtown. Everything was on schedule. He stood for questions.

Council Member Jones asked if they had dug the drainage bed.

Mr. Bachman replied no, but it would be coming up pretty quickly.

**10. Executive Session:**

**11. Adjournment: 9:05 pm**



ATTEST:

  
Chris Engels, City Clerk



Joe L. Stear, Mayor

*Minutes prepared by Ariana Welker, Deputy City Clerk  
Date Approved: CCM 09.19.2017*



**IN FAVOR**

**NEUTRAL**

**IN OPPOSITION**

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# City of Kuna

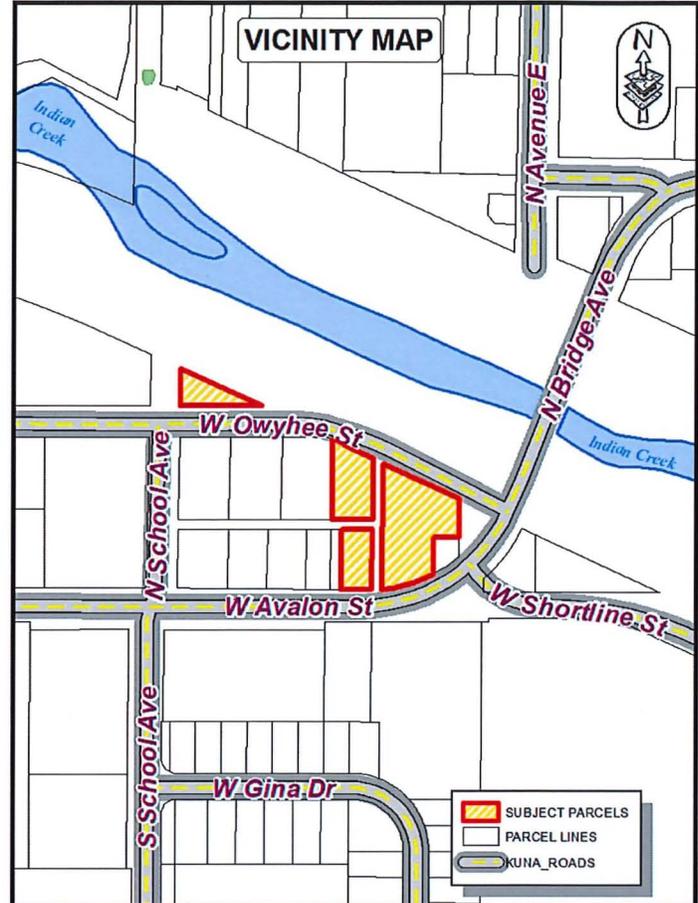
P.O. Box 13  
Phone: (208) 922-5274  
Fax: (208) 922-5989  
www.Kunacity.id.gov

## Staff Memo

To: Kuna City Council  
File Number: 17-05-ZC (Rezone)  
Location: 692 W. Avalon St.  
Kuna, ID 83634  
Planner: Trevor Kesner, Planner II  
Hearing Date: September 5, 2017  
Applicant: JSV Development  
**John Van Dyke**  
1088 W. Bear Track Dr.  
Meridian, ID 83642  
[john@jsvidaho.com](mailto:john@jsvidaho.com)

### Table of Contents:

- A. Process and Noticing
- B. Applicant Request
- C. Site History
- D. General Project Facts
- E. Staff Analysis
- F. Applicable Standards
- G. Procedural Process
- H. Proposed Findings for Council Consideration
- I. Comprehensive Plan Analysis
- J. Kuna City Code Analysis
- K. Proposed Conclusions of Law
- L. Proposed Decision by Council



### A. Process and Noticing:

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

#### a. Notifications

- i. Neighborhood Meeting June 07, 2017 (one attendee)
- ii. Agency Comment Request June 12, 2017
- iii. 300' Property Owners August 10, 2017
- iv. Kuna, Melba Newspaper August 9, 2017
- v. Site Posted August 14, 2017

**B. Applicants Request:**

John Van Dyke with JSV Development, requests to change an approximately 1.46-acre parcel from R-6 (medium-density residential) zoning to a C-1 (Neighborhood Business District) zone. The site is located north of West Avalon Street, south of West Owyhee Avenue, approximately 80 feet west of the intersection of North Bridge Avenue and West Shortline Street; addressed as 692 W. Avalon Street, Kuna, ID 83634. (APN#: R5070001940).

**C. Site History:**

This parcel has historically been used as a residential home site with some of the surrounding land left as open fields.

