



KUNA PLANNING AND ZONING COMMISSION

Agenda for June 26, 2018

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

1. CALL TO ORDER AND ROLL CALL

Chairman Lee Young

Vice Chairman Dana Hennis

Commissioner Cathy Gealy

Commissioner Stephen Damron

Commissioner John Laraway

2. CONSENT AGENDA

a. Meeting Minutes for June 12, 2018.

b. **Findings of Fact and Conclusions of Law** for 18-01-AN; Cortez Annexation.

c. **Findings of Fact and Conclusions of Law** for 18-02-AN & 18-02-CPF; Dynasty Estates Sub. No. 2.

d. **Findings of Fact and Conclusions of Law** for 18-08-SUP & 18-15-DR; PI Stem Academy.

3. PUBLIC HEARING

a. **18-01-CPF (Combination Preliminary and Final Plat) & 18-12-DR (Design Review)** – Kelleher Sub. No. 2; On behalf of Open Door Rentals, Inc. the applicant, Trilogy Development, Inc. requests approval to subdivide approximately 1.96 acres through the combination preliminary plat & final plat process into nine lots, consisting of eight multi-family lots and one common lot and have reserved the name Kelleher Subdivision No. 2. A Design Review application for eight four-plex buildings, parking, lighting and landscaping accompanies this application. The subject site is located on the south east corner of West Hubbard Road and Linder Road, Kuna, ID 83634, within Section 13, Township 2 North, Range 1 West; (APN# R4865420080).

b. **18-01-PUD (Planned Unit Development Modify)** – Timbermist PUD Modification; On behalf of Toll ID I, LLC, the applicant Becky McKay with Engineering Solutions, LLC, requests approval for PUD Modification, in order to measure street side yard setbacks from public Rights-of-Way, rather than from edge of sidewalk as required in KCC 5-3-3(9). This affects four (4) lots total in the Timbermist Subdivision; Lots 5 & 11, Block 9 in Sub No. 2, and Lot 23, Blk 10 & Lot 16, Blk 9 in Sub No. 3. The site is near the northeast corner (NEC) of Hubbard and Linder Roads, Kuna, Idaho, within Section 14, Township 2 North, Range 1 West; APN No's: R8461160290, R846116230, R8461170020 and R8461170360.

4. COMMISSION REPORTS

5. ADJOURNMENT

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, June 12, 2018**

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

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

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

Call to Order and Roll Call

1. CONSENT AGENDA

- a. Meeting Minutes for June 12, 2018.

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

2. PUBLIC HEARING

- a. **18-01-AN (Annexation)** – Cortez Annexation; The applicant, Stephanie Cortez, requests approval to annex approximately 3.06 acres located at 760 S. School Avenue, Kuna, Idaho with an R-2 residential zoning designation.

Stephanie Cortez: I am the owner of this property, my address is 760 S. School Avenue, and I am applying for annexation. I eventually would like to split an acre off my property so that my dad can build a house and live closer to town. I will need city services such as water and sewer. **C/Young:** Are there any questions for the applicant at this time? **C/Gealy:** Not at this time. **Jace Hellman:** Chairman, Commissioners for the record Jace Hellman Planner II City of Kuna 751 W 4th St. The application before you tonight is for the annexation of approximately 3.06 acres into Kuna City Limits. The site under application tonight is located at 760 S School Ave, just south of Willow Glenn subdivision. The parcel is contiguous, or has its touches, along both its Northeastern boundary. Within the County it is zoned R-1. The applicant is requesting to be annexed into the city with an R-2 (low density) Zoning Designation. The applicant has indicated that she has farm animals on site, KCC 5-3-2 does allow farm animals within an R-2 zone, however it specifically allows for five animals. Staff has determined that due to this use being allowed on her property in the county, she will be allowed to maintain her current number of farm animals as a non-conforming use once annexed into the City, subject to provisions set forth in KCC Title 5 Chapter 8. Potable Water and sanitary sewer are within 300 feet of the property, and the applicant will be required to connect at the time of current systems failure. All noticing requirements for this application’s hearing tonight have been met, the property was posted, notices were mailed to property owners within 300 feet of this property and an ad ran in the Kuna Melba News. The applicant has submitted all the necessary documents required for Annexation. Staff has concluded that this annexation is in conformance with Kuna City Code and the Kuna Comprehensive Plan and Future Land Use Map. Staff is forwarding a recommendation to recommend approval. I will now stand for any questions you might have. **C/Damron:** Will the new construction be hooked up to city sewer? **Jace Hellman:** Correct, once they go through the lot split application, which will happen after the annexation is approved. **C/Damron:** Did they state where that new construction was going to be? **Jace Hellman:** Not yet, there hasn’t been a lot split application. **C/Young:** Any other of questions for staff? We’ll open the public testimony at 6:07. I don’t see anybody signed up to testify. Is there anyone in attendance

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who would like to testify that has not had a chance to sign up? Seeing none, I will close that at 6:08. **C/Gealy:** I have no concerns.

Commissioner Hennis motions to recommend approval for Case No. 18-01-AN to the City Council with the conditions as stated in the staff report; Commissioner Gealy Seconds, all aye and motion carried 4-0.

- b. 18-02-AN (Annexation) & 18-02-CPF (Combination Pre-Plat & Final-Plat)** – Dynasty Estates Sub. No. 2; Applicant requests to annex approximately 10.001 acres into Kuna City with an R-2 (Low Density Residential), residential zone, and to subdivide the property into two single family residential lots through the combined preliminary and final plat process and have reserved the name Dynasty Estates Subdivision No. 2 with the County. This is a request for re-subdivision of Lot 5, Block 1, of Dynasty Estates Subdivision. The site is located at the southwest corner (SWC) of Linder and Lake Hazel Roads, site address is 4400 W Linder Road, Meridian, Idaho, In Section 2, T 2 N, R 1 W, APN #: R2004170050.

Steve Johnson: I live at 6801 S. Linder Rd. We are requesting to annex and split our property. We are requesting to annex approximately 10 acres into Kuna city with an R-2 zone, and to divide the property into two single-family residential lots. This requires a new subdivision, which we have acquired the new subdivision name similar to the one that exists now. There is currently a single-family dwelling, mother-in-law quarters and a shop on the property. Our intent would be to divide the 7.5 acres and a 2.5 acre partial respectively. Everything would remain the same on the front parcel. The 2.5-acre parcel to the rear of the property would be a new single-family dwelling. My wife Deb and I have lived at this address for 24 years. We've been Idaho residents for 50 years. We would like to stay in the area, and the best-case scenario for us to do this is to split our home on the back acreage. We would use the current private lane for both properties and would maintain the private lane as we have for the last 24 years. We would continue to go grass-hay on nearly six acres of the property and maintain irrigation and the watering system as we have in the past. We planted over 50 trees and provided a nice natural habitat for birds of many kinds and other animal species. We plan on continuing the same on the newly split back acreage. We really that feel that this important with the growth of the treasure valley to keep some open spaces and the farming community in Kuna as the subdivision areas keep growing and encroaching on the larger acreages in this area. We still get to enjoy horses, goats, chickens, and cows, by splitting the 10 acres, we can have a beautiful place to retire and maintain a country atmosphere in this area. Do you have any questions? **C/Hennis:** Would you use the existing private road on there or would you be extending it then to the back area? **Steve Johnson:** Actually, Mr. Hennis, the road is already there. I'm in the asphalt paving business, so I wanted access to my back acreage for cutting and such. It is a gravel road at this time. The asphalt road comes off Linder Road approximately 350 feet. That road is actually 14 feet wide paved, which is much more than the average country lane out here in this area. Although, I will want to build the existing gravel road up to the back of the property. We'll make it a little stronger for fire department use. We will just be using the existing gravel road during construction period. **C/Hennis:** Ok, I just didn't see it clearly in the satellite photos. **Steve Johnson:** Was that a good overhead shot? You probably wouldn't have a good angle with that image because of the irrigation pipe and tall grass hay in there. **Troy Behunin:** Good Evening Chairman and Commission, for the record Troy Behunin, Senior Planner, Kuna Planning and Zoning Staff, 751 W. 4th St. The application brought before you tonight, 18-02-AN (Annexation), 18-02-CPF (Combination Preliminary Final Plat). I think Steve did a good job giving you all the reasons why they want to annex into the city. I just want to let you know and the audience know that all of the noticing procedures for tonight's public hearing have been met. It ran in the newspaper, signs have been posted, and letters have been given out for 350 feet. This parcel does meet the requirements for annexation into the City of Kuna. It does touch the city limits on the west side and the east side. Just for some reference, this is two parcels north of Linder Farms, and it's actually right across the street from the Spring Hills Subdivision. Steve and Debra Johnson have wanted to come into the City of Kuna for a while now. I've been talking with Steve for over a year, and they have been able to get their application together and they got with staff to get everything that they asked for. Staff does support this, I have met with the City Engineer and the Planning and Zoning

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Director and had discussions with the Public Works Director. Even though this parcel is directly across the street from Spring Hill, which will have a regional lift station for a sewer, 2.5 acres that they would like to split off their property is actually more than 900 feet from the center of Linder Road. Additionally, the closest point of connection to them will actually be the booster station. You cannot just tap into the lift station. Complicating the situation, they also have a North-South high point on their property. We have talked to the City Engineer and his recommendation and the staff's recommendation would be at the time of the building permit. These 2.5 proposed acres would run dry lines of water to the west so that in the event a subdivision does develop west of them, there would be a point of connection and then at that time they would then connect into the sewer and water system of the city. However, right now there are no plans or discussions about the parcel to the west of them developing. As you can see, there are some extraordinary circumstances and there's just no way to put in a sewer and water system without too much expense. So, staff does support their proposal for Lot 5 Blk 1 of Dynasty subdivision. In order to create that 2.5-acre lot, they actually have to do a replat of that lot within that subdivision. That's where the final preliminary plat comes in. They do meet their requirements for a preliminary final plat. There's a few conditions that are outlined with the sewer system, and the staff would support all of those. The one thing that staff failed to put in was the cross-access so that somebody doesn't get blocked off. Staff would also like to note that at least there is an erroneous address given. On page two of the staff report, the actual site address is 6801 South Linder Road not 4400 West Linder Road. With that I will stand for any questions you might have. **C/Young:** Any questions for staff? With that I will open up the public testimony at 6:19. Is there anyone who would like to testify? Since nobody wants to testify, I will close the public testimony at 6:20. **C/Gealy:** I have a question for staff. With respect to the dryline sewer and domestic water, we don't really know when there might be development? **Troy Behunin:** We have no idea, we have no application and nobody's actually talking to us about that property. **C/Gealy:** Would it be possible that there could be development to the north or south of the property as well? Why would we ask them to do drylines to the west when we don't really know what's going to happen around them? **Troy Behunin:** The parcel to their north is actually lot four within the subdivision, and the 12 acres south of them is not actually in the subdivision. However, neither of those parcels are in the city, and they're not talking to us about developing their land into a subdivision. The parcel behind them is in the city. If the north parcel really wanted to do the same thing that they're doing, it would have to be a fairly substantial subdivision. In order for them to go north or south, it just seems more logical that it would be to the west. **C/Hennis:** How would you hook drylines and not create issues with their system? **Troy Behunin:** You just put them in place, so that when they do come in, and development does happen, you don't worry about the connections at either end. Everything in between is taken care of. **C/Hennis:** But, as you're going to be stubbing out at the right side of the property, wouldn't that create problems with the current system they would be using? How do you create a connection that doesn't divert your septic or your water into that dryline? **Troy Behunin:** You're actually not making the connection at the house, you would be bringing it closer to the house. There are some logistics that do have to be worked out, and if the commission doesn't want to make that recommendation, you don't have to. You can strike that from the recommended conditions of approval. **C/Gealy:** I would think perhaps we could go ahead and condition that when water and sewer become available and their system fails, that they would be able to connect the water and sewer but not necessarily put dry lines now. Instead, wait and see when it becomes available. **Troy Behunin:** The commission is certainly welcome to do that. The premise for requesting that or recommending that they put them in now is that there's far less impact because of the size of the property. **C/Gealy:** Why do you say that? **Troy Behunin:** Chances are they're going to landscape their yard, put in a patio, a storage shed, a gazebo, a farm field. There are a number of unknowns. **C/Hennis:** Because of the foundations, I just don't understand the connection on the interior. **Troy Behunin:** It wouldn't be connected to the house, we would have to figure out the house connection and we would have to figure out the other end. We might have to run a sewer easement down someone's property line in order to make that happen. That is the primary reason why we have easements in between lots, so we can run utilities. It's really not that big a mystery on how to fix it on the west side, we can overcome that. **C/Gealy:** Can we ask the applicant to step forward? Do you have an opinion or preference with respect to the dry lines for sewer and domestic water? **Steve Johnson:** We know approximately where we're going to build our shop and residence. The only question I have would be how long is it going to actually

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be before this happens? We don't have a problem with putting in the drylines. I know where to run them from the buildings we're going to build, but I'm not really sure where to stub them to the west. When you're looking at a 2.5-acre piece of property running north and south, this west property line would bud into potentially a development someday. It's 337 feet wide at that point. I'm not sure where would be best to do that. Also, with the fall of the land and things like that, where we'd want to put that. When you put in a water line, a dry water line, we don't have a problem with the drainage. For the sewer line, we would have a drainage grade issue not knowing where we might hook into. For grade, we would be more than happy to sign a condition that would help us know where to put this in. We don't have a problem with that. **Troy Behunin:** That's also an acceptable approach, it would be called a memorandum of understanding. We would have to do that anyway, but that could be one of the conditions in the MOU. When development comes within 300 feet, at the owner's expense. The lines are put in at that time. **C/Gealy:** I would also find that acceptable. I have one more question for staff. The error on the address in the agenda and the staff report, was it noticed properly? **Troy Behunin:** Yes, it was. It was only in the staff report and the agenda. **C/Dennis:** The idea of the drylines was a good idea, I understand the point of getting it out from under the foundation so they can run it easier and save some expense down the road. **C/Damron:** If they open up for the subdivision next to it, it gives them a design structure for the sewer system. This gives the city a record, saying that this stubs out here we need to make a connection into here. If they design it to where the sewer is on the other end of the subdivision, they have to dig. Unless they condition that to make it the responsibility of the developer to dig from there over to them. **C/Hennis:** Right, but it's not his responsibility either to make that connection to a point. It would make them aware of it. **C/Young:** I think I'm ok with a memorandum of understanding. If the applicant's fine with that.

Commissioner Gealy motions to recommend approval Case No. 18-02-AN & 18-02-CPF with the conditions as stated in the staff report and with a modification to condition No. 8 which would require staff and the applicant to enter into memorandum of understanding with respect to connection to sewer and domestic water when it becomes available, and the additional conditions that the applicant create a cross-access agreement between the two lots and that the applicant shall develop a permanent care maintenance agreement for the private lane; Commissioner Hennis Seconds, all aye and motion carried 4-0.

- c. **18-08-SUP (Special Use Permit) & 18-15-DR (Design Review)** – PI Stem Academy; On behalf of PISA Land holdings, Brett Jensen with Ensign Development (applicant), requests SUP approval in order to place a new school (PiStem Charter Academy) at the southeast corner of Hubbard and future School Avenue in Kuna. Applicant seeks to add three (3), 60' X 60' manufactured buildings (approx. 3,600 square feet/ea.) for classroom and school purposes, a parking lot, a bus drop-off and to add improvements to two roadways. A Design Review application is included with this request. The site address is 2275 W. Hubbard Rd.

Michael Wright: I represent PISA Land holdings as the developer, we are here requesting approval for a Special Use Permit and Design Review for a charter school to add three manufactured buildings for classroom purposes. I was driving over this morning to meet with Radix Construction, and Sign Pro called me asking if I can stand in for them tonight. I'm with the offsite improvement for ACHD. We are in receipt of the staff report, we agree with staff and their comments. We were made aware of a letter written by a neighbor, the Moore's. We will not access the private lane during our construction. Once we've constructed the road on our side of the property, they'll be able to use it. I'd be happy to answer any questions. **C/Young:** Any questions for the applicant? **C/Laraway:** Mr. Chairman, just to let you know, I live right across the street from this but I believe I can be objective about this and not have any problems. **Troy Behunin:** Good Evening Chairman and Commission, for the record Troy Behunin, Senior Planner, Kuna Planning and Zoning Staff, 751 W. 4th St. The application before you tonight, application 18-08-SUP & 18-15-DR, Design Review for the PI Stem Academy charter school. All the notice and procedures have been followed in order to hold tonight's meeting. Letters have been sent out to landowners within 300 feet. It ran in the newspaper and the site has been posted. Staff has been working with PI Stem people for a number of months now to bring a

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charter school to Kuna. Staff understands this is the first PI Stem of this type to the state. They've gone through a number of site selections and this is the site the selected. The Special Use Permit is required, because in any zone, you do need to acquire a Special Use Permit in order to place the school here. The applicant would like to place three modular buildings that are built for school purposes. Each of them will be roughly 3600 square feet. They propose to have 297 seats available for students during the first phase. They do anticipate a couple of different phases, they developed the northern half at this point. With future expansion, they'll take over and develop more of the site. They're proposing an entrance off of Hubbard Road that will line up with the Denali Heights subdivision right across the street. That will begin a new segment of School Avenue on their west side. It would be conditioned by ACHD and it would also be conditioned by staff that they improve those roadways to accommodate the uses. Staff would agree with all of the things that Mindy Wallace at ACHD has commissioned, site specific conditions of approval as stated in the staff report. This application does include a design review element. With very few exceptions, staff does recommend approval for the design review component as well. The only thing that staff saw was that there would be a need for some real grass, some tall natural grasses and a few trees and shrubs on the west side. The flow of traffic seems to fit the site very well for what they're needs are at this point in time. Staff did receive a number of phone calls about this project, and one of the people that we've been in contact with actually submitted a letter. It was included in the packet. You just heard the statements right from Michael that they can encroach on their neighbor's property to the West. Once the road is complete, they're free to use it. With that, I will stand for any questions that you might have. **C/Gealy:** I have no questions at this time. **C/Damron:** Is there any plan to put a permanent building up in this? **Troy Behunin:** There is, there will be a permanent building built in place within three years. For the three buildings, the plan was to set them in the ground so that there would not be any ramps or stairs required to get into these modular buildings. They would be at ground level, so they would function like regular buildings. **C/Laraway:** You're talking about a mid-mile collector off of Hubbard where there's a circle drive. Is that the school that they're referring to? **Troy Behunin:** That is correct. Staff I didn't have many conditions of approval but they are listed. **C/Young:** Looking at the material boards I see the trim color on the photo looks darker than the trim that's on the material board. I kind of prefer the darker one, actually. Have you thought of maybe darkening that up a little bit? **Michael Wright:** We're good with that. **C/Young:** I'll open up the public testimony at 6:42. **Joyce Epperson:** My name is Joyce Epperson, I live at 618 W Tree House Way, and my backyard backs the park. Where is this charter school going to be built? **C/Young:** It's between Linder and Ten Mile on Hubbard Road. **Joyce Epperson:** So, it's not going to be built in the park? **C/Young:** No. **Joyce Epperson:** I misread the flyer that you wrote, I thought that was going take away two-thirds of the park. **C/Hennis:** No, this will about the little private lane called Atwood. It's right to the east, its west boundary is Atwood Lane. It wouldn't be affecting the park. **Joyce Epperson:** That was my main concern, so I wouldn't have any problem with it then. **C/Young:** With that, I'll close the public testimony at 6:44, which brings up commission discussion. **C/Gealy:** Can I ask staff to clarify? You said you would do lots 5 and 6, can you show me where that is? **Troy Behunin:** Absolutely. It's not in 5 and 6, it notes 5 and 6. This is noted on the landscape plan. **C/Gealy:** Could you show us on the map? **Troy Behunin:** If you look at the site plan, that's section 5 and that's section 5, and this is section 6. It's the area that is south of the three buildings. Did you find that on your map? Wherever it says 5 or wherever it says 6. **C/Gealy:** There's a lot of sod. **C/Laraway:** The road that's coming down from that circular, is that Atwood Road or is it going to be School Road? **Troy Behunin:** What they're showing there in the gray, that is their portion of School Avenue that will be built in the future with this application. Atwood Lane is actually to the west and you can see kind of a stub out with words that say Atwood Lane, running parallel right now. **C/Laraway:** Looking at the letter, the people to the west wrote that they want their road not to be used for the school. How are you going to separate those two? **Troy Behunin:** They will be building completely on their portion of their property. Atwood Lane is completely off of the school's property. They don't need to access Atwood at all. They're not building west of their property line. They're keeping everything on their property. **C/Laraway:** I'm just looking at regular public. When they're dropping their kids off and they're not familiar with this, they will not really be big on this if they're going to turn down Atwood if they miss that turn. **Troy Behunin:** One of them is a gravel lane and one of them is a paved road, and one will have a street sign that is green. The other one will continue to have a street sign that is blue. I'm not sure how common it is, but I would think that most people would understand

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PLANNING & ZONING COMMISSION**

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that a green sign is public and a blue sign is private. **Michael Wright:** The access off Atwood is for school bus only. Now if somebody accidentally goes down there, they can use the turnaround bus access to get out. **C/Gealy:** But there will come a time when that intersection will become a rotary? **Troy Behunin:** Yes, it is scheduled. ACHD's report listed it for sometime between 2029 and 2032. **C/Gealy:** So, it's some ways away. **Troy Behunin:** But if things keep going the way they are, I figure it will be a lot sooner than that. **C/Gealy:** But that's something for them to take into consideration. **Troy Behunin:** And that's why staff made sure the buildings are placed in a way that, road widening and the roundabout being constructed that the landscape buffer doesn't suffer because of it. The last thing we want to do is say that you have to put a 20-foot buffer or a 25-foot buffer in because of it. The buildings aren't going to move, but the roadway is going to. **C/Laraway:** So that lane is technically going to be School Avenue. **Troy Behunin:** At some point, yes. **C/Hennis:** Troy, your intentions with the sod are more of a normal grass, not an open, native grass. The No. 3 area is for a playground. It would be odd to have open, native grass in that area. **C/Gealy:** There's also an area in report about signage, was that also included in the conditions of approval? **Troy Behunin:** I believe it was, it is No. 14. **C/Damron:** Since this is a charter school, will they be reducing the speed of Hubbard? **Troy Behunin:** Some signs will be posted for the school time, but I believe that's borne by the applicant. ACHD will put them in, but I think they will pay for it. **C/Gealy:** I have another question for staff. With respect to the landscape buffers, did I understand that we need a condition that the applicant will work with you to bring the landscape buffer into compliance. **Troy Behunin:** Only for the west side and the grass.

Commissioner Hennis motions to approve Case No. 18-08-SUP & 18-15-DR with the conditions as stated in the staff report and the additional condition to work with staff regarding the grass area and the landscape buffer on the west side, and the darker color on the trim; Commissioner Damron Seconds, all aye and motion carried 4-0.

3. COMMISSION REPORTS

4. ADJOURNMENT

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

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

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



City of Kuna

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Staff Report – Findings of Fact and Conclusions of Law

To: Planning and Zoning Commission

Case Number: 18-01-AN (Annexation)

Location: 760 S. School Ave.
Kuna, ID 83634

Planner: Jace Hellman, Planner II

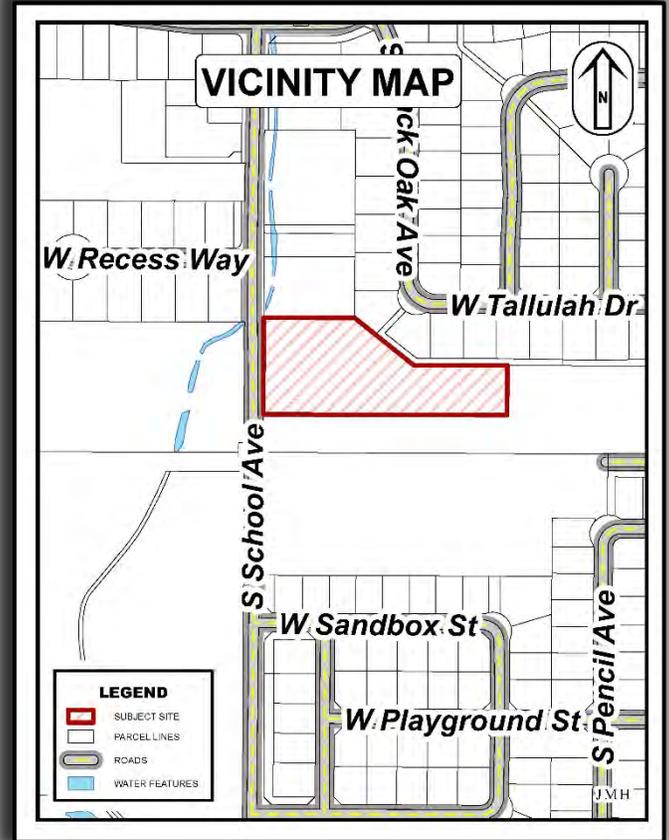
Hearing Date: June 12, 2018

Findings: **June 26, 2018**

Owner/applicant: Stephanie Cortez
760 S. School Ave.
Kuna, ID 83634
208.870.0033

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- J. Findings of Fact
- K. Conclusions of Law
- L. Decision by the Commission



A. Course of Proceedings

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

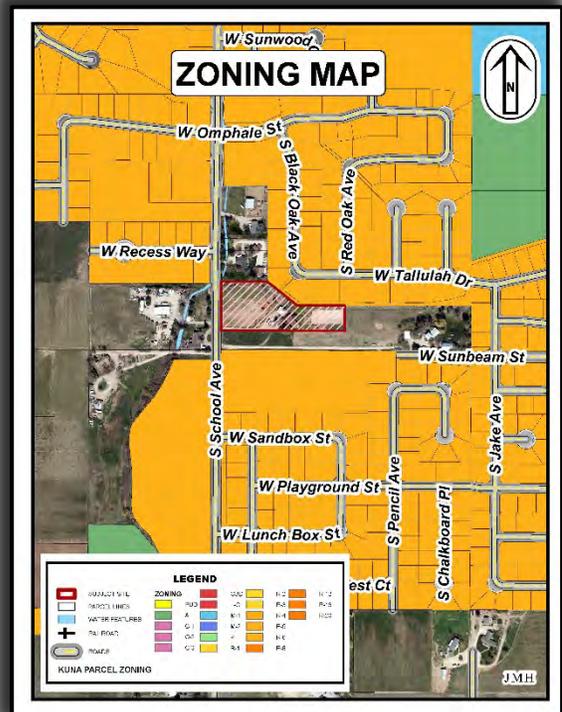
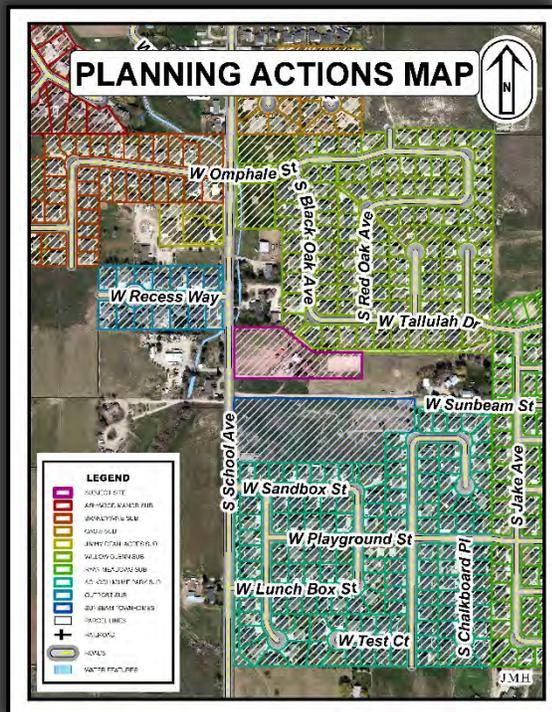
a. Notifications

- | | |
|---------------------------|----------------|
| i. Neighborhood Meeting | March 26, 2018 |
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B. Applicant Request:

1. The applicant, Stephanie Cortez, requests approval to annex approximately 3.06 acres located at 760 S. School Avenue, Kuna, Idaho with an R-2 residential zoning designation.

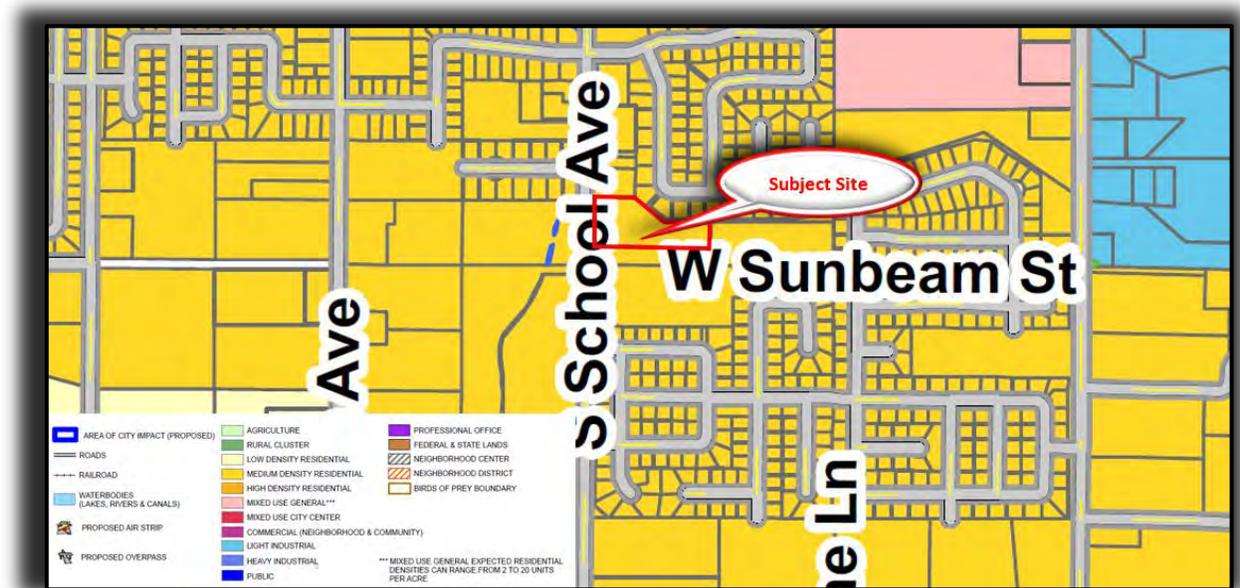
C. Exhibit Maps:



D. History: The parcel is contiguous to city limits along the northeastern boundary and is currently zoned R-1 (Estate Residential) within Ada County’s jurisdiction.

E. General Projects Facts:

Comprehensive Plan Designation: The Future Land Use Map identifies this site as Medium Density Residential.



1. Surrounding Land Uses:

North	RUT R-6	Rural Urban Transition – Ada County Medium Density Residential – City of Kuna
South	R1	Estate Residential – Ada County
East	RR	Rural Residential – Ada County
West	RUT	Rural Urban Transition – Ada County

2. Parcel Sizes, Current Zoning, Parcel Numbers:

- Approx. 3.06 total acres
- Zone: R1, Estate Residential (Ada County)
- Parcel # S1326131380

3. Services:

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

4. Existing Structures, Vegetation and Natural Features: The subject site currently contains an approximately 1,624 square foot single family home along with several outbuildings. A portion of

the site is currently used as pasture land. The site's topography is generally flat with a potential 0-2% slope in areas.

5. **Transportation / Connectivity:** The parcel does not have curb, gutter or sidewalks. The site is accessed via an existing driveway on South School Avenue.
6. **Environmental Issues:** The subject site lies within the designated 'Nitrate Priority Area' (NPA) for groundwater monitoring. Beyond the NPA, staff is not aware of any additional environmental issues, health or safety conflicts.
7. **Agency Responses:** The following agencies returned comments which are included as exhibits with this case file:
 - Department of Environmental Quality (Aaron Scheff; April 27, 2018) – Exhibit B2
 - Idaho Transportation Department (Ken Couch; May 4, 2018) – Exhibit B3
 - Nampa & Meridian Irrigation District (Greg G. Curtis; May 7, 2018) – Exhibit B4
 - Ada County Highway District (Stacey Yarrington; May 15, 2018) – Exhibit B5
 - Boise Project Board of Control (Bob Carter; May 14, 2018) – Exhibit B6
 - Kuna City Engineer (Paul Stevens; June 7, 2018) – Exhibit B7

F. Staff Analysis:

The subject site is directly South of Willow Glenn Subdivision and directly north of the recently approved Sunbeam Townhouses Subdivision. The subject site takes direct access from South School Avenue. The applicant requests to annex the 3.06-acre parcel into Kuna City limits with an R-2 (Low Density) zoning designation. The applicant has indicated that the only plans for future development would be to complete a lot split application in order to construct a new home for a relative. Future development of the site or any portions thereof shall be in accordance with the provisions set forth in Kuna City Code (KCC).

Potable water and sanitary sewer are within 300-feet of the subject site. Currently the property is served by a private septic system and well. Any future development shall be required to connect to City services, and that the existing home will be required to connect to City services at the time of current system failure. The applicants' property will need to show how they can maintain surface water rights for proper irrigation or they will be required to connect to the City's pressurized irrigation system. Staff is requiring connection to the City's pressurized irrigation system at the time of any future development.

Staff finds that the applicants proposed R-2 (low density residential) to be less of an impact than what is called for in the Comprehensive Plan Future Land Use Map. Staff views this annexation request to be consistent with the approved Future Land Use Map.

The applicant has indicated that the subject site does contain farm animals. Per the applicant, currently there are five horses, six sheep, five chickens, two pigs and usually six to seven calves. KCC 5-3-2 does allow farm animals within an R-2 zone, however Kuna City Code specifically allows for five animals. Staff has determined the applicant shall be allowed to maintain the current number of animals on site and should be classified as a nonconforming use subject to provisions set forth in KCC Title 5 Chapter 8.

Staff has determined this annexation application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and forwards a recommendation of approval for Case # 18-01-AN, subject to the recommended conditions of approval.

G. Applicable Standards:

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

H. 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 residential zoning designation.

Comment: *The 3.06-acre parcel is suitable to accommodate a residential use.*

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

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

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

Comment: *The proposed residential zoning designation will be required to connect to Kuna public sewer and water at the time of future development and at time of current system failure 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 annexation considers the location of the property and adjacent uses. The adjacent uses are residential – as referenced in the Kuna Comprehensive Plan Future Land Use Map.*

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

Comment: *Correspondence from Kuna Public Works confirms that when the applicant is required to connect, the utility services are suitable and adequate for residential use.*

I. Comprehensive Plan Analysis:

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

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

2.0 – Private Property Rights

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

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

6.0 – Land Use

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

J. Findings of Fact:

1. **Annexation:** Based on the record contained in Case No. 18-01-AN, including the exhibits, staff’s report and any public testimony at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval* of the Findings of Fact and Conclusions of Law, and conditions of approval for Case No. 18-01-AN (Annexation).

2. The Kuna Planning and Zoning Commission approves the facts as outlined in the staff report, the public testimony and the supporting evidence list presented.

Comment: *The Kuna Commission held a public hearing on the subject applications on June 12, 2018 to hear from the City staff, the applicant, and to accept public testimony. The decision by the Commission is based on the application, staff report and public testimony, both oral and written.*

3. Based on the evidence contained in Case No. 18-01-AN, 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 3.06 acres (subject property) as medium-density residential. With the annexation, the applicant proposes a zoning designation of R-2. The proposed zone change to low-density residential conforms with adjacent residential uses.*

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

Comment: *On June 12, 2018, Kuna’s Planning and Zoning Commission voted to recommend approval of application 18-01-AN.*

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

Comment: *As noted in the process and noticing section, notice requirements were met to hold a public hearing on June 12, 2018.*

K. Conclusions of Law:

1. Based on the evidence contained in Case No. 18-01-AN, the Kuna Planning & Zoning Commission finds Case No. 18-01-AN *complies* with Kuna City Code.
2. Based on the evidence contained in Case No. 18-01-AN, the Kuna Planning & Zoning Commission finds Case No. 18-01-AN *is* consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho State Code and Kuna City Ordinances.

L. Decision by the Planning & Zoning Commission:

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

Based on the facts outlined in staff's report and any public testimony at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval* of Case No. 18-01-AN; a request for annexation from Stephanie Cortez, with the following conditions of approval:

- *Applicant shall follow the conditions as stated in the staff report.*
1. At any point in time the subject property re-develops, all development submittals are required to include the lighting, landscaping, drainage and development plans as required by Planning and Zoning. All site improvements are prohibited prior to approval of the following agencies. The landowner/applicant/developer, and any future assigns having interest in the subject property, shall obtain written approval on letterhead or may be written/stamped on the approved construction plans from the agencies noted:
 - a. Central District Health Department (CDHD).
 - b. The City Engineer shall approve the future sewer and water, irrigation and drainage construction plans.
 - c. The Kuna Fire District shall approve all site development and building plans.
 - d. The Boise-Kuna Irrigation District shall approve any modifications to the existing irrigation system.
 - e. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to issuance of any building permits for future development.
 2. Potable water and sanitary sewer are within 300-feet of the subject site. Applicant shall enter into a Memorandum of Understanding with the City of Kuna regarding connection to City facilities. Applicant shall make ultimate connection to City facilities at the time of current system failure.
 3. At the time of annexation in the City of Kuna, the landowner, applicant, and any future assigns having interest in the subject property shall be allowed to maintain the current number of farm animals on site. This use shall be classified as a nonconforming use subject to provisions set forth in KCC Title 5 Chapter 8.
 4. For future development, all utilities shall be installed underground, unless otherwise approved (see KCC 6-4-2-W).
 5. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
 6. Any site improvements shall require the property owner to comply with the provisions set forth in Kuna City Code (KCC).

7. At the time of any future development, the landowner/applicant/developer, and any future assigns having interest in the subject property shall submit a petition to the City (as necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation District (KMID).
8. The landowner/applicant/developer, and any future assigns having interest in the subject property shall follow Kuna staff, City Engineer and any other agency recommended requirements as applicable.
9. The landowner/applicant/developer, and any future assigns having interest in the subject property shall abide by all applicable federal, state and local laws and ordinances.

DATED: This 26th day of June, 2018.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Jace Hellman, Planner II
Kuna Planning and Zoning Department



City of Kuna

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Kunacity.id.gov

Commission Findings of Fact & Conclusions of Law

To: Planning and Zoning Commission

Case Number(s): 18-02-AN (Annexation),
18-02-CPF (Combo PP & FP)
Dynasty Estates Sub. No. 2

Location: South West Corner (SWC) of
Linder Rd. & Lake Hazel Rd.
Meridian, Idaho 83642

Planner: Troy Behunin, Planner III

Hearing Date: June 12, 2018
Findings: **June 26, 2018**

Owner: **Steve & Deborah Johnson**
6801 S. Linder Road
Meridian, ID 83642
208.866.2369
debannjohnson@gmail.com



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A. Course of Proceedings

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

a. Notifications

- | | |
|---------------------------|--|
| i. Neighborhood Meeting | March 10, 2018 (four persons attended) |
| ii. Agencies | May 4, 2018 |
| iii. 350' Property Owners | June 4, 2018 |
| iv. Kuna, Melba Newspaper | May 23, 2018 |
| v. Site Posted | May 19, 2018 |

B. Applicant Request:

1. Applicant requests to annex approximately 10.00 acres into Kuna City with an R-2 (Low Density Residential), residential zone, and to subdivide the property into two single family residential lots through the combined preliminary and final plat process, and have reserved the name Dynasty Estates Subdivision No. 2 with the County. This is a request for re-subdivision of Lot 5, Block 1, of Dynasty Estates Subdivision. The site is located at the southwest corner (SWC) of Linder and Lake Hazel Roads, site address is 4400 W Linder Road, Meridian, Idaho, In Section 2, T 2 N, R 1 W, APN #: R2004170050.

2. **Site Location Map:**



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C. History: The approximately 10.00 acre subject site is within the Ada County subdivision called Dynasty Estates, however, it is contiguous to Kuna City limits on the west and east property lines and has been a residential subdivision since 1994.

D. General Projects Facts:

1. **Comprehensive Plan Designation:** The City of Kuna's Future Land Use Map identifies the subject site as Medium Density Residential (4-8 Units per acre). Staff views this land use request to be consistent with the approved Future Land Use Map.

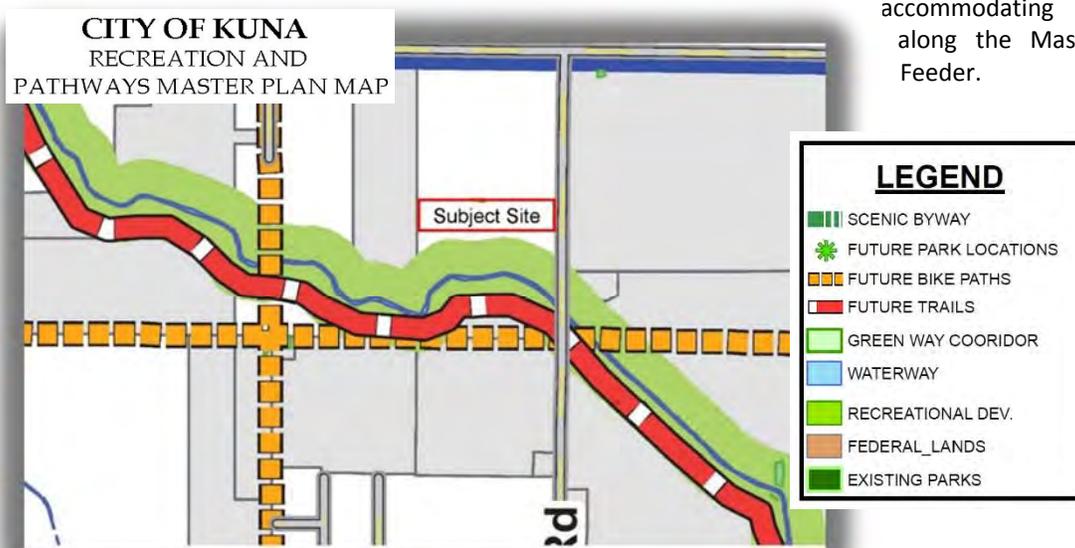
2. **Kuna Comprehensive Plan Future Land Use Map:**



The Kuna Comprehensive Plan Future Land Use Map shown above in conjunction with the map legend indicates that the subject site is designated as Medium Density Residential. The applicant’s request is under the suggested density, therefore, staff views this request to be consistent with the Future Land Use Map designation.

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

The Kuna Recreation and Master Pathways Plan map identifies a future trail in the general area, however, this lot does not have a touch to the Mason Creek Feeder. Future development (to the south – other parcels) will need to submit plans accommodating this trail along the Mason Creek Feeder.



4. **Surrounding Existing Land Uses and Zoning Designations:**

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

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

- Approx. 10.001 (Approx.) acres total
- RR (Rural Residential) – Ada County
- Parcel # R2004170050 R1928150022

6. **Services:**

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

7. **Existing Structures, Vegetation and Natural Features:** Currently there is a house, a mother-in-law quarters and three outbuildings on site. This site slopes east and west near the mid-point of the site. On-site vegetation is consistent with a residential and agricultural lot.

8. **Transportation / Connectivity:** The applicant proposes access from the existing private driveway for the site, by extending the asphalt drive as far west as needed.

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

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

- Ada County Highway District (ACHD) – Exhibit B-1
- Boise Project Board of Control – Exhibit B-2
- Central District Health Department (CDHD) – Exhibit B-3
- Department of Environmental Quality – Exhibit B-4
- Idaho Transportation Department (ITD) – Exhibit B-5

E. **Staff Analysis:**

Applicant requests approval to annex approximately 10.001 total acres (currently zoned Rural Residential (RR) in Ada County), into Kuna City limits with an R-2 (Low Density Residential) zone; and to subdivide the subject property, creating a two lot, single family subdivision, known as Dynasty Estates No. 2 Subdivision. This request includes a re-subdivision of Lot 5, Block 1 in the Dynasty Estates Subdivision. Applicant proposes to provide access to the proposed lot by extending an existing private lane that touches Linder Road, a public road.

The site is eligible for annexation, as it touches current City limits on the west and east sides of the site. The applicant seeks an R-2 (Low Density Residential) zone for the subdivision in connection with this annexation request. Applicant is also proposing the creation of two single family lots and will be known as the Dynasty Estates No. 2 Subdivision.

Staff recommends that the applicant provide a plan demonstrating permanent and continuous maintenance and care of the private lane, if provided, then staff has no concerns with the private lane.

This site is in the Nitrate Priority Area and should only be granted the ability to install a new septic system based on the criteria established in Kuna Code. It has been determined that this property does have extraordinary constraints (distance to existing and near-future facilities and a high point in the middle of the site that divides east from west), preventing connection to public services immediately and/or with reasonable costs. Staff recommends that in the future if the lands west of this site develop, that the proposed new lot connect to public services from Kuna City. Staff recommends that if gravity sewer becomes available in Linder, the existing home be conditioned to connect to Kuna City services at time of failure, or at the property owner's choice ahead of failure of either sewer or domestic well; Connection will be at the lot owner's expense in accordance with Kuna City Code. Staff anticipates that proposed lot 2 will build a home before the lands west develop. Therefore, staff recommends that the newly created lot be conditioned to run dry lines for sewer and domestic water from house to the western lot line at building permit, in anticipation of a future connection so that if/when a critical system fails and there is a developed subdivision west of this site or services become available, it will connect at lot owners expense, in accordance with Kuna City Code.

Staff has determined these applications comply with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards Case No.'s 18-02-AN and 18-02-CPF, to the Commission with the recommended conditions of approval.

F. Applicable Standards:

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

G. Procedural Background:

The Commission held a Public Hearing on June 12, 2018, to consider Cases No.'s 18-02-AN and 18-02-CPF, including the submitted application documents, agency comments, staffs report, application exhibits and public testimony presented at the hearing.

H. Factual Summary:

This site is located near the southwest corner (SWC) of Linder and Lake Hazel Roads. Applicant proposes to annex approximately 10.001 acres into the City of Kuna with an R-2 (Low Density Residential) zone. Applicant has submitted a combination preliminary and final plat to re-subdivide lot 5, block 1, within the Dynasty Estates Subdivision.

I. Comprehensive Plan Analysis:

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

Goals, Policies and Objectives from the Kuna Comprehensive Plan:

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

Ensure the City land use policies, restrictions, conditions and fees do not violate private property rights and ensure that land use actions, decisions, and regulations do not effectively eliminate all economic value of the subject property. Ensure that City land use actions, decisions, and regulations do not prevent a private property owner from taking advantage of a fundamental property right and evaluate with guidance from the City attorney and the Idaho Attorney General's six criterion established to determine the potential for property takings.

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

Economic Development Goals and Objectives - Section 5 - Summary:

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

Comment: The proposed application complies with the comprehensive plan by providing a mix of lot sizes to meet this goal.

Land Use Goals and Objectives - Section 6 - Summary:

Adopt a future land use plan and map that includes natural and developed open spaces, while providing a variety of housing densities and types to accommodate various lifestyles, ages and economic groups. Protect existing neighborhoods and ensure new development is sustainable and keeps Kuna desirable. Develop cohesive neighborhoods with character and quality while incorporating a variety of densities and styles.

Comment: The project complies with the land use plan as adopted by the City by incorporating the following; varied housing densities and types and promotes desirable, cohesive community character and a quality neighborhood.

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

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

Comment: Kuna has adequate services for this development and the authority to annex the requested lands into the City. In the future when available, this applicant will expand the City’s sanitary sewer system, potable water service lines in an orderly fashion.

Housing Goals and Objectives - Section 12 - Summary:

Encourage developers to provide high-quality development with a variety of lot sizes, dwelling types, densities and price points to meet the needs of current and future population while creating safe and aesthetically-pleasing neighborhoods. Ensure housing is available throughout the community for all income levels and those with special needs. Encourage logical and orderly residential development while discouraging developers from developing land divisions greater than one half acre because large lot subdivisions increase municipal costs, require public subsidy and create sprawl.

Comment: Applicant has proposed two single family lots which will contribute to high-quality lots of varied sizes to be developed in a logical and orderly manner. The development will create a pleasant neighborhood environment.

J. Commissions Conclusions of Law:

Based on the evidence contained in Case No’s 18-02-AN and 18-02-CPF, the Kuna Planning and Zoning Commission finds Case No’s 18-02-AN and 18-02-CPF do comply with Kuna City Code, the goals of the Kuna Comprehensive Plan, as proposed or conditioned.

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

Comment: The proposed project meets the land use and area standards in Chapter 3, Title 5 of KCC. Staff also finds that the proposed project meets all applicable requirements of Title 6 of KCC.

2. The site is physically suitable for a subdivision.

Comment: The 10.00 acre subdivision is large enough to include a mix of lot sizes.

3. The annexation and subdivision uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
Comment: *The land to be annexed is not used as wildlife habitat. Staff is not aware of any environmental damage or loss of habitat associated with the proposed development.*

4. The annexation and subdivision application is not likely to cause adverse public health problems.
Comment: *The annexation of the property requires a zoning designation per Kuna Code 5-13-9. The low density zone requires connection (at time of availability) to public sewer and water, therefore eliminating the occurrence of adverse public health problems. Through correspondence with public service providers and application evaluation, this project appears to avoid detriment to surrounding uses.*

5. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
Comment: *The annexation, and design of the subdivision did consider the location of the property adjacent to classified roadways (Lake Hazel, Linder & Columbia Road) and the system. The subject property cannot be connected to the City's public sewer, water and pressure irrigation facilities at this time due to unreasonable constraints. The adjacent uses are complimentary uses (City and County) as proposed in the Kuna Comprehensive Plan Future Land Use Map.*

6. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.
Comment: *Correspondence from ACHD and Kuna Public Works confirms that the proposed private drive and utility services are suitable and adequate for this project. ACHD confirms that the existing streets adjacent to the re-subdivision are adequate for the proposed development.*

K. Commission Findings of Fact:

Based upon the record in Case No's 18-02-AN and 18-02-CPF, including the Comprehensive Plan, Kuna City Code, Staff's report, including the exhibits, and the testimony elicited during the public hearing, the Commission hereby recommends *approval* for Case No's 18-02-AN and 18-02-CPF, a request for annexation and combination preliminary and final plat to Council as follows:

The Commission concludes that the Application complies with the City of Kuna's Zoning regulations (Title 5) of KCC and/or the Subdivision regulations outlined in title 6 of KCC and/or the Landscape Code in title 5.

1. In making a decision regarding the Subdivision application, the Council is to consider Idaho Code §67-6535 (2), which states the following:
The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

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

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

2. The Commission has the authority to *recommend* approval for Case No's 18-02-AN and 18-02-CPF. The Commission voted to recommend approval for Case No's 18-02-AN and 18-02-CPF.
3. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances to hold a public hearing on June 12, 2018, with the Commission.

L. Recommendation of the Commission:

Note: 18-02-AN (Annexation) and 18-02-CPF (Combo Plat): *The proposed motion is to recommend approval for these requests to City Council. If the Commission wishes to approve or deny specific parts of the requests as detailed in this report, those changes must be specified.* Based on the facts outlined in staff's report and public testimony during the public hearing the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval* for Case No's 18-02-AN and 18-02-CPF; annexation and a combo plat *with* the following conditions of approval:

- *Applicant shall follow the conditions as stated in the staff report,*
 - *Modify condition No. 8 to require staff and the applicant to enter into memorandum of understanding with respect to connection to sewer and domestic water when it becomes available,*
 - *Applicant shall create a cross-access agreement between the two lots and applicant shall develop a permanent care maintenance agreement for the private lane, recorded with the County recorder.*
1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
 - a. The City Engineer shall approve the sewer hook-ups.
 - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
 - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
 - d. The *Boise Project and Board of Control* shall approval any modifications to the existing irrigation system.
 - e. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.

All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District, and Idaho Transportation Department. No public street construction may be commenced without the approval and permit from Ada County Highway District and Idaho Transportation Department.

2. Installation of utility service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2-W.
3. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
4. Submit a petition to the City (if necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation system of the City (KMID) prior to requesting final plat signature from the City Engineer.
5. The land owner/applicant/developer and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Commission and/or Council, or seek amending them through public hearing processes.

6. The applicant's proposed preliminary plat (dated 04/11/18) and final plat (dated 04/11/18) shall be considered binding site plans, or as modified and approved through the public hearing process.
7. In the event gravity sewer becomes available in Linder Road, the existing home on proposed lot 1 shall connect to Kuna City services at time of failure, or at the property owner's choice, ahead of a failure of sewer or domestic water, at lot owner's expense, in accordance with Kuna City Code.
8. Proposed Lot 2, at time of home construction, shall install dry lines for sewer and domestic water from house to the western edge of the lot, in anticipation for future connections in the event that if/when a critical system fails and there is a developed subdivision west of this site, or services become available, proposed lot 2 will connect to Kuna's public services at lot owners expense, in accordance with Kuna City Code.
9. Applicant shall demonstrate permanent access, maintenance and care for the private lane and the responsibilities of each proposed lot through language in an agreement.
10. Applicant shall follow staff, city engineer and other agency recommended requirements as applicable.
11. Compliance with all local, state and federal laws is required.

DATED: This 26th day of June, 2018.

Lee Young, Chairman
Kuna Planning and Zoning Commission

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



City of Kuna

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Commission Findings of Fact & Conclusions of Law

To: Kuna Planning and Zoning Commission

File Numbers: 18-08-SUP - (Special Use Permit) & 18-15-DR (Design Review); PiStem Academy

Location: 441 E. Porter Street, Kuna, Idaho 83634

Planner: Troy Behunin, Planner III

Hearing date: June 12, 2018
Findings: June 26, 2018

Owner/Applicant: PISA Land Holdings
Jeremy Terry
2694 N. 920 E.
North Logan, UT 84341
801.671.9349

Jeremy@ensigndevelopmentgroup.com

Representative: Brett Jensen
2964 N. 920 E.
North Logan, UT 84341
435.881.9040

brett@ensigndevelopmentgroup.com

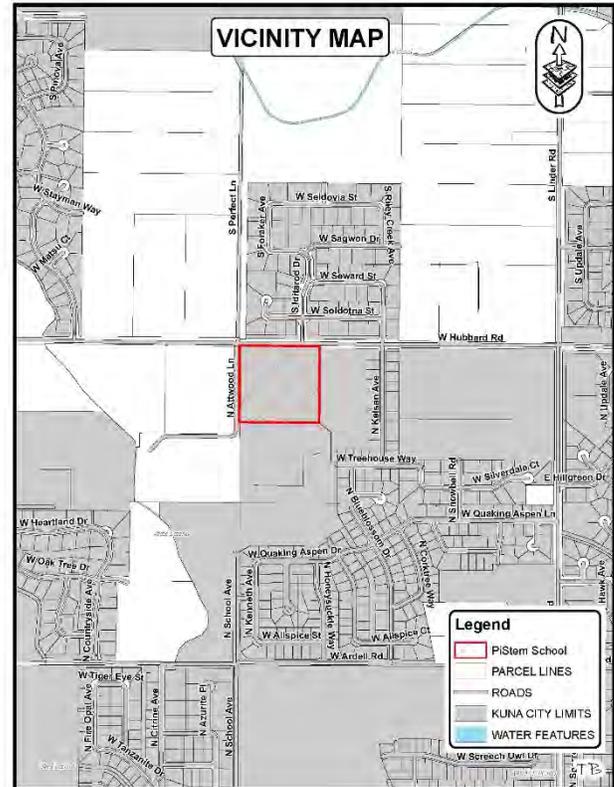


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A. Course of Proceedings:

1. In accordance with Kuna City Code (KCC); Title 5, Chapter 6, the applicant seeks approval of a Special Use Permit (SUP) in order to place a new charter school at 2275 W. Hubbard Road. The request for SUP approval requires the public hearing process where the Commission is the decision making body.

2. KCC 5-4-2, Title 5, Chapter 4, Section 2, states that all new commercial shall also go through design review. A school is considered commercial. Accordingly, the applicant has submitted an application for design review for the new Pi Stem Academy, the parking lot, and landscaping. The Commission is the decision making body for the design review application.

a. Notifications

- | | |
|-------------------------------------|--|
| i. Neighborhood Meeting | March 17, 2018 (Five persons attended) |
| ii. Agencies | May 10, 2018 |
| iii. 350' Notice to Property Owners | June 4, 2018 |
| iv. Kuna, Melba Newspaper | May 23, 2018 |
| v. Site Posted | May 24, 2018 |

B. Applicants Request:

On behalf of PISA Land holdings, Brett Jensen with Ensign Development (applicant), requests SUP approval in order to place a new school (PiStem Charter Academy) at the southeast corner of Hubbard and future School Avenue in Kuna. Applicant seeks to add three (3), 60' X 60' manufactured buildings (approx. 3,600 square feet/ea.) for classroom and school purposes, a parking lot, a bus drop-off and to add improvements to two roadways. A Design Review application is included with this request. The site address is 2275 W. Hubbard Rd. (See Map Below).

C. Aerial Map:



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- D. History:** The property is within City limits and is currently zoned R-6 (Medium Density Residential). This parcel has historically been used for agriculture and residential uses.

E. General Project Facts:

1. Surrounding Land Uses:

North	R-5	Medium Density Residential (MDR) – Kuna City
South	R-4	Medium Density Residential (MDR) – Kuna City
East	R-4	Medium Density Residential (MDR) – Kuna City
West	RR	Rural Residential – Ada County

2. Parcel Sizes, Current Zoning, Parcel Numbers:

- Parcel Size: Approximately 9.62 acres.
- Zoning: R-6 (Medium Density Residential [MDR])
- Parcel #: S1314120890

3. Services:

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

4. Existing Structures, Vegetation and Natural Features:

There is a house and out building on site and vegetation typical with an Agriculture field.

5. Transportation / Connectivity:

The site has significant frontage to Hubbard Road and future School Avenue. The project proposes access to Hubbard and a new segment on School Avenue which they will improve for those purposes.

6. Environmental Issues:

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

7. Comprehensive Future Land Use Map:

The Future Land Use Map (FLU) identifies this site as MDR. Staff views this proposed Special Use Modification request to be consistent with the stated use on the Council approved Comprehensive Plan Future Land Use Map.



8. Agency Responses:

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

- City Engineer.....Exhibit B1
- Ada County Highway DistrictExhibit B2
- Central District Health DepartmentExhibit B3
- COMPASS (Community Planning Association)Exhibit B4
- Department of Environmental QualityExhibit B5
- Kuna Police Department (Ada County Sheriff).....Exhibit B4

F. Staff Analysis:

All schools are required to obtain a Special Use Permit in the R-6 zone. Additionally, all new commercial buildings must submit for design review of the buildings’ composition, color(s), materials choices, parking lot, and site landscaping.

The applicant is requesting approval to place a new school in response to interested people calling for a STEM school in Kuna. This request, if granted will add approximately 10,800 SF for office and classrooms purposes, a parking lot while improving part of Hubbard Road, and beginning a new segment of School Avenue.

The applicant proposes three (3) buildings approximately 3,600 SF each, for a total of 10,800 SF. The buildings will be modular buildings designed for school uses. The applicant proposes multiple phases to develop the nearly 10 acres of land, beginning with approximately five (5) acre of the site at this time. Staff supports phasing this project and recommends conditioning the applicant to return for modification to this SUP (if approved) at time of future expansion and/or alterations. Enrollment will be begin with up to 297 students and up to 420 students at full build out. As the needs change, the modular units will be removed and brick and mortar building(s) will be built on site. The applicant intends to construct permanent buildings within three (3) years from opening.

Staff agrees with the Site Specific Conditions listed in the ACHD report in section D, page 10. Staff recommends the applicant work with the City and ACHD to provide the necessary Rights-of-Way (ROW) for future widening and round-a-bout needs without reducing or compromising the required landscape buffers along frontages. This may require moving the buildings and/or parking lot. Staff recommends the proposed eight foot (8’) sidewalks along both frontages be conditioned. Staff agrees that curb and gutter may be avoided along arterials (Hubbard) for the reasons stated in the ACHD report. In lieu of curb and gutter, staff recommends that the applicant enter into a license agreement with ACHD and provide sod/grass between sidewalk and the edge of road, including a watering system to complete the street section. Staff agrees with ACHD, and recommends that curb and gutter be installed along School Avenue’s frontage. Staff recommends that the site plan dated 4.25.18 be considered a binding site plan.

This application includes a Design Review application for the buildings composition, color and materials, landscaping and parking lot for the Commissions’ review, comments and suggestions. Staff finds that the proposed materials for the building *generally* follow Kuna’s architectural guidelines. Staff would recommend that sod be placed in the common areas listed as section 5 and 6. As they are listed as possible area(s) for future expansion, staff would support limited trees in that area, but keep sod as a requirement for play areas. Staff would recommend that additional landscaping be placed along School Avenue to follow KCC 5-17 closer than proposed. Staff recommends that the applicant be required to follow all street and parking lot lighting requirements, employing LED light fixtures according to KCC. Staff noticed that an application for signage was not included; staff reminds the applicant that all signage must also go through design review by the DRC.

Staff has determined that this application generally complies with Title 5, Chapters 4 and 6 of Kuna City Code, and the Kuna Comprehensive Plan, and forwards a recommendation of approval for Case No’s 18-08-SUP and 18-15-DR to the Planning and Zoning Commission, subject to the recommended conditions of approval.

G. Applicable Standards:

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

H. Comprehensive Plan Analysis:

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

1. The proposed Special Use Permit application for the site is consistent with the following comprehensive plan components:

2.0 – Property Rights

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

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

4.0 – School Facilities

Goal 1: Provide high-quality education.

Objective 1.1.a:

Provide adequate school capacity for present and future enrollment.

Goal 3: Ensure that the location of school facilities is incorporated into the long range comprehensive planning process so that schools may serve as the neighborhood focal point.

Objective 3.1: Support the efforts to the School District and Charter School to ensure that adequate school sites are provided.

6.0 – Land Use

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

Objective 2.2:

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

I. Findings of Fact:

1. Based on the record contained in Case No’s 18-08-SUP and 18-15-DR, including the exhibits, staff’s report and any public testimony at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby *conditionally approves* the Findings of Fact and Conclusions of Law, and the conditions of approval for Case No’s 18-08-SUP and 18-15-DR.
2. The Kuna Planning and Zoning Commission conditionally approves the facts as outlined in the staff report, the public testimony and the supporting evidence list presented.

Comment: *The Kuna Commission held a public hearing on the subject applications on June 12, 2018, to hear from the City staff, the applicant, and to accept public testimony. The decision by the Commission is based on the application, staff report and public testimony, both oral and written*

3. Based on the evidence contained in Case No's 18-08-SUP and 18-15-DR, 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 9.62 acres (project site) as MDR. The proposed school facility is allowed in this zone after obtaining an SUP.*

4. The Kuna Planning and Zoning Commission has the authority to approve these applications.

Comment: *On June 12, 2018, Kuna's Planning and Zoning Commission voted to conditionally approve Case No's 18-08-SUP and 18-15-DR.*

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

Comment: *As noted in the process and noticing section, notice requirements were met to hold a public hearing on June 12, 2018.*

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, Chapters 4 and 6, of the KCC.*

2. The site is physically suitable for the proposed new charter school.

Comment: *The approximately 9.62 acre project site remains suitable for a school facility.*

3. The Special Use Permit is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat

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

4. The Special Use Permit application is *not* likely to cause adverse public health problems.

Comment: *The proposed charter school is hereby required to connect to Kuna public sewer and water eliminating the occurrence of adverse public health problems.*

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

Comment: *The Special Use Permit request considers the location of the property and adjacent uses. The adjacent uses are residential – as referenced in the Kuna Comprehensive Plan Future Land Use Map.*

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

Comment: *Utility services are available and nearby to the school facility and adequate for this school.*

K. Conclusions of Law:

1. Based on the evidence contained in Case No's 18-08-SUP and 18-15-DR, Commission finds Case No's 18-08-SUP and 18-15-DR, generally comply with Kuna City Code.
2. Based on the evidence contained in Case No's 18-08-SUP and 18-15-DR, Commission finds Case No's 18-08-SUP and 18-15-DR are 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. Decision by the Commission:

Note: 18-08-SUP (Special Use Permit): This motion is for approval, conditional approval or denial of these requests. However, if the Planning and Zoning Commission wishes to approve or deny specific parts of these requests as detailed in the report, those changes must be specified.

Note: 18-15-DR (Design Review): This motion is for approval, conditional approval or denial of these requests. However, if the Planning and Zoning Commission wishes to approve or deny specific parts of these requests as detailed in the report, those changes must be specified.

Based on the facts and exhibits outlined in staff's report, the public testimony as presented, the Planning and Zoning Commission of Kuna, Idaho, hereby conditionally approves Case No's 18-08-SUP and 18-15-DR, a Special Use Permit and Design Review request by PISA Land holdings with the following conditions of approval:

- *Applicant shall follow the conditions as stated in the staff report,*
 - *Applicant shall work with staff regarding the grass area and the landscape buffer on the west side,*
 - *Applicant shall work with staff for a darker color on the trim*
1. In the event the uses or the building on this parcel are enlarged, expanded upon or altered in anyway (even for temporary purposes), the landowner/applicant/developer, and any future assigns having interest in the subject property, shall seek an amendment to the approvals of this Special Use Permit through the public hearing process.
 2. All easements and public right-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. Any work within the Ada County Highway District right-of-way requires a permit.
 3. **Applicant shall pay all ACHD impact fees prior to issuance of a building permit from the City of Kuna.**
 4. Applicant shall make/improve connections to city services and utilities, and pay any differences that may arise with the expansion of the building, for sewer, potable water and/or pressure Irrigation connection fees.
 5. Installation of service facilities shall comply with the requirements of the public utility and irrigation district providing the services. All utilities shall be installed underground.
 6. Compliance with Idaho Code, Section §31-3805, pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site.
 7. Applicant shall provide eight foot (8') sidewalks along both road frontages.
 8. Applicant shall provide street and parking lot LED lighting according to KCC.
 9. This SUP is valid as long as the conditions of approval are adhered to continuously. In the event the conditions are not continuously followed; the SUP approval may be revoked by the Planning and Zoning Commission.
 10. This development is subject to Design Review inspections for the landscaping, lighting, signage, parking and buildings (as applicable), prior to the issuance of any Certificate of Occupancy.
 11. The applicant shall return for modification to this SUP at time of future expansion and/or alterations.
 12. The site plan and landscape plans dated 4.25.18 shall be considered binding, except as altered and/or approved by the Design Review Committee.
 13. Applicant shall enter into a licenses agreement for sod and irrigation system between the sidewalk and edge of road.

14. Design Review is required for all signage through a separate application.
15. This SUP is not transferable to another property.
16. The applicant shall follow all staff and agency recommendations.
17. The applicant shall comply with all local, state and federal laws.

DATED: this 26th, day of June, 2018.

Lee Young, Chairman
Kuna Planning and Zoning Commission

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



City of Kuna

P & Z Staff Report

P.O. Box 13
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To: Kuna Planning and Zoning Commission.

Case Numbers: **18-01-CPF** (Combination Pre-Plat & Final Plat) & **18-12-DR** (Design Review); Kelleher Sub. No. 2

Site Location: SEC of West Hubbard Rd. and North Linder Rd.

Planner: Jace Hellman, Planner II

Hearing Date: June 26, 2018

Owners of Record: Open Door Rentals, Inc.
1977 E. Overland Road
Meridian, ID 83642

Applicant (Developer): Trilogy Development, Inc.
9839 W. Cable Car Street.
Boise, ID 83709
208-895-8858

Representative: WHPacific Inc. – Jane Suggs
2141 W. Airport Way, Suite 104
Boise, ID 83705
208-275-8729
jsuggs@whpacific.com

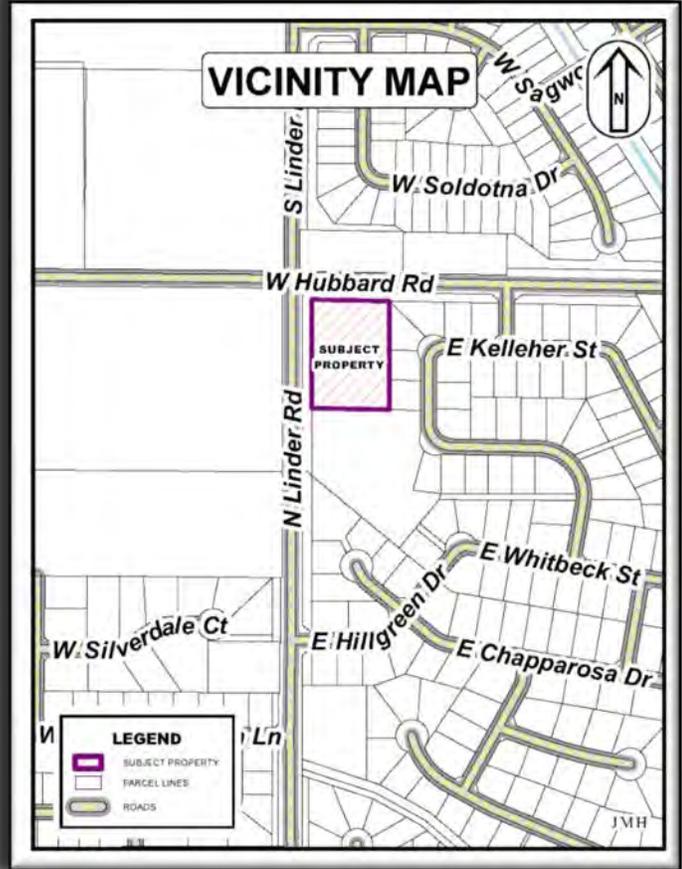


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A. Process and Noticing:

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states that design reviews are designated as *public meetings*, with the Planning and Zoning Commission (acting as the Design Review Board) as the decision-making body; and that combination preliminary plat and final plats are designated as public hearings, with the P & Z Commission as a recommending body and City Council as the decision-making body. These land use applications were given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

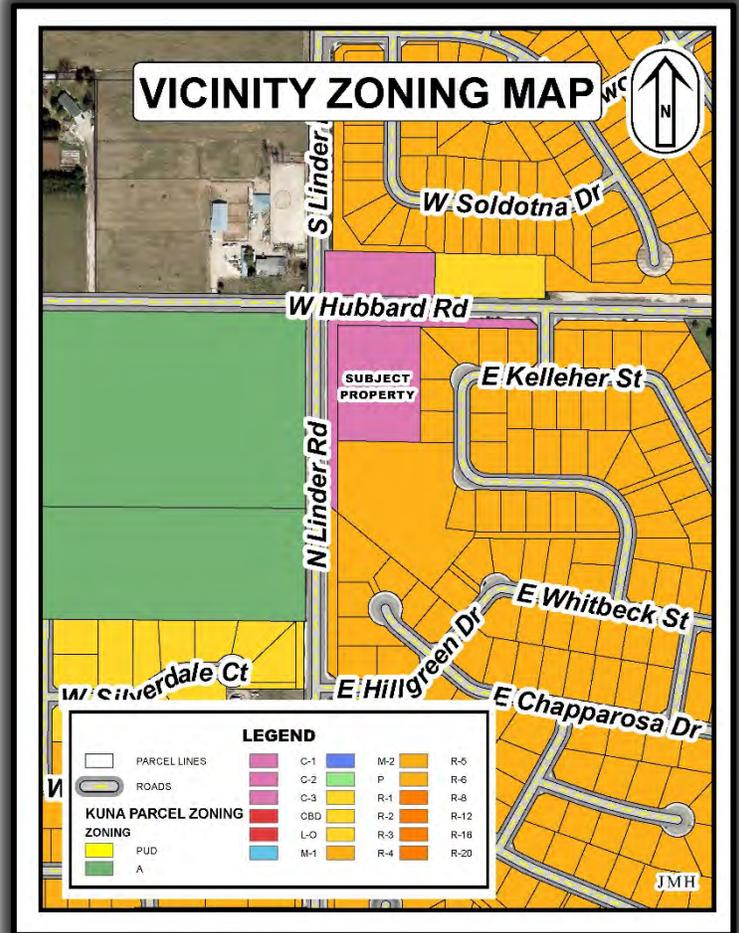
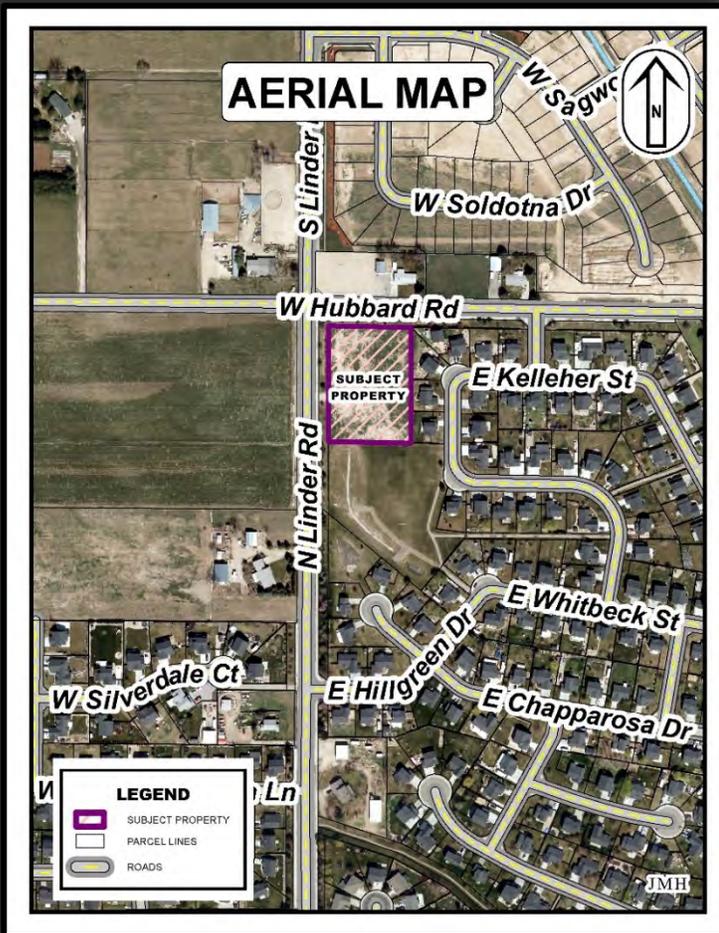
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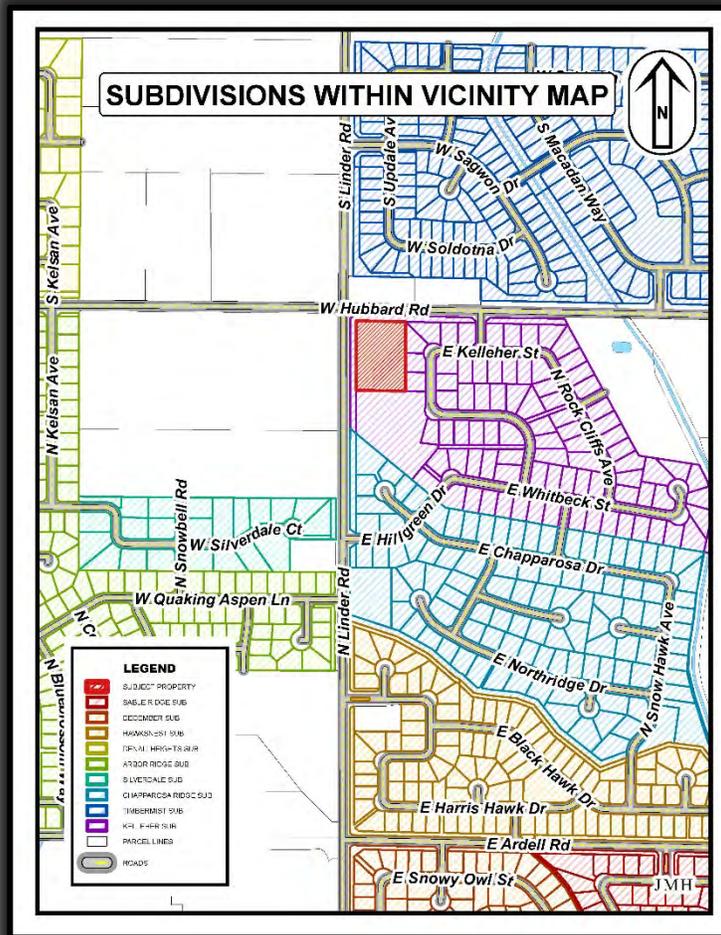
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| i. Neighborhood Meeting | March 5, 2018 (3 persons attended) |
| ii. Agency Comment Request | April 20, 2018 |
| iii. 350' Property Owners Notice | June 6, 2018 |
| iv. Kuna Melba Newspaper | June 6, 2018 |
| v. Site Posted | June 15, 2018 |

B. Applicant's Request:

On behalf of Open Door Rentals, Inc. the applicant, Trilogy Development, Inc. requests approval to subdivide approximately 1.96 acres through the combination preliminary plat & final plat process into nine lots, consisting of eight multi-family lots and one common lot and have reserved the name Kelleher Subdivision No. 2. A Design Review application for eight four-plex buildings, parking, lighting and landscaping accompanies this application. The subject site is located on the south east corner of West Hubbard Road and Linder Road, Kuna, ID 83634, within Section 13, Township 2 North, Range 1 West; (APN# R4865420080).

C. Exhibit Maps:



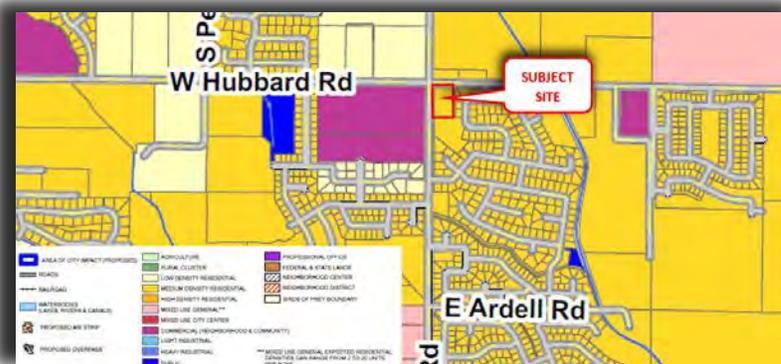


D. Site History:

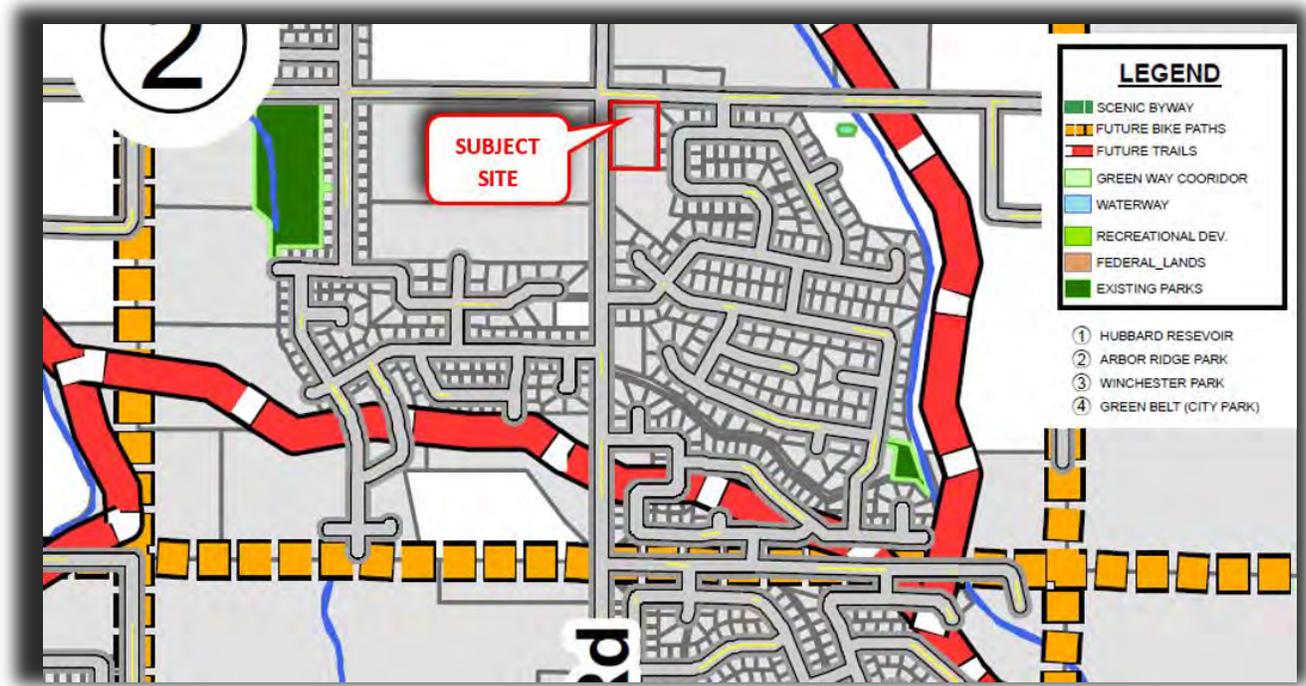
This parcel is lot 8 block 1 of Kelleher Subdivision. The original final plat for Kelleher Subdivision was recorded on October 12th, 2006. In 2017, a previous owner went through the public hearing process in order to rezone the property from R-4 (medium-density residential) to C-1 (neighborhood commercial). City Council approved the rezone on December 19, 2017. The parcel in question has been vacant for a number of years.

E. General Projects Facts:

1. **Comprehensive Plan Map:** The Future Land Use Map (Comp Plan Map) identifies the subject site as medium-density residential.



2. **Recreation and Pathways Map:** The Recreation and Pathways Master Plan Map indicates a future trail approximately 1,100 feet to the east of the site, situated along the Kuna Canal. There are no future pathways proposed through the project site.



3. **Surrounding Land Uses:**

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

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

Property Owner	Parcel Size (Approximately)	Current Zone:	Parcel Number
Open Door Rentals, LLC	1.96 acres	C-1 (Neighborhood Commercial)	R4865420080

5. **Services:**

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

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

The subject site has remained bare and vacant ever since the final plat for Kelleher Subdivision recorded in October 2006. The site is relatively flat with an estimated average slope of 0% to 2%. According to the USDA Soil Survey for Ada County bedrock depth is estimated to be greater than 60 inches on the northern half of the property and between 20 inches and 40 inches on the southern half of the property.

7. **Transportation / Connectivity:**

Per comments received from Ada County Highway District when this property was rezoned, the applicant proposes to close the existing ingress/egress on North Linder Road, and proposes to construct a 31-foot wide driveway onto Hubbard Road from the site, located approximately 290-feet east of Linder Road. Within the subject site, the applicant proposes six-foot sidewalks throughout the development and a walkway in the southeast corner of the site to allow pedestrian only passage to the existing neighborhood park.

8. **Environmental Issues:**

Staff is not aware of any environmental issues, health or safety conflicts beyond the designation of being in the nitrate priority area. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

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

- Kuna School District (Brenda Saxton; April 20, 2018) – Exhibit B2
- Department of Environmental Equality (Aaron Scheff; May 1, 2018) – Exhibit B3
- J&M Sanitation (Chad Gordon; May 1, 2018) – Exhibit B4
- Central District Health Department (May 7, 2018) – Exhibit B5
- Ada County Highway District (Stacey Yarrington; May 11, 2018) – B6
- Boise Project Board of Control (Bob Carter; May 14, 2018) – B7
- Kuna City Engineer (Paul Stevens; June 19, 2018) – B8

F. **Staff Analysis:**

Applicant requests approval to subdivide approximately 1.96 acres through the combination preliminary plat & final plat process into nine lots, consisting of eight multi-family lots and one common lot and have reserved the name Kelleher Subdivision No. 2. Per Kuna City Code 6-2-3-B, a combination preliminary and final plat is permitted if the following criteria is met: 1) The proposed subdivision does not exceed ten (10) lots; 2) No new street dedication or street widening is involved; 3) No major special development considerations are involved, such as development in a floodplain, hillside development or the like; and 4) All required information for both preliminary and final plat is complete and in an acceptable form. Staff has determined that this application meets all required criteria.

Applicant is aware that the development of these parcels will require connection to all city services and associated connection fees at time of building permit submittal. It is anticipated that development of this project will be completed in one (1) phase.

A common lot (Lot 1 Block 1) runs between the north and west boundary lines of the subject site and Right-of-Way on Hubbard and Linder Road. Accordingly, the only options for Right-of-Way access are to replat lot 1 block 1 of Kelleher Subdivision, or obtain a cross-access easement to allow for access across parts of lot 1 block 1 (as proposed on the submitted site plan dated March 15, 2018). Staff recommends that the applicant record a cross-access agreement to allow access onto Hubbard Road and that the easement be recorded and shown on the final plat. Additionally, prior to recordation of said agreement and City Council's decision, the applicant shall be required to submit cross-access agreement language to the Kuna City Attorney to review and to ensure perpetual access is guaranteed. The above mentioned common lot is owned by the Chapparosa Ridge Subdivision Homeowners Association. The applicant has indicated that the project will remain within the Chapparosa Ridge Subdivision (platted as Kelleher) HOA and adhere to the CC&Rs. This project will contribute to the maintenance of the common lots and neighborhood park.

Applicant has proposed a 31-foot wide curb return type driveway access to the site on Hubbard Road located approximately 290-feet east of the Linder Road and Hubbard Road Intersection. Due to insufficient frontage, this distance does not meet Ada County Highway District's Driveway Location policy, however staff at ACHD has recommended a modification of policy to allow the driveway to be located as proposed. The applicant has been made aware that this driveway access has been recommended by ACHD to be approved as a temporary full access

with the condition that the driveway may be restricted to right-in/right-out as determined by ACHD and/or the City of Kuna. Staff would recommend that the applicant work with ACHD and conform to their recommended requirements.

A design review application was submitted with this application for the four-plex buildings, parking, lighting and landscaping. The applicant has proposed 62 parking spaces and 4 accessible parking spaces for a total of 66 parking spaces or approximately 2 spaces per dwelling unit. Staff finds the proposed parking to be in substantial conformance with Kuna City Code, which requires 1.5 parking spaces per dwelling unit for all multi-family projects.