**D. General Projects Facts:**

**1. Surrounding Land Use Zoning Designations:**

<b>North</b>	UPRR	Union Pacific Rail Right-of-Way along Indian Creek
<b>South</b>	M-1/ C-2/ R-6	Light Industrial District – Kuna City Area Business District – Kuna City Medium to Low Density Residential – Kuna City
<b>East</b>	M-1	Light Industrial District– Kuna City
<b>West</b>	R-6	Medium Density Residential – Kuna City

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

- Parcel Size: 1.46-acres (approximately)
- Current Zoning: R-6 (Medium-Density Residential)
- Parcel #: R5070001940

**3. Services:**

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

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

Currently, there is a residential home and an accessory shed situated on the site. Vegetation onsite is generally associated with a residential use, such as grass and weeds.

**5. Transportation / Connectivity:**

The site is currently accessed from West Avalon Street, approximately 80 feet west of the intersection of North Bridge Avenue and West Shortline Street. The applicant proposes to relocate the primary access to the north side of the parcel on Owyhee Avenue with future development, eliminating the access from West Avalon Street. The applicant also proposes to utilize portions of unopened/unimproved ACHD rights-of-way (alleys) with future development. Compass and ACHD recommends improving the streets and sidewalks around Avalon Street and Owyhee Avenue to encourage safer access to downtown and the Indian Creek pathway. Any future site improvements, right-of-way dedications/vacations, and proposed driveway approach relocations or changes shall be reviewed and assessed by Ada County Highway District (ACHD).

**6. Environmental Issues:**

Staff is not aware of any environmental issues, health or safety conflicts. The subject site’s topography has an average slope of approximately 10% to the southeast, and soils are classified within the Hydrologic Group ‘D’

(High Runoff Potential) with a potential bedrock depth between 10 to 40 inches according to the USDA's Soil Survey of Ada County.

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

The site is identified as Neighborhood and Community Commercial on Kuna's Comprehensive Plan Future Land Use Map. The comprehensive plan is a living document, intended for use as a guide for decision making by governmental bodies. Staff views this rezone request as generally compatible with the comprehensive plan future land use map and adjacent land uses.



8. **Recreation and Pathways Master Plan Map**

The Recreation and Pathways Master Plan Map indicates a 'Future Trail' on the north side of Indian Creek; however, the Indian Creek pathway is fully improved adjacent to the site. The site is within walkable distance to pathways and parks.



9. **Agency Responses:**

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

- Idaho Department of Environmental Quality (DEQ) – Exhibit B1
- Kuna City Engineer – Exhibit B2
- COMPASS – Exhibit B3
- Idaho Transportation Department (ITD) – Exhibit B4
- Central District Health Department (CDHD) – Exhibit B5
- Boise Project Board of Control – Exhibit B6
- Nampa Meridian Irrigation District – Exhibit B7

E. **Staff Analysis:**

The applicant's intention is to remove the existing home and storage shed to develop the site as a mix of multi-family units and commercial office suites, which are permitted uses (with a Design Review approval) under the applicants request for C-1 (Neighborhood Business District) zone.

The subject site encompasses four (4) separate parcels; however, each of the four (4) separate parcels associated with this application reference the same County tax parcel number (No. R5070001948), land acreage (approximately 1.46 acres), and ownership information. Staff consulted with Ada County Assessor's office as to why these parcels are consolidated under one tax identification parcel number, and determined that the original parcel was segmented as a result of prior public right-of-way dedications for Railway, Owyhee Street and public alleyways lying within the project's boundaries.

Staff has determined this Rezone application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222. Staff forwards a recommendation of approval for Case # 17-05-ZC, a rezone request from John Van Dyke representing JSV Development, subject to the proposed 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 12.
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 Process:**

The **Council** will consider the project, including the submitted application items, agency comments, staff's report, application exhibits and any public testimony presented at the hearing.

H. **Proposed Findings of Fact for Council Consideration:**

1. **Rezone:** Based on the record contained in Case No. 17-05-ZC, including the exhibits, staff's report and any public testimony at the public hearing, the City Council 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. 17-05-ZC rezone.
2. The Kuna **City Council** approves/conditionally approves/denies the facts as outlined in the staff report, the public testimony and the supporting evidence list presented.