The subject site is surrounded by a 30-foot wide landscaped buffer that was established when the original Kelleher Subdivision was developed. Due to the subject site not having frontage on any road ways, there was not a landscape buffer requirement along classified streets. However, the applicant has proposed a considerable amount of landscaping through the development. Staff has found that the landscape plan submitted follows the requirements in City code, however staff would recommend that the applicant be conditioned to provide additional landscape screening along the perimeter fence line between this development and the existing homes to the east. It is for the Commission to decide if a new landscape plan reflecting the changes must be submitted for their review, or if the applicant should meet with staff to ensure conformance. On the submitted landscape plan there is an identified location for a monument sign. As a reminder staff would note that all monument signage shall go to the Planning and Zoning Commission for design review and approval. No application for signage was submitted with this application and one shall be submitted prior to installation.

The applicant has proposed all trash enclosures on site to be constructed out of vinyl fencing. Staff has made the applicant aware that it is the preference of the City and J&M Sanitation that all commercial trash enclosures be constructed with CMU brick wall with steel gates on the front of them. The applicant has also received comments from Chad Gordon with J&M Sanitation as well. Staff will require the applicant to construct all trash enclosures on site with CMU brick wall and with steel gates on the front of them. Staff would also recommend the applicant work with J&M Sanitation in order to conform to any other additional requirements.

The future land use map is intended to serve as a *guide* for the decision-making body for the City. The Comp Plan map indicates land use designations generally speaking, it is not the actual zone. Kuna's Council recently granted these lands the C-1 (Neighborhood Commercial) zone, which allows multi-family development. Staff finds the proposed application to be in conformance with the current approved zoning.

Staff has determined this application complies with the goals and policies for Kuna City, Title 5 and Title 6 of the Kuna City Code; Idaho Code title 67 chapter 65; and the Kuna Comprehensive Plan. Staff forwards a recommendation of approval for Case Nos. 18-01-CPF and 18-12-DR, subject to any conditions of approval outlined by Kuna's Planning and Zoning Commission and City Council.

G. Applicable Standards:

1. City of Kuna Zoning Ordinance Title 4, Building Regulations.
2. City of Kuna Zoning Ordinance Title 5, Zoning Regulations.
3. City of Kuna Zoning Ordinance Title 6, Subdivision Regulations.
4. City of Kuna Comprehensive Plan.
5. Idaho Code, Title 67, Chapter 65- the Local Land Use Planning Act.

H. Procedural Background:

On June 26, 2018, the Planning and Zoning Commission considered the case, including the application, agency comments, staff's memo, the application exhibits and public testimony presented or given.

I. Factual Summary:

The subject site is located at the southeast corner of Hubbard Road and Linder Road. The project consists of 1.96 (approx.) acres, within City limits. The subject site is zoned C-1 (Neighborhood Commercial). Applicant requests

combination preliminary and final plat approval for multi-family lots and one common lot. The applicant proposes access from Hubbard Road.

J. Proposed Findings of Fact:

1. Based upon the record contained in Case Nos. **18-01-CPF and 18-12-DR** including the exhibits, staff's report and any public testimony at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval/denial* of the Findings of Fact and Conclusions of Law, and conditions of approval for Case Nos. 18-01-CPF and 18-12-DR.
2. The Kuna Planning and Zoning Commission *approves/conditionally approves/denies* the facts as outlined in the staff report, the public testimony and the supporting evidence list presented.

Comment: *The Kuna Planning and Zoning Commission held a public hearing on the subject applications on June 26, 2018, to hear from City staff, the applicant and to accept public testimony. The decision by the Commission is based on the application, staff report and public testimony, both oral and written.*

3. Based on the evidence contained in Case Nos. 18-01-CPF and 18-12-DR, this proposal *does/does not generally* comply with the Comprehensive Plan and City Code.

Comment: *The Comp Plan has listed numerous goals for providing a variety of housing densities and types to accommodate various lifestyles, ages and economic group in Kuna. The Comp Plan Map designates this property as Medium Density. City Council approved a C-1 (neighborhood commercial) zone on December 19, 2017.*

4. The Kuna Planning and Zoning Commission has the authority to approve or deny Case No. 18-12-DR and to recommend approval or denial of case no. 18-01-CPF.

Comment: *On June 26, 2018, the Commission voted to approve/deny Case No. 18-12-DR and recommend approval/denial of case no. 18-01-CPF.*

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 sections, notice requirements were met to hold a public hearing on June 26, 2018.*

K. Proposed Comprehensive Plan Analysis:

The Kuna Planning and Zoning Commission may accept or reject the Comprehensive Plan components, and has determined the proposed combination preliminary and final plat request for the site *is/is not* consistent with the following Comprehensive Plan components as described below:

2.0 – Property Rights

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

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

6.0 – Land Use

Policy: *Provide a variety of housing densities and types to accommodate various lifestyles, ages and economic groups.*

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

Goal 3: Protect the quality of existing residential neighborhoods and ensure new residential development is sustainable. Provide a variety of housing opportunities to meet the needs of all Kuna residents.

Objective 3.1: Encourage and plan for the development of cohesive neighborhood units that incorporate a variety of housing densities and styles.

12.0 – Housing

Goal 1: Provide a wide-range of housing to meet the needs of the current and future population. Ensure that housing is available throughout the community for people of all income levels and for those with special needs.

Objective 1.1: Encourage the construction of housing that is safe, affordable and designed to accommodate a range of income levels and lifestyles.

Policy: encourage the development community to provide a variety of lot sizes, dwelling types, densities and price points.

L. Proposed 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/does not adhere to the applicable requirements of Title 4, Title 5 and Title 6 of KCC.*

2. The Planning and Zoning Commission feels the site *is/is not* physically suitable for the proposed development.

Comment: *The 1.96-acre (approximate) site does/does not appear to be suitable for the proposed development.*

3. The combination preliminary and final plat request is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.

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

4. These applications *are/are not* likely to cause adverse public health problems.

Comment: *The project would connect to public sewer and potable water systems, therefore 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 combination preliminary and final plat request considers the location of the property and adjacent uses. The adjacent uses are residential, agricultural and commercial.*

6. The existing and proposed street and utility services in proximity to the site are suitable *or* adequate for multi-family units.

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

B. Proposed Conclusions of Law:

1. Based on the evidence contained in Case Nos. 18-01-CPF and 18-12-DR, Commission finds Case Nos. 18-01-CPF and 18-12-DR *do/do not* adequately comply with Kuna City Code.
2. Based on the evidence contained in Case Nos. 18-01-CPF and 18-12-DR, Commission finds Case Nos. 18-01-CPF and 18-12-DR generally *do/do not* comply with Kuna City Codes.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

C. Recommended Conditions of Approval:

Note: These motions are for the approval, conditional approval or denial of the design review application and the recommendation of approval or denial of the combination preliminary and final plat application. However, if the planning and Zoning Commission wishes to approve or deny specific parts of these requests as detailed in the report, those changes must be specified.

Based on the facts outlined in staff's report and public testimony as presented, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval/denial* of Case No. 18-01-CPF (Combination Preliminary and Final Plat) and *approves/conditionally approves/denies* Case No. 18-12-DR (Design Review) with the following conditions of approval:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
 - a. The City Engineer shall approve the sewer hook-ups.
 - b. The City Engineer shall approve all civil plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of civil plans.
 - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District are required.
 - d. Kuna Municipal 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(s).
 - f. All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
2. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see **KCC 6-4-2-W**.
3. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.

4. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation system of the City (KMID).
5. Street lights and parking lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Skies practices.
6. Parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
7. Developer/owner/applicant shall record a cross-access agreement in order to achieve access onto Hubbard Road. Additionally, prior to recordation and City Council's decision the developer/owner/applicant shall submit cross-access agreement language to the Kuna City Attorney to review and to ensure perpetual access is guaranteed.
8. The easement for the cross-access agreement shall be identified on the final plat.
9. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted). Perimeter fencing (and permit) is required prior to requesting final plat signatures from Kuna City Clerk and Engineer.
10. Applicant shall construct all trash enclosures on site with CMU brick wall and with steel gates on the front. (Unless specifically approved otherwise).
11. All signage within/for the project shall comply with Kuna City Code and shall be approved in the design review process with all new commercial and multi-family.
12. The landscape plan is considered a binding site plan. Landscaping shall be installed according to the submitted landscape plan dated March 16, 2018 (except as specifically approved otherwise).
13. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
14. This development is subject to building and landscaping design review inspections. Inspection fees shall be paid prior to staff inspection.
15. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
16. If any revisions are made, the applicant shall provide the Planning and Zoning Staff with a revised copy of the final plat.
17. Applicant shall secure all signatures on the final plat check-off list prior to requesting Kuna City Engineer's signature on the final plat Mylar.
18. Developer/owner/applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
19. Developer/owner/applicant shall comply with all local, state and federal laws.

DATED: This ____ day of _____, 2018.



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

Preliminary Plat Checklist

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

Project name: Kelleher Subdivision No. 2 **Applicant:** Jane Suggs / WHPacific

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

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

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

received
 3.30.18

Exhibit
 A2



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

Final Plat Checklist

A final plat application does not require a public hearing. It will be placed on the City Council agenda as a regular agenda item.

Project name: Kelleher Subdivision No. 2	Applicant: Jane Suggs / WHPacific
--	---

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

Applicant (✓)	Description	Staff (✓)
✓	Completed and signed Commission & Council Review Application.	X
✓	All pages of the proposed Final Plat.	X
✓	Approved final engineering construction drawings for streets, water, sewer, sidewalks, pressure irrigation and other public improvements.	X
to be determined	Approved Findings of Fact, Conclusions of Law for Preliminary Plat	N/A
✓	Proof of current ownership of the real property included in the proposed final plat and written consent of the record owners of the final plat (Affidavit of Legal Interest) for all interested parties involved.	X
✓	Such other information as deemed necessary to establish whether or not all proper parties have signed and/or approved said final plat.	X
see letter	A statement of conformance with the following information: ◊ The approved preliminary plat and meeting all requirements or conditions. ◊ The acceptable engineering practices and local standards.	X
✓	Any proposed restrictive covenants and/or deed restrictions, and homeowners' association documents.	X
✓	The final plat shall include and be in compliance with all items required under title 50, chapter 13 of the Idaho Code.	X

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

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



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 Planning & Zoning
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Commission & Council Review Application

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

*Please submit the appropriate checklist (s) with application

For Office Use Only	
File Number (s)	18-01-LPF + 18-12-DR
Project name	Kelleret sub no. 2
Date Received	3.30.18
Date Accepted/ Complete	4.20.18
Cross Reference Files	
Commission Hearing Date	June 26 th , 2018
City Council Hearing Date	

Type of Review (check all that apply):

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

Contact/Applicant Information

Owners of Record: <u>Open Door Rentals, Inc.</u>	Phone Number: _____
Address: <u>1977 E. Overland Road</u>	E-Mail: _____
City, State, Zip: <u>Meridian, ID 83642</u>	Fax #: _____
Applicant (Developer): <u>Trilogy Development, Inc.</u>	Phone Number: <u>208-895-8858</u>
Address: <u>9839 W. Cable Car Street</u>	E-Mail: _____
City, State, Zip: <u>Boise, ID 83709</u>	Fax #: _____
Engineer/Representative: <u>Jane Suggs / WHPacific Inc.</u>	Phone Number: <u>208-275-8729</u>
Address: <u>2141 W. Airport Way, Suite 104</u>	E-Mail: <u>jsuggs@whpacific.com</u>
City, State, Zip: <u>Boise, ID 83705</u>	Fax #: _____

Subject Property Information

Site Address: <u>SE corner of Linder Road and Hubbard Road</u>	
Site Location (Cross Streets): <u>Linder Road, Hubbard Road</u>	
Parcel Number (s): <u>R4865420080</u>	
Section, Township, Range: <u>Section 13, T2N, R1W</u>	
Property size : <u>1.96 acres</u>	
Current land use: <u>empty lot</u>	Proposed land use: <u>eight 4-plex bldgs</u>
Current zoning district: <u>C-1</u>	Proposed zoning district: <u>C-1</u>

Project Description

Project / subdivision name: Kelleher Subdivision No. 2
General description of proposed project / request: subdivision of the 1.96 acre parcel for eight 4-plex buildings, plus common lots
Type of use proposed (check all that apply):
 Residential _____
 Commercial _____
 Office _____
 Industrial _____
 Other _____
Amenities provided with this development (if applicable): _____

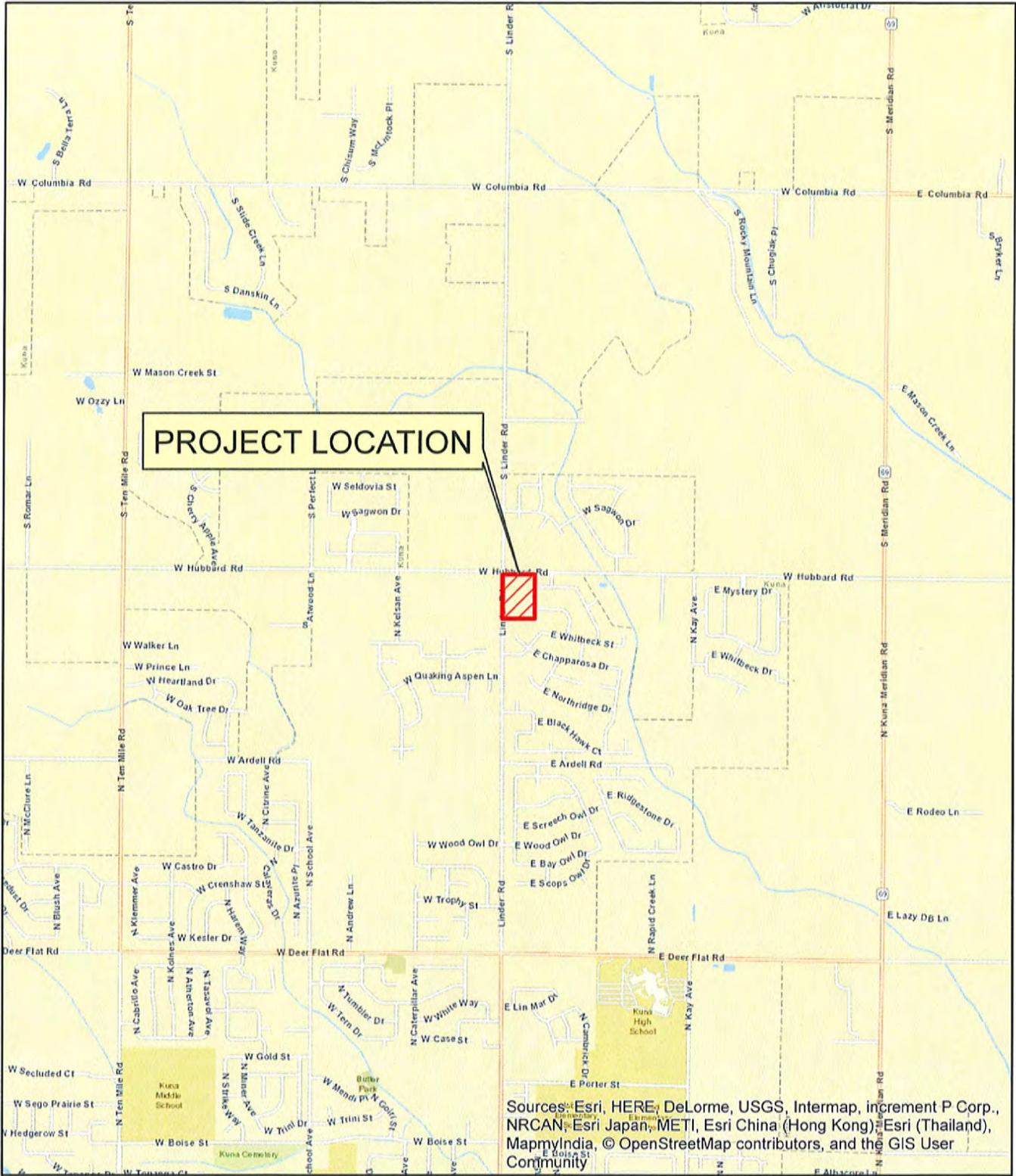
Residential Project Summary (if applicable)

Are there existing buildings? Yes No
Please describe the existing buildings: N/A
Any existing buildings to remain? Yes No
Number of residential units: 32 Number of building lots: 8
Number of common and/or other lots: 1
Type of dwellings proposed:
 Single-Family _____
 Townhouses _____
 Duplexes _____
 Multi-Family _____
 Other _____
Minimum Square footage of structure (s): _____
Gross density (DU/acre-total property): _____ Net density (DU/acre-excluding roads): _____
Percentage of open space provided: _____ Acreage of open space: _____
Type of open space provided (i.e. landscaping, public, common, etc.): _____

Non-Residential Project Summary (if applicable)

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

Applicant's Signature: *Game Segr* Date: 3/28/18



Kelleher Subdivision No. 2 Kuna, Idaho

Exhibit
A2b



Kelleher Subdivision No. 2 Kuna, Idaho



Kelleher Subdivision No. 2 Kuna, Idaho

Jane Suggs

From: Shawn Brownlee <shawn@trilogyidaho.com>
Sent: Friday, March 30, 2018 10:36 AM
To: Jane Suggs
Subject: RE: Kelleher
Attachments: Chapparosa Ridge CCRs 104150179.pdf; Chapparosa Ridge Supplemental CCRS 2007 107028466.pdf; Chapparosa Ridge Amendment to CCRs 2007 107032242.pdf

Morning Jane,

Attached are the CCRs for Chapparosa Ridge Subdivision and the addendum that annexed Kelleher Subdivision into Chapparosa Ridge. Kelleher Subdivision No. 2 will continue to be a part of these CCRs and the HOA. There is information in these CCRs that addresses the maintenance of the landscaped common areas.

Thanks,



Shawn Brownlee
9839 W. Cable Car St
Suite 101
Boise, ID 83709
(208) 895-8858 office
(208) 860-8371 cell
(208) 895-0714 fax

Exhibit

ASC

ACCOMMODATION

9A 6765

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 11/26/04 02:35 PM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Pioneer

AMOUNT 201.00 67



104150179

**DECLARATION ESTABLISHING
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
CHAPPAROSA RIDGE SUBDIVISION**

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**DECLARATION ESTABLISHING
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
CHAPPAROSA RIDGE SUBDIVISION**

THIS DECLARATION ESTABLISHING COVENANTS, CONDITIONS AND RESTRICTIONS FOR CHAPPAROSA RIDGE SUBDIVISION ("**Declaration**") is made this 19th day of November, 2004, by Dyver Development, LLC, an Idaho limited liability company, hereinafter called "Grantor," and also sometimes hereinafter referred to as the original Grantor under this Declaration.

ARTICLE I RECITALS

- 1.1 Real Property Description.** Grantor is the owner of all that real property located in Ada County, Idaho, as described on Exhibit "A" attached hereto and incorporated herein by this reference. Such described real property, together with such additional real property as may hereafter be made subject to this Declaration by supplemental declaration, pursuant to the provisions hereof for the annexation of additional parcels of real property, is hereinafter referred to as the "**Property.**"
- 1.2 Conditions.** Any development plans for the Property in existence prior to or following the effective date of this Declaration are subject to change at any time by Grantor, in Grantor's sole discretion, and impose no obligations on Grantor as to how the Property is to be developed or improved. Any purchaser of a Building Lot, by acceptance of a deed therefor, acknowledges that said Building Lot is subject to currently enacted zoning and subdivision ordinances and regulations and such other governmental ordinances and regulations and approvals hereunder as may be in effect or as may from time to time be imposed, including, without limitation, that certain Development Agreement between the City of Kuna, Idaho, and Heartland Development, LLC, recorded May 1, 2003, as Instrument No. 103072938, Official Records of Ada County, Idaho ("**Development Agreement**"). Said purchaser, by acceptance of a deed to a Building Lot, acknowledges familiarity with the same, constructively or otherwise
- 1.3 Purpose.** The purpose of this Declaration is to set forth the basic restrictions, covenants, limitations, easements, conditions and equitable servitudes (collectively "**Restrictions**") that apply to the Property. The Restrictions are designed to preserve the value, desirability and attractiveness of the Property, to ensure a quality development, and to guarantee the maintenance of the Common Area and improvements located thereon in a cost effective and administratively efficient manner.

ARTICLE II DECLARATION

Grantor hereby declares that the Property and those Tracts of real property subjected to this Declaration by the recordation of Supplemental Declarations of Annexation as provided herein, and each Building Lot, parcel or portion thereof, is and/or shall be held, sold, conveyed, encumbered, hypothecated, leased, used, occupied and improved subject to the following terms, covenants, conditions, easements and restrictions, all of which are declared and agreed to be in furtherance of a general plan for the protection, maintenance, improvement and sale thereof, and to enhance the value, desirability and attractiveness thereof. The terms, covenants, conditions, easements and restrictions set forth herein shall run with the land, and with each estate therein, and shall be binding upon all persons having or acquiring any right, title or interest in the Property or any Building Lot, parcel or portion thereof; shall inure to the benefit of and be binding upon Grantor, Grantor's successors in interest, each Owner, and each Owner's successors in interest; and, subject to the terms and conditions hereof, may be enforced by Grantor, Grantor's successors in interest, any Owner, any such Owner's successors in interest, or by the Association.

Notwithstanding the foregoing, no provision of this Declaration shall be construed so as to prevent or limit Grantor's right to complete development of the Property and to construct improvements thereon, nor Grantor's right to maintain model homes, construction, sales or leasing offices or similar facilities (temporary or otherwise) on any portion thereof, including any Common Area or any public right-of-way, nor Grantor's right to post signs incidental to construction, sales or leasing, nor Grantor's right to modify plans for the Property.

ARTICLE III DEFINITIONS

- 3.1 "**Architectural Committee**" shall mean the committee created by Grantor pursuant to ARTICLE V hereof, which may also be referred to herein as the "Committee".
- 3.2 "**Association**" shall mean CHAPPAROSA RIDGE SUBDIVISION NO.1 Homeowner's Association, Inc., to be organized by Grantor as described in Article VIII of this Declaration.
- 3.3 "**Building Lot**" shall mean a subdivision lot as specified or shown on any Plat or preliminary Plat of the Property and/or by any Supplemental Declaration, upon which Improvements may be constructed.
- 3.4 "**Declaration**" shall mean this Declaration as it may be amended from time to time.
- 3.5 "**Grantor**" shall mean Dyver Development, LLC, an Idaho limited liability company, or any person or entity to whom the rights under this Declaration are expressly transferred by Grantor.
- 3.6 "**Improvement**" shall mean any structure, facility or system, or other improvement or object, whether permanent or temporary, which is erected, constructed or placed upon, under or in any portion of the Property, including but not limited to buildings, fences, streets, drives, driveways, sidewalks, curbs, landscaping, signs, lights, mailboxes,

electrical lines, pipes, pumps, ditches, waterways, recreational facilities, and fixtures of any kind whatsoever.

- 3.7 **“Limited Assessment”** shall mean a charge against a particular Owner and such Owner’s Building Lot, directly attributable to the Owner, equal to the cost incurred by Grantor or the Association for corrective action performed pursuant to the provisions of this Declaration or any Supplemental Declaration.
- 3.8 **“Member”** shall mean the Owner or Owners of a Building Lot in such Owner’s or Owners’ capacity as a member of the Association.
- 3.9 **“Owner”** shall mean the person or other legal entity, including Grantor, holding fee simple title of record to a Building Lot, and sellers under executory contracts of sale, but excluding those having such interest merely as security for the performance of an obligation.
- 3.10 **“Person”** shall mean any individual, partnership, corporation or other legal entity.
- 3.11 **“Plat”** shall mean any subdivision plat now or hereafter covering any portion of the Property as recorded at the office of the County Recorder, Ada County, Idaho, as the same may be amended by duly recorded amendments thereof, and shall mean collectively all subdivision plats now or hereafter covering any or all of the Property.
- 3.12 **“Supplemental Declaration”** shall mean any Supplemental Declaration recorded by Grantor including additional covenants, conditions and restrictions that might be adopted with respect to any portion of the Property, and/or adding or deleting a Tract or Tracts to or from the Property. A Supplemental Declaration which adds an additional Tract or Tracts to the Property may be referred to herein as a “Supplemental Declaration of Annexation.” A Supplemental Declaration which deletes a Tract or Tracts from the Property may be referred to herein as a “Supplemental Declaration of Deletion.”
- 3.13 **“Tract”** shall mean a defined portion of the Property (including that described on Exhibit “A,” or a portion of Exhibit “A”) which has been designated as a Tract by this Declaration or a recorded Supplemental Declaration of Annexation. Designation of a Tract is a sole and exclusive right of Grantor.

ARTICLE IV GENERAL AND SPECIFIC RESTRICTIONS

- 4.1 **Structures - Generally.** All structures (except for sales offices or similar facilities of Grantor) are to be designed, constructed and used in such a manner as shall be compatible with this Declaration, and shall meet the following minimum standards:
- 4.1.1 **Use, Size, Height and Construction of Dwelling Structure.** All Building Lots shall be improved and used solely for residential use. Except for Accessory Structures as may be approved as provided below, no Building Lot shall be improved except with a single family dwelling structure, which dwelling structure, excluding garages and porches, as required by the Development

Agreement, shall not be less than 1350 square feet on 40 lots (excluding common lots listed in Section 10.1), shall not be less than 1450 square feet on 40 lots (excluding common lots listed in Section 10.1), and shall not be less than 1650 square feet on 19 lots (excluding common lots listed in Section 10.1) and shall be designed to accommodate no more than a single family and occasional guests, and such other Improvements as are necessary or customarily incidental to a single family residence. No business or home occupation shall be conducted from said dwelling structure or Improvement, exclusive of Grantor's use thereof, including, without limitation, use by Grantor as a sales office intended for the sale of Building Lots or new homes thereon. Subject to other building restrictions set forth herein, no dwelling structure shall (i) exceed thirty (30) feet in height, and (ii) be more than two stories in height, including split-level designs. A basement or daylight basement shall not be counted as a story in determining compliance with this section. The dwelling structures and accessory structures shall be constructed on site, unless otherwise specifically permitted in writing by the Architectural Committee. Modular or manufactured homes or houses shall not be permitted. Already constructed homes or houses shall not be permitted to be moved onto a Building Lot.

4.1.2 Architectural Committee Review. As required by the Development Agreement, no improvements which will be visible above ground or which will ultimately affect the visibility of any above ground Improvement shall be built, erected, placed or materially altered on or removed from the Property unless and until the building plans, specifications, and plot plan or other appropriate plans and specifications have been reviewed in advance by the Architectural Committee and the same have been approved in writing. The review and approval or disapproval may be based upon the following factors: size, height, scale, design and style elements, mass and form, topography, setbacks, finished ground elevations, architectural symmetry, drainage, color, materials, physical or aesthetic impacts on other property, artistic conformity to the terrain and the other Improvements on the Property, and any and all other factors which the Architectural Committee, in its reasonable discretion, may deem relevant, from time to time.

The Architectural Committee shall be generally guided by the following:

- (a) The Committee shall not approve flat roofs, zero roof overhangs, or exterior roof construction of tarpaper, gravel or metal.
- (b) Exterior colors shall be of a flat or semi-gloss type and shall be limited to subdued tones. Colors shall be compatible with surrounding homes. Exterior colors must be approved in writing by the Architectural Committee prior to application. No bright colors, such as, by way of example but not limitation, yellow, pink or blue, will be allowed.
- (c) The Committee shall not approve any plans which contemplate visible construction with blocks of cement, cinder, pumice or similar materials,

unless the same is faced on the outside with wood, stone, stucco or similar materials and approved in writing by the Committee.

- (d) The Committee shall not approve any extreme, bizarre, or eccentric design or construction.
- (e) All roofs must have a pitch of at least 5/12. (Porches and covered patio roof pitch shall be addressed on a case by case basis in context with the overall appearance of the structure.)
- (f) Exterior surfaces of chimneys are to be of hardboard, stucco, wood, stone or brick.
- (g) Utility meters are to be placed in an unobtrusive location and concealed behind fences where possible. Location shall be shown on the site plan.
- (h) As required by the Development Agreement, front elevation must have some type of brick, stucco, or stone as approved by the Architectural Control Committee.

Said requirements as to the approval of the architectural design shall apply only to the exterior appearance of the Improvements. This Declaration is not intended to serve as authority for the Architectural Committee to control the interior layout or design of residential structures except to the extent incidentally necessitated by use, size and height restrictions.

4.1.3 Setbacks and Height. No residential or other structure (exclusive of fences and similar structures) shall be placed nearer to the Building Lot lines or built higher than permitted by the Plat for the Tract in which the Building Lot is located, by any applicable zoning restriction, by any conditional use permit, or as may be specified in this Declaration or any Supplemental Declaration, whichever is more restrictive. This section is intended to comply with the building standards for the City of Kuna, Idaho. Any and all buildings shall comply, at a minimum, with City of Kuna Building Codes.

4.1.4 Accessory Structures. Detached garages shall be allowed if in conformity with the provisions of this Declaration, and as approved by the Architectural Committee. No pools, pool slides, diving boards, hot tubs, spas, outbuildings, or similar items shall extend higher than ten (10) feet above the finished graded surface of the Building Lot upon which such item(s) are located, and no playhouses or playground equipment shall extend higher than ten (10) feet, except for basketball backboards, which may extend beyond this limit as reasonably required to accommodate a ten (10) foot rim.

4.1.5 Driveways. All access driveways shall have a wearing surface approved by the Architectural Committee consisting of concrete and shall be properly graded to assure proper drainage. No driveway shall be wider than the garage to which said driveway leads unless approved by the Architectural Committee.

- 4.1.6 Mailboxes.** All mailbox stands will be of consistent design, material and coloration as specified by the Architectural Committee. All mailboxes shall be standard sized black galvanized steel rural mailboxes and to assure uniformity, shall be located at places designated by the Architectural Committee and/or the Postal Service.
- 4.1.7 Fencing.** As required by the Development Agreement, street side fencing shall be installed on a Building Lot within sixty (60) days after occupancy permit, with wing fencing on interior lots, and wing fencing plus street side fencing on corner lots. Wing fencing shall be set back five (5) feet from each corner of the front of the residential structure, and street side fencing shall be set back ten (10) feet from the sidewalk. Subject to the foregoing, no fence, hedge or boundary wall situated anywhere upon a Building Lot shall have a height greater than six (6) feet, or other lesser height as the Architectural Committee may require, above the finished graded surface. Fencing using natural landscaping as a visual and/or privacy barrier is strongly encouraged. "Invisible" fencing to control and contain dogs is strongly encouraged and shall be allowed. No fence shall be constructed of any material other than 6 foot dog eared cedar fencing, nor finished in any finish other than Columbia, True Walnut stain or the equivalent, except as may be specifically approved in writing by the Architectural Committee prior to construction. Any and all fencing shall comply with City of Kuna Building Codes.
- 4.1.8 Lighting.** Exterior lighting, including flood lighting, shall be part of the architectural concept of the Improvements on a Building Lot. Fixtures, stands and all exposed accessories shall be harmonious with building design and shall be as approved by the Architectural Committee prior to installation. Lighting shall be restrained in design, and excessive brightness shall be avoided. During construction of the residential structure, as required by the Development Agreement, there shall be installed in the front yard within ten feet of the front boundary line a photosensitive pole light designed to switch on automatically at sunset and off at sunrise with a minimum bulb power of 60 watts. Said pole light shall be at least five (5) feet in height.
- 4.2 Antennae.** No exterior radio antenna, television antenna or other antenna of any type shall be erected or maintained on the Property unless it is approved by the Architectural Committee and located or screened in a manner acceptable to said Architectural Committee. Satellite dishes shall be allowed on the Property if size and location are submitted and approved by the Architectural Committee prior to installation. All such applications will be reviewed on a case-by-case basis.
- 4.3 Insurance Rates.** Nothing shall be done or kept on any Building Lot which will increase the rate of insurance on any other portion of the Property without the approval of the Owner of such other portion, nor shall anything be done or kept on the Property or a Building Lot which would result in the cancellation of insurance or which would be in violation of applicable laws, regulations, and ordinances.

- 4.4 **No Further Subdivision.** Subject to the express provisions in this Declaration regarding easements, and subject to Section 4.20 below (Exemption of Grantor), no Building Lot as depicted on a final recorded Plat of the Property may be further subdivided, nor may any easement or other interest therein be granted, unless applied for or granted by Grantor.
- 4.5 **Signs.** No sign of any kind shall be displayed to the public view without the approval of the Architectural Committee except: (i) such signs as may be used by Grantor in connection with the development of the Property and sale of Building Lots or new homes thereon; (ii) temporary signs naming the contractors, the architect, and the lending institution for a particular construction operation; (iii) such informational signs of customary and reasonable dimensions as prescribed by the Architectural Committee; and (iv) one (1) temporary sign of customary and reasonable dimensions not to exceed three (3) feet by two (2) feet as may be displayed by an Owner other than Grantor on or from a Building Lot advertising the residence for sale or lease.
- 4.6 **Nuisances.** No rubbish or debris of any kind shall be placed or permitted to accumulate anywhere upon the Property, and no odor shall be permitted to arise therefrom so as to render the Property or any portion thereof unsanitary, unsightly, offensive or detrimental to the Property or to its occupants, or to any other property in the vicinity thereof or to its occupants. No noise or other nuisance shall be permitted to exist or operate upon any portion of the Property so as to be offensive or detrimental to the Property or to its occupants or to other property in the vicinity or to its occupants. Without limiting the generality of any of the foregoing provisions, no exterior speakers, horns, whistles, bells or other sound devices (other than security devices used exclusively for security purposes), flashing lights or search lights shall be located, used or placed on the Property without the prior written approval of the Architectural Committee.
- 4.7 **Exterior Maintenance: Owner's Obligations.** No Improvement shall be permitted to fall into disrepair, and each Improvement shall at all times be kept in good condition and repair. In the event that any Owner shall permit any Improvement, including trees and landscaping, which is the responsibility of such Owner to maintain, to fall into disrepair so as to create a dangerous, unsafe, unsightly or unattractive condition, or so as to damage adjoining property or facilities, the Architectural Committee, upon fifteen (15) days prior written notice to the Owner of such property, shall have the right to correct such condition and to enter upon such Owner's Building Lot for the purpose of doing so, and such Owner shall promptly reimburse the Committee for the cost thereof. Such cost shall be a Limited Assessment and shall create an enforceable lien. The Owner of the offending Building Lot shall be personally liable, and such Owner's property may be subject to a mechanic's lien for all costs and expenses incurred by the Architectural Committee in taking such corrective acts, plus all costs incurred in collecting the amounts due. Each Owner shall pay all amounts due for such work within ten (10) days after receipt of written demand therefore.
- 4.8 **Drainage.** There shall be no interference with the established drainage pattern over any portion of the Property, unless an adequate alternative provision is made for proper drainage and is first approved in writing by the Architectural Committee. For the purposes hereof, "established" drainage is defined as the system of drainage, whether

natural or otherwise, which exists at the time the overall grading of any portion of the Property is completed by Grantor, or that drainage which is shown on any plans approved by the Architectural Committee.

- 4.9 Grading.** The Owner of any Building Lot within the Property in which grading or other work has been performed pursuant to an approved grading plan shall maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures, means or devices which are not the responsibility of the Architectural Committee or a public agency, and plantings and ground cover installed or completed thereon. Such requirements shall be subject to such assessment as may be applicable. An approved grading plan means such plan as may have been approved by the applicable government agency and/or Architectural Committee. Without limitation on the foregoing, each Building Lot Owner shall grade and maintain, or cause to be graded and maintained, the grade of such Owner's Building Lot so that all storm water runoff and/or irrigation water runoff shall not drain to any other Owner's property except to an approved drainage easement area. All Building Lots shall be graded at the time of initial construction of Improvements thereon so that the front, side and rear yards drain sufficiently away from the foundation, and so that the Building Lot drains in a manner that will not cause damage or flooding to neighboring property. All drainage shall be in accordance with all local building code requirements. In the event that any Owner (or any Owner's builder, contractor, agent or employee) does not adequately grade and slope such Owner's Building Lot, and water drains onto neighboring property and causes ponding, flooding, or other damage, the offending Owner shall be responsible to remedy the problem and shall be solely liable for any injuries or damages occurring as a result of same. Grantor shall have no liability or obligation whatsoever relating to any Owner's inadequate grading or drainage of any Building Lot.
- 4.10 Irrigation.** No Owner shall excessively irrigate or water such Owner's Building Lot, so as to cause any damage or flooding to neighboring property. Grantor shall have no liability or obligation whatsoever relating to any Owner's excessive irrigation or watering of such Owner's Building Lot. The area wherein the Property is located is desert. Irrigation water is not always reliable and water is not unlimited. Irrigation water may not be available due to drought, harsh weather conditions, governmental action, system breakdown, transmission failure, overuse by Building Lot Owners, or any other cause. No Building Lot shall have any right to continuous or unlimited water from any source, including, without limitation, from any pressurized irrigation system. Each Building Lot Owner, by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to have acknowledged the foregoing, and to covenant and agree to be bound by and to comply with any and all rules or regulations for the use and rotation of irrigation water as may be imposed by Grantor, the Association or the Board.
- 4.11 No Hazardous Activities.** No activities shall be conducted on the Property, and no Improvements constructed on any property which are or might be unsafe or hazardous to any person or property.
- 4.12 Unightly Articles.** No unsightly articles shall be permitted to remain on any Building Lot so as to be visible from any other portion of the Property. Without limiting the

generality of the foregoing, refuse, garbage and trash shall be kept at all times in such containers and in such areas as approved by the Architectural Committee. Playground equipment, such as slides, swings, etc., shall not be permitted in the front yard of any Building Lot. No clothing or fabrics shall be hung, dried or aired in such a way as to be visible to other property, and no equipment, heat pumps, compressors, containers, lumber, firewood, grass, shrub or tree clippings, plant waste, metals, bulk material, scrap, refuse or trash shall be kept, stored or allowed to accumulate on any Building Lot except within an enclosed structure or as appropriately screened from view. Any holiday decorations may be placed no earlier than 30 days prior to the holiday and must be removed within 30 days after the holiday for which they were placed. No vacant residential structures shall be used for the storage of building materials.

- 4.13 No Temporary Structures.** No house trailer, mobile home, or tent (other than for short term individual use which shall not exceed one month unless approved by the Architectural Committee), no temporary building, improvement or structure shall be placed upon any portion of the Property, except temporarily as may be required by construction activity undertaken on the Property. Also excepted from this restriction is any sales office established by Grantor for the Property.
- 4.14 No Unscreened Items.** No garbage cans, trash containers, firewood, boats, trailers, campers, all-terrain vehicles, motorcycles, recreational vehicles, bicycles, dilapidated or unrepaired and unsightly vehicles or similar items, vehicles or equipment shall be placed or parked upon any portion of the Property (including without limitation, streets, parking areas and driveways) unless the same are enclosed by a structure concealing them from view in a manner approved by the Architectural Committee. To the extent possible, garage doors shall remain closed at all times.
- 4.15 No Mining or Drilling.** No portion of the Property shall be used for the purpose of mining, quarrying, drilling, boring or exploring for or removing water, oil, gas or other hydrocarbons, minerals, rocks, stones, sand, gravel or earth. This section shall not prohibit exploratory drilling or coring which is necessary to construct a residential structure or Improvement.
- 4.16 Energy Devices, Outside.** No energy production devices, including but not limited to generators of any kind and solar energy devices, shall be constructed or maintained on any portion of the Property without the written approval of the Architectural Committee, except for heat pumps shown in the plans approved by the Architectural Committee. This section shall not apply to passive solar energy systems incorporated into the approved design of a residential structure.
- 4.17 Vehicles.** Vehicles parked on a driveway shall not extend into any sidewalk or bike path or pedestrian path. Motor homes and other recreational vehicles may be stored behind the front yard fence. No recreational vehicles shall remain parked on the driveway or street for more than is required for loading and unloading for typical use (approximately 72 hours).

4.18 Animals/Pets. No animals, birds, insects, pigeons, poultry, etc. shall be kept on the Property unless the presence of such creatures does not constitute a nuisance nor conflict with any City of Kuna ordinance. This section does not apply to the keeping of up to two (2)-domesticated dogs, up to two (2)-domesticated cats, and other household pets which do not unreasonably bother or constitute a nuisance to others. Without limiting the generality of the foregoing, consistent and/or chronic barking by dogs shall be considered a nuisance. Each dog shall be kept on a leash, curbed, and otherwise controlled at all times when such animal is off the premises of the Owner. With respect to any animal outside of the premises of the Owner, the Owner or the custodian of animal shall be responsible or the immediate clean up any animal droppings. The construction of dog runs or other pet enclosures shall be subject to Architectural Committee approval, shall be appropriately screened, and shall be maintained in a sanitary condition. Dog runs or other pet enclosures shall be placed a minimum of five (5) feet from the side and fifteen (15) feet from the rear Building Lot line, shall not be placed in any front yard of a Building Lot, and shall be screened from view so as not to be visible from an adjacent Building Lot. The use of "invisible" fencing to control or restrain dogs to the respective animal Owners' Building Lot is strongly encouraged and is recommended.

4.19 Landscaping. As required by the Development Agreement, upon substantial completion of the residential structure located thereon, each Building Lot shall have (i) in the front yard thereof, an underground sprinkler system, with rolled (sod) lawns, (ii) at least two (2), two inch (2") caliper conifer or deciduous trees, each tree to have a three foot (3') diameter surrounding tree ring, (iii) at least five (5) two (2) gallon shrubs, and (iv) if a corner lot, two (2) additional two inch (2") caliper trees installed on the street side of the residential structure with three foot (3') diameter surrounding tree ring. Within six (6) months of occupancy of the residential structure, the rear (and side, if applicable) yards of the Building Lot shall also be completed with grass, seed or sod and, in the rear yard, one (1) conifer or deciduous tree. An allowance of additional time shall be granted at the sole discretion of the Architectural Committee during the months of November through March given weather conditions and irrigation water availability. A landscape plan shall be submitted to and approved by the Architectural Committee prior to commencement of any landscaping work. In the event that any Owner shall fail or refuse to install the aforesaid landscaping, the Architectural Committee, upon ten days prior written notice to such Owner, shall have the right to enter upon such Owner's Building Lot for the purpose of installing the same, and such Owner shall promptly reimburse the Architectural Committee for the cost thereof. Such costs shall be a Limited Assessment and shall create an enforceable lien. The Owner of the offending Building Lot shall be personally liable, and such Owner's Building Lot may be subject to a mechanics' lien for all cost and expenses incurred by the Architectural Committee in taking such actions, plus all costs incurred in collecting the amounts due. The Owner of the offending Building Lot shall pay all amounts due for such work within (10) ten days after receipt of written demand thereof. The Association will assume the role of the Architectural Committee with respect to enforcement only upon the establishment of the Association.

4.20 Exemption of Grantor. Nothing contained herein shall limit the right of Grantor to subdivide or re-subdivide any portion of the Property, to grant licenses, to reserve rights-of-way and easements to utility companies, public agencies or others, or to complete

excavation, grading and construction of Improvements to and on any portion of the Property owned by Grantor, or to alter the foregoing and its construction plans and designs, or to construct such additional Improvements as Grantor deems advisable in the course of development of the Property so long as any Building Lot within the Property remains unsold, and regardless of whether a Building Lot is depicted on a final recorded Plat. Such right shall include, but shall not be limited to, erecting, constructing and maintaining on the Property such structures and displays as may be reasonably necessary for the conduct of Grantor's business of completing the work and disposing of the same by sales, lease or otherwise. Grantor shall have the right at any time prior to acquisition of title to a Building Lot by a purchaser from Grantor to grant, establish and/or reserve on that Building Lot additional licenses, reservations and rights-of-way to Grantor for the development and disposal of the Property. Grantor may use any structures owned or leased by Grantor on the Property as model home complexes or real estate sales or leasing offices. Grantor need not seek or obtain Architectural Committee approval of any Improvement constructed or placed by Grantor or an affiliate of Grantor on any portion of the Property owned by Grantor or an affiliate of Grantor. The rights of Grantor hereunder may be assigned by Grantor to any successor in interest in connection with Grantor's interest in any portion of the Property by an express written assignment recorded in the office of the Ada County Recorder. The original Grantor under this Declaration shall be entitled to reserve any such rights thereunder as such original Grantor may deem appropriate.

ARTICLE V ARCHITECTURAL COMMITTEE

- 5.1 **Creation.** On or before thirty (30) days of the date on which Grantor first conveys a Building Lot to an Owner (other than Grantor), Grantor shall appoint at least one (1) individual to serve on the Architectural Committee ("Architectural Committee"). Each member shall hold office until such time as such member has resigned or has been removed, or such member's successor has been appointed, as provided herein. A member of the Architectural Committee need not be an Owner. Members of the Architectural Committee may be removed by the person or entity appointing them at any time without cause. Members of the Architectural Committee currently are:

The Board of Directors of the Homeowner's Association or the property management company that is being used at the current time.

- 5.2 **Grantor's Right of Appointment.** Grantor shall have the exclusive right to appoint and remove all members of the Architectural Committee until Grantor has conveyed 100% of the aggregate Building Lots within the Property, as the same may be now or hereafter platted, or until ten (10) years after the recording date of this Declaration whichever occurs later. If a vacancy on the Architectural Committee occurs until a permanent replacement has been appointed, Grantor, may appoint an acting member to serve for a specified temporary period not to exceed one (1) year. The original Grantor under this Declaration shall also have the right to appoint and remove all members of the Architectural Committee for a Tract annexed pursuant to a Supplemental Declaration, as shall be set forth in such Supplemental Declaration. Any Tract annexed pursuant to a

Supplemental Declaration shall be subject only to the control of the Architectural Committee specifically appointed for the Tract annexed.

5.3 Association's Right of Appointment. After Grantor has conveyed 100% of the aggregate Building Lots within the Property, or ten (10) years after the recording date of this Declaration, whichever occurs later, the Association shall have the exclusive right to appoint and remove all members of the Architectural Committee.

5.4 Review of Proposed Construction. The Architectural Committee shall consider and act upon any and all proposals or plans and specifications submitted for its approval pursuant to this Declaration, including the inspection of construction in conformance with plans approved by the Architectural Committee. The Architectural Committee shall have the power to determine, by rule or other written designation consistent with this Declaration, which types of Improvements shall be submitted for Architectural Committee review and approval. The Architectural Committee shall have the power to hire an architect, licensed with the State of Idaho, to assist the Architectural Committee in its review of proposals or plans and specifications submitted to the Architectural Committee. The Architectural Committee shall approve proposals or plans and specifications submitted for its approval only if it deems that the construction alterations, or additions contemplated thereby in the locations indicated are in conformity with this Declaration, and that the appearance of any structure affected thereby will be in harmony with the surrounding structures, and that the upkeep and maintenance thereof will not become a burden on Grantor, the Association, or the Property, as the case may be.

5.4.1 Conditions on Approval. The Architectural Committee may condition its approval of proposals or plans and specifications upon such changes therein as it deems appropriate, and/or upon the agreement of the Owner submitting the same ("Applicant") to grant appropriate easements for the maintenance thereof, and may require submission of additional plans and specifications or other information before approving or disapproving any material submitted.

5.4.2 Architectural Committee Rules. The Architectural Committee also may establish rules and/or guidelines setting forth procedures for and the required content of the applications and plans submitted for approval. Such rules and guidelines may establish, without limitation, specific rules and regulations regarding design and style elements, landscaping and fences and other structures such as animal enclosures, as well as special architectural guidelines applicable to Building Lots located adjacent to public and/or private open space.

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

- 5.4.4 Architectural Committee Decisions.** Responses by the Architectural Committee to the Applicant will be sent to the address set forth in the application for approval within twenty (20) days after filing all materials required by the Architectural Committee. Any materials submitted pursuant to this Article shall be deemed approved unless written disapproval by the Architectural Committee shall have been mailed or otherwise delivered to the Applicant within twenty (20) days after the date of filing of all of said materials with the Architectural Committee.
- 5.5 No Waiver of Future Approvals.** The approval of the Architectural Committee of any proposals or plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring the approval and consent of the Architectural Committee, shall not be deemed to constitute a waiver of any right to withhold approval or consent.
- 5.6 Compensation of Members.** The members of the Architectural Committee shall receive no compensation for services rendered, other than reimbursement for expenses incurred by them in the performance of their duties hereunder and except as otherwise agreed by Grantor or the Association.
- 5.7 Non-Liability of Architectural Committee Members.** Neither the Architectural Committee nor any member or representative thereof shall be liable to Grantor, the Association, any Owner or any other party for any loss, damage or injury arising out of or in any way connected with performance of the Architectural Committee's duties hereunder, unless due to the willful misconduct or bad faith of the Architectural Committee or such member or representative. The Architectural Committee shall review and approve or disapprove all plans submitted to it for any proposed improvement, alteration or addition, solely on the basis of aesthetic considerations and the overall benefit or detriment which would result to the immediate vicinity and to the Property generally. The Architectural Committee shall take into consideration the aesthetic aspects of the architectural designs, placement of building, landscaping, color schemes, exterior finishes and materials and similar features, but shall not be responsible for reviewing, nor shall its approval of any plan or design be deemed approval of, any plan or design from the standpoint of structural safety or conformance with building or other codes.
- 5.8 Variances.** The Architectural Committee may authorize variances from compliance with any of the architectural provisions of this Declaration or any Supplemental Declaration, including restrictions upon height, size, floor area or placement of structures, or similar restrictions, when circumstances such as topography, natural obstructions, hardship, aesthetic, market conditions, or environmental considerations may require. Such variances must be evidenced in writing, and must be signed by at least one (1) member of the Architectural Committee. If such variances are granted, no violation of the covenants, conditions or restrictions contained in this Declaration or any Supplemental Declaration shall be deemed to have occurred with respect to the matter for which the variance was granted. The granting of such a variance shall not operate to waive any of the terms and provisions of this Declaration or any Supplemental Declaration for any purpose except as to the particular Building Lot and particular provision hereof covered

by the variance, nor shall it affect in any way the Owner's obligation to comply with all governmental laws and regulations affecting such Owner's use of the Building Lot, including but not limited to zoning ordinances or requirements imposed by any governmental or municipal authority.

ARTICLE VI ANNEXATION AND DELETION OF TRACTS

- 6.1 **Annexation.** Grantor also intends to develop the property described on Exhibit "B" attached hereto and incorporated herein by this reference. Tracts of such property may be annexed into the Property and brought within the provisions of this Declaration as provided herein by Grantor, its successors or assigns, at any time, and from time to time, without the approval of any Owner by means of Grantor's recordation of a Supplemented Declaration of Annexation covering such Tract in the Office of the Ada County Recorder. The use and development of such Tracts shall conform to all applicable land use regulations, as such regulations are modified by variances. The original Grantor under this Declaration, as long as it owns any portion of the property described on Exhibit "B," without the approval of any Owner of any successor Grantor, shall be entitled to annex any Tract of such property, at any time, and from time to time, as such original Grantor deems appropriate. Such reserved right of annexation may be assigned by such original Grantor.
- 6.2 **Deletion.** Grantor may delete all or a portion of the Property, including the property described on Exhibit "A", and subsequently annexed Tracts, from the Property and from coverage of this Declaration so long as Grantor is the Owner of all such property being deleted and provided that Grantor records a Supplemental Declaration of Deletion in the office of the Ada County Recorder in the same manner as a Supplemental Declaration of Annexation. Owners other than Grantor shall not be entitled to delete all or any portion of the Property on written approval of Grantor so long as Grantor owns any portion of the Property. The original Grantor under this Declaration, as long as it owns all of the property within a Tract being deleted, shall be entitled to delete such Tract as aforesaid. Such reserved right of deletion may be assigned by such original Grantor.

ARTICLE VII EASEMENTS

- 7.1 **Drainage and Utility Easements.** Grantor expressly reserves for the benefit of all the Property reciprocal easements of access, ingress and egress for all Owners to and from their respective Building Lots for installation and repair of utility services, for drainage of water over, across and upon adjacent Building Lots resulting from the normal use of adjoining Building Lots, and for necessary maintenance and repair of any Improvement including fencing, retaining walls, lighting facilities, mailboxes and sidewalk abutments, trees and landscaping. Notwithstanding anything expressly or impliedly contained herein to the contrary, this Declaration shall be subject to all easements heretofore or hereafter granted by Grantor for the installation and maintenance of utilities and drainage facilities that are required for the development of the Property, and Grantor reserves the right to grant such easements. In addition, Grantor reserves the right to grant additional

easements and rights-of-way over the Property to utility companies and public agencies as necessary or expedient for the proper development of the Property until close of escrow for the sale of the last Building Lot in the Property to a purchaser.

- 7.2 **Maintenance and Use Easement Between Walls and Lot Lines.** Whenever the wall of a structure or a fence or retaining wall is legitimately constructed on a Building Lot under plans and specifications approved by the Architectural Committee, and is located within three (3) feet of the lot line of such Building Lot, the Owner of such Building Lot is hereby granted an easement over and on the adjoining Building Lot (not to exceed three (3) feet from the Building Lot line) for purposes of maintaining and repairing such wall or fence and eaves or other overhangs, and the Owner of such adjoining Building Lot is hereby granted an easement for landscaping purposes over and on the area lying between the lot line and such structure or fence so long as such use does not cause damage to the structure or fence.
- 7.3 **Easement Reserved unto Grantor and Association.** Grantor and the Association, as the case may be, shall have and are hereby granted a permanent easement to go upon the privately owned property of Owners to perform maintenance upon the Property, or any facilities or systems related thereto, and including, but not limited to, for purposes of snow removal, lawn maintenance, utility service and drainage system maintenance, subterranean irrigation water system maintenance and perimeter fence (if any) maintenance, together with all rights of ingress and egress necessary for the full and complete use, occupation and enjoyment of the easements hereby reserved, and all rights and privileges incident thereto, including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the use, occupation or enjoyment of the reserved easement and the operation, maintenance and repair of utility service connections and drainage systems. Without limitation on the foregoing, in the event an Owner shall fail or refuse to perform its maintenance or repair obligations as required under this Declaration, Grantor or the Association, as the case may be, shall have the power to enter onto said Owner's Building Lot for the purpose of performing such maintenance or repairs as may be reasonably required and shall have the power to incur expenses therefore; provided, however, that Grantor or the Board of Directors of the Association, as the case may be, shall have delivered to such Owner reasonable advance written notice describing the maintenance or repairs required to be made and advising the Owner of Grantor's or the Association's intent to perform such maintenance and repairs if the Owner fails or refuses to do so within the time set forth in such notice. The cost incurred by Grantor or the Association in performing such maintenance or repairs shall be a Limited Assessment and shall create an enforceable lien.

ARTICLE VIII CHAPPAROSA RIDGE SUBDIVISION HOMEOWNER'S ASSOCIATION, INC.

- 8.1 **Organization of Association; Bylaws.** The CHAPPAROSA RIDGE SUBDIVISION Homeowner's Association, Inc. (Association) shall be organized by Grantor as an Idaho corporation under the provisions of the Idaho Code relating to general non-profit

corporations and shall be charged with the duties and invested with the powers prescribed by law and set forth in the Articles, the Bylaws and this Declaration. Neither the Articles nor the Bylaws shall, for any reason, be amended or otherwise changed or interpreted so as to be inconsistent with this Declaration. The following sections of this Article VIII set forth, collectively, the Bylaws of the Association (“Bylaws”).

8.2 Membership: Register: Voting.

8.2.1 Membership. The Owners of the Building Lots within the Property, including the property described on Exhibit “A” and any subsequently annexed Tracts from the property described on Exhibit “B,” shall constitute the Association. Each Owner of a Building Lot shall automatically become a member of the Association upon taking title to such Building Lot. Membership shall be appurtenant to and may not be separated from Ownership of any Building Lot.

8.2.2 Voting. The Association shall have two (2) classes of voting membership:

Class A: The Class A members shall be all Owners, with the exception of Grantor (during the period when Grantor is a Class B member). Each Class A member shall be entitled to one vote for each Building Lot owned on any matter to come before the members for a vote pursuant to this Declaration, the Articles, the Bylaws or pursuant to law. Owners of a Building Lot as joint tenants, tenants in common, community property, or other ownership involving more than one Owner, shall be joint members of the Association, but the vote of the Building Lot shall be cast as a single vote.

Class B: The sole Class B member shall be Grantor, who shall be entitled to three (3) votes for each Building Lot owned. The Class B membership shall cease and be automatically converted to Class A membership (one Class A membership for each Building Lot owned) when all the Tracts have been added to the Property by recordation of the Supplemental Declaration of Annexation and when following such addition, the total votes outstanding in Class A memberships equal the total votes outstanding in the Class B membership. For purposes of calculating the number of votes outstanding in each class of membership, all Building Lots, which have been officially platted as of the date the vote is taken shall be included, whether such Building Lots are a part of the Property as described on Exhibit “A” attached hereto, or were subsequently added to the Property pursuant to a Supplemental Declaration of Annexation.

8.2.3 Persons Under Disability. Minors and persons declared legally incompetent shall be eligible for membership in the Association, if otherwise qualified, but shall not be permitted to vote except through a legally appointed, qualified and acting guardian of their estate voting on their behalf, or, in the case of a minor with no legal guardian of such minor’s estate, through a parent having custody of the minor.

8.3 Meeting of Members.

- 8.3.1 Place.** Meetings of the members of the Association shall be held at such suitable place as may be convenient to the membership and designated from time to time by the Board.
- 8.3.2 Annual Meetings.** The annual meeting of the Association shall be held in the first quarter of each year, on a date fixed by the Board. At such annual meeting, there shall be a financial report, if applicable, the Owners shall elect members to the Board or fill vacancies therein, and such other business shall be transacted as may properly come before the meeting.
- 8.3.3 Special Meetings.** It shall be the duty of the president to call a special meeting of the Association as directed by resolution of the Board or upon the written request of a majority of the Board or upon the written request of Owners having one-third (1/3) of the votes of the membership. A meeting called at the request of the members shall be held at such time as the president may fix, which time shall not be less than fifteen (15) nor more than thirty (30) days after the receipt of the written request therefore.
- 8.3.4 Notice of Meeting.** It shall be the duty of the secretary to give notice of each annual and special meeting, stating the purpose thereof and the time and place where it is to be held, to each member of the Association and to each mortgagee that has requested notice. Notice shall be given at least ten (10) days before annual meetings and at least ten (10) days before special meetings. Before any meeting of the Association, any member may, in writing, waive notice of such meeting. Attendance by a member at a meeting of the Association shall be a waiver by such member of timely and adequate notice unless such member expressly challenges the notice when the meeting begins.
- 8.3.5 Quorum.** The presence in person or by proxy of members of the Association holding twenty-five percent (25%) of all the votes of each class of membership shall constitute a quorum for the transaction of business at any meeting of members of the Association.
- 8.3.6 Proxies.** Any Building Lot Owner may vote by proxy. Proxies shall be in writing, signed by the owner and filed with the Board. Proxies may be revoked at any time by written notice to the Board. Any designation of proxy may be signed by all Owners of a Building Lot; but when husband and wife are Owners, the proxy needs to be signed by only one spouse unless the other spouse notified the Board not to accept the proxy.
- 8.3.7 Majority Vote.** Except as otherwise provided by statute, by this Declaration, or by the Bylaws, passage of any matter submitted to vote at a meeting where a quorum is in attendance shall require the affirmative vote of at least fifty-one percent (51%) of the votes of the membership.
- 8.3.8 Order of Business.** The order of business at meetings of the Association shall be as follows unless dispensed with no motion:

- (a) Roll call;
- (b) Proof of notice of meeting or waiver of notice;
- (c) Minutes of preceding meeting;
- (d) Reports of officers;
- (e) Reports of committees;
- (f) Election of directors (annual meeting or special meeting called for such purpose);
- (g) Unfinished business;
- (h) New business;
- (i) Adjournment.

8.3.9 Parliamentary Authority. In the event of dispute, the parliamentary authority for the meetings shall be the most current available edition of Robert's Rules of Order.

8.4 Board of Directors

8.4.1 Number and Qualifications. The affairs of the Association shall be governed by a Board of three (3) directors, who shall be elected by ballot from the members of the Association. The members of the Association at any annual meeting may change the number of directors retroactively by amending this provision, but shall not reduce the number below three (3) or in such a manner to deny an incumbent director (unless removed for cause) a full term of office.

8.4.2 Powers and Duties. The Board shall have the powers and duties provided for in the Idaho Non-Profit Corporation Act and in this Declaration, and all other powers necessary for the administration of the affairs of the Association, and may do all such acts and things as are not prohibited by statute or by this Declaration required to be done in another manner.

8.4.3 Election and Term of Office. The initial directors named in the Articles shall serve until the first day of the calendar month following the date of adjournment of the first annual meeting. Thereafter, the term of office for directors shall begin on the first day of the calendar month following the date of adjournment of the annual meeting at which they are elected. The normal term of office for directors will be for three (3) years and until their successors are elected and take office. However, to provide for staggered terms, at the first annual meeting, one-third (1/3) of the number of directors (or the whole number nearest to one-third) shall be elected for one (1) year, the same number shall be elected for two (2) years, and the remainder shall be elected for three (3) years.

- 8.4.4 Vacancies.** Vacancies on the Board caused by reasons other than the removal of a director by a vote of the Association shall be filled by vote of the majority of the remaining directors, even though they may constitute less than a quorum. Each person so selected shall be a director until a successor is elected at the next annual meeting of the Association to serve the balance of the unexpired term.
- 8.4.5 Removal of Directors.** At any regular or special meeting, any one or more of the directors may be removed with or without cause by the Owners of a majority of the Building Lots and a successor may then and there be elected to fill the vacancy thus created and to serve the balance of the unexpired term. Any director whose removal has been proposed shall be given an opportunity to be heard at the meeting.
- 8.4.6 Compensation.** No compensation shall be paid to directors for their services as directors.
- 8.4.7 Regular Meetings.** Regular meetings of the Board may be held at such time and place as shall be determined from time to time by a majority of the directors. Notice of regular meetings of the Board shall be given to each director personally or by mail, telephone or telegraph, at least three (3) days before the day fixed for the meeting.
- 8.4.8 Special Meetings.** Special meetings of the Board may be called by the president on three (3) days notice to each director, given personally or by mail, telephone or telegraph, which notice shall state the time, place and purpose of the meeting. Special meetings of the Board shall be called by either the president or the secretary in like manner and on like notice on the written request of any two (2) directors.
- 8.4.9 Waiver of Notice.** Before any meeting of the Board, any director may, in writing, waive notice of such meeting. Attendance by a director at any meeting of the Board shall be a waiver by such director of timely and adequate notice unless such director expressly challenges the notice when the meeting begins.
- 8.4.10 Quorum.** At all meetings of the Board, a majority of the directors shall constitute a quorum for the transaction of business, and the acts of the majority of the directors present at a meeting at which a quorum is present shall be the acts of the Board.
- 8.4.11 Open Meeting.** Any Building Lot Owner may attend any meeting of the Board, but shall not be entitled to participate.

8.5 Officers

- 8.5.1 Designation.** The principal officers of the Association shall be a president, a vice president, a secretary and a treasurer, all of whom shall be elected by the Board. The directors may appoint such other officers as in their judgment may be necessary or desirable. Two or more offices may be held by the same person,

except that a person may not hold offices of president and secretary simultaneously.

8.5.2 Election of Officers. At any regular meeting of the Board or at any special meeting of the Board called for such purpose, upon an affirmative vote of a majority of the members of the Board, any officer may be elected at any such meeting.

8.5.3 Removal of Officers. At any regular meeting of the Board or at any special meeting of the Board called for such purpose, upon an affirmative vote of a majority of the members of the Board, any officer may be removed, either with or without cause. A successor to the removed officer may be elected at any such meeting.

8.5.4 President. The president shall be the chief executive officer of the Association. He shall, when present, preside at all meetings of the Association and of the Board and shall have all the powers and duties usually vested in the office of the president.

8.5.5 Vice President. The vice president shall perform the duties of the president when the president is absent or unable to act, and shall perform such other duties as may be prescribed by the Board.

8.5.6 Secretary. The secretary shall keep the minutes of all meetings of the board and of the Association, and shall have custody of the business records of the Board and the Association, other than financial records kept by the treasurer. He shall also perform such other duties as may be prescribed by the Board.

8.5.7 Treasurer. The treasurer shall have responsibility of the Association funds and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association.

8.5.8 Other Officers and Employees. Other officers of the Association and any persons employed to assist the officers shall have such authority and shall perform such duties as the Board may prescribe within the provisions of the applicable statutes, this Declaration and the Bylaws.

8.5.9 Compensation. No compensation shall be paid to officers for their services as officers.

8.5.10 Grantor's Powers. In accordance with this Declaration, Grantor or Grantor's agent may exercise the powers of the officers until officers are elected.

8.6 Powers and Duties of the Association

8.6.1 Powers. The Association shall have all the powers of a nonprofit corporation organized under the general non-profit corporation laws of the State of Idaho subject only to such limitations upon the exercise of such powers as are expressly

set forth in the Articles, the Bylaws and this Declaration, and may do and perform any and all acts which may be necessary or proper for, or incidental to the proper management and operation of the Common Areas and the performance of the other responsibilities herein assigned, including without limitation, as set forth in the following subsections:

- (a) **Assessments.** The power to levy assessments (annual, special and limited) on the Owners of Building Lots and to force payment of such assessments, all in accordance with the provisions of this Declaration.

- (b) **Right of Enforcement.** The Association or any Owner or the owner of any recorded mortgage upon any part of the Property shall have the right to enforce, by any proceedings at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. In addition to the foregoing, the Association shall be entitled to impose a monetary penalty, not to exceed the sum of \$25.00 per day, against an Owner who has caused or permitted a violation of any of the restrictions, conditions or covenants contained herein, provided that the Owner is given fifteen (15) days advance written notice of the proposed monetary penalty and a timely opportunity to be heard on the matter. The opportunity to be heard may, at the election of such Owner, be oral or in writing. The notice shall be given personally to such Owner or sent by first class or certified mail to the last known address of such Owner as shown in the records of the Association and shall state the place, date and time of the hearing. The hearing shall be conducted by the Board of Directors of the Association or by a committee composed of not less than three (3) persons appointed by the Board of Directors. Such hearing shall be conducted in good faith and in a fair and reasonable manner. Any Owner challenging the monetary penalty imposed as provided herein, including and claim alleging defective notice, must commence legal action within one (1) year after the date of the imposition of the said penalty. Any monetary penalty imposed as provided herein shall become a part of the assessment to which such Owner's Building Lot is subject, shall be in addition to any assessments levied by the Association pursuant to the provisions of ARTICLE IX of this Declaration, and shall not be subject to any of the requirements, limitations or restrictions on the amount or uniformity of assessments contained herein. In the event the Association or an Owner is required to initiate any action to enforce the provisions of this Declaration or in the event the Association retains legal counsel in connection with any of its methods of enforcement as set forth herein, the Association or the enforcing Owner shall be entitled to recover from the Owner against whom an enforcement is sought, all attorney fees and costs incurred as a consequence hereof, whether or not any lawsuit is actually filed, and any such attorney fees and costs so incurred by the Association shall be added to and become a part of the assessment to which such Owner's Lot is subject. Failure by an Association, or by any Owner, to enforce any

covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

- (c) **Delegation of Powers.** The authority to delegate its powers and duties to committees, officers, employees or to any person, firm or corporation to act as manager. Neither the Association nor the members of its Board shall be liable for any omission or improper exercise by the manager of any such duty or power so delegated.
- (d) **Association Rules.** The power to adopt, amend and repeal by majority vote of the Board such rules and regulations as the Association deems reasonable ("Association Rules"). The Association Rules shall govern the use of the Common Area by the Owners, families of an Owner, or by an invitee, licensee, lessee, or contract purchaser of an Owner, provided, however, the Association Rules may not discriminate among Owners and shall not be inconsistent with this Declaration, the Articles or the Bylaws. In the event of any conflict between (i) any Association Rule and (ii) any provision of this Declaration, the Articles or the Bylaws, the Association Rules shall be superseded by the provisions of this Declaration, the Articles or the Bylaws to the extent of any such conflict. A copy of the Association Rules, as they may from time to time be adopted, amended or repealed, may, but need not be mailed or otherwise delivered to each Owner, or recorded. Upon such mailing, delivery or recordation, said Association Rules shall have the same force and effect as if they were set forth in and were a part of the Restrictions. In addition, as to any Owner having actual knowledge of any Association Rules, such Association Rules shall have the same full force and effect and may be enforced against such Owner.
- (e) **Emergency.** The Association or any person authorized by the Association may enter upon any Building Lot in the event of any emergency involving illness or potential danger to life or property or when necessary in connection with any maintenance or construction for which it is responsible. Such entry shall be made with as little inconvenience to the Owners as practicable and any damage caused thereby shall be repaired by the Association.
- (f) **Licenses, Easements and Rights-of-Way.** The power to grant and convey to any third party such licenses, easements and rights-of-way in, on or under the Common Area as may be necessary or appropriate for the orderly maintenance of the Common Area or the preservation of the health, safety convenience and welfare of the Owners, or for the purpose of constructing, erecting, operating or maintaining:
 - (i) Underground lines, cables, wires, conduits and other devices for the transmission of electricity for lighting, heating, power, telephone and other purposes;

- (ii) Public sewer, storm drains, water drains and pipes, water systems, sprinkling systems, water, heating and gas lines or pipes; and
- (iii) Any similar public or quasi-public improvements or facilities.

The right to grant such licenses, easements and rights-of-way are hereby expressly reserved to the Association.

(g) **Duties of the Association.** In addition to the power delegated to it by the Articles and the Bylaws, without limiting the generality thereof, the Association or its agent, if any, shall have the obligation to conduct all business affairs of common interest to all Owners, and to perform each of the following duties:

- (i) **Operation and Maintenance of Common Area.** Operate, maintain and otherwise manage or provide for the operation, maintenance and management of the Common Area including the repair and replacement of property damaged or destroyed by casualty loss and all other property acquired by the Association.
- (ii) **Taxes and Assessments.** Pay all real and personal property taxes and assessments separately levied against the Common Area owned and managed by the Association or against the Association and/or any property owned by the Association. Such taxes and assessments may be contested or compromised by the Association; provided, however, that they are paid or a bond insuring payment is posted prior to the sale or disposition of any property to satisfy the payment of such taxes. In addition, the Association shall pay all other taxes, federal, state or local, including income or corporate taxes levied against the Association in the event that the Association is denied the status of a tax exempt corporation.
- (iii) **Water and Other Utilities.** Acquire, provide and/or pay for water, sewer, garbage disposal, refuse and rubbish collection, electrical, telephone and gas and other necessary services for the Common Area and other property owned or managed by the Association.
- (iv) **Insurance.** Obtain from reputable insurance companies authorized to do business in the State of Idaho and maintain in effect the following policies of insurance:

- (a) Comprehensive public liability insurance insuring the Board, the Association Grantor and the individual Owners and agents and employees of each of the foregoing against any liability incident to the ownership and/or use of the Common Area or other property owned or managed by the Association. Limits of liability of such coverage shall be as follows: Not less than Five Hundred Thousand Dollars (\$500,000.00) per person and Five Hundred Thousand Dollars (\$500,000.00) per occurrence with respect to personal injury or death, and property damage.
- (b) Such other insurance including Worker's Compensation insurance to the extent necessary to comply with all applicable laws and indemnity, faithful performance, fidelity and other bonds as the Board shall deem necessary or required to carry out the Association functions or to insure the Association against any loss from malfeasance or dishonesty of any employee or other person charged with the management or possession of any Association funds or other property.
- (c) The Association shall be deemed trustee of the interest of all Members of the Association in any insurance proceeds paid to it under such policies, and shall have full power to receive their interests in such proceeds and to deal therewith.
- (d) Insurance premiums for the above insurance coverage shall be deemed a common expense to be included in the annual assessments levied by the Association.
- (e) Notwithstanding any other provisions herein, the Association shall continuously maintain in effect such casualty, flood and liability insurance and a fidelity bond meeting the insurance and fidelity bond requirements of the Federal Housing Administration, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association and the Veterans Administration to the extent applicable to the Property and/or the Association.

- (v) **Rule Making.** Make, establish, promulgate, amend and repeal the Association Rules.
- (vi) **Architectural Committee.** Appoint and remove members of the Architectural Committee, all subject to the provisions of this Declaration.
- (vii) **Drainage Systems.** Operate, maintain, repair and replace all drainage and sprinkler systems installed on or used in connection with Common Area, provided said improvements are not maintained by the appropriate municipality.
- (viii) **Rights-of-Way Maintenance.** Maintain, repair and replace all irrigation lines or channels located in or serving the Common Area, and to pay all maintenance and construction fees of the irrigation district with respect to the property, which amounts shall be assessed against each Building Lot as provided herein.

8.7 Handling of Funds

8.7.1 Accounts. The Association shall establish the necessary funds or accounts to provide properly for the operation and maintenance of the Association. Overall superintendence of these funds shall be the responsibility of the treasurer of the Association. All accounts with banks or other depositories shall require the signature of two (2) officers on checks or other withdrawals.

8.8 Amendment. The Bylaws may be altered, amended or repealed and new Bylaws may be adopted by the Board of Directors or by the members of the Association at any regular or special meeting; provided, however, that any amendment of the Bylaws shall be subject to the limitations set forth in this Declaration.

ARTICLE IX COVENANT FOR MAINTENANCE ASSESSMENTS

9.1 Creation of the Lien and Personal Obligation of Assessments. For each Building Lot owned within the Property, each Owner (subject to the provision in Section 9.4) by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association:

- (a) Set-up fee to be collected at the close of each Building Lot in the amount One Hundred and no/100 (\$100.) payable to the Grantor. Upon each transfer of any Building Lot and recording of the deed, each buyer at closing shall pay to the Association a special transfer assessment of twenty five and no/100 (\$25.)
- (b) Annual regular assessments.

- (c) Special assessments for capital improvements, such assessments to be established and collected as herein provided.
- (d) Limited Assessments as herein provided.

The set-up fee, annual, special and Limited Assessments, together with interest as allowed by this Declaration, the Bylaws or Idaho law, whichever is greater, costs and reasonable attorneys' fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, costs and reasonable attorneys' fees incurred in a collection effort, whether or not suit has been filed, shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment fell due. The personal obligation for delinquent assessment shall not pass to an Owner's successors in title unless expressly assumed by them.

9.1.1 Purpose of Assessments. The regular assessments levied by the Association shall be used exclusively to promote the recreation, health, safety and welfare of the residents of the Property and for the improvement and maintenance of the Common Area, and to pay the annual assessments of the irrigation district and other financial obligations.

9.1.2 Special Assessments for Capital Improvements. In addition to the annual regular assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Area, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of at least two-thirds (2/3) of the votes of the membership, either in person or by proxy at a meeting duly called for this purpose.

9.1.3 Limited Assessments. Limited Assessments may be levied against any Owner in an amount equal to the costs and expenses incurred by Grantor or the Association, including, without limitation, legal fees, whether or not suit has been filed, for any corrective action taken by Grantor or the Association pursuant to this Declaration or otherwise as necessitated by any intentional or negligent act or omission by any such Owner or the occupant of such Owner's Building Lot, or the agents, contractors or employees thereof. Such costs and expenses shall include, without limitation, costs and expenses incurred for the repair and replacement of Common Area or other property owned or maintained by Grantor or the Association, and for landscaping performed by Grantor or the Association which has not been performed by such Owner as provided herein.

9.2 Maximum Annual Assessment Until January 1 of the year immediately following the conveyance of the first Building Lot to an Owner, the maximum annual regular assessment shall be One Hundred fifty and no/100 (\$150.) per Building Lot, to be billed and paid monthly, quarterly, semi-annually, or annually. Said billing schedule shall be determined at the discretion of the Board of Directors

- (a) From and after January 1 of the year immediately following the conveyance of the first Building Lot to an Owner, the maximum annual assessment may be increased each year not more than ten percent (10%) above the maximum assessment for the previous year without a vote of the membership of the Association as provided below.
- (b) From and after January 1 of the year immediately following the conveyance of the first Building Lot to an Owner, the maximum annual assessment may be increased above ten percent (10%) by a vote of three-fourths (3/4) of the votes of the membership, at a meeting duly called for this purpose.
- (c) The Board of Directors may fix the annual assessment at an amount not in excess of the maximum.

- 9.3 Notice and Quorum for any Action Authorized Under Sections 9.1 and 9.2.** Written notice of any meeting called for the purpose of taking any action authorized under Sections 9.1 and 9.2 shall be sent to all members not less than fifteen (15) days nor more than sixty (60) days in advance of the meeting. At the first such meeting called, the presence of members or of proxies entitled to cast fifty-one percent (51%) of the votes of the membership shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.
- 9.4 Uniform Rate of Assessment.** Both annual and special assessments must be fixed at a uniform rate for all Building Lots and may be collected on a semi-annual basis; provided, however, that during the time there is a Class B member, such Class B member's obligation shall be limited to the difference between the amount of regular and special assessments levied against all Building Lots not owned by Grantor and the amount of the Association's actual expenses rather than those sums otherwise due by Class A members established in 9.1 and/or 9.2 above.
- 9.5 Date of Commencement of Annual Assessments-Due Dates.** The annual regular assessments provided for herein shall commence as to all Building Lots on January 1, 2004. The Board of Directors shall fix the amount of the annual assessment against each Building Lot at least thirty (30) days in advance of each annual assessment period. Written Notice of the annual assessment shall be sent to every Owner subject thereto. The due dates shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Building Lot have been paid. A properly executed certificate of the Association as to the status of assessments on a Building Lot is binding upon the Association as of the date of its issuance.
- 9.6 Effect of Nonpayment of Assessments – Remedies of the Association.** Any assessment not paid within thirty (30) days after the due date shall bear interest from the

due date at the rate of six percent (6%) per annum. The Association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the property. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of such Owner's Building Lot.

- 9.7 **Subordination of the Lien to Mortgages.** The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any Building Lot shall not affect the assessment lien. However, the sale or transfer of any Building Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payment which became due prior to such sale or transfer. No sale or transfer shall relieve such Building Lot from liability for any assessments thereafter becoming due or from the lien thereof.
- 9.8 **Effect of Nonpayment as Against Mortgagees.** No mortgagee shall be required to collect an assessment, and the failure of a Building Lot Owner to pay assessments shall not by itself cause a default under an insured (HUD/VA) mortgage.

ARTICLE X IDENTIFICATION AND USE OF COMMON AREA

- 10.1 **Common Area.** The Common Area granted to the Association is:

Lots 1 and 6, Block 1; Lots 2 and 22, Block 5; Lots 9 and 19, Block 3.

This Common Area shall be conveyed to the Association free and clear of all liens and title encumbrances (other than easements, taxes, and common restrictions) and shall be owned and maintained by the Association.

- 10.1.1 **Notes.** The Common Area is subject to the following "Notes," as stated on the final recorded Plat for CHAPPAROSA RIDGE SUBDIVISION, recorded in County of Ada, Idaho:

Lot 6, Block 1, and Lot 19, Block 3, are common area lots for the purpose of storm water detention and are to be owned and maintained by the Homeowner's Association. Landscape over said lots shall be maintained by the homeowner's association. Lots shall remain free of encroachments and obstructions which may adversely impact the drainage system.

Lot 1, block 1, and lot 2, block 5, are common area lots for the purpose of landscape. Landscape over said lots shall be owned and maintained by the Homeowner's Association.

A 10 foot wide permanent easement for public utilities, drainage, and irrigation is hereby designated along the subdivision boundary and rear lot lines and 5 feet each side of interior lot lines unless otherwise dimensioned.

This development recognizes section 22-4503 of Idaho code, Right to Farm Act, which states "no agricultural operation or an appurtenance to it shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after the same has been in operation for more than one (1) year, when the operation was not a nuisance at the time the operation began; provided, that the provisions of this section shall not apply whenever nuisance results from the improper or negligent operation of any agricultural operation or appurtenance to it."

Lot 22, Block 5, is a common area lot for the purpose of gravity irrigation and pressure irrigation and is to be owned and maintained by the homeowner's association.

This subdivision is subject to compliance with Idaho code section 31-3805 concerning irrigation water.

Any resubdivision of this plat shall comply with the applicable regulations in effect at the time of the resubdivision.

Building setbacks and dimensional standards in this subdivision shall be in compliance with the applicable zoning regulations of the city of Kuna and Ada County.

Direct access to N. Linder road from any lot except Lot 1, Block 5 is prohibited.

Lot 9, Block 3 is for the purpose of an existing irrigation ditch. To be owned and maintained by the homeowner's association.

Lot 18, block 3, is for the purpose of a municipal well site, and is to be owned and maintained by the city of Kuna.

There is a permanent Ada County Highway District Storm Drain Easement Inst. #103176025, Ada County Records, for Lot 6, Block 1 and Lot 19, Block 3.

Note *- These notes are as recorded on the final plat of Chapparosa Ridge Subdivision with the exception of the first note which reflects the Affidavit of Correction, Inst #104049652. This correction was made to fix a typographical error.

10.1.2 Detention Pond Maintenance. Detention ponds expenses, including but not limited to, upkeep and maintenance; shall be paid for by the Association upon acceptance of detention pond improvements by the City of Kuna and the Ada County Highway District. Grantor shall be responsible for any and all maintenance and expenses prior to City acceptance of said improvements. Maintenance consists of inspecting the detention pond facilities yearly during the summer and after any major storm to ensure they are functioning properly. See attached Exhibit "C" to these Covenants, Conditions and Restrictions for

Chapparosa Ridge Subdivision: "Operation and Maintenance Manual for Light Maintenance of the Storm Water Retention Pond."

Storm Water Detention Pond Maintenance as required by the Ada County Highway District shall include but not be limited to the following:

- (a) The District has the right to inspect such facilities, and if necessary, promptly perform any required maintenance.
- (b) The District must agree to any changes in previously approved documents.
- (c) The District shall be allowed to assess the costs of any required maintenance to the Storm Water Detention Pond property within the development, including the use of liens and/or assessment of maintenance costs against the real property taxes owed by the lots within the development.

Maintenance shall include the following:

- (a) **Trash Cleanup.** Any trash found within the boundary of the pond lots shall be collected and disposed of offsite.
- (b) **Bank Stability.** During the periodic inspections, the banks of the pond shall be checked for any water spots, water entering the pond from adjacent lots, rodent holes and bank erosions. If any serious problems are discovered, the Association shall contact a licensed earthwork contractor to make the necessary repairs to the pond.

The Association shall not be dissolved or relieved of its responsibility to maintain the defined Common Area and facilities therein without the prior written approval from the City of Kuna and the Ada County Highway District.

The Association and all Building Lot Owners by accepting title to a Building Lot agree that all Building Lot Owners within this Subdivision are benefited property Owners of such maintenance.

10.2 Use. Every Building Lot Owner shall have a right and easement of enjoyment in and to the Common Area, and such right and easement shall be appurtenant to and shall pass with the title to every Building Lot, subject, however, to the applicable provisions set forth in this Declaration.

10.3 Liability to Building Lot Owners. No individual Building Lot Owner shall have liability for damage to the Common Area or liability for injury to another arising out of someone's use of the Common Area, merely by virtue of being a Building Lot Owner.

ARTICLE XI MISCELLANEOUS

11.1 **Term.** The easements created hereunder shall be perpetual, subject only to extinguishment by the holders of such easements as provided by law. The covenants, conditions, restrictions and equitable servitudes of this Declaration shall run for a term of twenty (20) years from the date this Declaration is recorded, after which time said covenants, conditions, restrictions and equitable servitudes shall be automatically extended for successive periods of ten (10) years each, unless, prior to expiration of the term or extended term then in effect (as the case may be) of this Declaration, the term is extinguished by an instrument signed by members entitled to cast not less than three-fourths (3/4) of the votes of the membership of the Association. Except as otherwise specifically provided herein, any of the covenants and restrictions of this Declaration, except the easements herein granted, may be amended as set forth below. Any amendment or election not to extend the term must be recorded, and shall not be effective or binding until it is recorded in the Official Records of Ada County, Idaho.

11.2 **Amendment**

11.2.1 **By Grantor; Grantor's Consent Required.** Until the recordation of the first deed to a Building Lot, the provisions of this Declaration may be amended, modified, clarified, supplemented, added to (collectively, "amendment") or terminated only by Grantor by recordation of written instrument setting forth such amendment or termination. Any amendment affecting only a particular Tract may be made only by Grantor by an Amendment to this Declaration at any time up to the recordation of the first deed to a Building Lot in such Tract. Without limitation on the foregoing, and notwithstanding anything to the contrary as may be set forth below or elsewhere in this Declaration, as a right reserved unto the original Grantor under this Declaration, as long such original Grantor owns any portion of the property described on Exhibit "B" which has not yet been annexed into the Property, no amendment to or termination of this Declaration shall be effective or enforceable without the prior written consent of such original Grantor. Such reserved right of consent may be assigned by such original Grantor.

11.2.2 **After Sale of First Building Lot.** Subject to the required prior written consent of the original Grantor under this Declaration, as set forth in Section 11.2.1, after the recordation of the first deed to a Building Lot, the provisions of this Declaration may be amended by a written instrument approved by Owners holding at least three-fourths (3/4) of the votes of the membership of the Association.

11.2.3 **Development Agreement.** Notwithstanding anything to the contrary in this Declaration, without the agreement of the City of Kuna, Idaho, this Declaration may not be amended in any manner which would materially affect the rights of the City of Kuna under the Development Agreement.

11.3 **Notices.** Any notices permitted or required to be delivered as provided herein shall be in writing and may be delivered either personally or by mail. If delivery is made by mail, it shall be deemed to have been delivered seventy-two (72) hours after the same has been

deposited in the United States mail, postage prepaid, addressed to any person at the address given by such person to Grantor, the Association or any other person or entity for the purpose of service of notices by such person or entity, or to the address of an Owner's Building Lot, if no other address for notices has been given to such person or entity by such Owner. Such address may be changed from time to time by notice in writing given in compliance with the foregoing.

11.4 Enforcement and Non-Waiver

11.4.1 Right of Enforcement. Except as otherwise provided herein, any Owner of any Building Lot shall have the right to enforce any or all of the provisions hereof against any property within the Property and the Owners thereof.

11.4.2 Violations and Nuisances. The failure of any Owner of a Building Lot to comply with any provision hereof, is hereby declared a nuisance and will give rise to a cause of action in Grantor, the Association, or any Owner of a Building Lot(s) within the Property for recovery of damages or for negative or affirmative injunctive relief or both. However, any other provision to the contrary notwithstanding, only Grantor or the Association may enforce by self-help any of the provisions hereof, and only if such self-help is preceded by reasonable notice to the Owner.