**Comment:** *The Kuna **City Council** held a public hearing on the subject applications on July 25, 2017 to hear from the City staff, the applicant, and to accept public testimony. The decision by the **Council** is based on the application, staff report and public testimony, both oral and written.*

3. Based on the evidence contained in Case No. 17-05-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 1.46 acres (subject property) as Neighborhood and Community Commercial. The proposed rezone to a commercial use (C-1) conforms with the Comprehensive Plan Future Land Use Map.*

4. The Kuna City Council has the authority to approve or deny this application.

**Comment:** *On July 25, 2017, Kuna's Planning and Zoning Commission voted to recommend approval/conditional approval/denial of application 17-05-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, public notice requirements were met to hold a public hearing on July 25, 2017.*

#### I. **Comprehensive Plan Analysis:**

The Kuna City Council 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.*

**Economic Development Goals and Objectives - Section 5 - Summary:**

Improve and diversify the local economy to ensure a sustainable economic tax base. Capitalize on local and regional strengths to promote sustainable growth.

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

*Objective 1.2: Strengthen existing business enterprises and promote their expansion.*

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

*Objective 2.1: Assist in retaining or expanding sales opportunities in entertainment, sit-down restaurants, and neighborhood/convenience shopping categories. Encourage neighborhood and community-scale retail.*

**Goal 3: Strengthen and expand the City Center area**

*Objective 3.2 Improve the City Center's streetscape.*

**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.**

*Objective 2.1: Support mixed uses in the City core to provide a vibrant community center with a 24-hour population.*

*City Center Goals and Objectives – Section 15 – Summary:*

Kuna citizens expressed a strong desire to sustain and revitalize its historic downtown core and expand and strengthen it. The Plan outlines a vision for strong, sustainable and modern city center.

**Goal 1: Develop a healthy and vibrant City Center that offers Kuna residents a variety of services.**

*Objective 3.2: Encourage business investment in the City Center*

**Goal 2: Make Kuna's City Center pedestrian friendly.**

*Objective 2.1: Create lively and attractive pedestrian oriented streets within the City Center*

**Comment:** *Via ACHD and Kuna standards, applicant would be required to construct curb, gutter and concrete sidewalks abutting the site.*

**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 1.46-acre parcel is suitable to accommodate commercial uses.*

3. The rezone to a commercial use 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, pathways, bike lanes 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 requires connection to Kuna public sewer and water facilities, 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 subject property is located within walkable distance to the downtown area. The adjacent uses are light industrial and residential – as referenced 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 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 17-05-ZC, the City Council finds Case No. 17-05-ZC generally complies with Kuna City Code.
2. Based on the evidence contained in Case No. 17-05-ZC, the City Council finds Case No. 17-02-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. Proposed Decision by the Council:**

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

On September 5, 2017, the City Council voted to approve/conditionally approve/deny Case No 17-05-ZC, based on the facts outlined in staff's report and the testimony during the public hearing by the City Council of Kuna, Idaho, the Council hereby approves/conditionally approves/denies Case No. 17-05-ZC, a request from John Van Dyke representing JSV Development, with the following conditions of approval:

1. The applicant shall follow all staff and agency recommendations and requirements as set forth in the exhibits attached to this case file.
2. The applicant and/or owner, or any future assigns are subject to a Design Review approval for any future buildings or dwellings constructed within a commercial (C-1) zone.
3. The applicant and/or owner or any future assigns 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 future drainage and grading plans. Central District Health Department recommends the plans 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 future building plans. Installation of fire protection facilities as required by Kuna Fire District.
  - 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 permit.
4. Irrigation/drainage waters shall not be impeded by any future construction on site per Idaho Code Section 31-3805.
5. Storm Drainage and/or Street Runoff must be retained on site.
6. Any local irrigation or drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by appropriate easements. (See exhibit B8)
7. Fencing within and/or around the site shall comply with Kuna City Code at time of development.
8. Parking within the site shall comply with KCC 5-9.
9. Signage within the site shall comply with KCC 5-10.
10. Lighting within the site shall comply with KCC 5-9-5-B.
11. Maintenance and planting of vegetation within public rights-of-way shall be with approval from the public entities owning the property.
12. 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

process. All commercial and/or multi-family projects require Design Review approvals for new buildings, parking, signage and landscaping.

13. Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.

14. Applicant shall comply with all local, state and federal laws.



**CITY OF KUNA**

751 W. 4<sup>th</sup> Street • Kuna, Idaho • 83634  
Phone (208) 922-5274  
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**SIGN-UP SHEET**

**09/05/2017 – KUNA CITY COUNCIL**

Case Name: **17-03-S & 17-03-ZC – DESERTHAWK SUBDIVISION #4**  
Case Type: **SUBDIVISION AND REZONE; 874 S. TEN MILE ROAD**

Please print your name below if you would like to present oral testimony or written exhibits about this item to the Kuna City Council.