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

11.4.4 Remedies Cumulative. Each remedy provided herein is cumulative and not exclusive.

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

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

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

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

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

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

11.6 Successors and Assigns. All references herein to Grantor, an Owner, or a person shall be construed to include all successors, assigns, partners and authorized agents of such Grantor, Owner, or person.

11.7 Assignment by Grantor. Any or all rights, powers and reservations of Grantor herein contained may be assigned to any person or entity which is now organized or which may hereafter be organized and which will assume the duties of Grantor hereunder pertaining to the particular rights, powers and reservations assigned, and, upon any such person or entity evidencing his, her or its intent in writing to accept such assignment, have the same rights and powers and be subject to the same obligations and duties as are given to and assumed by Grantor herein. In the event of any such assignment and assumption, Grantor shall be released from any liability or obligation arising under this Declaration and accruing after the date of such assignment and assumption, except with respect to any rights, powers and reservations as may have been reserved unto Grantor. All rights of Grantor hereunder reserved or created shall be held and exercised by Grantor alone, so long as it owns any interest in any portion of the Property or a Tract that may be annexed into the Property, which Property or Tract is subject to such reserved or created rights.

11.8 Existing Home. Let it be noted that Lot 1, Block 5 and the house located thereon are not subject to the Declaration Establishing Covenants, Conditions and Restrictions for Chapparosa Ridge Subdivision.

ARTICLE XII

ARTICLE XIII INDEMNIFICATION

To the full extent permitted by applicable law, Grantor, each member of the Board, each member of an Association committee, and each officer shall be indemnified by the Association against all expenses and liabilities, including attorneys' fees, reasonably incurred by or imposed in connection with any proceedings to which he, she or it may be a party, or in which he, she or it may become involved, by reason of holding or having held such position, or any settlement thereof, whether or not he, she or it holds such position at the time such expenses or liabilities are incurred, except to the extent such expenses and liabilities are covered by insurance and except in such cases wherein such person or entity is adjudged guilty of willful misfeasance in the performance of his, her or its duties; provided, however, that in the event of a settlement, the indemnification shall apply only when the Board approves such settlement and reimbursement as being in the best interest of the Association; and further provided that this right of

indemnification shall be inapplicable to the extent necessary, if at all, for the Association to obtain any insurance required by this Declaration.

IN WITNESS WHEREOF, the party hereto has hereunto caused its name to be subscribed this 19th day of November, 2004.

DYVER DEVELOPMENT, L.L.C.,
an Idaho limited liability company

By: [Signature]
Corey Barton
Managing Member

STATE OF IDAHO)
) ss.
County of Ada)

On this 19th day of November, 2004, before me, Adair Koltjes, a Notary Public in and for said State, personally appeared **Corey Barton**, known or identified to me to be the Managing Member of the limited liability company of Dyver Development, L.L.C., who subscribed said company name to the foregoing instrument, and acknowledged to me that he executed the same in said company name.

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



Adair Koltjes
Notary Public for Idaho
Residing at Nampa, ID
My commission expires 6-05-2010

Exhibit "A"

Project: CHAPPAROSA SUBDIVISION

A parcel of land being a portion of the northwest ¼ of Section 13, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at a 5/8" rebar marking the southwest corner of said northwest ¼ of Section 13;

Thence North 00°03'29" East (formerly South 00°00'43" East) coincident with the west line of said northwest ¼ of Section 14 a distance of 1091.54 feet (formerly 1091.56 feet) to a 5/8" rebar PLS 4431 marking the **POINT OF BEGINNING**;

Thence continuing North 00°03'29" East (formerly South 00°00'43" East) coincident with said west line of the northwest ¼ a distance of 978.26 feet to a 5/8" rebar PLS 5461;

Thence South 50°16'25" East (formerly North 50°16'37" West) 664.84 feet (formerly 664.83 feet) to a 5/8" rebar PLS 5461;

Thence South 80°12'58" East (formerly North 80°13'10" West) 1308.76 feet (formerly 1341.00 feet) to a 5/8" rebar PLS 5461 on the westerly right-of-way line of the Kuna Canal;

Thence South 10°53'05" West along said westerly right-of-way line of the Kuna Canal a distance of 191.73 feet to a 5/8" rebar PLS 5461;

Thence South 6°24'26" West along said westerly right-of-way line of the Kuna Canal a distance of 137.96 feet to a 5/8" rebar PLS 5461;

Thence South 8°52'24" West along said westerly right-of-way line of the Kuna Canal a distance of 149.05 feet to a 5/8" rebar PLS 5461;

Thence South 2°20'13" West along said westerly right-of-way line of the Kuna Canal a distance of 110.08 feet to a 5/8" rebar PLS 5461;

Thence South 13°05'24" East along said westerly right-of-way line of the Kuna Canal a distance of 127.29 feet to a 5/8" rebar PLS 5461;

Thence South 17°31'13" East along said westerly right-of-way line of the Kuna Canal a distance of 138.59 feet to a 5/8" rebar PLS 5461;

Thence South 19°01'58" East along said westerly right-of-way line of the Kuna Canal a distance of 159.23 feet to a 5/8" rebar PLS 5461;

Thence South 21°11'40" East along said westerly right-of-way line of the Kuna Canal a distance of 46.31 feet to a 5/8" rebar PLS 5461 on the northerly boundary of Hawksnest Subdivision No. 2 as shown on file in Book 84 of Plats at Page 9433, in the Ada County Records Office;

Thence South 77°29'58" West (formerly North 77°27'12" East) along said northerly boundary line of Hawksnest Subdivision No. 2 a distance of 17.40 feet to a 5/8" rebar PLS 4431;

Thence North 38°47'10" West (formerly South 38°49'56" East) along said northerly boundary line of Hawksnest Subdivision No. 2 a distance of 84.84 feet to a 5/8" rebar PLS 4431;

Thence North 82°43'02" West (formerly South 82°45'48" East) along said northerly boundary line of Hawksnest Subdivision No. 2 a distance of 169.82 feet to a 5/8" rebar PLS 4431;

Thence South 69°55'02" West (formerly North 69°52'16" East) along said northerly boundary line of Hawksnest Subdivision No. 2 a distance of 362.21 feet to a 5/8" rebar PLS 4431;

Thence North 51°40'57" West (formerly South 51°43'43" East) along said northerly boundary line of Hawksnest Subdivision No. 2 a distance of 278.73 feet to a 5/8" rebar PLS 4431;

Thence North 38°26'07" West (formerly South 38°23'53" East) along said northerly boundary line of Hawksnest Subdivision No. 2 a distance of 179.04 feet to a 5/8" rebar PLS 4431;

Thence North 69°36'07" West (formerly South 69°38'53" East) along said northerly boundary line of Hawksnest Subdivision No. 2 a distance of 92.43 feet to a 5/8" rebar PLS 4431;

Thence North 84°21'23" West (formerly South 84°24'09" East) along said northerly boundary line of Hawksnest Subdivision No. 2 a distance of 135.47 feet to a 5/8" rebar PLS 4431;

Thence North 80°22'48" West (formerly South 80°25'34" East) along said northerly boundary line of Hawksnest Subdivision No. 2 a distance of 80.25 feet to a 5/8" rebar PLS 4431;

Thence North 46°42'30" West (formerly South 46°45'16" East) along said northerly boundary line of Hawksnest Subdivision No. 2 a distance of 97.97 feet to a 5/8" rebar PLS 4431 marking the northwest corner of said Hawksnest Subdivision No. 2 and the northeast corner of Hawksnest Subdivision No. 1 as shown on file in Book 84 of Plats at Page 9291, as on file in the Ada County Recorders Office;

Thence North 61°49'15" West (formerly South 61°52'01" East) along said northerly boundary line of Hawksnest Subdivision No. 1 a distance of 22.87 feet to a 5/8" rebar PLS 4431;

Thence North 49°18'17" West (formerly South 49°21'03" East) along said northerly boundary line of Hawksnest Subdivision No. 1 a distance of 178.87 feet to a 5/8" rebar PLS 4431;

Thence North 60°58'49" West (formerly South 61°01'36" East) along said northerly boundary line of Hawksnest Subdivision No. 1 a distance of 178.48 feet to a 5/8" rebar PLS 4431;

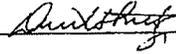
Thence North 71°46'15" West (formerly South 71°49'01" East) along said northerly boundary line of Hawksnest Subdivision No. 1 a distance of 283.96 feet to the POINT OF BEGINNING.

The parcel above described contains 38.63 acres, more or less.

Basis of bearings for this parcel is North 00°03'29" East between the 5/8" rebar marking the west ¼ corner and a brass cap marking the northwest corner of Section 13.

Together with and subject to covenants, easements, and restrictions of record.

David S. Short Jr., P.L.S.
End of Description



8/12/2007 License No. 5461



ACCOMMODATION

0A8571

SUPPLEMENTAL DECLARATION OF ANNEXATION ESTABLISHING
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
CHAPPAROSA RIDGE SUBDIVISION NO 2
(Platted as Kelleher Subdivision)

THIS SUPPLEMENTAL DECLARATION is made on the date hereinafter set forth by Dyver Development, LLC, an Idaho limited liability company, hereinafter referred to as "Declarant";

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property situated in the City of Kuna, County of Ada, State of Idaho, which is particularly described as:

Kelleher Subdivision No. 1 according to the official plat thereof on file in the office of the County Recorder of Ada County, State of Idaho, in Book 96 of plats at pages 11979-11982, instrument #106162930 recorded October 13, 2006; more particularly described on Exhibit "A" attached hereto and incorporated herein by this Reference:

WHEREAS, Declarant has heretofore recorded a Declaration Establishing Covenants, Conditions and Restrictions for Chapparosa Ridge Subdivision No. 1, recorded on November 26, 2004, as Instrument Number: 104150179, records of Ada County, Idaho.

WHEREAS, Chapparosa Subdivision #2 (platted as Kelleher Subdivision No. 1), herein after referred to as Chapparosa Subdivision #2 is being developed according to a master plan of development and is thereby related to Chapparosa Ridge Subdivision No. 1, and Declarant desires that Chapparosa Subdivision No. 2 be subject to the covenants, conditions and restrictions for Chapparosa Ridge Subdivision No. 1 as set forth in the Declaration (as Declaration may be, from time to time, amended), and that owners of Building Lots or parcels within the boundaries of Chapparosa Subdivision No. 2 be members of Chapparosa Ridge Subdivision Homeowners Association, Inc.:

NOW, THEREFORE, Declarant hereby declares:

ARTICLE I

Chapparosa Subdivision #2 shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration, as amended, incorporated herein by this reference as if set forth in full, which easements, restrictions, covenants and conditions are for the purpose of protecting the value and desirability of, and which shall run with and bind, Chapparosa Subdivision #2 and each and every part, parcel and Building Lot thereof, and be binding on all parties having any right, title or interest in Chapparosa Subdivision #2 or any parcel or building lot thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

ARTICLE II

Pursuant to the Sections 1.2 and 6.1 of the Declaration, the Declaration is hereby amended to include Chapparosa Subdivision #2, and Chapparosa Subdivision #2 is hereby made subject to and the beneficiary of the rights, privileges, restrictions and covenants set forth in the Declaration. Chapparosa Subdivision #2 is designated a "Tract" as defined in Section 3.15 of the Declaration, and is hereby annexed to the Property covered by the Declaration and is included within the term "Property" as used in the Declaration.

ARTICLE III

Except for terms expressly defined herein, all capitalized terms shall have the same meaning as defined in the Declaration.

ARTICLE IV

The Chapparosa Subdivision #2 shall be subject to all city and county setbacks and utility easements as set forth on the official plat thereof on file in the office of the County Recorder of Ada County, State of Idaho, in Book 96 of plats at pages 11979-11982; more particularly described on Exhibit "A" attached hereto and incorporated herein by this Reference.

ARTICLE V

The maximum annual assessment is defined in Section 9.2 of the Declaration. The Set-up fee is to be collected at the close of each Building Lot in the amount of Two Hundred Dollars and no/100 (\$200.00) and made payable to the Association. Upon the transfer of any Building Lot and recording of the deed, each buyer at closing shall pay to the Association a special transfer assessment of Twenty Five Dollars and no/100 (\$25.00). A one-time site fee is to be collected at the close of each building lot in the amount of One Hundred Fifty Dollars and no/100 (\$150.00) payable to the Association.

ARTICLE VI

The Common Areas granted to the Chapparosa Ridge Homeowners Association, Inc. are:

Lots 1, 9, 16, and 23, block 1; Lots 1, block 2; Lot 15, block 3; Lot 17, block 5; of the Kelleher Subdivision.

This Common Area shall be conveyed to the Association free and clear of all liens and title encumbrances (other than easements, taxes, and common restrictions) and shall be owned and maintained by the Association.

Notes. The Common Area is subject to the following "Notes," as stated on the final recorded Plat for KELLEHER SUBDIVISION, recorded in County of Ada, Idaho and recorded as instrument #106162930:

(The specific lots identified as Common Area in Section 10.1 of the Declaration refer to lots and blocks in the Chapparosa Ridge Subdivision No. 1 only.) All Common Area, including the original Common Area identified as such in Section 10.1 of the Declaration, and the Common Area identified as such in this Supplemental Declaration and in any future Supplemental Declaration, shall all be included within the term "Common Area" as used in the Declaration and shall be shared among the owners of all Building Lots in the Property (including future annexed Tracts), as provided in Article X of the Declaration.

ARTICLE VII

The Grantor will maintain Architectural Control over the Chapparosa Ridge Subdivision #2 until such time that home construction is complete. At the point that all the homes are built in Chapparosa Ridge Subdivision #2) subdivision Architectural Control of the subdivision will revert to the AC Committee that is currently in office with the Chapparosa Homeowners Association, Inc.

ARTICLE VIII

There is an ingress/egress deed across a portion of Lot 1, Block 1 for the express purpose of ingress/egress to Commercial Lot 8, Block 1 of the Chapparosa Ridge Subdivision #2. The ingress/egress deed was recorded as instrument # 107019882 and made a part hereto as Exhibit "B".

ARTICLE IX

Lot 8, Block 1 is a Commercial Lot not owned by the Grantor and is exempt from the ACC guidelines established in the Declaration. The tenant(s)/Owner(s) of Lot 8, Block 1 will be responsible for paying Five Hundred dollars and no/100's (\$500.00) per year to the Chapparosa Ridge Homeowners Association, Inc. for maintenance of a portion of Lot 1, Block 1 the common area berm adjacent to Lot 8, Block 1. The Association may use the same options to perpetuate collection of non paid dues as stated in Sections 9.6 and 9.7 of the Declaration. The current tenant(s)/owner(s) nor any future tenant(s)/owner(s) of Lot 8, Block 1 will have no voting rights or be able to participate in any regular business regarding the Chapparosa Subdivision or the Association.

Neither the Chapparosa Homeowners Association Board, ACC committee, nor any homeowner in Chapparosa Ridge Subdivision #1 or #2 (which is platted at Kelleher) have any authority over Lot 8, Block 1 and more specifically no authority in any future use or architectural controls including but not limited to land use, zoning, business uses, commercial activities, building style, construction material or any other rights or decision making capabilities.

The tenant(s)/Owner(s) of Lot 8, Block 1 have the right to de-annex from the Chapparosa Ridge Subdivision at any time and at tenant(s)/Owner(s) sole discretion. In the event of de-annexation from Chapparosa Ridge Subdivision the commercial lot shall be responsible for the repair/maintenance of the portion of Lot 1, Block 1 as described in the attached deed recorded as instrument #107019882 and attached as Exhibit B.

The residents of Chapparosa Ridge Subdivision #2 (platted as Kelleher) understand that Lot 8 Block 1 is a commercial lot and by accepting a deed to a lot and by reading and accepting this document approve of the commercial lot and any legal uses associated therein as allowed by the applicable government agencies.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereto set its hand this 26th day of February 2007.

DYVER DEVELOPMENT, LLC,
An Idaho Limited Liability Company

[Signature]
By: Corey Barton, Its Managing Member

STATE OF IDAHO)
) ss.
County of Ada)

On this 26th day of February, 2007, before me, a Notary Public in and for said State, personally appeared Corey Barton, known or identified to me to be the Managing Member of Dyver Development, LLC, a Limited Liability Company, who subscribed said limited liability company's name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company's name.

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

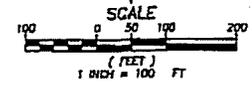


Adair Koltes
Notary Public for Idaho
Residing at Nampa, ID
My commission expires 6-05-2010

Inst # 1061162930 Recorded 10-13-06 Book 96: pg 11979-11982

KELLEHER SUBDIVISION

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



LEGEND

- ① LOT NUMBER
- FOUND ALIGNMENT CAP MONUMENT
- FOUND 3/4" REBAR/CAP, PLS #4#1 UNLESS OTHERWISE NOTED
- FOUND 3/4" REBAR W/OUT CORNER AS NOTED
- SET 1/2" x 3/4" REBAR/CAP PLS 10778
- SET 3/8" x 3/4" REBAR/CAP PLS 10778
- CALCULATED POSITION NOT SET
- SET 3/8" REBAR W/OUT CORNER/CAP PLS 10778
- (DASHED) DATA OF RECORD
- SECTION LINE
- SUBDIVISION BOUNDARY
- LOT LINE
- EASEMENT LINE
- POB POINT OF BEGINNING

Exhibit "A"

REFERENCE DATA
 RECORD OF SURVEY NO. 6099, INST. NO. 103048702
 RECORD OF SURVEY NO. 3983, INST. NO. 97057853
 RECORD OF SURVEY NO. 1889, INST. NO. 9131034
 CHAPPAROSA RIDGE SUBDIVISION, BK. 88, PG. 10228

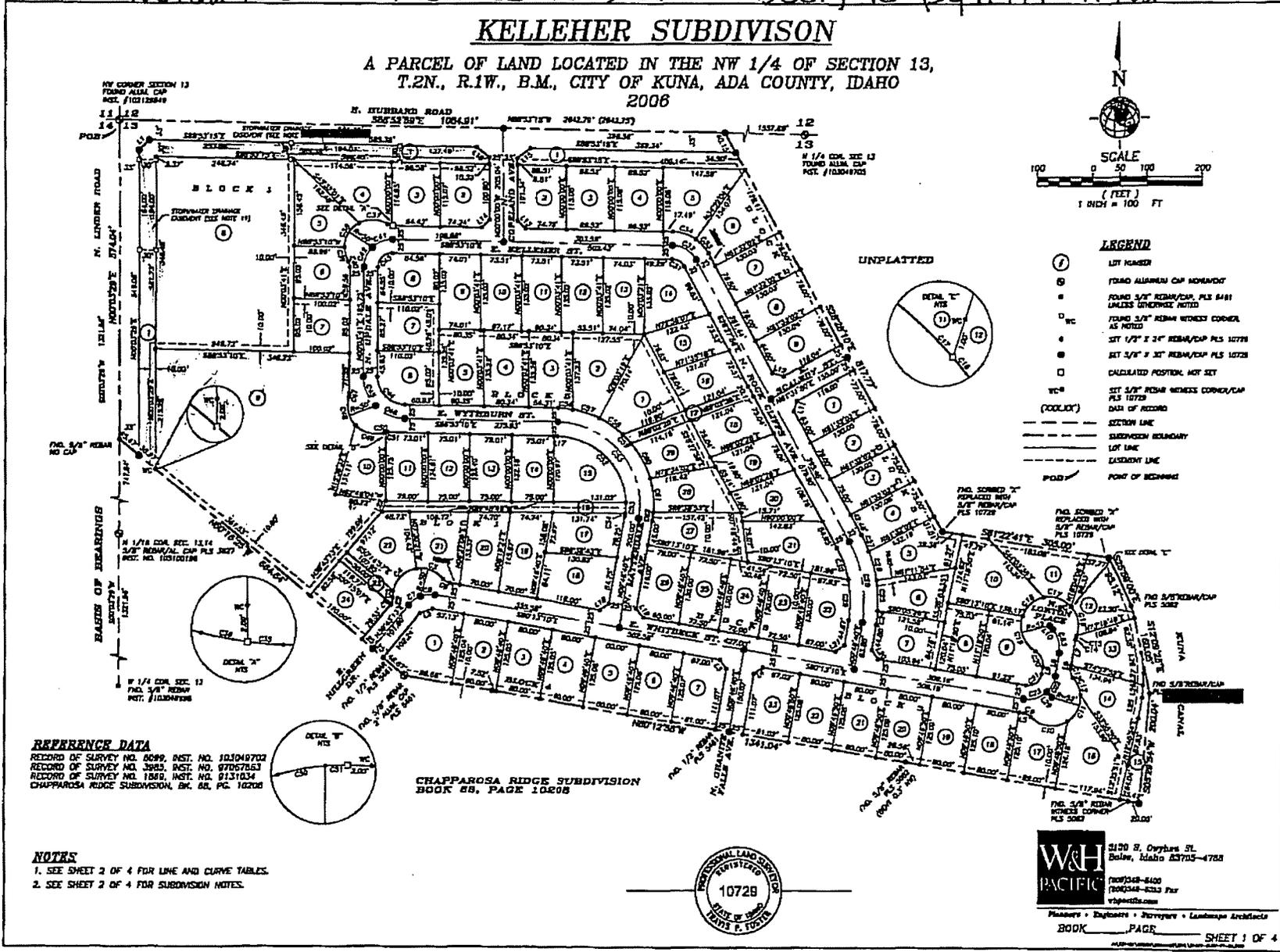
CHAPPAROSA RIDGE SUBDIVISION
 BOOK 88, PAGE 10208

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



W&H PACIFIC
 2120 S. Oxyden St.
 Boise, Idaho 83705-4788
 (208) 248-6400
 (208) 248-8233 Fax
 w&hpacific.com

Planners • Engineers • Surveyors • Landscape Architects
 BOOK _____ PAGE _____ SHEET 4 OF 4



KELLEHER SUBDIVISION

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF SECTION 13,
T.2N., R.1W., B.M., CITY OF KUNA, ADA COUNTY, IDAHO
2008

Exhibit "A"

LOT	AREA	OWNER	REMARKS
1	0.10
2	0.10
3	0.10
4	0.10
5	0.10
6	0.10
7	0.10
8	0.10
9	0.10
10	0.10
11	0.10
12	0.10
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LOT	AREA	OWNER	REMARKS
1	0.10
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100	0.10

NOTES

- LOT 1, BLOCK 1, LOT 6, BLOCK 2, LOT 8, BLOCK 3, LOT 16, BLOCK 4, LOT 23, BLOCK 5, AND LOT 27, BLOCK 6 ARE COMMON AREA LOTS FOR THE PURPOSE OF UTILITIES, LANDSCAPE, RETENTION POND AND/OR FENCES/SCREEN ELEMENTS AS SHOWN AND ARE TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. LANDSCAPE OVER SAID LOTS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION. LOTS SHALL REMAIN FREE OF ENCROACHMENTS AND OBSTRUCTIONS WHICH MAY ADVERSELY IMPACT THE DRAINAGE SYSTEM.
- A 10 FOOT WIDE PERMANENT EASEMENT FOR PUBLIC UTILITIES, DRAINAGE, AND IRRIGATION IS HEREBY DESIGNATED ALONG THE SUBDIVISION BOUNDARY AND THE FRONT AND REAR LOT LINES, UNLESS OTHERWISE INDICATED. A 5 FOOT WIDE PERMANENT EASEMENT FOR PUBLIC UTILITIES, DRAINAGE, AND IRRIGATION IS HEREBY DESIGNATED ALONG EACH SIDE OF INTERIOR LOT LINES, UNLESS OTHERWISE INDICATED.
- ALL EASEMENTS SHALL BE MAINTAINED BY THE ADA COUNTY HOMEOWNERS DISTRICT, AND AN EASEMENT FOR THESE PORTIONS OF THE SIDEWALK LINES OUTSIDE THE RIGHT-OF-WAY HAS BEEN RECORDED AS INSTRUMENT 18-1084868.
- THIS DEVELOPMENT RECOGNIZES SECTION 20-1503 OF IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES "NO AGRICULTURAL OPERATION OR AN APPOINTMENT TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME THE OPERATION BECAME PROVIDED, THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY UNLESSWER NUISANCE RESULTS FROM THE APPROVAL OF RECEIVED OPERATION OF ANY AGRICULTURAL OPERATION OR APPOINTMENT TO IT."
- IRRIGATION WATER HAS BEEN PROVIDED FROM NEW YORK IRRIGATION DISTRICT, IN COMPLIANCE WITH IDAHO CODE 31-302011, LOTS WITHIN THE SUBDIVISION WILL BE SUBJECT TO IRRIGATION WATER RIGHTS, AND WILL BE DELIVERED FOR ASSIGNMENTS FROM NEW YORK IRRIGATION DISTRICT, OR THEIR ASSIGNS.
- ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RESUBDIVISION.
- MINIMUM BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF KUNA APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF INDIVIDUAL BUILDING PERMITS OR AS SPECIFICALLY APPROVED AND/OR REQUIRED, OR AS SHOWN ON THE PLAT.
- DIRECT LOT ACCESS TO N. LINCOLN ROAD AND E. HERBARD ROAD FROM ANY LOT OTHER THAN LOT 8, BLOCK 1 IS PROHIBITED.
- LOT 15, BLOCK 3 IS FOR THE PURPOSE OF THE KUNA CANAL EASEMENT, TO BE OPENED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- LOT 8, BLOCK 1 IS DESIGNATED AS A COMMERCIAL LOT TO BE OWNED AND MAINTAINED BY DANWOOD ENTERPRISES, LLC.
- ALL OF LOTS 8 AND 22, BLOCK 1, AND LOT 17, BLOCK 5, AND A PORTION OF LOT 8, BLOCK 1 AS SHOWN ON THE FACE OF THIS PLAT ARE SUBJECT TO AND CONTAIN THE ACHD STORM WATER DRAINAGE SYSTEM. THIS LOT IS ENCLASSED BY THAT CERTAIN MASTER PROPERTIES, STORM WATER DRAINAGE EASEMENT RECORDED ON JUNE 7, 2004 AS INSTRUMENT 04-10804411. OFFICIAL RECORDS OF ADA COUNTY, AND INCORPORATED HEREIN BY THIS INSTRUMENT AS IF SET FORTH IN FULL (THE "MASTER EASEMENT"). THE MASTER EASEMENT AND THE STORM WATER DRAINAGE SYSTEM ARE DESIGNATED TO ACHD PURSUANT TO SECTION 40-1202 IDAHO CODE. THE MASTER EASEMENT IS FOR THE OPERATION AND MAINTENANCE OF THE STORM WATER DRAINAGE SYSTEM.



W&H PACIFIC
 2120 S. Owyhee BL.
 Boise, Idaho 83705-4700
 (208)348-5400
 (208)348-5222 Fax
 w&hpa@idaho.com

Exhibit "B"

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 02/09/07 04:32 PM
DEPUTY Neava Haney
RECORDED - REQUEST OF
Pioneer

AMOUNT 3.00

107019882



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

ACCOMMODATION

0A8529

QUITCLAIM DEED

224310

For Value Received

Dyver Development, LLC

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

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

Glasgow Enterprises, LLC, as to an undivided 50% interest

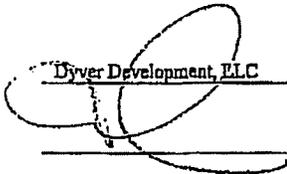
whose address is 2364 S. Titanium, Meridian, Idaho 83642

the following described premises, to-wit:

A nonexclusive easement for ingress, egress and utilities over and across those portions of Lot 1, Block 1 of Kelleher Subdivision, according to the official plat thereof, filed in Book 88 of Plats at Pages 11979 - 11982, records of Ada County, Idaho, lying Northerly of the Westerly extension of the Southerly line of Lot 8 of Block 1 of said Kelleher Subdivision and lying Westerly of the Northerly extension of the Easterly line of said Lot 8 of Block 1 of said Kelleher Subdivision. Said easement is appurtenant to said Lot 8, Block 1 of said Kelleher Subdivision.

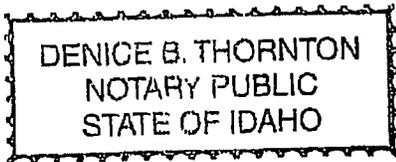
together with their appurtenances.

Dated: February 8, 2007


Dyver Development, LLC

STATE OF Idaho, County of Ada, ss

On this 8th day of February, in the year of 2007, before me The Undersigned, a notary public, personally appeared Corey Barton, known or identified to be one of the member(s)/manager(s) in a limited liability company, of Dyver Development, LLC and the member(s)/manager(s) who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he/she/they executed the same in said limited liability company name.





Notary Public of
Residing at
Commission expires:

Residing in: Meridian, Idaho
Commission Expires: 08-03-2010



OA 8586

ACCOMMODATION

AMENDMENT TO THE DECLARATION OF PROTECTIVE
COVENANTS AND RESTRICTIONS FOR
CHAPPAROSA RIDGE SUBDIVISION No. 1 & 2

THIS SUPPLEMENTAL DECLARATION is made on the date hereinafter set forth by Dyver Development, LLC, an Idaho limited liability company, hereinafter referred to as "Declarant";

THE AMENDMENT to the Declaration of Protective Covenants and Restrictions for Chapparosa Subdivision AND Chapparosa #2 (platted as Kelleher) is made on this 2nd day of March, 2007.

Chapparosa Ridge Subdivision, according to the official plat thereof on file in the office of the County Recorder of Ada County, State of Idaho, instrument #104150179 recorded November 19, 2004. And Chapparosa #2 (platted as Kelleher) according to the official plat thereof on file in the office of the County Recorder of Ada County, State of Idaho, instrument #106162930 recorded October 13, 2006

NOW, THEREFORE, Declarant hereby declares:

This amendment as follows:

Chapparosa Ridge Subdivision, Article IX. (a) And (b); reads as follows:

Article IX

Creation of the Lien and Personal Obligation of Assessments. For each Building Lot owned within the Property, each Owner (subject to the provision in Section 9.4) by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association:

(a) Set-up fee to be collected at the close of each Building Lot in the amount One Hundred and no/100 (\$100.) payable to the Grantor. Upon each transfer of any Building Lot and recording of a the deed, each buyer at closing shall pay to the Association a special transfer assessment of twenty five and no/100 (\$25.)

(b) Annual regular assessments.

Chapparosa Ridge Subdivision, Article IX. (a) And (b); **will be changed to read as follows:**

Article IX

Creation of the Lien and Personal Obligation of Assessments. For each Building Lot owned within the Property, each Owner (subject to the provision in Section 9.4) by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association:

AMENDMENT TO DECLARATION OF CHAPPAROSA RIDGE AND Kelleher Subdivision No. 1
DYVER DEVELOPMENT AMMENDMENT 2007/2

(a) The Set-up fee is to be collected at the close of each Building Lot in the amount of Two Hundred Dollars and no/100 (\$200.00) and made payable to the Association. Upon the transfer of any Building Lot and recording of the deed, each buyer at closing shall pay to the Association a special transfer assessment of One Hundred Fifty Dollars and no/100 (\$150.00). A one-time site fee is to be collected at the close of each building lot in the amount of One Hundred Fifty Dollars and no/100 (\$150.00) payable to the Association.

(b) The maximum annual assessments are now One Hundred Eighty Dollars and no/ 100 (\$180.00) replacing what is defined in Section 9.2 of the Declaration.

Chapparosa #2 (platted as Kelleher), Section Article V; reads as follows:

ARTICLE V

The maximum annual assessment is defined in Section 9.2 of the Declaration. The Set-up fee is to be collected at the close of each Building Lot in the amount of Two Hundred Dollars and no/100 (\$200.00) and made payable to the Association. Upon the transfer of any Building Lot and recording of the deed, each buyer at closing shall pay to the Association a special transfer assessment of Twenty-five Dollars and no/100 (\$25.00). A one-time site fee is to be collected at the close of each building lot in the amount of One Hundred Fifty Dollars and no/100 (\$150.00) payable to the Association.

Chapparosa #2 (platted as Kelleher), Section Article V; **will be changed to read as follows:**

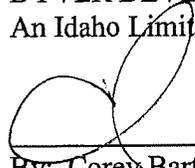
ARTICLE V

The maximum annual assessments are now One Hundred Eighty Dollars and no/ 100 (\$180.00) replacing what is defined in Section 9.2 of the Declaration. The Set-up fee is to be collected at the close of each Building Lot in the amount of Two Hundred Dollars and no/100 (\$200.00) and made payable to the Association. Upon the transfer of any Building Lot and recording of the deed, each buyer at closing shall pay to the Association a special transfer assessment of One Hundred Fifty Dollars and no/100 (\$150.00). A one-time site fee is to be collected at the close of each building lot in the amount of One Hundred Fifty Dollars and no/100 (\$150.00) payable to the Association.

AMENDMENT TO DECLARATION OF CHAPPAROSA RIDGE AND Kelleher Subdivision No. 1
DYVER DEVELOPMENT AMMENDMENT 2007/2

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereto set its hand this 2nd day of March 2007.

DYVER DEVELOPMENT, LLC,
An Idaho Limited Liability Company


By: Corey Barton, Its Managing Member

STATE OF IDAHO)
) ss.
County of Ada)

On this 2nd day of March, 2007, before me, a Notary Public in and for said State, personally appeared Corey Barton, known or identified to me to be the Managing Member of Dyver Development, LLC, a Limited Liability Company, who subscribed said limited liability company's name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company's name.

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



Adair Koltus
Notary Public for the State of Idaho
Residing at Nampa, Idaho
My Commission Expires 6-05-2010

AMENDMENT TO DECLARATION OF CHAPPAROSA RIDGE AND Kelleher Subdivision No. 1
DYVER DEVELOPMENT AMMENDMENT 2007/2

KELLEHER SUBDIVISION NO. 2 – LEGAL DESCRIPTION

Date: March 29, 2018

A parcel of land being situated in the Northwest 1/4 of the Northwest 1/4, of Section 13, Township 2 North, Range 1 West, Boise Meridian, also being Lot 8, Block 1 of Kelleher Subdivision recorded in Bk 96, Pages 11,979-11,982 of the Ada County Recorder's Office, Ada County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 13, monumented by a 3.25" aluminum cap (Corner Record No. 2017-094753), from which the North 1/16th corner on the West line of said Section 13, monumented by a 1.5" aluminum cap (Corner Record No. 105100196) bears South 00°03'29" West, a distance of 1321.91 feet;

Thence South 00°03'29" West, coincident with said West line of said Section 13, a distance of 66.21 feet;

Thence leaving said West line, South 89°56'31" East, a distance of 65.00 feet to the Northwest corner of Lot 8, Block 1, of said Kelleher Subdivision and the **POINT OF BEGINNING**;

Thence South 88°53'15" East, coincident with the northerly boundary line of said Lot 8, a distance of 246.74 feet, to the northeast corner of said Lot 8;

Thence South 00°03'41" West, coincident with the easterly boundary line of said Lot 8, a distance of 346.49 feet, to the southeast corner of said Lot 8;

Thence North 88°53'10" West, coincident with the southerly boundary line of said Lot 8, a distance of 246.72 feet, to the southwest corner of said Lot 8;

Thence North 00°03'29" East, coincident with the westerly boundary line of said Lot 8, a distance of 346.48 feet, to said **POINT OF BEGINNING**.

The above described parcel contains 85,473 square feet or 1.96 acres, more or less.

Together with and subject to covenants, easements, and restrictions of record.

The basis of bearings for this parcel is South 00°03'29" West between the Northwest corner of said Section 13 and the North 1/16th corner common to Sections 13 and 14.

Travis P. Foster, P.L.S.
End of Description



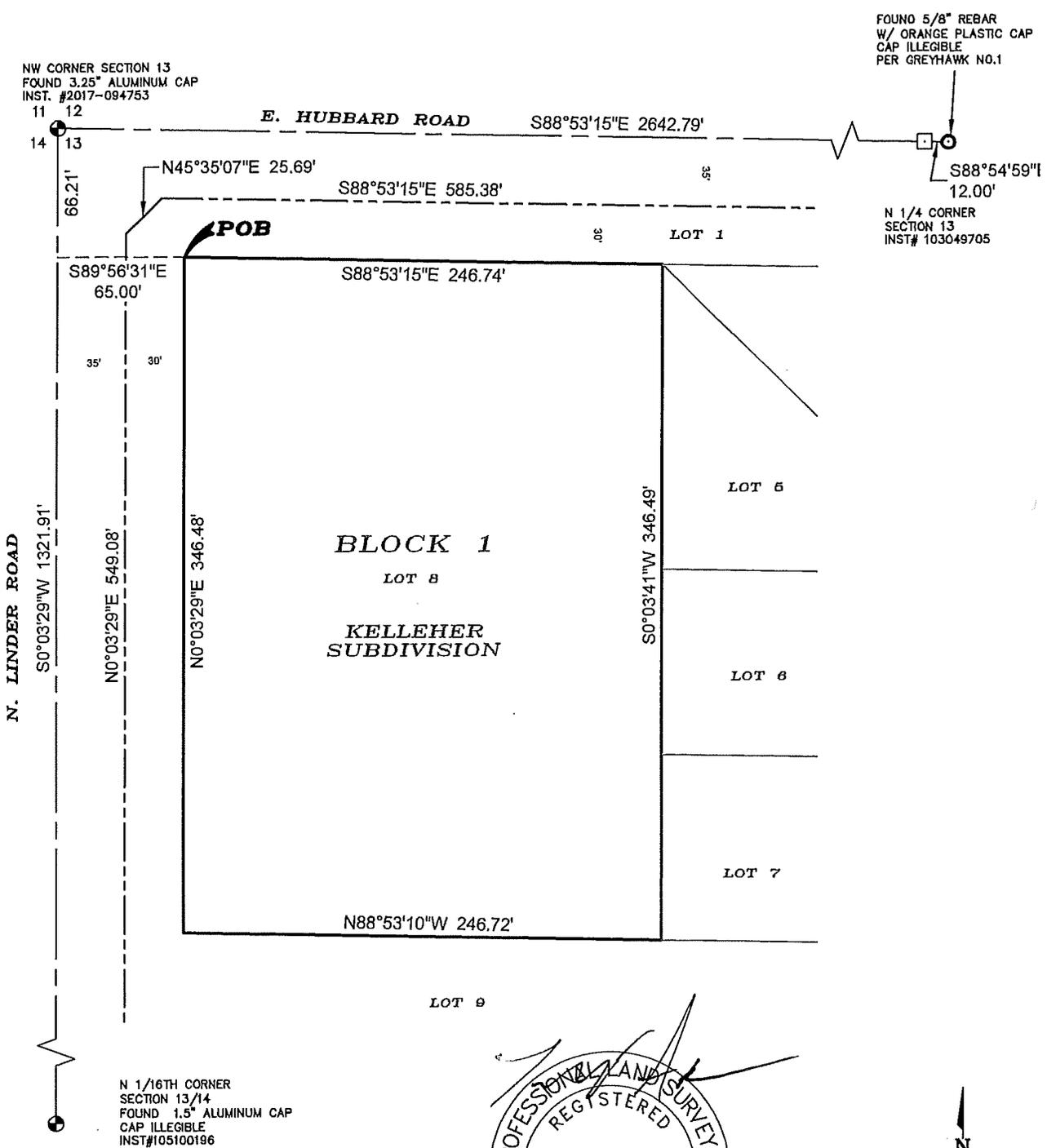
License No. 10729

Exhibit
A2d



SKETCH FOR LEGAL EXHIBIT

A PARCEL OF LAND BEING LOT 8, BLOCK 1 KELLEHER SUBDIVISION
 LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 13
 T.2N, R.1W, B.M. CITY OF KUNA, ADA COUNTY, IDAHO
 2018



NOT TO SCALE

WHPacific
 2141 W Airport Way, Ste 104
 Boise, ID 83705
 208-342-5400 Fax 208-342-5353
 www.whpacific.com



TitleOne
a title & escrow co.

ADA COUNTY RECORDER Christopher D. Rich
BOISE IDAHO Pgs=3 CHE FOWLER
TITLEONE BOISE

2017-098673
10/17/2017 01:21 PM
\$15.00

ACCOMMODATION
RECORDING

Order Number: 17300802

WARRANTY DEED

For Value Received,

JRL Properties L.P., an Idaho limited partnership and Glasgow Enterprises, L.L.C., an Idaho limited liability company, the Grantor, does hereby grant, bargain sell and convey unto, Open Door Rentals, LLC, an Idaho limited liability company, whose current address is 1977 E. Overland Rd., Meridian, ID 83642, the Grantee, the following described premises, in Ada County, Idaho, To Wit:

Lot 8 in Block 1 of Kelleher Subdivision, according to the official plat thereof, filed in Book 96 of Plats at Page(s) 11979 through 11982, official records of Ada County, Idaho.

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

Dated: 10/16/17



JRL Properties L.P., an Idaho limited partnership

By: _____
John A. Laude Sr., General Partner

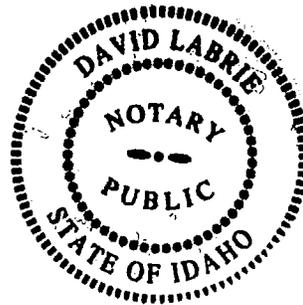
Glasgow Enterprises, L.L.C., an Idaho limited liability company

By: _____ **Signed in Counterpart**
Lloyd W. Glasgow, Manager

State of Idaho, County of Ada, ss.

On this 16 day of October in the year of 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared John A. Laude Sr., known or identified to me to be the General Partner of the partners in the partnership of JRL Properties L.P. and the partner(s) who subscribed said partnership's name to the foregoing instrument, and acknowledged to me that he/she/they executed the same in said partnership name.

David Labrie, Notary Public
Residing at: Boise ID
My Commission Expires: 9/6/2019
(seal)



State of Idaho, County of Ada, ss.

On this _____ day of October, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Lloyd W. Glasgow, known or identified to me to be a Manager of the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

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

Notary Public for Idaho
Residing In: _____
My Commission Expires: _____

JRL Properties L.P., an Idaho limited partnership

Signed in Counterpart

By: _____
John A. Laude Sr., General Partner

Glasgow Enterprises, L.L.C., an Idaho limited liability company

By: _____
Lloyd W. Glasgow, Manager

State of Idaho, County of Ada, ss.

On this _____ day of October in the year of 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared John A. Laude Sr., known or identified to me to be the General Partner of the partners in the partnership of JRL Properties L.P. and the partner(s) who subscribed said partnership's name to the foregoing instrument, and acknowledged to me that he/she/they executed the same in said partnership name.

_____, Notary Public
Residing at: _____
My Commission Expires: _____
(seal)

State of Idaho, County of Ada, ss.

On this 17th day of October, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Lloyd W. Glasgow, known or identified to me to be a Manager of the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

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

Matt Bramwell
Notary Public for Idaho
Residing In: _____
My Commission Expires: _____



Residing in: Meridian, ID
Expires: 5/11/2018



City of Kuna AFFIDAVIT OF LEGAL INTEREST

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

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

State of Idaho)
) ss.
County of Ada)

I, Open Door Rentals, Inc / Corey Barton, 1977 E. Overland Road
Name Address
Meridian, Idaho 83642
City State Zip Code

being first duly sworn upon oath, depose and say:

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

A. That I am the record owner of the property described on the attached, and I grant my
permission to Jane Suggs/WHPacific 2141 W. Airport Way, Suite 104, Boise, ID 83705
Name Address

to submit the accompanying application pertaining to that property.

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

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

Dated this 2nd day of March, 2018

[Signature]
Signature

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

Adair L.
Notary Public for Idaho

Residing at: Nampa, ID

My commission expires: 6-05-22



March 29, 2017

Ms. Wendy Howell, Director
Kuna Planning and Zoning Department
751 W. 4th Street
Kuna, Idaho 83634

Subject: Kelleher Subdivision No. 2 – a resubdivision of Kelleher Subdivision Lot 8, Block 1
Southeast Corner of Hubbard Road and Linder Road
Applications for preliminary plat, final plat and design review

Dear Ms. Howell:

On behalf my client, Challenger Development, Inc., please accept the attached applications for preliminary plat, final plat, and design review for the subject property. The property is located on the southeast corner of Hubbard Road and Linder Road and is part of the Kelleher/Chapparosa Ridge Subdivision. (2N, 1W, Section 13). You may recall that this 1.96 acre parcel was recently rezoned to C-1, neighborhood commercial in December of 2017.

Preliminary Plat

We are requesting to re-subdivide the parcel into 8 building lots and 1 common lot. The developer proposes to construct eight 4-plex buildings, along with parking and landscaping. The 4-plexes are considered multi-family and are allowable in the C-1 zone with Design Review. In addition, the 4-plexes are a reasonable transition from the intersection at Hubbard and Linder Roads and the single family residences in Chapparosa Ridge to the east. The subject property is, in fact, part of the Chapparosa Ridge Subdivision (platted as Kelleher) and the developer intends to continue to be part of the Chapparosa Ridge Home Owners Association.

The standards and setbacks for the C-1 zone and for Kelleher Subdivision No. 2 are as follows:

	Required in C-1 zone	Kelleher Sub No. 2
Maximum height	35'	29'
Street frontage	0'	N/A – buildings do not front on a street
Front setback on local road	15'	N/A – buildings do not front on a local street
Front setback on collector/arterial	0'	N/A – buildings do not front on a collector/arterial
Rear yard	5'	5'
Interior side yard setback	0'	10'
Street side yard setback	10'	N/A – buildings do not have a side yard on a street
Maximum lot coverage	100% DR	less than 100%
Minimum lot size	2000 SF	4035 SF



The new subdivision parcel is surrounded by a 30' wide landscaped buffer that was established when the original Kelleher Subdivision was developed. Due to this buffer, the new lots do not have frontage on Hubbard Road or Linder Road. Access will be taken via a driveway on Hubbard Road, at a location approved by ACHD. The current driveway on Linder Road will be closed.

Lot sizes are shown on the preliminary plat. The common lot provides parking and landscaping and all of the buildings face this interior common lot. There are 6' wide sidewalks throughout the development that will provide safe and convenient access to each building.

There are 62 regular parking spaces (9'x20') and 4 accessible parking spaces for a total of 66 parking spaces or 2 spaces per dwelling unit. The City's standard is 1.5 parking spaces per dwelling unit.

Utilities

All urban services are available to the project. Sanitary sewer and potable water are provided to each lot, along with a pressurized irrigation system that will keep yards and open spaces green. Currently storm water runoff is planned to be managed with infiltration facilities located in the common lot.

Buffers and Landscaping

As noted above, a 30' wide landscape strip was established when the original Kelleher Subdivision was constructed. That landscape strip is maintained by the Chapparosa Homeowners Association and a provision was made in the CCRs to allow access across the buffer to the subject parcel.

A landscape plan, prepared by Jensen-Belts, is included in our application, along with a colored landscape rendering. The plan includes landscaping around the 4-plex buildings and in the parking area. We've also planned for landscaping along the eastern fence line adjacent to the existing homes. Based on comments from our neighbors and to provide security and safety, we will have a 6' fence around the perimeter of the property. We have included a walkway and fence opening in the southeast corner of the site to allow pedestrian only passage to the neighborhood park. Because we are adjacent to the neighborhood park, we are not planning for additional amenities within the development site. The owners of the 4-plexes buildings will participate in the maintenance of the neighborhood park through annual dues and assessments.

In summary, the proposed Kelleher Subdivision No. 2 preliminary plat meets the requirements of the Kuna Code for the C-1 zoning designation, and is in conformance with the Comprehensive Plan policies that encourage multi-family uses in proximity to neighborhood commercial/future commercial. In addition, public services are available to the development; there are no impacts to the continuity of the capital improvement program or inability by the City to provide support services; and there are no negative impacts to the health and safety of Kuna residents or to the environment.

Final Plat

In addition to our application for preliminary plat, we are also making application for final plat approval. According to the Kuna Code 6-2-3-B, an applicant may request that the subdivision application be processed as both a preliminary and final plat if all the following criteria are met:

1. The proposed subdivision does not exceed ten (10) lots;

2. *No new street dedication or street widening is involved;*
3. *No major special development considerations are involved, such as development in a floodplain, hillside development or the like; and*
4. *All required information for both preliminary and final plat is complete and in an acceptable form.*

This re-subdivision of Lot 8, Block 1 of Kelleher Subdivision meets those conditions, and so we have submitted a final plat application, along with copies of the final plat and construction drawings for review.

The proposed final plat is in conformance with the preliminary plat that is submitted for approval and the plat and construction drawings are in conformance with acceptable engineering practices and local standards. The conditions of approval placed on the preliminary plat will be completed, as necessary, prior to the City Engineer's signature on the final plat mylar, prior to recording.

Design Review

We are also requesting Design Review approval for the 4-plex buildings and for the common area parking and landscaping. The project architect, Rob TeBeau with The Architects Office, has provided a separate letter of intent for Design Review, along with all the necessary applications, floor plans, elevations, and color pallets.

Our team has coordinated applications and we have worked with staff so that the Design Review consideration and hearing will coincide with the preliminary plat review and hearing. This schedule allows the Planning and Zoning Commissioners and public to review the entire project in a complete and transparent process.

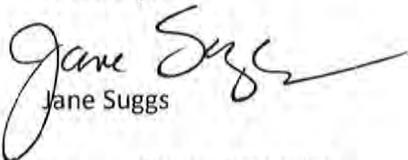
Neighborhood Meeting

A neighborhood meeting was held on Monday, March 5, 2018, at 6 pm at the Kuna Fire Station. The sign-up sheet for the meeting is included with our application materials. Based on the neighborhood meeting discussion, we have continued communication with neighbors regarding the view of the buildings from the streets, location of fences and potential rental costs.

We have also reached out to the Homeowners Association management agency and expect to meet with the Chapparosa HOA Board at their next meeting.

Our development team is pleased to submit the necessary applications and support materials for this new subdivision in the City of Kuna. We look forward to working with you and your staff on the approval process. And, as always, do not hesitate to contact me if you have questions about the project or the applications.

Sincerely,


Jane Suggs

cc: Shawn Brownlee



City of Kuna
**COMMITMENT TO
PROPERTY POSTING**

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

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

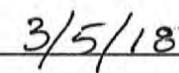
The applicant shall submit proof of property posting in the form of a notarized statement and a photograph of the posting to the City no later than seven (7) days prior to the public hearing attesting to where and when the sign (s) were posted. Unless such Certificate is received by the required date,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

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

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



Applicant/agent signature



Date

Jane Suggs

From: Sub Name Mail <subnamemail@adaweb.net>
Sent: Friday, March 16, 2018 3:14 PM
To: Jane Suggs
Cc: Travis Foster
Subject: RE: Kelleher Sub No 2 Name Reservation

March 16, 2018

Travis Foster, WHPacific Inc.
Jane Suggs, WHPacific Inc.

RE: Subdivision Name Reservation: **KELLEHER SUB NO 2**

At your request, I will reserve the name **Kelleher Sub No 2** for your project. I can honor this reservation only as long as your project is in the approval process. Final approval can only take place when the final plat is recorded.

This reservation is available for the project as long as it is in the approval process unless the project is terminated by the client, the jurisdiction or the conditions of approval have not been met, in which case the name can be re-used by someone else.

Sincerely,



Jerry L. Hastings, PLS 5359
County Surveyor
Deputy Clerk Recorder
Ada County Development Services
200 W. Front St., Boise, ID 83702
(208) 287-7912 office
(208) 287-7909 fax

From: Jane Suggs [<mailto:JSuggs@whpacific.com>]
Sent: Thursday, March 15, 2018 5:29 PM
To: Sub Name Mail
Subject:] RE: Subdivision Name Reservation

Sub Name Mail/Glen,

I'd like to reserve the name: **Kelleher Subdivision No. 2** for a new project on the SE corner of Hubbard Road and Linder Road. The parcel is known as Lot 8, Block 1 of the Kelleher Subdivision.

The property is 1.96 acres in T2N, R1W, Section 13. Parcel number: R4865420080.

WHPacific/Travis Foster is the surveyor. Open Door Rentals/Corey Barton is the owner. Trilogy Development/Shawn Brownlee is the developer.

I am the contact for the project.

Thank you,

Jane

Jane Suggs | Planner

WHPacific, Inc. | 2141 W Airport Way, Suite 104, Boise, ID 83705

Direct 208.275.8729 | Mobile 208.602.6941 | Fax 208.342.5353 | jsuggs@whpacific.com



Neighborhood Meeting Certification

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

GENERAL INFORMATION:

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

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

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

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

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

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

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

Description of proposed project: Subdivision plat for eight 4-plex buildings

Date and time of neighborhood meeting: Monday, March 5, 2018 at 6 pm

Location of neighborhood meeting: Kuna Fire Station, 150 W. Boise Street

SITE INFORMATION:

Location: Quarter: _____ Section: 13 Township: 2N Range: 1W Total Acres: 1.96

Subdivision Name: Kelleher Lot: 8 Block: 1

Site Address: SE corner Linder Road and Hubbard Road Tax Parcel Number(s): R4865420080

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

CURRENT PROPERTY OWNER:

Name: Open Door Rentals, Inc.

Address: 1977 Overland Road City: Meridian State: ID Zip: 83642

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

Name: Jane Suggs Business (if applicable): WHPacific, Inc.

Address: 2141 W. Airport Way, Suite 104 City: Boise State: ID Zip: 83705



PROPOSED USE:

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

Application Type

Brief Description

Annexation _____

Re-zone _____

Subdivision (Sketch Plat and/or Prelim. Plat) Preliminary & Final Plat for 8 building lots, plus common lot(s)

Special Use _____

Variance _____

Expansion of Extension of a Nonconforming Use _____

Zoning Ordinance Map Amendment _____

APPLICANT:

Name: Jane Suggs / WHPacific, Inc.

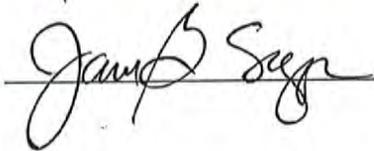
Address: 2141 W. Airport Way, Suite 104

City: Boise State: Idaho Zip: 83705

Telephone: _____ Fax: _____

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

Signature: (Applicant)



Date 3/9/18

New Subdivision at SE corner Hubbard and Linder Roads

Neighborhood Meeting

Monday, March 5, 2018

6 pm

Helene
Jim & Vicki

	Name	Address	Phone/e-mail
1.	Steve Wagner	199 W. Hubbard	hwagner@gmail.com
2.	Jim & Vicki Clark	2965 N. Linder Rd.	
3.	Matt Foley	2877 N Updale	Mattfoley@hotmail.com
4.			
5.			
6.			
7.			
8.			
9.			
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11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

February 23, 2018

Subject: New Subdivision at the Southeast corner of Hubbard and Linder Roads
also known as: Lot 8, Block 1 Kelleher (Chapparosa) Subdivision

Dear Neighbor,

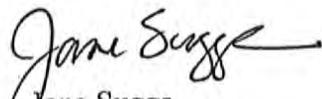
You and your family are invited to attend a neighborhood meeting to discuss a new subdivision proposed for the southeast corner of Hubbard Road and Linder Road. This 1.96 acre parcel is also described as Lot 8, Block 1 of the Kelleher Subdivision.

You may recall being notified last year about a development at this location. That neighborhood meeting notification was about rezoning the subject property to neighborhood commercial (C-1), for the development of 4-plex units. The 4-plexes are an allowable use in the C-1 zone, subject to design review.

The developer/builder plans to build eight 4-plexes, plus common lots for parking, utilities, open space and landscaping. The development will be accessed by a driveway on Hubbard Road.

Our meeting will be held on **Monday, March 5, 2018 at 6 pm at the Kuna Fire Station at 150 West Boise Street**. If you have any questions about the meeting or the proposed development project, please do not hesitate to call me at 208-275-8729 or e-mail me at jsuggs@whpacific.com.

Sincerely,


Jane Suggs
Planner

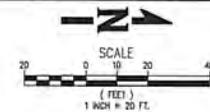
W 1/4 CORNER SECTION 13
 FND 3/4" REBAR
 INST. #103049898

BASIS OF BEARINGS
 S07°03'29"W 1321.91' (1321.88')

N. LINDER ROAD

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

66.21'



LEGEND:

- EXIST. FIRE HYDRANT
- EXIST. WATER MANHOLE
- EXIST. WATER VALVE
- EXIST. WATER METER
- EXIST. STORMDRAIN MANHOLE
- EXIST. DROP INLET
- EXIST. SANITARY SEWER MANHOLE
- EXIST. TELEPHONE RESEP
- EXIST. CONIFER TREE
- EXIST. DECIDUOUS TREE
- EXIST. SANITARY SEWER
- EXIST. WATER LINE
- EXIST. CHAINLINK FENCE
- EXIST. VINYL FENCE
- EXIST. ROLLED CURB AND CUTTER
- EXIST. EXTRUDED CURB
- EXIST. CONTOUR-MINOR
- EXIST. CONTOUR-INDEX
- CONST. VERTICAL CURB & CUTTER
- CONST. 6" EXTRUDED CURB
- CONST. SAWCUT
- CONST. PARKING STRIPING
- CONST. CONCRETE SIDEWALK PER ISPCW 50-709
- CONST. THICKENED EDGE SIDEWALK PER DETAIL
- CONST. FIRE HYDRANT
- CONST. SANITARY SEWER MANHOLE
- CONST. CATCH BASIN
- CONST. WATER METER
- CONST. WATER VALVE
- CONST. MONITORING WELL
- CONST. SANITARY SEWER
- CONST. STORM BRAN
- CONST. 2" WATER SERVICE

- FOUND MONUMENT AS NOTED
- FOUND 5/8" REBAR W/PPC MARKED "WHP PLS 10729" OR AS NOTED
- FOUND 1/2" REBAR W/PPC MARKED "WHP PLS 10729"
- SET 5/8" X 30" REBAR W/PPC MARKED "WHP PLS 10729"
- FOUND 1/2" REBAR W/PPC MARKED "WHP PLS 10729" REPLACE WITH 5/8" REBAR W/PPC "WHP PLS 10729"
- CALCULATED POINT
- RECORD DISTANCE PER KELLEHER SUBDIVISION BK 96, PAGES 11,879-11,882
- SUBDIVISION BOUNDARY LINE
- SECTION/AUDIT LINE
- RIGHT OF WAY LINE
- INTERIOR LOT LINE
- EASEMENT LINE
- TEC LINE
- LOT NUMBER

PROJECT NOTES:

1. SANITARY SEWER MAINS SHALL BE 8" UNLESS OTHERWISE SHOWN.
2. WATER MAINS SHALL BE 8" UNLESS OTHERWISE SHOWN.
3. PRESSURE IRRIGATION SYSTEM TO CONNECT TO CITY OF KUNA PRESSURE IRRIGATION SYSTEM.
4. SURFACE STORM WATER DRAINAGE SHALL BE MANAGED BY ON-SITE SUBSURFACE DISPOSAL FACILITIES IN ACCORDANCE WITH CITY OF KUNA REQUIREMENTS.
5. THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH THE IDAHO CODE SECTION 31-3A03 CONCERNING IRRIGATION SYSTEM.
6. ALL LOTS ARE TO BE DESIGNATED MULTI-FAMILY RESIDENTIAL EXCEPT; BLOCK 1, LOT 1 SHALL BE DESIGNATED A CHARMER LOT.
7. A BLANKET INTEREST/EGRESS PARKING, AND PUBLIC UTILITY EASEMENT OVER LOT 1, BLOCK 1.
8. THIS IS A RESUBDIVISION OF LOT 8, BLOCK 1, KELLEHER SUBDIVISION.

WHPacific
 1000 W. 10th Street, Ste 104
 Boise, ID 83702
 208-342-5400 Fax 208-342-5333
 www.whpacific.com

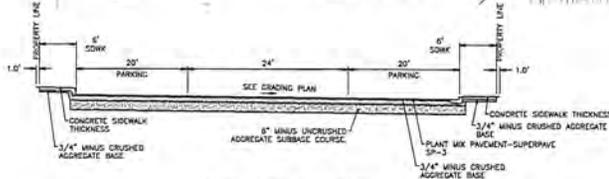
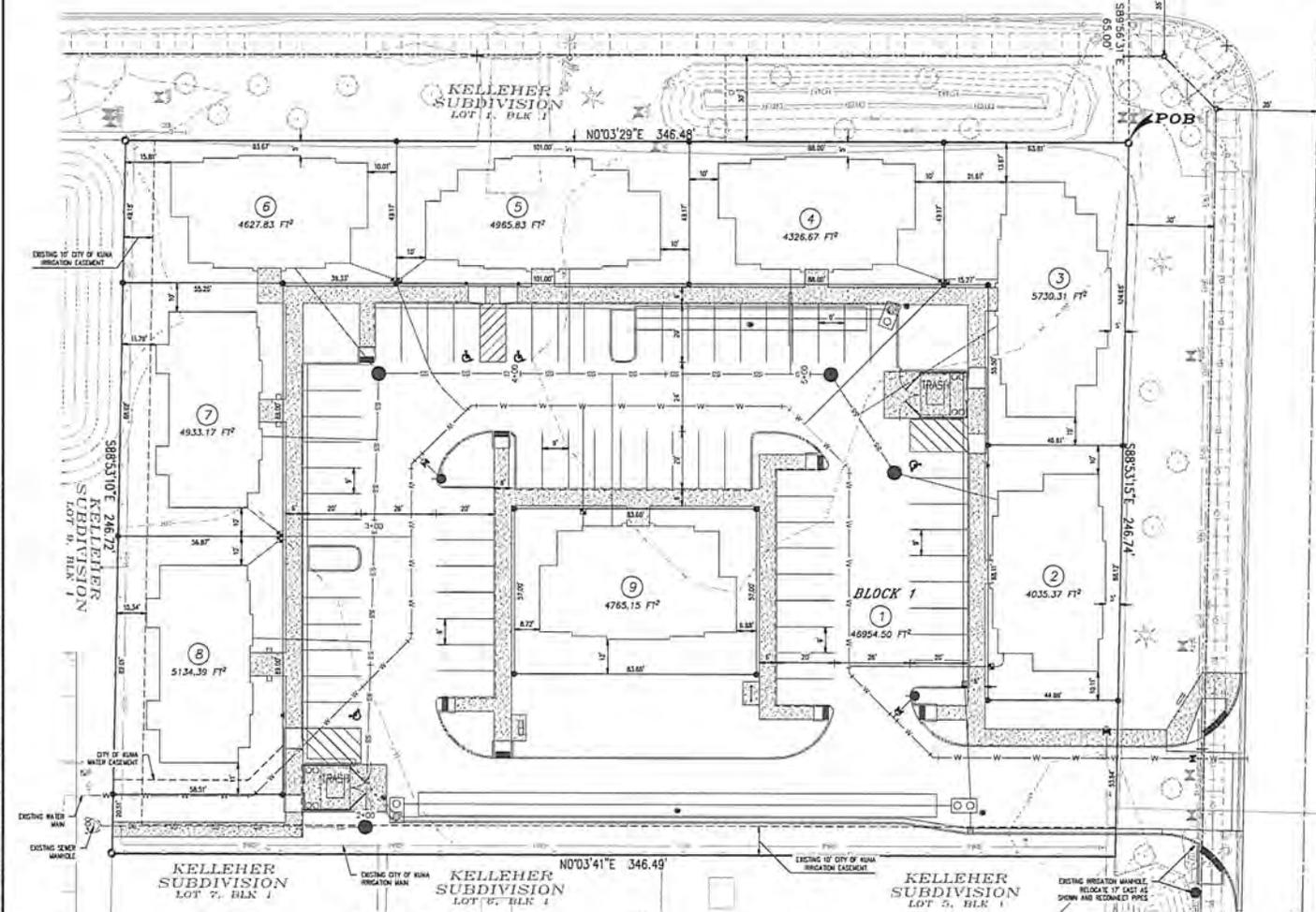


REVISION	NO	BY	DATE	REMARKS

SHEET NO	DESIGNED	DRAWN	CHECKED	APPROVED	DATE	PROJECT NO	SCALE

PRELIMINARY PLAT
 CHALLENGER DEVELOPMENT, INC.
 KELLEHER SUBDIVISION #2
 DRAWING FILE NAME: 0021417W-CX-PP101
 PROJECT NUMBER: 0021417W-CX-PP101
 SCALE: AS NOTED

SHEET NUMBER
PP-1



TYPICAL PARKING LOT SECTION
 M.T.C.

OWNER:
 OPEN DOOR RENTALS, LLC
 1977 E. OVERLAND RD.
 MERIDIAN, ID 83642

DEVELOPER:
 TRILBY DEVELOPMENT, INC.
 8839 W. CABLE CAR STREET, STE 101
 BOISE, ID 83709

ENGINEER:
 MATT HUNGER, P.E.
 WHPACIFIC, INC.
 2141 W. AIRPORT WAY, STE 104
 BOISE, ID 83705

SURVEYOR:
 TRAVIS FOSTER, PLS. 07202
 WHPACIFIC, INC.
 2141 W. AIRPORT WAY, STE 104
 BOISE, ID 83705

PLANNER/CONTACT:
 JANE SUZOS
 WHPACIFIC, INC.
 2141 W. AIRPORT WAY, STE 104
 BOISE, ID 83705

DEVELOPMENT FEATURES:

PROPERTY SIZE:	1.96 ACRES
BUILDABLE LOTS:	8
TOTAL SHRELLING UNITS:	32
BUILDABLE LOT AREA:	38,518.72 SF (0.88 ACRES)
COMMON LOTS:	1
COMMON LOT AREA:	46,854.50 SF (1.08 ACRES)
EXISTING/PROPOSED ZONING:	C-1VC-1
REGULAR PARKING SPACES:	62
ACCESSIBLE PARKING SPACES:	4
TOTAL PARKING SPACES:	66

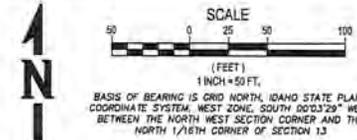
DATE: 3/29/2016 11:35 AM | (40) INCH: internal | (PLOTTER: PLOT TO PDF) | (STYLE: WHP-Standard_Lead.rvt) | (STATUS: PRELIMINARY PLAT) | (PATH: P:\Working\21417W-CX-PP101.dwg) | (LAYOUT: PRELIMINARY PLAT)

Exhibit
A20

KELLEHER SUBDIVISION NO. 2

REPLAT OF LOT 8 BLK 1 OF KELLEHER SUBDIVISION

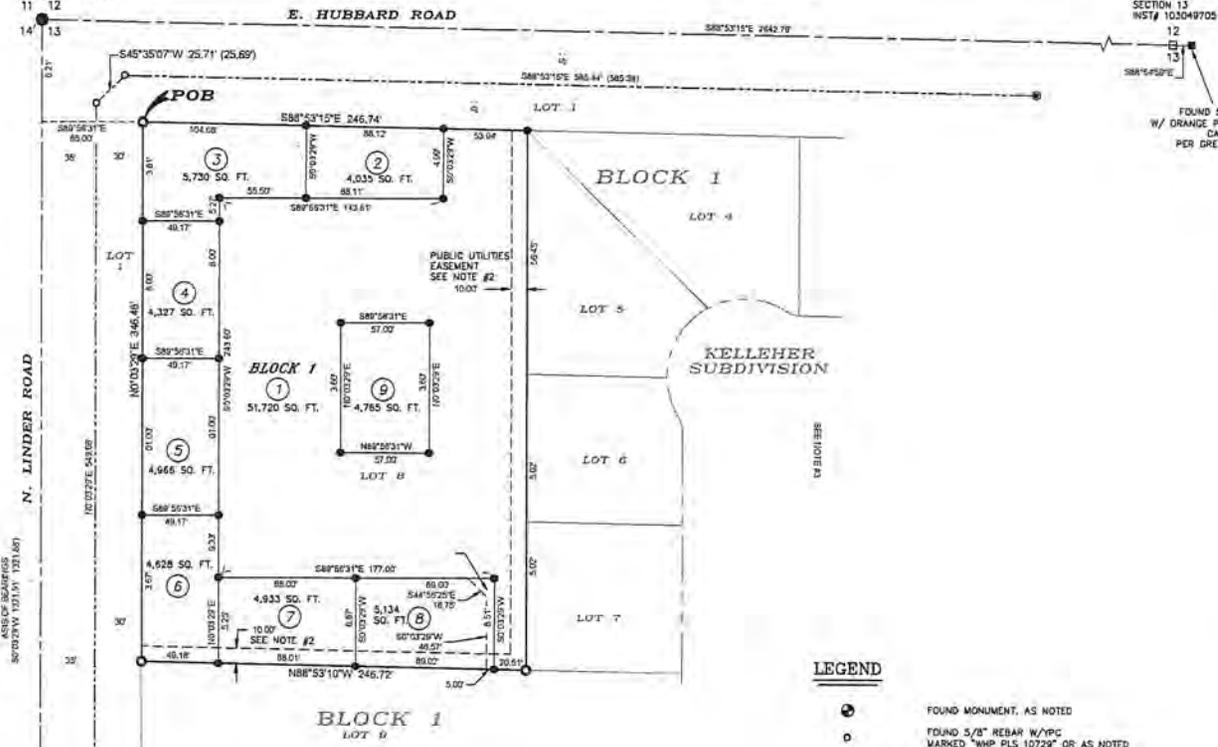
A PARCEL OF LAND LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 13, T.2.N, R.1.W., B.M. CITY OF KUNA, ADA COUNTY, IDAHO 2018



NW CORNER SECTION 13
FOUND 3/25" ALUMINUM CAP
INST. #2017-094753

N 1/4 CORNER SECTION 13
INST. # 103048705

FOUND 5/8" REBAR
W/ ORANGE PLASTIC CAP
DAP ILLEGIBLE
PER GREYHAWK NO.1



NOTES

- 1) A 10 FOOT WIDE PERMANENT EASEMENT FOR PUBLIC UTILITIES, DRAINAGE, AND IRRIGATION IS HEREBY DESIGNATED ALONG THE PUBLIC RIGHTS OF WAY, UNLESS OTHERWISE DIMENSIONED. A 5 FOOT WIDE PERMANENT EASEMENT FOR PUBLIC UTILITIES, DRAINAGE, AND IRRIGATION IS HEREBY DESIGNATED ALONG THE PROJECT BOUNDARY, UNLESS OTHERWISE NOTED. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD-SURFACED DRIVEWAYS AND WALKWAYS TO EACH LOT.
- 2) THE EASTERLY AND SOUTHERLY BOUNDARY OF THIS SUBDIVISION IS SUBJECT TO AN EXISTING 10' PERMANENT EASEMENT FOR PUBLIC UTILITIES, DRAINAGE, AND IRRIGATION AS SHOWN ON THE PLAT FOR KELLEHER SUBDIVISION BK96, PAGES 11979-11982
- 3) THE EASTERLY PROPERTY LINE OF LOT 8 IS SUBJECT TO AN EASEMENT FOR PUBLIC UTILITIES AS SHOWN ON THIS PLAT.
- 4) LOT 1, BLOCK 1 IS DESIGNATED AS A COMMON AREA LOT AND ARE TO BE OWNED AND MAINTAINED BY KELLEHER SUBDIVISION #2 PROPERTY OWNERS ASSOCIATION.
- 5) LOT 1, BLOCK 1 SHALL CONTAIN A BLANKET INGRESS/EGRESS AND PUBLIC UTILITY EASEMENT.
- 6) THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES "NO AGRICULTURAL OPERATION OR AN APPURTENANCE TO IT SHALL BE DEEMED A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING MONOCULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR SINCE THE OPERATION WAS NOT A NUISANCE AT THE TIME THE OPERATION BEGAN; PROVIDED, THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER NUISANCE RESULTS FROM THE IMPROPER OR NEGLECTED OPERATION OF ANY AGRICULTURAL OPERATION OR APPURTENANCE TO IT."
- 7) IRRIGATION WATER HAS BEEN PROVIDED BY THE CITY OF KUNA IN COMPLIANCE WITH IDAHO CODE 31-3805(1)(b). LOTS WITHIN THE SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR ALL IRRIGATION ASSESSMENTS.
- 8) ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
- 9) MINIMUM BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF KUNA APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF INDIVIDUAL BUILDING PERMITS OR AS SPECIFICALLY APPROVED AND/OR REQUIRED.
- 10) DIRECT LOT ACCESS TO N. LINDER ROAD AND E HUBBARD ROAD BY ANY LOT, IS PROHIBITED, EXCEPT AS SHOWN.
- 11) THIS SUBDIVISION IS SUBJECT TO THE TERMS OF A DEVELOPMENT AGREEMENT RECORDED AS INSTRUMENT NO. _____ RECORDS OF ADA COUNTY, IDAHO.
- 12) THIS SUBDIVISION IS SUBJECT TO THE TERMS AND CONDITIONS OF AN ADA COUNTY HIGHWAY DISTRICT LICENSE AGREEMENT RECORDED AS INSTRUMENT NO. _____ RECORDS OF ADA COUNTY, IDAHO. LANDSCAPING TO BE MAINTAINED BY THE KELLEHER SUBDIVISION #2 PROPERTY OWNERS ASSOCIATION.
- 13) ALL OPEN SPACE SHALL BE MAINTAINED IN COMMON BY THE KELLEHER SUBDIVISION #2 PROPERTY OWNERS ASSOCIATION PER THE CC&RS.

LEGEND

- FOUND MONUMENT, AS NOTED
- FOUND 5/8" REBAR W/YPC MARKED "WHP PLS 10729" OR AS NOTED
- ⊗ FOUND 1/2" REBAR W/YPC MARKED "WHP PLS 10729"
- SET 5/8" X 30" REBAR W/YPC MARKED "WHP PLS 10729"
- FOUND 1/2" REBAR W/YPC MARKED "WHP PLS 10729" REPLACE WITH 5/8" REBAR W/YPC "WHP PLS 10729"
- CALCULATED POINT
- (XXXXXX) RECORD DISTANCE PER KELLEHER SUBDIVISION BK 96, PAGES 11,979-11,982
- SUBDIVISION BOUNDARY LINE
- - - SECTION/ADJUT LINE
- - - RIGHT OF WAY LINE
- - - INTERIOR LOT LINE
- - - EASEMENT LINE
- - - TIE LINE
- ⑦ LOT NUMBER



WHPacific

Exhibit

A2P

KELLEHER SUBDIVISION NO. 2
REPLAT OF LOT 8 BLK 1 OF KELLEHER SUBDIVISION
A PARCEL OF LAND LOCATED IN THE NW 1/4 OF THE NW 1/4 OF
SECTION 13, T.2.N., R.1W., B.M. CITY OF KUNA, ADA COUNTY, IDAHO
2018

CERTIFICATE OF OWNERS

Know all men by this presents: That the undersigned are the owners of the property described as follows and intend to include said property in this plat: A parcel of land being situated in the Northwest 1/4 of the Northwest 1/4, of Section 13, Township 2 North, Range 1 West, Boise Meridian, also being Lot 8, Block 1 of Kelleher Subdivision recorded in Bk 96, Pages 11,979-11,982 of the Ada County Recorders Office, Ada County, Idaho, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 13, monumented by a 3.25" aluminum cap (Corner Record No. 2017-094753), from which the North 1/16th corner on the West line of said Section 13, monumented by a 1.5" aluminum cap (Corner Record No. 105100196) bears South 00°03'29" West, a distance of 1321.91 feet;

Thence South 00°03'29" West, coincident with said West line of said Section 13, a distance of 66.21 feet;

Thence leaving said West line, South 89°56'31" East, a distance of 65.00 feet to the Northwest corner of Lot 8, Block 1, of said Kelleher Subdivision and the POINT OF BEGINNING;

Thence South 88°53'15" East, coincident with the northerly boundary line of said Lot B, a distance of 246.74 feet, to the northeast corner of said Lot B;

Thence South 00°03'41" West, coincident with the easterly boundary line of said Lot B, a distance of 346.49 feet, to the southeast corner of said Lot B;

Thence North 88°53'10" West, coincident with the southerly boundary line of said Lot B, a distance of 246.72 feet, to the southwest corner of said Lot B;

Thence North 00°03'29" East, coincident with the westerly boundary line of said Lot B, a distance of 346.48 feet, to said POINT OF BEGINNING.

The above described parcel contains 85,473 square feet or 1.96 acres, more or less.

Together with and subject to covenants, easements, and restrictions of record.

The basis of bearings for this parcel is South 00°03'29" West between the Northwest corner of said Section 13 and the North 1/16th corner common to Sections 13 and 14.

It is the intention of the undersigned to hereby include the above described property in this plat. The easements shown are not dedicated to the public, however, the right to use said easements is hereby perpetually reserved for public utilities and such other uses as designated within this plat. No permanent structures are to be erected within the lines of said easements. All lots within this plat are eligible to receive water service from the City of Kuna, and the City of Kuna has agreed, in writing, to serve all of the lots in this subdivision.

In witness whereof we have hereunto set our hands this _____ day of _____, 20____.

Open Door Rentals, LLC.

 Corey D. Borton, Member

CERTIFICATE OF SURVEYOR

I, Travis P. Foster, am a registered professional land surveyor licensed by the state of Idaho, and do hereby certify that this plat, as described in the "Certificate of Owners", was drawn from an actual survey made on the ground under my direct supervision and accurately represents the points plotted thereon, in conformity with the state of Idaho codes relating to plats, surveys and the corner perpetuation and filing act, Idaho Code 55-1601 through 55-1612.



ACKNOWLEDGMENT

STATE OF IDAHO } SS
 COUNTY OF ADA }

On this _____ day of _____, in the year _____, before

me _____, a Notary Public in and for said State, personally appeared Corey D. Borton known or identified to me to be a Member of Open Door Rentals, LLC., the Limited Liability Company that executed the instrument or the person who executed the instrument on behalf of said Limited Liability Company, and acknowledged to me that such Limited Liability Company executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

 Notary Public for _____

Residing at _____

My commission expires _____

Approval of Central District Health Department

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied according to the letter to be read on file with the County Recorder or his agent listing the conditions of approval. Sanitary restrictions may be re-imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

 Central District Health Department, EHS Date

APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

This plat was accepted and approved by the Board of Ada County Highway District Commissioners on this _____ day of _____, 20____.

 President
 Ada County Highway District

APPROVAL OF CITY COUNCIL

I, the undersigned, City Clerk in and for the City of Kuna, Ada County, Idaho do hereby certify that at a regular meeting of the City Council held on the _____ day of _____, 20____, this plat was duly accepted and approved.

 City Clerk, Kuna, Idaho

Certificate of County Recorder

STATE OF IDAHO }
 COUNTY OF ADA } SS Instrument No. _____

I hereby certify that this instrument was filed for record at the request of WHPacific at _____ minutes past _____ o'clock _____ M., on this _____ day of _____, 20____, in Book _____ of Plats at Pages _____ through _____, Fee: _____

Ex-Officio Recorder: Christopher D. Rich

Deputy

CERTIFICATE OF COUNTY TREASURER

I, the undersigned, County Treasurer in and for the County of Ada, State of Idaho, per the requirements of Idaho Code, 50-130B, do hereby certify that any and all current and/or delinquent County Property Taxes for the property included in this subdivision have been paid in full. This certificate is valid for the next thirty (30) days only.

 Ada County Treasurer Date

CERTIFICATE OF COUNTY SURVEYOR

I, the undersigned, Professional Land Surveyor for Ada County, Idaho, hereby certify that I have checked this plat and find that it complies with the requirements of Idaho Code relating to plats and surveys.

 Ada County Surveyor Date

APPROVAL OF CITY ENGINEER

I, the undersigned, City Engineer, in and for City of Kuna, Ada County, Idaho hereby state that the recommended conditions of the city of Kuna have been satisfied for this plat.

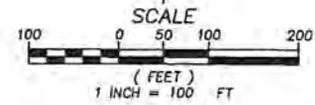
 Kuna City Engineer Date

WHPacific
 2141 W Airport Way, Ste 104
 Boise, ID 83705
 208-342-5400 Fax 208-342-5353
 www.whpacific.com

OK 96 pg 11974

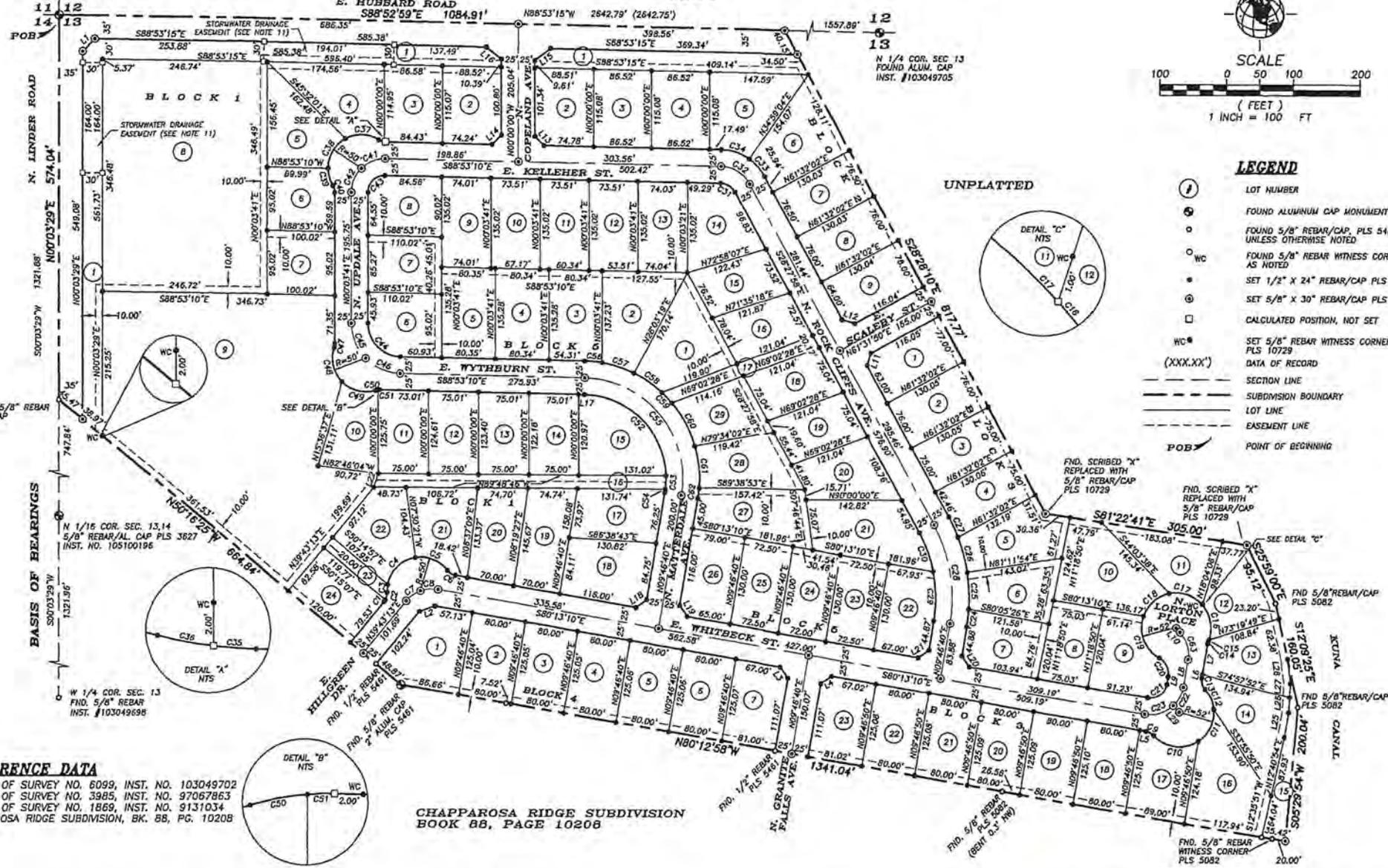
KELLEHER SUBDIVISION

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



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

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



LEGEND

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

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

CHAPPAROSA RIDGE SUBDIVISION
BOOK 88, PAGE 10208

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

Travis P. Foster
 PROFESSIONAL LAND SURVEYOR
 REGISTERED
 10729
 STATE OF IDAHO
 TRAVIS P. FOSTER
 10/4/06

Exhibit
 A4

W&H PACIFIC
 3180 S. Owyhee St.
 Boise, Idaho 83705-4768
 (208)348-5400
 (208)348-5363 Fax
 whpacific.com

KELLEHER SUBDIVISION

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

OWNERS CERTIFICATE

Know all men by this presents: That the undersigned is the owner of the property described as follows and intends to include said property in this plat:

A parcel of land located in the NW1/4 of Section 13, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho, more particularly described as follows;

COMMENCING at the Aluminum Cap, Corner Record No. 102129849, marking the Northwest Corner of said Section 13 being also the POINT OF BEGINNING;

- Thence South 88°52'59" East coincident with the North line of said Northwest 1/4 of Section 13, 1084.91 feet to a set 5/8" rebar/cap PLS 10729;
 - Thence, leaving said section line, South 28°28'10" East, 817.77 feet to a set 5/8" rebar/cap PLS 10729;
 - Thence South 81°22'41" East, 305.00 feet to a set 5/8" rebar/cap 10729;
 - Thence South 25°59'00" East, 95.12 feet to a found 5/8" rebar/cap PLS 5082;
 - Thence South 12°09'25" East, 180.05 feet to a found 5/8" rebar/cap PLS 5082;
 - Thence South 05°29'54" West, 200.04 feet to a set 5/8" rebar/cap PLS 10729;
 - Thence North 80°12'58" West coincident with the northerly line of Chapparosa Ridge Subdivision Book 88, Page 1D208, Ada County Records, 1341.04 feet to a found 5/8" rebar/aluminum cap PLS 5461;
 - Thence North 50°16'25" West coincident with said northerly line of Chapparosa Ridge Subdivision, 664.84 feet to a point on the West line of said Northwest 1/4 of Section 13 and a found 5/8" rebar/cap PLS 5082;
 - Thence North 00°03'29" East coincident with the West line of the said Northwest 1/4 of Section 13, a distance of 574.04 feet to the POINT OF BEGINNING.
- Said parcel contains 33.01 acres, more or less.

The public streets shown on this plat are hereby dedicated to the public. The easements as shown on this plat are not dedicated to the public. However, the right to use said easements is perpetually reserved for public utilities and for any other uses as designated hereon and no permanent structures are to be erected within the lines of said easements.
All lots shown on this plat will be eligible to receive water service from the Kuna Sewer and Water District and the Kuna Sewer and Water District has agreed in writing to serve all of the lots in this subdivision.