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## PLANT SCHEDULE

SYM	COMMON NAME	BOTANICAL NAME	SIZE
<b>EVERGREEN TREES</b>			
	BLACK HILLS SPRUCE	PICEA GLAUCA 'DENSATA'	6-8' HT B1B
	MOONGLOW JUNIPER	JUNIPERUS SCOPULORUM 'MOONGLOW'	6-8' HT B1B
	VANDERWOLF PINE	PINUS FLEXILIS 'VANDERWOLF'	6-8' HT B1B
<b>SHADE TREES</b>			
	GREEN VASE ZELKOVA	ZELKOVA SERRATA 'GREEN VASE'	2' CAL B1B
	LITTLELEAF LINDEN	TILIA CORDATA	2' CAL B1B
<b>ORNAMENTAL TREES</b>			
	FLAME AMUR MAPLE	ACER GINNALA 'FLAME'	2' CAL B1B
	PINK FLARE CHERRY	PRUNUS SARGENTII 'JFS-KY58'	2' CAL B1B
<b>SHRUBS/ORNAMENTAL GRASSES</b>			
	CRIMSON PYGMY BARBERRY	BERBERIS THUNBERGII 'CRIMSON PYGMY'	3 GAL
	PURPLE CONEFLOWER	ECHINACEA PURPUREA	1 GAL
	FLOWER CARPET ROSE	ROSA x FLOWER CARPET	3 GAL
	SHOW OFF FORSYTHIA	FORSYTHIA x INTERMEDIA 'MINDOR'	5 GAL
	GOLD FLAME SPIRAEA	SPIRAEA x BUMALDA 'GOLDFLAME'	3 GAL
	GRO-LOW SUMAC	RHUS AROMATICA 'GRO-LOW'	3 GAL
	HENRY'S GARNET SWEETSPIRE	ITEA VIRGINICA 'HENRY'S GARNET'	5 GAL
	IVORY HALO DOGWOOD	CORNUS ALBA 'BAILHALO'	5 GAL
	KARL FOERSTER REED GRASS	CALAMAGROSTIS x ACUTIFOLIA 'K.F.'	1 GAL
	LITTLE DEVIL NINEBARK	PHYSOCARPUS OPULEFOLIUS 'DONNA MAY'	3 GAL
	SUMMER NINEBARK	PHYSOCARPUS OPULEFOLIUS 'SEAHARD'	5 GAL

## NOTES

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

## LANDSCAPE CALCULATIONS

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

LOCATION	BUFFER WIDTH	LENGTH	REQUIRED	PROVIDED
S. TEN MILE RD.	20'	570' / 100' =	12 TREES 18 EVERGREENS 64 SHRUBS	12 SHADE TREES 28 EVERGREENS 165 SHRUBS
W. SUNBEAM ST.	10'	560' / 100' =	12 TREES	12 TREES (11 SHADE TREES + 2 ORNAMENTAL TREES)
			17 EVERGREENS 68 SHRUBS	14 EVERGREENS 246 SHRUBS
			NUMBER OF TREES PROVIDED ON BUFFERS:	72
			NUMBER OF TREES PROVIDED ON COMMON LOTS:	12
			TOTAL NUMBER OF TREES:	84

## DEVELOPMENT DATA

TOTAL AREA	9.34 ACRES (100%)
RESIDENTIAL LOTS	613 ACRES (65.6%)
USEABLE OPEN SPACE	.48 ACRES (5.2%)
RIGHT-OF-WAY	2.13 ACRES (22.8%)
RESIDENTIAL LOTS	34
COMMON LOTS	1
TOTAL LOTS	41
EXISTING ZONING	A
PROPOSED ZONING	R-6

## OWNER/APPLICANT

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

## ENGINEER

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



AUGUST 15, 2017



# DESERT HAWK NO. 4 SUBDIVISION

KUNA, IDAHO

PRELIMINARY PLAT LANDSCAPE PLAN



# CITY OF KUNA

751 W. 4<sup>th</sup> Street • Kuna, Idaho • 83634 • Phone (208) 922-5274  
Fax: (208) 922-5989 • www.Kunacity.Id.gov

## SIGN-UP SHEET

**September 5, 2017 – City Council, Public Hearing**

Case Name: SDN, LLC - Represented by Kirsti Grabo, KM Engineering.

Case Type: Request to rezone the portions of this site previously zoned as R-12 (High Den. Res.) to C-1 (Neigh. Comm.) and R-6 (Med. Den. Res.) zones. Also, requests approval for a preliminary plat for 9 commercial lots, 133 single-family lots, 20 common lots and a proposed City park lot. The subject site is located on the southeast corner of Meridian and Deer Flat Roads.