COREY BARTON - MEMBER
DYVER DEVELOPMENT L.L.C.

ACKNOWLEDGMENT

State of Idaho }
County of Ada } ss

On this 3rd day of October, 2006, before me Adair Koltjes, a Notary Public in and for said State, personally appeared Carey Barton, known or identified to me to be a member of Dyver Development L.L.C., and the manager who subscribed said limited liability company's name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said limited liability company's name.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Adair Koltjes
Notary Public for Idaho
Residing at Nampa, ID
My commission expires 6-03-2010



CERTIFICATE OF SURVEYOR

I, Travis P. Foster, do hereby state that I am a Land Surveyor, licensed by the State of Idaho, and that this plat, as described in the Certificate of Owners and the attached plat, was drawn from an actual survey made on the ground under my direct supervision and accurately represents the points plotted thereon, in conformity with the State of Idaho Codes relating to plats, surveys and the corner perpetuation and filing act, Idaho Code 55-1601 through 55-1612.

Travis P. Foster 10/4/06
PROFESSIONAL LAND SURVEYOR
REGISTERED
10729
STATE OF IDAHO
TRAVIS P. FOSTER

W&H PACIFIC
3130 S. Owyhee St.
Boise, Idaho 83705-4768
(208)342-6400
(208)342-6383 Fax
whpacifllo.com

Planners • Engineers • Surveyors • Landscape Architects

BOOK 96, PAGE 11981

KELLEHER SUBDIVISON

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

CERTIFICATE OF COUNTY SURVEYOR

I, Donald J. Couch, the undersigned County Surveyor in and for Ada County, Idaho, do hereby certify that I have checked this plat and that it complies with the State of Idaho Code relating to plats and surveys.

Donald J. Couch
Ada County Surveyor PLS.970



10-12-06
Date

APPROVAL OF CITY ENGINEER

I, KEVEN T. SHREVE, the undersigned City Engineer in and for the City of Kuna, Ada County, Idaho, hereby approve this plat.

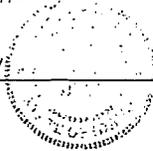
Keven T. Shreve
City Engineer

8/9/06
Date

APPROVAL OF CITY COUNCIL

I, Lynnda Burgess, the undersigned City Clerk in and for the City of Kuna, Ada County, Idaho, do hereby certify that at a regular meeting of the City Council held on this 2nd day of May, 2006. This plat was duly accepted and approved.

Lynnda Burgess
City Clerk, Idaho
Kuna



8/2/06
Date

APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

This plat was accepted and approved by the Board of Ada County Highway District Commissioners on this 7th day of June, 2006.

Chris J. Knudsen
Ada County Highway District Chairman



Date

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied according to the letter to be read on file with the County Recorder or his agent listing the conditions of approval. Sanitary restrictions may be re-imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

Traci H. Ross REHS
District Health Department, REHS



6/29/06
Date

CERTIFICATE OF COUNTY TREASURER

I, Lynnda Fischer, the undersigned, County Treasurer in and for the County of Ada, State of Idaho, per the requirements of I.C. 50-1308, do hereby certify that any and all current and/or delinquent county property taxes for the property included in this proposed subdivision have been paid in full. This certification is valid for the next thirty (30) days only.



Lynnda Fischer by Angela Simington
County Treasurer Deputy

10/13/06
Date

COUNTY RECORDER'S CERTIFICATE

State of Idaho }
County of Ada } ss

I hereby certify that this instrument was filed for record at the request of W&H Pacific at 8:30 minutes past 3 o'clock P.M. on this 13th day of October, 2006, in Book 26 of plats at Pages 1179 through 1182.

GRAUER
Deputy

J. P. Davidson
Ex-Officio Recorder

Fee \$ 21.00

Inst. No. 106162920



3130 S. Owyhee St.
Boise, Idaho 83706-4788
(208)942-5400
(208)942-5353 Fax
wbpacific.com

Planners • Engineers • Surveyors • Landscape Architects

BOOK 76, PAGE 11982

Jace Hellman

From: Jace Hellman
Sent: Friday, April 20, 2018 2:18 PM
To: ACHD; Ada County Engineer; Adam Ingram; Attorney Icloud; Becky Rone - Kuna USPS Addressing; Bob Bachman; Boise Project Board of Control; Boise Project Board of Control; Cable One t.v.; Central District Health Dept. CDHD; COMPASS; DEQ (Alicia.martin@deq.idaho.gov); Eric Adolfson; Idaho Power; Idaho Power; Idaho Power Easements 1; 'Idaho Power Easments 2'; Intermountain Gas; Intermountain Gas; J&M Sanitation - Chad Gordon; Julie Stanely - Regional Address Mgmt.; Ken Couch: Idaho Transportation Department; Kuna Police; Kuna Postmaster - Marc C. Boyer; Kuna School District; Kuna School District; Megan Leatherman; Nampa Meridian Irrigation District; New York Irrigation; Paul Stevens; Perry Palmer; Planning Mgr: Ada County Development Services; Terry Gammel
Subject: Kuna Planning and Zoning Request for Comment - Case No. 18-01-CPF (Combination Preliminary & Final Plat) - Kelleher Sub No. 2
Attachments: Agency Packet 4.20.18.pdf

April 20, 2018

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

FILE NUMBER:	18-01-CPF (Combination Preliminary/Final Plat) Kelleher Subdivision No. 2.
PROJECT DESCRIPTION	Applicant requests approval of a Combination Preliminary & Final Plat in order to subdivide approximately 1.96 acres into nine lots, consisting of eight multi-family lots, and one common lot.
SITE LOCATION	South East Corner of West Hubbard Road and Linder Road, Kuna ID, 83634.
REPRESENTATIVE	<i>WH Pacific Inc.</i> <i>Jane Suggs</i> <i>2141 W. Airport Way, Suite 104</i> <i>Boise, ID 83709</i> <i>208.275.8729</i> <i>jsuggs@whpacific.com</i>
SCHEDULED HEARING DATE	Tuesday, June 26, 2018 6:00 P.M.
STAFF CONTACT	Jace Hellman, Planner II jhellman@kunaid.gov Phone: 922.5274 Fax: 922.5989

We have enclosed information to assist you with your consideration and response. *No response within 15 business days will indicate you have no objection or comments for this project.* We would appreciate any information as to how this action would affect the service(s) your agency provides. The hearing is scheduled to begin at 6:00 p.m. or as soon as it may be heard. Kuna City Hall is located at 751 W. 4th Street, Kuna, ID 83634. Please contact staff with questions. **If your agency needs different/additional plans or paper copies to review, notify our office and we will send them. Please notify our office who future packets should be sent to, include their email.** If your agency needs additional time for review, please let our office know ASAP.

Jace Hellman

Planner II
City of Kuna
751 W 4th Street
Kuna, ID 83634
Jhellman@kunaID.gov



Jace Hellman

From: Brenda Saxton <bsaxton@kunaschools.org>
Sent: Friday, April 20, 2018 6:07 PM
To: Jace Hellman
Subject: Re: Kuna Planning and Zoning Request for Comment - Case No. 18-01-CPF (Combination Preliminary & Final Plat) - Kelleher Sub No. 2

Hi Jace,

No concerns - good sidewalks

Thank you,
Brenda Saxton

On Fri, Apr 20, 2018 at 2:18 PM, Jace Hellman <jhellman@kunaid.gov> wrote:
April 20, 2018

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

FILE NUMBER:	18-01-CPF (Combination Preliminary/Final Plat) Kelleher Subdivision No. 2.
PROJECT DESCRIPTION	Applicant requests approval of a Combination Preliminary & Final Plat in order to subdivide approximately 1.96 acres into nine lots, consisting of eight multi-family lots, and one common lot.
SITE LOCATION	South East Corner of West Hubbard Road and Linder Road, Kuna ID, 83634.
REPRESENTATIVE	<i>WH Pacific Inc.</i> <i>Jane Suggs</i> <i>2141 W. Airport Way, Suite 104</i> <i>Boise, ID 83709</i> <i>208.275.8729</i> <i>jsuqgs@whpacific.com</i>

received
4.23.18

Exhibit
B2

SCHEDULED HEARING DATE	Tuesday, June 26, 2018 6:00 P.M.
STAFF CONTACT	Jace Hellman, Planner II jhellman@kunaid.gov Phone: 922.5274 Fax: 922.5989
<p>We have enclosed information to assist you with your consideration and response. <i>No response within 15 business days will indicate you have no objection or comments for this project.</i> We would appreciate any information as to how this action would affect the service(s) your agency provides. The hearing is scheduled to begin at 6:00 p.m. or as soon as it may be heard. Kuna City Hall is located at 751 W. 4th Street, Kuna, ID 83634. Please contact staff with questions. If your agency needs different/additional plans or paper copies to review, notify our office and we will send them. Please notify our office who future packets should be sent to, include their email. If your agency needs additional time for review, please let our office know ASAP.</p>	

Jace Hellman

Planner II

City of Kuna

751 W 4th Street

Kuna, ID 83634

[Jhellman@kunaID.gov](mailto:jhellman@kunaID.gov)





received
May 01 2018

DEQ Response to Request for Environmental Comment

Date: April 27, 2018
Agency Requesting Comments: City of Kuna
Date Request Received: April 20, 2018
Applicant/Description: 18-01-CPF Kelleher Subdivision No. 2

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

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

1. Air Quality

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

The property owner, developer, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.

Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.

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

2. Wastewater and Recycled Water

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

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

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

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

3. Drinking Water

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

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

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

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

4. Surface Water

- A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.
- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.

- *If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.*
- *The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at:
<http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>*
- *The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.*

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

5. Hazardous Waste And Ground Water Contamination

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

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

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

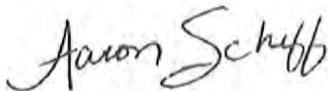
For questions, contact Albert Crawshaw, Waste & Remediation Manager, at 373-0550.

6. Additional Notes

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

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

Sincerely,



Aaron Scheff
aaron.scheff@deq.idaho.gov
Regional Administrator
Boise Regional Office
Idaho Department of Environmental Quality

ec: TRIM 2018AEK56

received
5/1/18

Jace Hellman

From: Chad Gordon <chad.gordon@jmsanitation.com>
Sent: Monday, April 30, 2018 12:23 PM
To: Jace Hellman
Subject: Re: Kuna Planning and Zoning Request for Comment - Case No. 18-01-CPF
(Combination Preliminary & Final Plat) - Kelleher Sub No. 2

Jace,

Every thing looks good as far as design the only thing that needs to be changed is that the enclosure needs to be built out of CMU block with steel gates on the front of it.

Thanks,

On Fri, Apr 27, 2018 at 12:29 PM, Jace Hellman <jhellman@kunaid.gov> wrote:

Chad,

Please see the attached site plan for the trash enclosure dimensions and materials. So, it turns out I had this already. It was included with their design review packet which wasn't included in the overall agency packet.

Jace Hellman

Planner II

City of Kuna

751 W 4th Street

Kuna, ID 83634

jhellman@kunaID.gov



From: Chad Gordon <chad.gordon@jmsanitation.com>

Sent: Friday, April 27, 2018 12:14 PM

To: Jace Hellman <jhellman@kunalD.gov>

Subject: Re: Kuna Planning and Zoning Request for Comment - Case No. 18-01-CPF (Combination Preliminary & Final Plat) - Kelleher Sub No. 2

Ok perfect thanks.

On Fri, Apr 27, 2018 at 12:10 PM, Jace Hellman <jhellman@kunaid.gov> wrote:

Hey Chad,

I forwarded this one to the applicant and we will hopefully hear something back soon, she is pretty responsive.

Jace Hellman

Planner II

City of Kuna

751 W 4th Street

Kuna, ID 83634

[Jhellman@kunalD.gov](mailto:jhellman@kunalD.gov)



From: Chad Gordon <chad.gordon@jmsanitation.com>

Sent: Friday, April 27, 2018 10:59 AM

To: Jace Hellman <jhellman@kunalD.gov>

Subject: Re: Kuna Planning and Zoning Request for Comment - Case No. 18-01-CPF (Combination Preliminary & Final Plat) - Kelleher Sub No. 2

Jace,

We will need to see a set of plans for the dumpster enclosures with all dimensions and materials used.

Thanks,

On Fri, Apr 20, 2018 at 2:18 PM, Jace Hellman <jhellman@kunaaid.gov> wrote:

April 20, 2018

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

FILE NUMBER:	18-01-CPF (Combination Preliminary/Final Plat) Kelleher Subdivision No. 2.
PROJECT DESCRIPTION	Applicant requests approval of a Combination Preliminary & Final Plat in order to subdivide approximately 1.96 acres into nine lots, consisting of eight multi-family lots, and one common lot.
SITE LOCATION	South East Corner of West Hubbard Road and Linder Road, Kuna ID, 83634.
REPRESENTATIVE	<i>WH Pacific Inc.</i> <i>Jane Suggs</i> <i><u>2141 W. Airport Way, Suite 104</u></i> <i><u>Boise, ID 83709</u></i> <i>208.275.8729</i> <i><u>jsuggs@whpacific.com</u></i>
SCHEDULED HEARING DATE	Tuesday, June 26, 2018

	6:00 P.M.
STAFF CONTACT	<p>Jace Hellman, Planner II</p> <p>jhellman@kunaid.gov</p> <p>Phone: 922.5274</p> <p>Fax: 922.5989</p>
<p>We have enclosed information to assist you with your consideration and response. <i>No response within 15 business days will indicate you have no objection or comments for this project.</i> We would appreciate any information as to how this action would affect the service(s) your agency provides. The hearing is scheduled to begin at 6:00 p.m. or as soon as it may be heard. Kuna City Hall is located at 751 W. 4th Street, Kuna, ID 83634. Please contact staff with questions. If your agency needs different/additional plans or paper copies to review, notify our office and we will send them. Please notify our office who future packets should be sent to, include their email. If your agency needs additional time for review, please let our office know ASAP.</p>	

Jace Hellman

Planner II

City of Kuna

751 W 4th Street

Kuna, ID 83634

[Jhellman@kunaID.gov](mailto:jhellman@kunaID.gov)



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Chad J. Gordon
J&M Sanitation Inc.
Office # (208) 922-3313
Fax # (208) 922-4033
Cell # (208) 941-6371
E-mail : chad.gordon@jmsanitation.com

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CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

RECEIVED
MAY 07 2018
CITY OF KUNA

Return to:

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

Rezone # 18-01-CPF

Conditional Use # _____

Preliminary / Final / Short Plat _____

Kelleher No 2

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

14. _____

Reviewed By: [Signature]
Date: 5/3/18





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

Date: May 11 2018

To: WH Pacific Inc.
Jane Suggs
2141 W Airport Way, Ste. 104
Boise, ID 83705

Subject: Kelleher 2/ KPP18-0005/ 18-01-CPF
SEC of Hubbard Road and Linder Road

On May 8, 2018, the Ada County Highway District staff acted on your application for the above referenced project. The attached report lists site-specific requirements, conditions of approval and street improvements, which are required.

If you have any questions, please feel free to contact me at (208) 387-6171.

Sincerely,

Stacey Yarrington
Planner III
Development Services
Ada County Highway District

CC: Project File
City of Kuna (via email)

- Timbermist, a 233 single family lot development is in various phases of development, located directly north of the site was approved by ACHD in August 2006.
 - Arbor Ridge, a mixed use development is in various phases of development, located west of the site was approved by ACHD in September 2002.
5. **Transit:** Transit services are not available to serve this site.
 6. **New Center Lane Miles:** There are no new centerline miles of public roadway associated with this project.
 7. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
 8. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**
 - The intersection of Deer Flat Road and Linder Road is scheduled in the IFYWP to be widened to 5-lanes on the north leg, 4-lanes on the south, 5-lanes east, and 5-lanes on the west leg, and reconstructed/signalized in 2020.
 - The intersection of Hubbard Road and SH-69/ Meridian Road is listed in the CIP to be widened to 6-lanes on the north leg, 5-lanes on the south, 4-lanes east, and 3-lanes on the west leg, and signalized between 2031 and 2035.
 - The intersection of Hubbard Road and Ten Mile Road is listed in the CIP to be widened to 2-lanes on the north leg, 2-lanes on the south, 2-lanes east, and 2-lanes on the west leg, and constructed as a single lane roundabout between 2031 and 2035.

B. Traffic Findings for Consideration

1. **Trip Generation:** This development is estimated to generate 213 vehicle trips per day; 20 vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition.

2. **Condition of Area Roadways**

Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Existing Plus Project
**State Highway 69/ Meridian Road	0-feet	Principal Arterial	1,248	N/A	N/A
Hubbard Road	245-feet	Minor Arterial	267	Better than "E"	Better than "E"
Linder Road	344-feet	Minor Arterial	403	Better than "E"	Better than "E"
Deer Flat Road	0-feet	Minor Arterial	627	Better than "E"	Better than "E"

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

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

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

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

3. **Average Daily Traffic Count (VDT)**

Average daily traffic counts are based on ACHD's most current traffic counts.

- The average daily traffic count for SH 69/ Meridian Road south of Columbia Road was 21,020 on 10/26/2017.
- The average daily traffic count for Hubbard Road east of Linder Road was 3,076 on 01/20/2016.
- The average daily traffic count for Linder Road north of Deer Flat Road was 7,053 on 03/22/2017.
- The average daily traffic count for Deer Flat Road west of SH 69/ Meridian Road was 8,918 on 07/27/2016.

C. Findings for Consideration

1. Hubbard Road

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

b. **Policy:**

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

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

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

Minor Improvements Policy: District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Hubbard Road is designated in the MSM as a Residential Arterial with 3-lanes and on-street bike lanes, a 47-foot street section within 74-feet of right-of-way.

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

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

to accommodate the multi-lane roundabout at the Hubbard/ Linder intersection; however, it should be noted that the adjoining subdivision owns the landscape strip abutting Hubbard Road and not the applicant.

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

2. Linder Road

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

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

b. **Policy:**

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

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

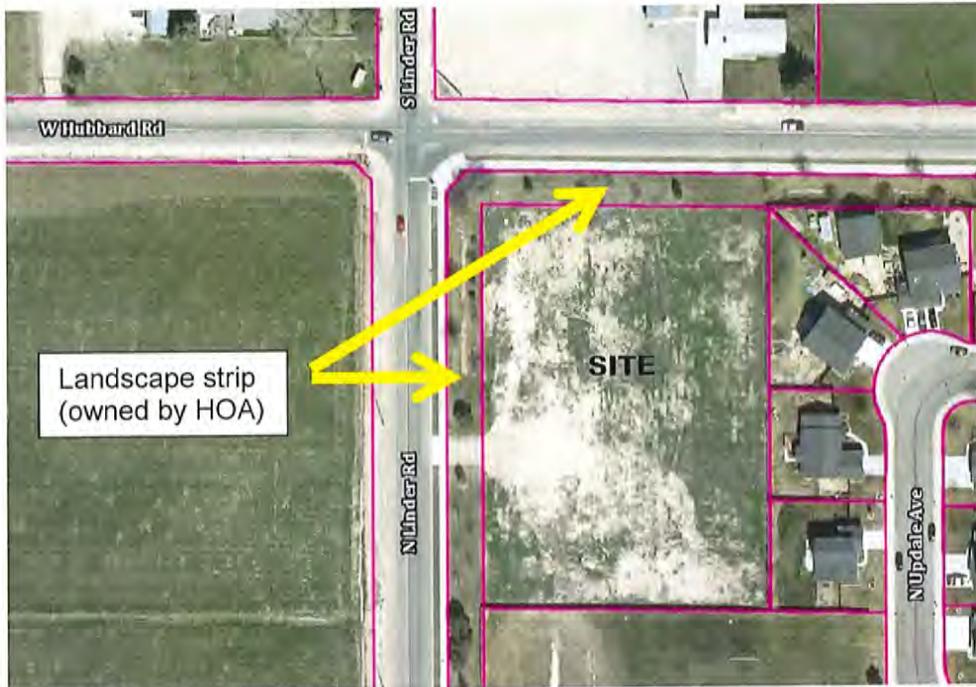
Street Section and Right-of Way Width Policy: District Policy 7205.2.1 & 7205.5.2 states that the standard 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn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

Minor Improvements Policy: District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Hubbard Road is designated in the MSM as a Residential Arterial with 5-lanes and on-street bike lanes, a 71-foot street section within 97-feet of right-of-way.

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

- c. **Applicant Proposal:** The applicant is not proposing any improvements to Linder Road abutting the site.
- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District policy because Linder Road is designated as a future 5-lane arterial roadway. However, as noted above, the adjoining subdivision owns the landscape strip abutting Linder Road and not the applicants, therefore, no additional right-of-way is required as part of this application.



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

3. Driveways

Hubbard Road

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

b. **Policy**

Access Points Policy: District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

Access Policy: District policy 7205.4.6 states that direct access to minor arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. If it is necessary to take access to the higher classified street due to a lack of frontage, the minimum allowable spacing shall be based on Table 1a under District policy 7205.4.6, unless a waiver for the access point has been approved by the District Commission.

Driveway Location Policy: District policy 7205.4.5 requires driveways located on minor arterial roadways from a signalized intersection with a single left turn lane shall be located a minimum of 330-feet from the nearest intersection for a right-in/right-out only driveway and a minimum of 660-feet from the intersection for a full-movement driveway.

Successive Driveways: District policy 7205.4.6 Table 1a, requires driveways located on minor arterial roadways with a speed limit of 45 MPH to align or offset a minimum of 380-feet from any existing or proposed driveway.

Driveway Width Policy: District policy 7205.4.8 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a

maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7205.4.8, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7205.4.8.

- c. **Applicant's Proposal:** The applicant is proposing to construct a 31-foot wide driveway onto Hubbard Road from the site, located approximately 290-feet east of Linder Road (measured centerline to centerline).
- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District Driveway Location policy because the proposed driveway does not meet the minimum spacing from an intersection. However, staff recommends a modification of policy to allow the driveway to be located as proposed due to the fact that there is insufficient frontage to meet the spacing requirement and access is being taken from the lesser classified street. Staff further recommends the 31-foot wide driveway be constructed as a curb return type driveway and approved as a temporary full access. The driveway may be restricted to right-in/right-out in the future as determined by ACHD. This is a 12% modification of Driveway Location policy and is approved at the Manager's discretion.

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

4. Parking – Special Note to City of Kuna

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

5. Tree Planters

Tree Planter Policy: Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

6. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

7. Other Access

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

D. Site Specific Conditions of Approval

1. Repair or replace any deficient or deteriorated curb, gutter, sidewalk along Hubbard Road, abutting the site; and update pedestrian facilities at the Hubbard/Linder Road intersection.
2. Additional right-of-way may be required to accommodate the roundabout at the Hubbard/Linder intersection as shown in Attachment 3.

3. Repair or replace any deficient or deteriorated curb, gutter, sidewalk along Linder Road abutting the site; and close the existing driveway onto Linder Road from the site with vertical curb, gutter, and detached sidewalk to match existing improvements.
4. Construct a 31-foot wide, curb return type driveway onto Hubbard Road from the site, located 290-feet east of Linder Road. The driveway is approved as a temporary full access and may be restricted to right-in/right-out in the future as determined by ACHD.
5. Pave the driveway its entire width and at least 30-feet into the site beyond the edge of pavement of Hubbard Road.
6. Payment of impact fees are due prior to issuance of a building permit.
7. Comply with all Standard Conditions of Approval.

E. Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

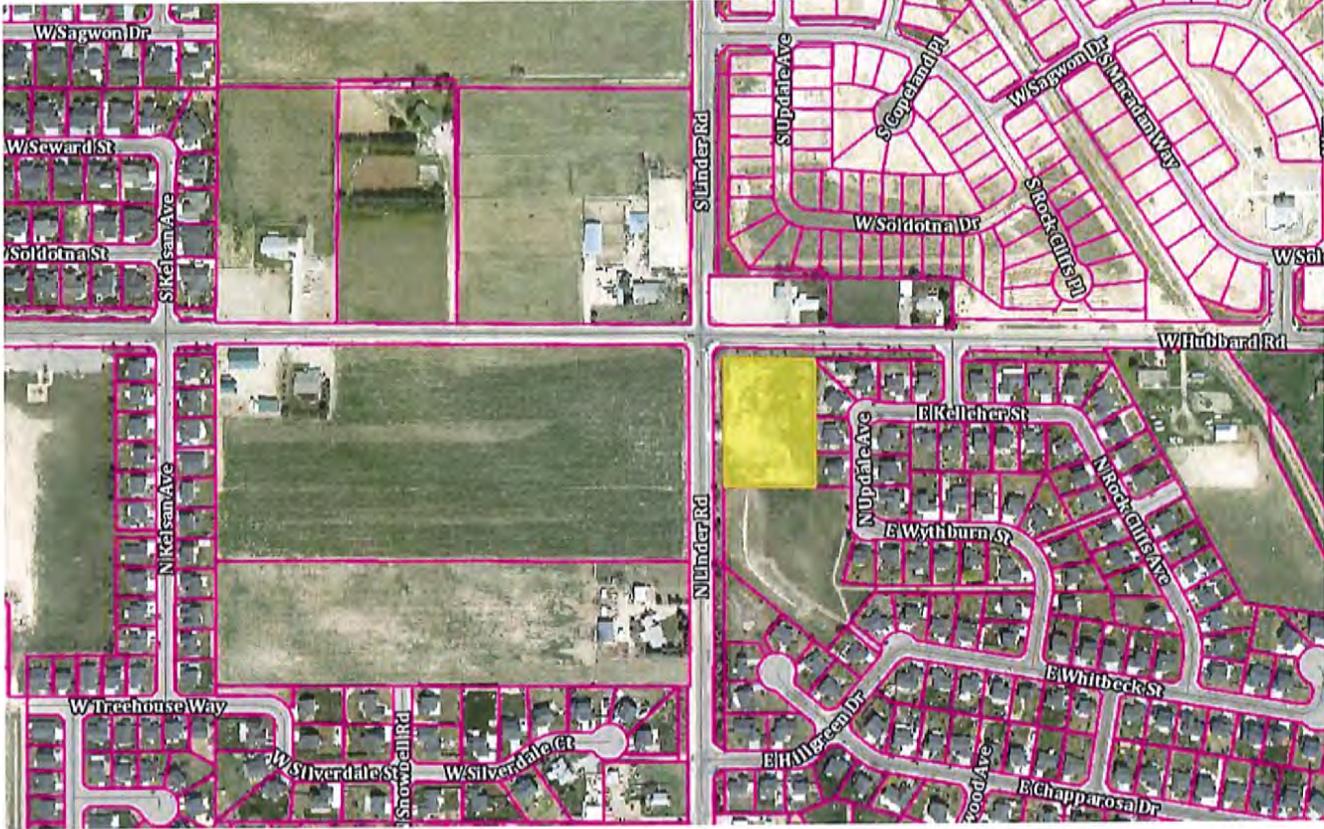
F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

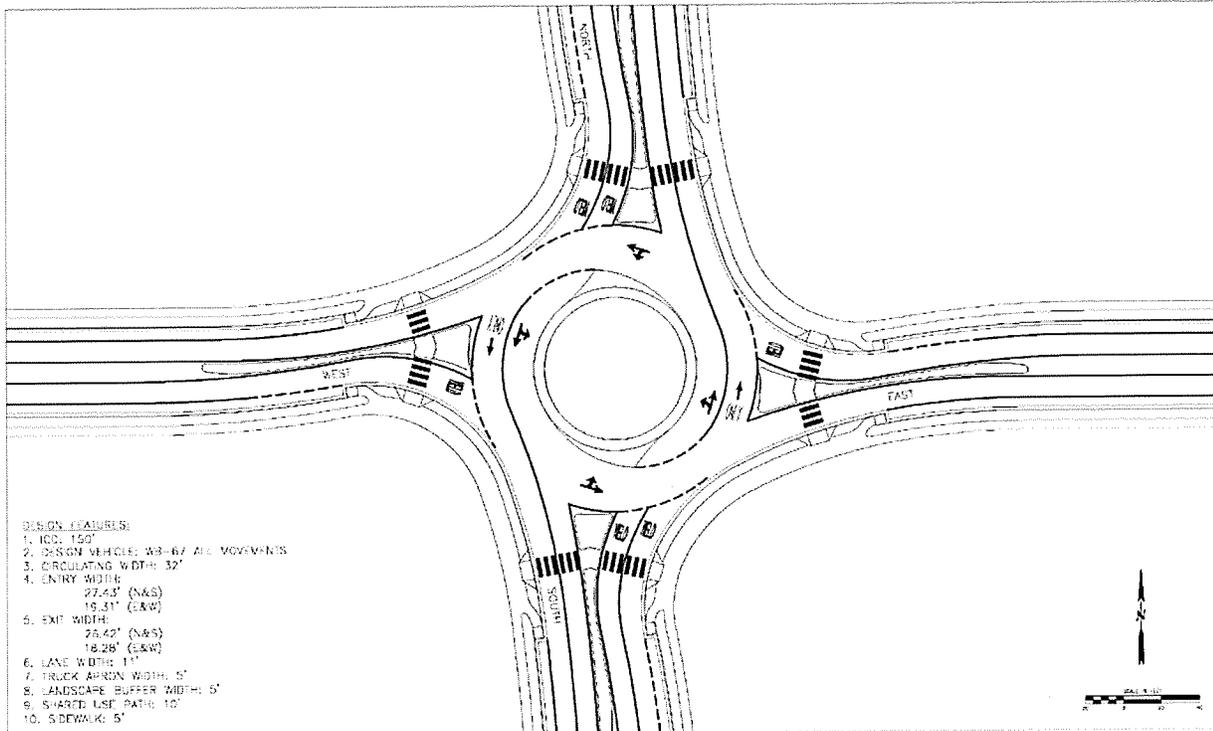
G. Attachments

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

VICINITY MAP



ML RAB TEMPLATE



- DESIGN EXAMPLE:
1. RCD: 150'
 2. DESIGN VEHICLE: WB-67 ALL MOVEMENTS
 3. CIRCULATING WIDTH: 32'
 4. ENTRY WIDTH:
 - 27.43' (N&S)
 - 19.31' (E&W)
 5. EXIT WIDTH:
 - 26.42' (N&S)
 - 18.28' (E&W)
 6. LANE WIDTH: 11'
 7. TRUCK APRON WIDTH: 5'
 8. LANDSCAPE BUFFER WIDTH: 5'
 9. SHARED USE PATH: 10'
 10. SIDEWALK: 5'

Paul M. Sletten
 2100 East 10th St.
 Fort, Kansas 67039
 785-328-3333

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

Ada County Utility Coordinating Council

Developer/Local Improvement District Right of Way Improvements Guideline Request

Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

Notification to the Ada County UCC can be sent to: 50 S. Cole Rd. Boise 83707, or Visit iducc.com for e-mail notification information.

Development Process Checklist

Items Completed to Date:

- Submit a development application to a City or to Ada County
- The City or the County will transmit the development application to ACHD
- The ACHD **Planning Review Section** will receive the development application to review
- The **Planning Review Section** will do one of the following:
 - Send a "**No Review**" letter to the applicant stating that there are no site specific conditions of approval at this time.
 - Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
 - Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

Items to be completed by Applicant:

- For **ALL** development applications, including those receiving a "**No Review**" letter:
 - The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
 - The applicant is required to get a permit from Construction Services (ACHD) for **ANY** work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:

Construction (Non-Subdivisions)

Driveway or Property Approach(s)

- Submit a "Driveway Approach Request" form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

Working in the ACHD Right-of-Way

- Four business days prior to starting work have a bonded contractor submit a "Temporary Highway Use Permit Application" to ACHD Construction – Permits along with:
 - a) Traffic Control Plan
 - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50' or you are placing >600 sf of concrete or asphalt.

Construction (Subdivisions)

Sediment & Erosion Submittal

- At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

Idaho Power Company

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

Final Approval from Development Services is required prior to scheduling a Pre-Con.

Request for Appeal of Staff Decision

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

RICHARD DURRANT
CHAIRMAN OF THE BOARD

CLINTON PLINE
VICE CHAIRMAN OF THE BOARD

TIMOTHY M. PAGE
PROJECT MANAGER

ROBERT D. CARTER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

JERRI FLOYD
ASSISTANT SECRETARY-
TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

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

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

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

08 May 2018

RECEIVED
MAY 14 2018
CITY OF KUNA

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

RE: WH Pacific Inc.- Kelleher Sub. No. 2
SE Crnr. Of W. Hubbard & Linder Rds.
New York Irrigation District
Kuna Lateral 183+50 Rot.
Sec. 13, T2N, R1W, BM.

18-01-CPF

NY-300-000-00

Jace Hellman, Planner II:

The Boise Project has no objection to a Combination Preliminary & Final Plat for the above-mentioned property, as there are no project facilities located there.

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

It is our understanding that the irrigation system will be incorporated into the City of Kuna's pressure system.

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

Sincerely,



Bob Carter
Assistant Project Manager- BPBC
bdc/bc

cc: Clint McCormick Watermaster, Div; 2 BPBC
Terri Hasson Secretary – Treasurer, NYID
File

Exhibit

B7



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

Paul A. Stevens, P.E.
Kuna City Engineer
208-287-1727

MEMORANDUM

Date: 19 June 2018
From: Paul A. Stevens, P.E.
To: Wendy Howell, Planning and Zoning Director
RE: Kelleher Subdivision No. 2

The City Engineer has reviewed the Kelleher Subdivision No. 2 Combined Preliminary & Final Plat and design review request dated 3 March 2018. It is noted that while the application outlines the applicant's general development intent, specific development plans are not provided except those implied as allowed or permitted in a "C-1" zone. These comments apply to the Combined Preliminary and Final Plat and do not apply to the design review request. The design review request rests with the Planning and Zoning Department. Review of civil design drawings is accomplished separately.

Recommendation: proceed with this Combined Preliminary & Final Plat consistent with the enclosed comments but to keep in mind that these comments may be expanded or refined in connection with the future land-use actions. The following comments apply:

1. Sanitary Sewer & Potable Water

- a) The applicant's property is presently in an undeveloped state, is not connected to City services and would be subject to connection fees for the ultimate connected sewer load and water demand as provided in the City's Standard Tables. City Code (6-4-2) requires connection to the City sewer system for all sanitary sewer needs. City Code (6-4-2X) requires connection to City water services.
- b) City code 5-16-3: B.2 states that applicant shall extend public sewer and water to each parcel when water and sewer are available within three hundred (300) feet of the parcels.
- c) In this case, the water and sewer utilities are available in the adjoining Kelleher Subdivision on the east and south borders to this property.
- d) Recommendation: connect the water and sewer to infrastructure in Kelleher Subdivision.

Exhibit
B8

2. Pressure Irrigation

- a) The applicant's property is not connected to the City pressure irrigation system. Relying on drinking water for irrigation purposes is contrary to City Code (6-4-2). However, the pressurized irrigation extends to Kelleher Subdivision, touching Kelleher Subdivision #2. Pressurized irrigation is available from Kelleher Subdivision.
- b) The development is subject to connection fees based on the number of dwellings and lot size for the residential area and based on ultimate landscaped area and lot size for the common lot, as provided in City Resolutions.
- c) It is recommended that annexation into the municipal irrigation district and pooling of water rights is a requirement at the time of final platting.
- d) For any connected load, it is recommended this application be conditioned to conform to the Pressure Irrigation Master Plan.

3. Grading and Storm Drainage

The following provisions apply to Kelleher Subdivision 2:

- a) Provide a grading and drainage plan which supports and maintains all upstream drainage rights and all downstream irrigation delivery rights as they presently exist for this property.
- b) Runoff from public right-of-way is regulated by ACHD. On site storm water retention shall be reviewed in conjunction with the Civil Engineering review.
- c) Any increase in quantity or rate of runoff or decrease in quality of runoff compared to historical conditions must be detained, treated and released at rates no greater than historical amounts. In the alternative, offsite disposal of storm water in excess of historical rates or conditions of disposal at locations different than provided historically, approval of the operating entity is required. The City of Kuna relies on the ACHD Stormwater Policy Manual to establish the requirements for design of any private disposal system.
- d) If impervious area is increased, provide a storm water disposal plan acceptable to the City Engineer which accounts for the increased storm water drainage. Provide detail drawings of drainage facilities for review.

4. General

- a) With the development of this property and its connection to water, sewer, and pressurized irrigation services, this property will be placing demand not only on constructed facilities but on water & irrigation rights provided by others. It is the reasonable expectation, in return, that this property transfer to the City at time of connection (development) any conveyable water rights by deed and "Change of Ownership" form from IDWR, that are presently associated with the property. The domestic water right associated solely with a residence and ½ acre or less is not conveyable. The water right held in trust by an irrigation district is also not conveyable.
- b) A plan approval letter will be required if this project affects any local irrigation districts.
- c) Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties.
- d) State the vertical datum used for elevations on all drawings.
- e) Provide engineering certification on all final engineering drawings.
- f) The application narrative notes that Chapparosa Homeowners association (aka Kelleher Subdivision) has provided access to the site (across Lot 1, Block 1). This mechanism seems open for contention after buildout. It is recommended that Lot 1, Block 1 be replatted in conjunction with Lot 8, Block 1. The replat should show

the access to Hubbard Road and state that the purpose of the access is to provide access to the Lot 8, Block 1 forever.

5. Inspection Fees

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

6. Right-of-Way

The subject property fronts on its north side by a section line principal arterial street (Hubbard - ACHD). The following conditions are related to Hubbard Road *subject to the final disposition of item 4.f*:

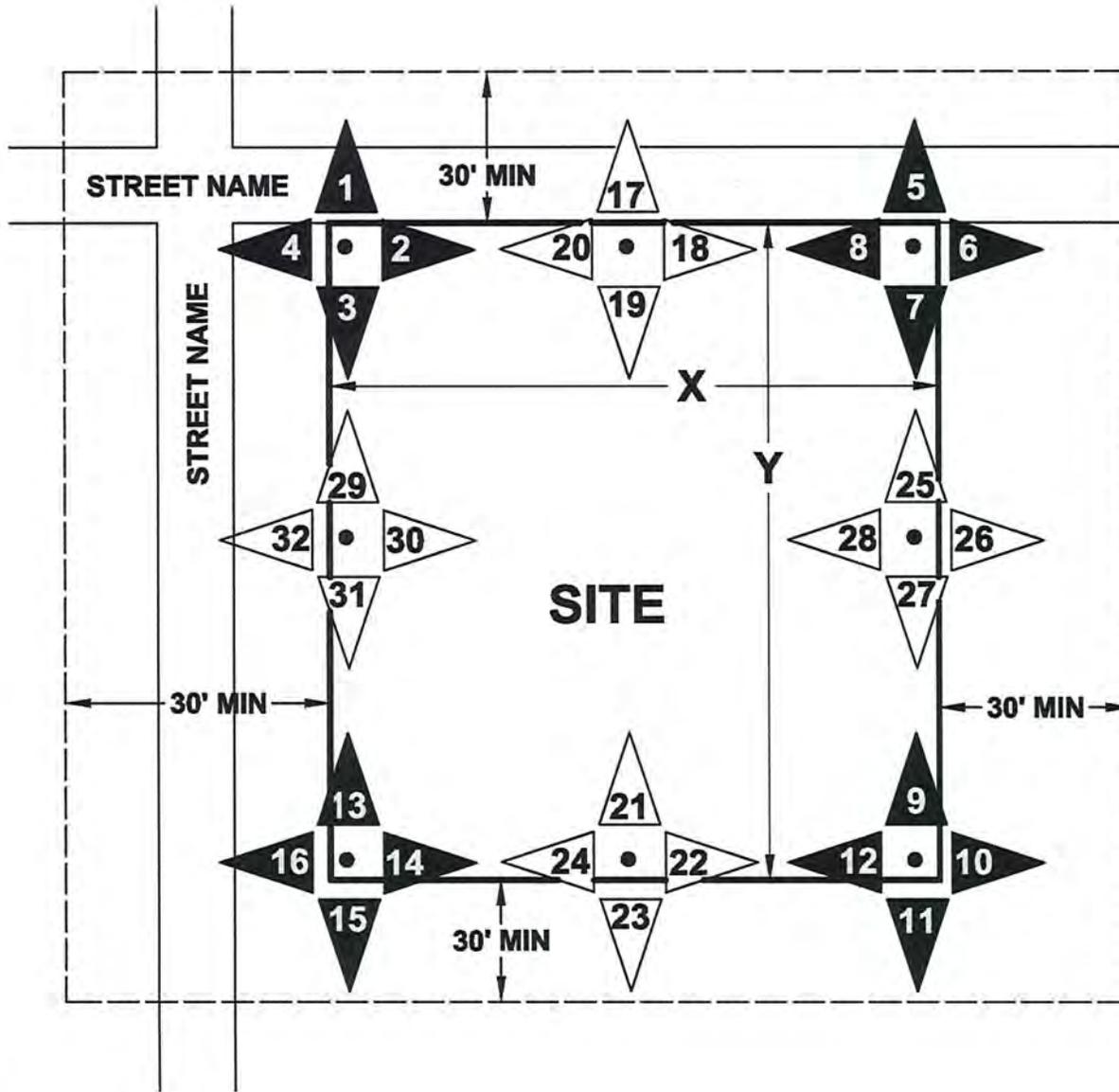
- a) Sufficient half right-of-way on the quarter line and section line for existing and future classified streets should be provided pursuant to City & ACHD standards.
- b) Approaches onto classified streets must comply with ACHD approach policies.
- c) It is recommended that sidewalk, curb and gutter, street widening and any related storm drainage facilities, consistent with city code and policies, are provided in connection with property development.

7. As-Built Drawings

As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the developer's engineer. The city may help track changes but will not be responsible for the finished product. As-built drawings will be required before occupancy or final plat approval is granted.

8. Property Description

- a) The applicant provided a preliminary/final plat and supporting documents as part of the application.



Project Information:

Name: *Kelleher Sub*
Project:.....*No. 2*
Gross Acre: *1.96*...

NOTE:

Provide Site Plan on an 8 1/2" x 11" paper—indicating placement of photo orientation.

All applicants are expected to provide **COLOR** photographs at a 1-16 minimum.

If Distance 'X' is **GREATER** than 500-feet, also take photos 17-24.

If Distance 'Y' is **GREATER** than 500-feet, also take photos 17-24.