CASE No(s): 17-04-AN (Rezone) and 17-04-S (Pre Plat)

Please print your name below if you would like to present oral testimony or written exhibits about this item to the City Council.

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Teresa Perry  
Print Name  
2151 S. Deer Flat Rd  
Print Address  
Kuna, Id. 83634  
City State, Zip

David Andrus  
Print Name  
1908 E. Deer Flat Rd  
Print Address  
Kuna ID 83634  
City State, Zip

**IN FAVOR**

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# CITY OF KUNA

751 W. 4<sup>th</sup> Street • Kuna, Idaho • 83634 • Phone (208) 922-5274  
Fax: (208) 922-5989 • www.Kunacity.Id.gov

## SIGN-UP SHEET

### September 5, 2017 – City Council, Public Hearing

Case Name: Kolo, LLC (Logan Patten) Represented by Jay Walker, AllTerra Consulting.  
Case Type: Request for approval to annex approximately 11.41 acres into Kuna City limits with a C-1 zone (Neighborhood Commercial), which is consistent with the Comprehensive Plan Map. The subject property is located on the north east corner (NEC) of Meridian and Deer Flat Roads.

Please print your name below if you would like to present oral testimony or written exhibits about this item to the City Council.

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Teresa Perry  
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2151 E Deer Flat Rd  
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Kuna, Id 83634  
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Harry Kohn  
Print Name

2211 E Deer Flat  
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Kuna Id  
City                  State, Zip

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David Andrus  
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1928 E Deer Flat Rd  
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Kuna ID 83634  
City                  State, Zip

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Testify       Not Testify

Bernie Bell  
Print Name

1904 E Lory Dr Loop  
Print Address

\_\_\_\_\_  
City                  State, Zip

Michael Clive  
475 S. Quail Pine  
Kuna

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

**File #'s 17-09-S (Subdivision); 17-07-AN (Annexation); 17-06-DR (Design Review):  
Saranda Subdivision**

NOTICE IS HEREBY GIVEN; the Kuna Planning & Zoning Commission will hold a public hearing, **Tuesday, October 10, 2017 at 6:00 pm**, or as soon as can be heard at Kuna City Hall, 751 W. 4<sup>th</sup> St., Kuna, ID; in connection with a request from Jane Suggs (WH Pacific) representing Challenger Development, LLC to annex an approximately 5.01-acre parcel into Kuna City limits with an R-6 zone, and subdivide the parcel into 18 single family, and four (4) common lots; to create the *Saranda* residential subdivision. The site is located on W. Hubbard Road approximately 700 feet west of Kay Avenue, and is currently addressed as **1105 W. Hubbard Road, Kuna, ID 83634**. APN #S1313212480 in Section 13, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho

All persons wishing to testify must state his/her name and residential address. No person shall speak until recognized by the Chairman. A three (3) minute time limit may be placed on all testimony.

The public is invited to present written and/or oral comments. Any written testimony must be received by close of business October 4th, 2017, or it may not be considered. Please mail to P.O. Box 13 Kuna, ID 83634, or drop off at City Hall 751 W. 4<sup>th</sup> Street, Kuna, ID.

Please do not contact anyone who would be involved in this decision-making process, which includes the Planning & Zoning Commissioners, City Council Members, or the Mayor; as such private conversations would be considered *ex parte* (one sided) and could jeopardize the public hearing process.

If you have any questions or require special accommodations, please contact the Kuna Planning & Zoning Department prior to the meeting at 922-5274.

Kuna Planning & Zoning Department

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No need to print anything below this line.

Please publish this one time on September 13, 2017.  
(Sent 9.6.17)

# KENT BROWN PLANNING SERVICES

September 5, 2017

Kuna City Council  
PO Box 13  
Kuna, ID 83634

**RE: Request for hearing for 16-11 AN be tabled**

Dear City Councilman:

I am requesting that tonight's hearing on 16-11- AN, be tabled. This request is due to fact, that Logan Patten and Kolo LLC does not have the right to use the information in the application that was provided by me. The application and neighborhood certification was done and prepared by me. Mr. Patten signed a contract with me for services to compile the application, hold necessary neighborhood meetings and then submit it to Kuna City. Mr. Patten has failed to pay me; thus, I am not granting him permission to use my documentation and work. I am requesting that Mr. Patten and Kolo LLC not be granted the right to use my documentation for this hearing, because of the reasons stated.

Sincerely,

A handwritten signature in black ink, appearing to read "Kent Brown". The signature is stylized with a large, sweeping initial "K" and "B".

Kent Brown  
Planner