Exhibit
C1

North West Corner photos 1-4



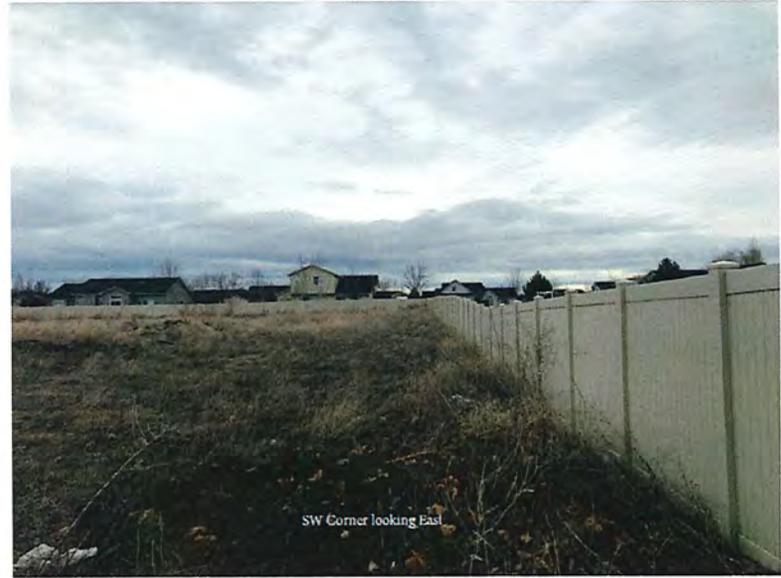
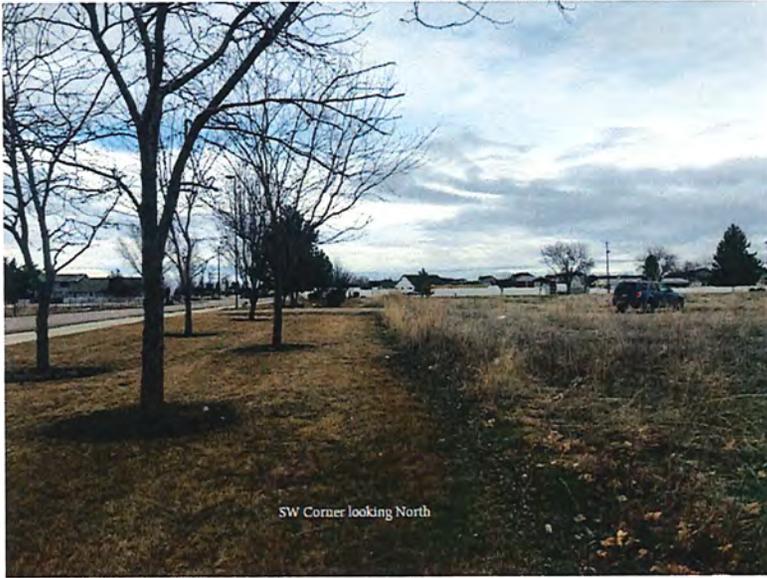
North East Corner photos 5-8



South East Corner photos 9-12



South West Corner photos 13-16



Jace Hellman

From: Jace Hellman
Sent: Thursday, May 31, 2018 12:33 PM
To: 'IDAHO PRESS TRIBUNE'
Subject: City of Kuna Request for Legal Publication
Attachments: KMN publish Req 18-01-CPF.docx

Greetings:

We would like to request that you publish the attached legal notification in the **June 6th, 2018** cycle of Kuna Melba News on behalf of the City of Kuna, Planning & Zoning Department. This notification needs to only be published for one (1) cycle.

The Kuna P.O. for this request is #7129 (if you need it).

Thank you.

Jace Hellman

Planner II
City of Kuna
751 W 4th Street
Kuna, ID 83634
Jhellman@kunaID.gov



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

File # 18-01-CPF Kelleher Subdivision No. 2

NOTICE IS HEREBY GIVEN, that the Kuna Planning & Zoning Commission will hold a public hearing, **Tuesday, June 26, 2018 at 6:00 pm**, or as soon as can be heard at Kuna City Hall, 751 W. 4th St, Kuna, ID; in connection with a **Combination Preliminary Plat and Final Plat (CPF)** request by Trilogy Development, Inc to subdivide approximately 1.96 acres into nine lots, consisting of eight multi-family lots and one common lot. The subject site is located on the south east corner of West Hubbard Road and Linder Road, Kuna, ID 83634, within Section 13, Township 2 North, Range 1 West; (APN# R4865420080).

The public is invited to present written and/or oral comments. Any written testimony must be received by close of business on June 20, 2018, or it may not be considered. Please mail to PO Box 13 Kuna, ID 83634, or drop off at City Hall: 751 West 4th Street, Kuna, ID.

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

If you have any questions or require special accommodations, please contact the Kuna Planning & Zoning Department prior to the meeting at (208)922-5274.

Kuna Planning & Zoning Department

(No need to print this portion) Please publish one time on June 6, 2018.

(Sent 5/31/2018)

Kuna P.O. #7129

Jace Hellman

From: IDAHO PRESS TRIBUNE <legals@idahopress.com>
Sent: Friday, June 1, 2018 12:23 PM
To: Jace Hellman
Cc: legals@idahopress.com
Subject: Confirmation: Ad 1771772 for 1 KUNA, CITY OF
Attachments: AD1771772_jnl.pdf

Legals Email Approval Request

Good Day,

Attached is an invoice which shows proof, price and publication dates. Please check spelling and run dates for accuracy. PLEASE RESPOND by 10:00AM to confirm or make changes in order to meet deadline. You can simply reply to this email.

Idaho Press-Tribune, Emmett Messenger-Index, Kuna-Melba News and Meridian Press-Tribune

Legal Clerk

legals@idahopress.com

208-465-8129

Monday through Friday 8:00am – 12:00pm

IDAHO PRESS TRIBUNE
MERIDIAN PRESS, KUNA MELBA NEWS
C/O ISJ PAYMENT PROCESSING CENTER
PO BOX 1570
POCATELLO ID 83204
(208)467-9251
Fax (208)475-2338

ORDER CONFIRMATION

Salesperson: LEGALS

Printed at 06/01/18 11:22 by sje14

Acct #: 345222

Ad #: 1771772

Status: New WHOLD

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

Start: 06/06/2018 Stop: 06/06/2018
Times Ord: 1 Times Run: ***
LEG 1.00 X 59.00 Words: 242
Total LEG 59.00
Class: 0006 GOVERNMENT NOTICES
Rate: LG Cost: 48.66
Affidavits: 1

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

Ad Descrpt: 18-01-CPF - KELLEHER
Given by: JACE HELLMAN
P.O. #:
Created: sje14 06/01/18 11:18
Last Changed: sje14 06/01/18 11:22

PUB ZONE EDT TP RUN DATES
KMN A 96 S 06/06

AUTHORIZATION

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

Jace Hellman
Name (print or type)

[Signature]
Name (signature)

(CONTINUED ON NEXT PAGE)

IDAHO PRESS TRIBUNE
MERIDIAN PRESS, KUNA MELBA NEWS
C/O ISJ PAYMENT PROCESSING CENTER
PO BOX 1570
POCATELLO ID 83204
(208)467-9251
Fax (208)475-2338

ORDER CONFIRMATION (CONTINUED)

Salesperson: LEGALS

Printed at 06/01/18 11:22 by sjel4

Acct #: 345222

Ad #: 1771772

Status: New WHOLD WHOI

LEGAL NOTICE

File # 18-01-CPF
Kelleher Subdivision No. 2

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If you have any questions or require special accommodations, please contact the Kuna Planning & Zoning Department prior to the meeting at (208)922-5274.

Kuna Planning & Zoning
Department

June 6, 2018 1771772

Leong
Orest

RECEIVED

JUN 15 2018

CITY OF KUNA

345222 1771772

1 KUNA, CITY OF

P.O. BOX 13
KUNA ID 83634

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO

County of Ada

}
}SS.
}

Sharon Jessen
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Kuna Melba News, a weekly newspaper published in the City of Kuna, in the County of Ada, State of Idaho; that the said newspaper is in general circulation in the said County of Ada, and in the vicinity of Kuna and Melba, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 1 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
06/06/2018

Sharon Jessen

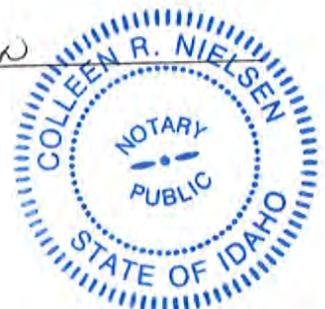
STATE OF IDAHO

County of Canyon)

On this 6th day of June in the year of 2018 before me a Notary Public, personally appeared Sharon Jessen, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Colleen R. Nielsen
Notary Public for Idaho

Residing at Canyon County
My Commission expires 06/28/2023



LEGAL NOTICE

File # 18-01-CPF
Kelleher Subdivision No. 2

NOTICE IS HEREBY GIVEN, that the Kuna Planning & Zoning Commission will hold a public hearing, **Tuesday, June 26, 2018 at 6:00 pm**, or as soon as can be heard at Kuna City Hall, 751 W. 4th St, Kuna, ID; in connection with a Combination Preliminary Plat and Final Plat (CPF) request by Trilogy Development, Inc to subdivide approximately 1.96 acres into nine lots, consisting of eight multi-family lots and one common lot. The subject site is located on the south east corner of West Hubbard Road and Linder Road, Kuna, ID 83634, within

Section 13, Township 2 North, Range 1 West; (APN# R4865420080).

The public is invited to present written and/or oral comments. Any written testimony must be received by close of business on June 20, 2018, or it may not be considered. Please mail to PO Box 13 Kuna, ID 83634, or drop off at City Hall: 751 West 4th Street, Kuna, ID.

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If you have any questions or require special accommodations, please contact the Kuna Planning & Zoning Department prior to the meeting at (208)922-5274.

Kuna Planning & Zoning
Department

June 6, 2018 1771772



CITY OF KUNA
PLANNING & ZONING DEPARTMENT

751 West 4th Street
P.O. Box 13
Kuna, ID 83634
Phone: 208-922-5274
Fax: 208-922-5989
www.kunacity.id.gov

CERTIFICATE OF MAILING

Date: June 6, 2018

To: 300' Property Owners Other _____

Planner: Jace Hellman

Case Name: 18-01-CPF (Combination preliminary + Final Plat)

I HEREBY CERTIFY that on this 6th day of May 2018, I caused a true and correct copy of the foregoing instrument to be deposited in the United States mail, with prepaid postage.

[Signature]
Signature

Dawn Stephens
Attest

Exhibit
C4

PRIMOWNER
ABBRUZZETTI FRANK A
CHAPPAROSA RIDGE SUB HOA INC
CLARK JAMES EDWARD
CLARK MATTHEW CARL
COKER DAVID LLOYD
ELLIS CHRISTOPHER
FOLEY MATTHEW
FRACTMAN JOANN
GUTZWILLER FAMILY LIVING TRUST
HALBERT DWAYNE
HART DAVID L
HENRY MARGARET
HOWARD PAUL JAY
LARAMIE JOSHUA A
MACBRIDE JOHN G
MAY MICHAEL L
MORENO JOSE SALGADO
MORRISON BERNARD E
OPEN DOOR RENTALS LLC
ROBINSON MICHAEL JORDON
STONE MOUNTAIN PROPERTIES LLC
TIDWELL LANCE
TIMBERMIST HOA INC
TOLL ID I LLC
TRACY JADAWN
WILLIAMS MICAELE L
WOLFGRAM DENNIS E
WOMACK LUKE A
YORK RYAN A

SECOWNER
ABBRUZZETTI LINDA C

CLARK VICKI MICHELE
CLARK HANNAH LEE
PURIN ASHLEY MARIE
ELLIS CHASTITY
FOLEY TIFFANY

GUTZWILLER TIMOTHY DAVID TRUSTEE
HALBERT ASHLEE
HART GUADALUPE F
HENRY DAVID

LARAMIE JENNA K PIVA
MACBRIDE MICHELLE L
MAY JANICE S
LEIJA MODESTA
MORRISON CONNIE

ROBINSON KATHYRN ALENE

TIDWELL CECILY

FORTIER ANTHONY M

WOLFGRAM HELENE E
WOMACK RENEE L
YORK TIFFANY E

ADDCONCAT
4966 N GROVE AVE
4850 N ROSEPOINT WAY # 104
2965 N LINDER RD
269 E WYTHBURN ST
205 E WYTHBURN ST
252 E KELLEHER ST
2877 N UPDALE AVE
124 E CHAPPAROSA CT
6087 N OLIVER AVE
228 E WHITBECK ST
1429 W SOLDOTNA DR
44636 POCAHONTAS RD
234 E KELLEHER ST
4026 E EAGLE BAY DR
236 E WYTHBURN ST
2784 N UPDALE AVE
279 E KELLEHER ST
9565 S LINDER RD
1977 E OVERLAND RD
1420 W HUBBARD RD
563 E SAINT KITTS DR
264 E WYTHBURN ST
3103 W SHERYL DR STE 100
250 GIBRALTAR RD
2833 N UPDALE AVE
193 E WYTHBURN ST
1901 W HUBBARD RD
210 E KELLEHAR ST
2798 N UPDALE AVE

STATCONCAT
WINTON, CA 95388-0000
BOISE, ID 83713-0000
KUNA, ID 83634-0000
BOISE, ID 83714-0000
KUNA, ID 83634-0000
KUNA, ID 83634-0000
BAKER CITY, OR 97814-0000
KUNA, ID 83634-0000
BLOOMINGTON, IN 47401-0000
KUNA, ID 83634-0000
KUNA, ID 83634-0000
KUNA, ID 83634-0000
MERIDIAN, ID 83642-0000
MERIDIAN, ID 83642-0000
MERIDIAN, ID 83642-0000
MERIDIAN, ID 83642-0000
KUNA, ID 83634-0000
MERIDIAN, ID 83642-0000
HORSHAM, PA 19044-0000
KUNA, ID 83634-0000
KUNA, ID 83634-0000
KUNA, ID 83634-1229
KUNA, ID 83634-0000
KUNA, ID 83634-0000

✓ Frank & Linda Abbruzzetti
4966 N Grove Ave
Winton, CA 95388

✓ Chapparosa Ridge Sub HOA INC
4850 N Rosepoint Way #104
Boise, ID 83713

✓ James & Vicki Clark
2965 N Linder Rd
Kuna, ID 83634

✓ Matthew & Hannah Clark
269 E Wythburn St
Kuna, ID 83634

✓ David Coker
Ashley Purin
205 E Wythburn St
Kuna, ID 83634

✓ Christopher & Chastity Ellis
252 E Kelleher St
Kuna, ID 83634

✓ Matthew & Tiffany Foley
2877 N Updale Ave
Kuna, ID 83634

✓ Joann Fractman
124 E Chapparosa Ct
Kuna, ID 83634

✓ Gutzwiller Family Living Trust
Timothy Gutzwiller Trustee
6087 N Oliver Ave
Boise, ID 83714

✓ Dwayne & Ashlee Halbert
228 E Whitbeck St
Kuna, ID 83634

✓ David & Guadalupe Hart
1429 W Soldotna Dr
Kuna, ID 83634

✓ Margaret & David Henry
44636 Pocahontas Rd
Baker City, OR 97814

✓ Paul Howard
234 E Kelleher St
Kuna, ID 83634

✓ Joshua & Jenna Laramie
4026 E Eagle Bay Dr
Bloomington, IN 47401

✓ John & Michelle MacBride
236 E Wythburn St
Kuna, ID 83634

✓ Michael & Janice May
2784 N Updale Ave
Kuna, ID 83634

✓ Jose Moreno
Modesta Leija
279 E Kelleher St
Kuna, ID 83634

✓ Bernard & Connie Morrison
9565 S Linder Rd
Meridian, ID 83642

✓ Open Door Rentals LLC
1977 E Overland Rd
Meridian, ID 83642

✓ Michael & Kathryn Robinson
1420 W Hubbard Rd
Meridian, ID 83642

✓ Stone Mountain Properties LLC
563 E Saint Kitts Dr
Meridian, ID 83642

✓ Lance & Cecily Tidwell
264 E Wythburn St
Kuna, ID 83634

✓ Timbermist HOA Inc
3103 W Sheryl Dr STE 100
Meridian, ID 83642

✓ Toll ID I LLC
250 Gibraltar Rd
Horsham, PA 19044

✓ JaDawn Tracy
Anthony Fortier
2833 N Updale Ave
Kuna, ID 83634

✓ Micaele Williams
193 E Wythburn St
Kuna, ID 83634

✓ Dennis & Helene Wolfgram
1901 E Wythburn St
Kuna, ID 83634

✓ Luke & Renee Womack
210 E Kelleher St
Kuna, ID 83634

✓ Ryan & Tiffany York
2798 N Updale Ave
Kuna, ID 83634



**CITY OF KUNA
PLANNING & ZONING DEPARTMENT**

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

Dear Property Owner:

NOTICE IS HEREBY GIVEN that the City of Kuna **Planning and Zoning Commission** is scheduled to hold a public hearing on **June 26, 2018**, beginning at **6:00 pm** on the following case:

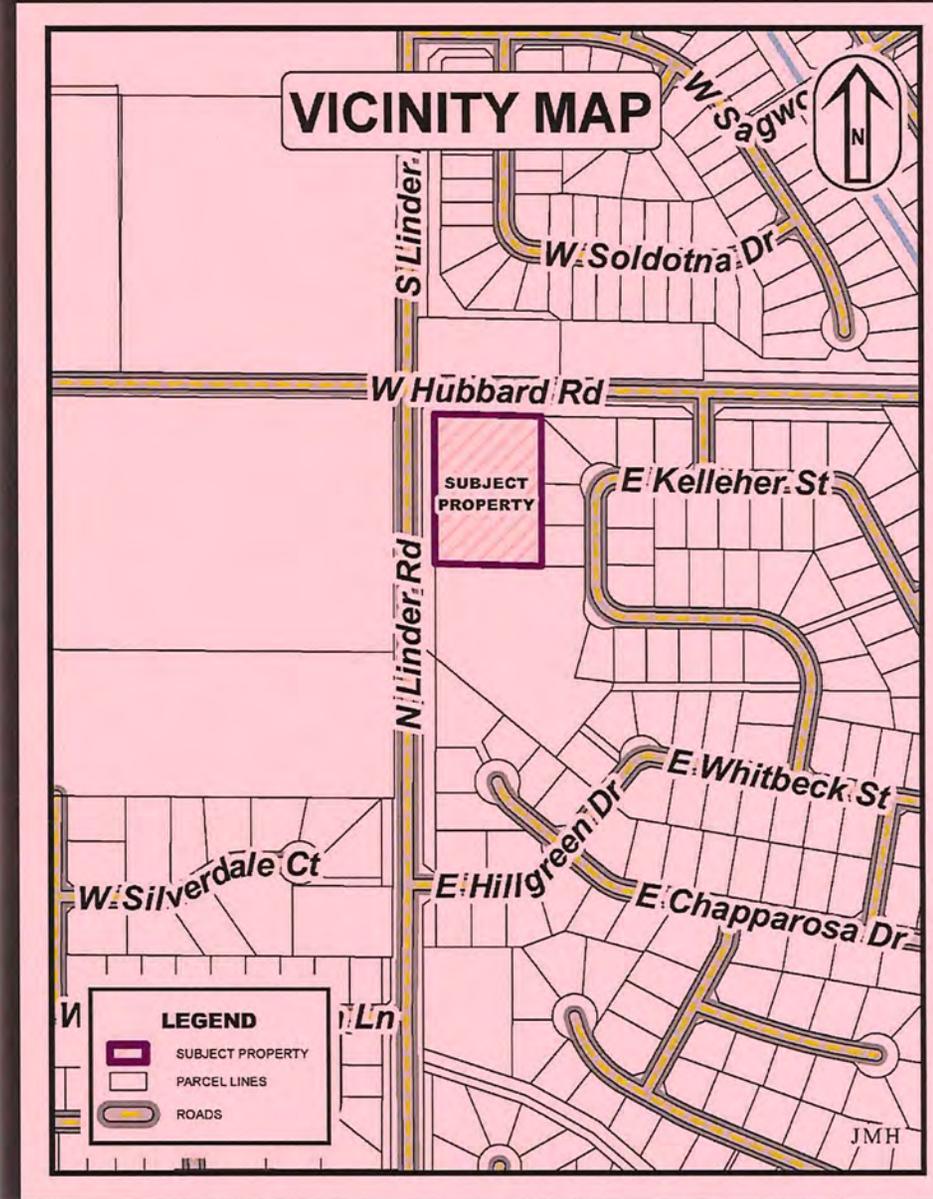
A **Combination Preliminary and Final Plat (CPF)** request from Trilogy Development, Inc to subdivide approximately 1.96 acres into nine lots, consisting of eight multi-family lots and one common lot. The subject site is located on the south east corner of West Hubbard Road and Linder Road, Kuna, ID 83634, within Section 13, Township 2 North, Range 1 West; (APN# R4865420080).

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

All documents concerning public hearing items may be reviewed at Kuna City Hall, 751 W. 4th Street, Kuna, Idaho, 83634. Office hours are 8:00 am to 5:00 pm, Monday through Friday, except holidays. If you have questions or would like additional information, please contact the Planning and Zoning Division at (208) 922-5274.

You are invited to provide oral or written comments to the Commission at the hearing. Please note that all comments made to the Commission during the public hearing will be restricted to three (3) minutes per person. Prior to the hearing, written comments may be submitted to the appropriate governing body at least seven (7) days prior to the hearing. These comments will be forwarded to the Planning and Zoning Commission.

In all correspondence concerning this case, please refer to the case name: **18-01-CPF (Combination Preliminary & Final Plat) – Kelleher Subdivision No. 2**



MAILED 06/06/18

350 FT PROPERTY MAP



S Linder Rd

S Updale

W Sagwon Dr

Uma Canal

W Hubbard Rd

SUBJECT
PROPERTY

N Linder Rd

Aspen Ln

LEGEND



KELLEHER SUB NO. 2



350 FT PROPERTIES



PARCEL LINES



ROADS



WATER FEATURES

JMH



City of Kuna PROOF OF PROPERTY POSTING

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

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

This notice shall confirm that the Public Hearing Notice for Kelleher No. 2 Subdivision
(NAME OF SUBDIVISION OR ADDRESS) was posted as required per Kuna City Ordinance
5-1A-8. Sign posted Friday, June 15, 2018 **(DAY OF THE WEEK, MONTH,
DATE AND YEAR)**. This form is required to be returned three (3) calendar days
subsequent to posting and signs are to be removed from the site three (3) calendar
days after the hearing.

DATED this 18th day of June, 2018.

Signature,

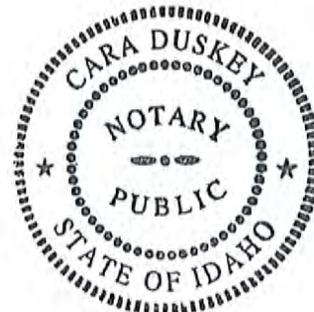
James B. Sugg
Owner/Developer /Representative

STATE OF IDAHO)
County of Ada) : ss

On this 18th day of June, 2018, before me the
undersigned, a Notary Public in and for said State, personally appeared before me
(Owner, Developer).

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

Cara Duskey
Notary Public
Residing at Kuna, Id
Commission Expires 3/17/21



CITY OF KUNA PUBLIC HEARING NOTICE

PLANNING AND ZONING COMMISSION

THE CITY OF KUNA WILL HOLD A PUBLIC HEARING

DATE: June 26, 2018

TIME: 6:00 P.M.

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

PURPOSE: 9 lot subdivision for 8 Four-plex buildings and 1
common lot

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

APPLICATION BY: WHPacific, Inc.

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

CITY OF KUNA PUBLIC HEARING NOTICE

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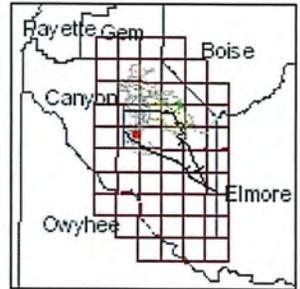
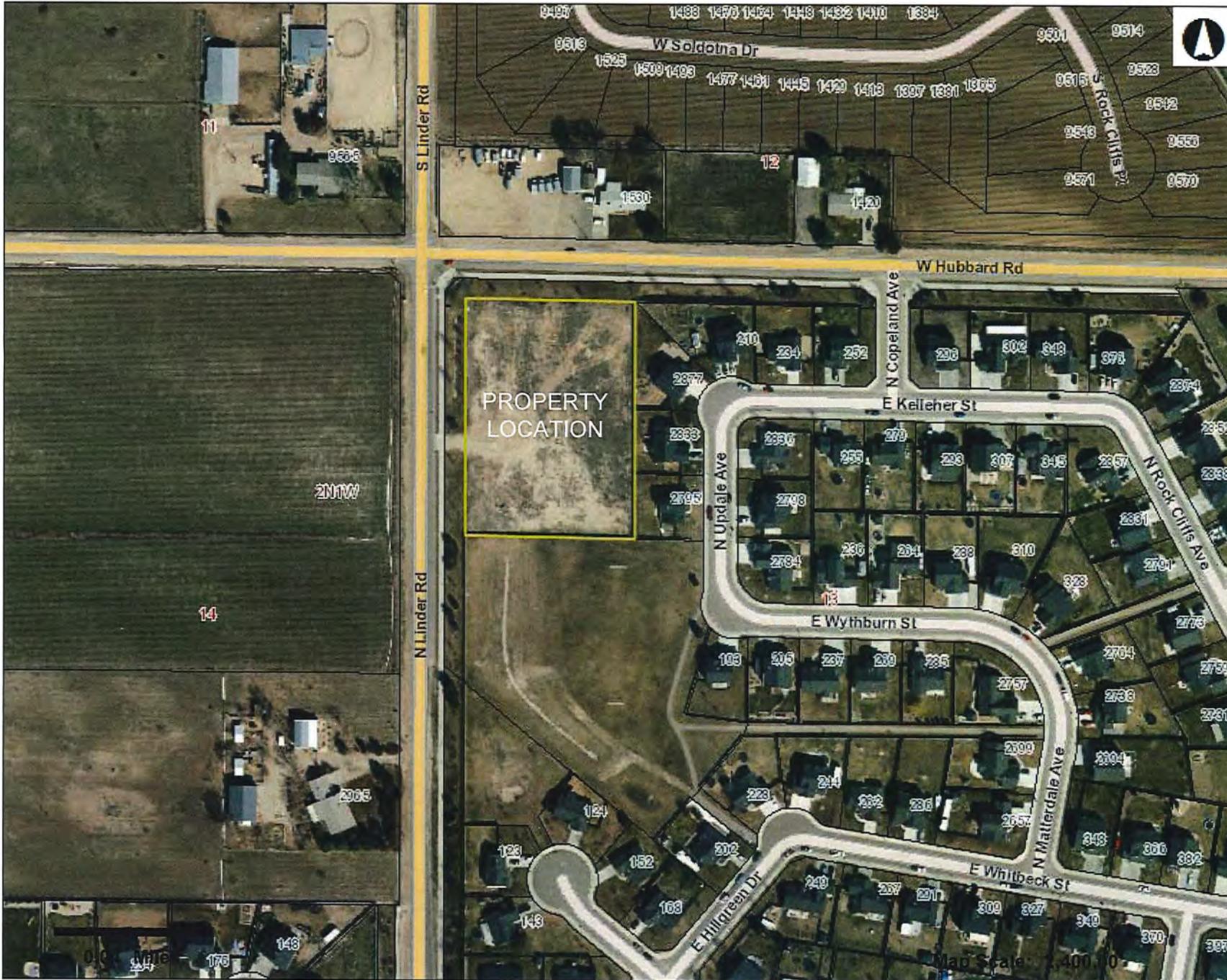
LOCATION: SE Corner of W. Hubbard Rd. and Linder Rd., Kuna, ID

APPLICATION BY: WHPacific, Inc.

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

Ada County Assessor

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION OR LEGAL PURPOSES.



Legend

- + Railroad
- Roads (2,000 - 4,000 s)
 - <all other values>
 - Interstate
 - Ramp
 - Principal Arterial
 - Collector
 - Minor Arterial
 - Local
 - Parks
 - Alley
 - Driveway
- Parks
- Address
- Townships
- Sections
- Condos
- Parcels

Exhibit

B7

3/2/2018

KELLEHER SUBDIVISION NO. 2

N. LINDER ROAD & W. HUBBARD ROAD
KUNA, IDAHO 83634



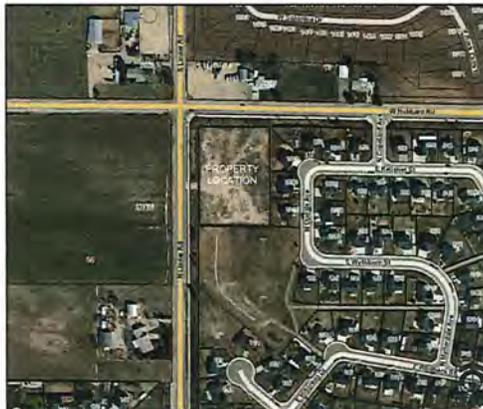
VICINITY MAP

NO SCALE



AERIAL MAP

NO SCALE



SHEET INDEX

- DR0.0 DESIGN REVIEW COVER SHEET
- C1.0 COVER SHEET, NOTES, & SHEET INDEX
- C2.0 COPY OF FINAL PLAT
- C3.0 GRADING PLAN
- C4.0 DETAILS
- C5.0 UTILITY PLAN
- O6.0 EROSION & SEDIMENT CONTROL PLAN
- L1.0 LANDSCAPE PLAN
- L1.1 COLORED LANDSCAPE PLAN
- DR1.0 ARCHITECTURAL SITE PLAN
- DR1.1 SITE DETAILS
- DR2.0 BUILDING FLOOR PLANS
- DR3.0 BUILDING TYPE 2-1 EXTERIOR ELEVATIONS
- DR3.1 BUILDING TYPE 2-2 EXTERIOR ELEVATIONS
- DR3.2 BUILDING TYPE 3-1 EXTERIOR ELEVATIONS

PROJECT SUMMARY

TOTAL PROJECT SITE 1.96± ACRES.

PROJECT IS THE CONSTRUCTION OF (8) TWO STORY WOOD FRAMED 4-UNIT RESIDENTIAL DWELLING UNITS. THE PROJECT ALSO INCLUDES 66 OFF-STREET PARKING STALLS.

PROJECT DIRECTORY

OWNER

OPEN DOOR RENTALS, INC.
1977 E. OVERLAND RD.
MERIDIAN, IDAHO 83642
CONTACT: JANE SUCCS
V (208) 275-8729
F (208) 342-5353
E jsuccs@openidaho.com

GENERAL CONTRACTOR

CHALLENGER DEVELOPMENT
9839 W. CABLE CAR ST., STE. 101
BOISE, IDAHO 83709
CONTACT: SHAWN BROWNLEE
V (208) 895-8858
C (208) 895-8371
F (208) 895-0714
E shawn@challengeridaho.com

ARCHITECT

THE ARCHITECTS OFFICE, PLLC
499 MAIN ST.
BOISE, IDAHO 83702
CONTACT: ROB TABEAU
V (208) 839-8407
C (208) 794-1543
E rtab@taoia.com

CIVIL ENGINEER

WH PACIFIC, INC.
2141 W. AIRPORT WAY, STE. 104
BOISE, IDAHO 83705
CONTACT: WATT MUNGER
V (208) 275-8704
F (208) 342-5353
E mmunger@whpacific.com

LANDSCAPE ARCHITECT

JENSEN BELLS ASSOCIATES
1509 TYPHILL LANE, STE. 130
BOISE, IDAHO 83705
CONTACT: KIM SEGENTHALER
V (208) 343-7175
F (208) 343-7178
E kim@jensbell.com

PROJECT

KELLEHER SUBDIVISION NO. 2

N. LINDER RD. &
W. HUBBARD RD.
KUNA, IDAHO 83634

SEAL



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FILE

DATE: MARCH 15, 2018
PROJECT: 18-302 DR0.0
DRAWN BY: ROB TABEAU, AIA

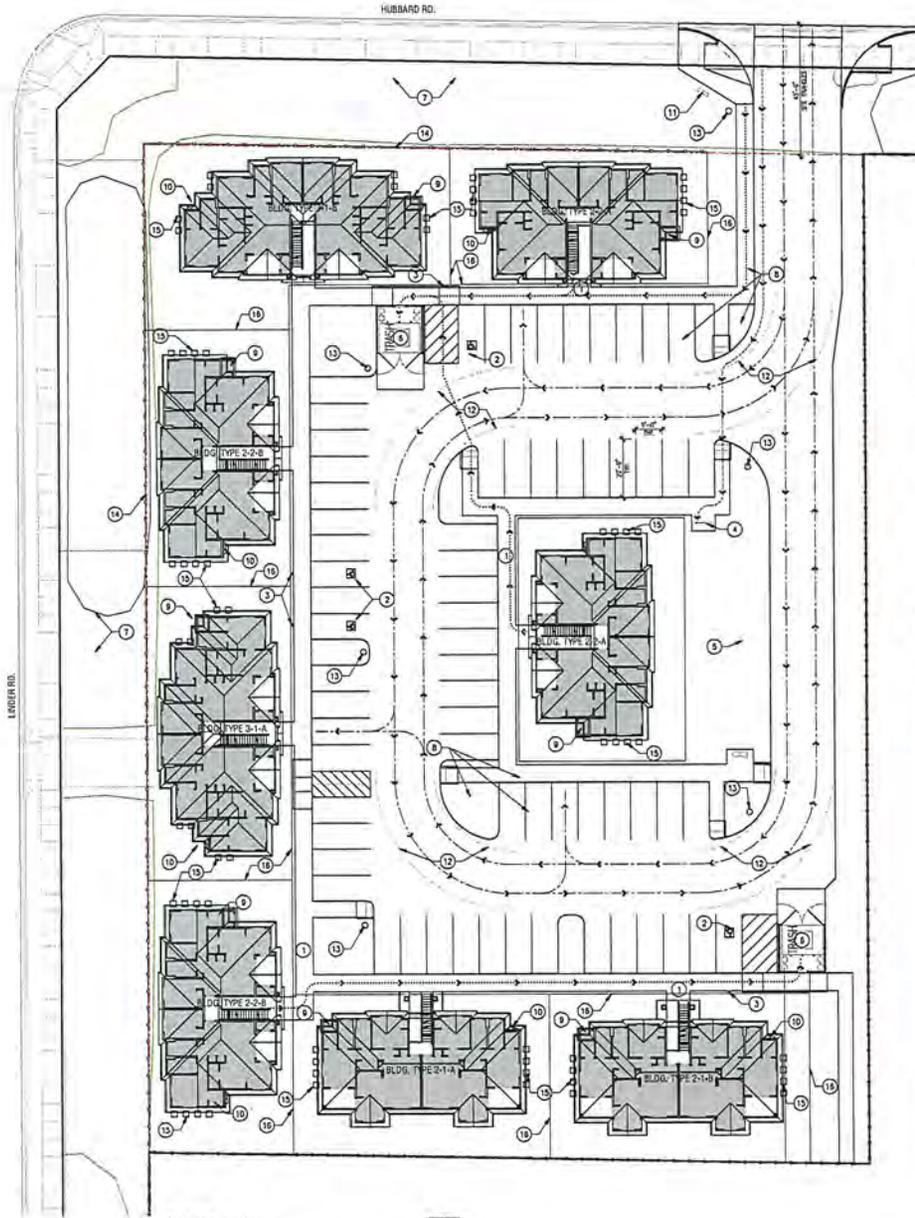
REVISIONS

SHEET

DR0.0

DESIGN REVIEW COVER SHEET





1 SITE PLAN
SCALE: 1" = 20'-0"



SITE DATA

LOT AREA:	35,473 ± S.F. 0.81 ± ACRES
ZONING:	C-1
MAXIMUM BUILDING HEIGHT:	35 FT.
MINIMUM STREET FRONTAGE:	15 FT.
MINIMUM FRONT YARD SETBACK:	15 FT.
MINIMUM REAR YARD SETBACK:	5 FT.
MINIMUM INTERIOR SIDE YARD SETBACK:	0 FT.
MINIMUM STREET SIDE YARD SETBACK:	10 FT.

PROJECT DATA

PROPOSED BUILDINGS:	4 UNIT TWO-STORY BUILDINGS
APARTMENT BUILDING KEY:	
BUILDING TYPE 2-1A:	(4) TWO BEDROOM UNITS, ELEVATION TYPE A
BUILDING TYPE 2-1B:	(4) TWO BEDROOM UNITS, ELEVATION TYPE B
BUILDING TYPE 2-2A:	(4) TWO BEDROOM UNITS, ELEVATION TYPE A
BUILDING TYPE 2-2B:	(4) TWO BEDROOM UNITS, ELEVATION TYPE B
BUILDING TYPE 3-1A:	(4) THREE BEDROOM UNITS, ELEVATION TYPE A
BUILDING TYPE 3-1B:	(4) THREE BEDROOM UNITS, ELEVATION TYPE B
PROPOSED UNITS:	16.33 UNITS PER ACRE
PROPOSED UNIT MIX:	
TWO BEDROOM - TWO BATHROOM (2-2):	6
2-2-1:	2
2-2-2:	4
THREE BEDROOM - TWO BATHROOM (2-2):	2
PARKING REQUIRED:	48
APARTMENTS: 1.5 STALLS PER UNIT: 32 x 1.5 = 48	
PARKING PROPOSED:	66
ACCESSIBLE PARKING STALLS:	4
STANDARD PARKING STALLS:	62
APARTMENT LAND DEVELOPMENT:	
BUILDING FOOTPRINTS:	37,254 ± S.F. / 43%
SITE PAVING:	36,705 ± S.F. / 43%
LANDSCAPING:	11,503 ± S.F. / 14%

AERIAL MAP

NO SCALE



CIRCULATION LEGEND

	AUTOMOBILE CIRCULATION
	PEDESTRIAN CIRCULATION
	BICYCLE CIRCULATION

KEYNOTES

- 4" CONCRETE SIDEWALK OVER 4" COMPACTED GRAVEL BASE PER CIVIL DRAWINGS TYPICAL. ALL WALKS TO BE CONSIDERED A PART OF THE ACCESSIBLE ROUTE PER GENERAL NOTES. CONCRETE WALKS TO BE 5'-0" WIDE ADJACENT TO PARKING STALLS AND 5'-0" WIDE ELSEWHERE. SEE DETAIL 1/081.2 FOR CONTROL JOINTS. AT MARKINGS IN FRONT OF APARTMENT BUILDINGS: EXTEND CONCRETE WALK FROM BUILDING TO PARKING THE SAME WIDTH OF THE BUILDING OPENING.
- ACCESSIBLE PARKING STALL PER DETAIL 2/081.1 TYP.
- ACCESSIBLE PARKING STALL SIGN PER DETAIL 2/081.1 TYP.
- LINE BACK PER DETAIL 1/081.1.
- WALK BOX (SHP) FOR DETAIL 1/081.1. NOTE: ALL FIRST FLOOR UNIT WALK BOXES TO BE WITHIN ACCESSIBLE REACH RANGE: WALKWAY HEIGHT TO BOTTOM OF BOX: +15" A.F.F.; WALKWAY HEIGHT TO TOP OF BOX: +42" A.F.F.
- TYPICAL TRASH ENCLOSURE PER DETAIL 6/081.1.
- R.O.M., CURB GUTTER AND SIDEWALK ARE EXISTING. NO WORK THIS AREA. PROTECT FROM DAMAGE DURING CONSTRUCTION.
- PARKING LOT, LANDSCAPE ISLANDS AND PARKING LOT SIDEWALKS PER CIVIL DRAWINGS. ALL SIDEWALKS ARE A PART OF THE ACCESSIBLE ROUTE PER GENERAL NOTE 2. ALL PARKING STALLS ARE 9'-0" WIDE AND 20'-0" DEEP. ALL DRIVE ANGLES TO BE 22'-0" MINIMUM WIDE. ALL SIDEWALKS IN FRONT OF PARKING STALLS ARE 6'-0" WIDE.
- APARTMENT BUILDING REAR ROOM LOCATION. NOTE: REAR ROOM AND ELECTRICAL PANEL LOCATION CAN BE PROVIDED. VERIFY WITH OWNER FOR FINAL LOCATION FOR EACH BUILDING.
- APARTMENT BUILDING ELECTRICAL PANEL METER HOD LOCATION. NOTE: REAR ROOM AND ELECTRICAL PANEL LOCATION CAN BE PROVIDED. VERIFY WITH OWNER FOR FINAL LOCATION FOR EACH BUILDING.
- PROVIDE PROJECT SIGN LOCATION. N/C. PROJECT SIGNS REQUIRE SEPARATE KUNA CITY PERMITS / APPROVALS. VERIFY WITH OWNER FOR PROVIDING PERMISSORS (ELECTRICAL FOR LIGHTING).
- GRAVEL LINE INDICATES FIRE TRUCK TURNING CLEARANCE: 28'-0" INSIDE RADIUS, 48'-0" OUTSIDE RADIUS.
- SITE LIGHTING POLE PER SITE ELECTRICAL PLAN.
- 6'-0" VOLT FENCING AT PROPERTY LINE - SEE LANDSCAPE DRAWING.
- MECHANICAL EQUIPMENT - SCREEN WITH LANDSCAPING. TYP.
- TYPICAL SUBDIVISION PROPERTY LINE.

GENERAL NOTES

- ALL CONTRACTORS / SUB-CONTRACTORS TO VISIT SITE AND VERIFY ALL EXISTING CONDITIONS AND EXISTING SPOT ELEVATIONS. FIELD VERIFY ALL SITE DIMENSIONS AND COORDINATE NEW WORK AS REQUIRED WITH EXISTING CONDITIONS. REPORT ANY DISCREPANCIES TO THE OWNER AND ARCHITECT.
- THE OWNER IS RESPONSIBLE FOR ALL SOILS TESTING AND ANALYSIS. ALL SOILS INFORMATION TO BE OBTAINED FROM THE OWNER OR CIVIL ENGINEER.
- CONTRACTOR TO NOTIFY LOCAL "DIG-LAC" SERVICE PRIOR TO ANY EXCAVATION.
- CONTRACTOR TO COORDINATE WITH ALL UTILITY COMPANIES FOR THE LOCATION, ROUTE AND CONNECTION OF ALL NEW AND EXISTING UTILITIES FOR THIS PROJECT. ALL WORK TO CONFORM TO UTILITY COMPANY STANDARDS, LOCAL CODES AND ACCEPTED CONSTRUCTION PRACTICES.
- MINIMUM BURIAL DEPTH OF ALL UNDERGROUND ELECTRICAL RACEWAYS SHALL BE 24" BELOW FINISH GRADE, U.G.M.
- REFER TO THE GENERAL STRUCTURAL NOTES FOR SOIL CONDITION REQUIREMENTS. THE CONTRACTOR IS REQUIRED TO DO ALL NECESSARY SOILS MODIFICATIONS TO MEET THE STRUCTURAL REQUIREMENTS OF THE FOUNDATION.
- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL EROSION AND SEDIMENT DESIGN AND BEST MANAGEMENT PRACTICES TO BE IMPLEMENTED DURING CONSTRUCTION.
- REFER TO CIVIL DRAWINGS FOR ADDITIONAL SITE INFORMATION AND EROSION AND SEDIMENT CONTROL DRAWINGS. REFER TO CIVIL DRAWINGS FOR ALL CUTTER / DUMPOUT CONNECTIONS AND ROUTES TO DRAINAGE SYSTEMS.
- REFER TO LANDSCAPE DRAWINGS FOR ALL LANDSCAPING REQUIREMENTS.
- REFER TO ARCHITECTURAL FLOOR PLANS FOR CLOSETING, APARTMENT BUILDING AND GARAGE LAYOUTS AND DIMENSIONS.
- REFER TO ELECTRICAL SITE PLAN FOR ALL ELECTRICAL NOTES AND INFORMATION.
- CLEAR SITE OF EXISTING VEGETATION, AND DEMOS AS REQUIRED FOR NEW CONSTRUCTION. PROTECT EXISTING CONSTRUCTION TO REMAIN.
- THE FINISH SITE GRADE SHALL SLOPE AND HAVE POSITIVE DRAINAGE AWAY FROM THE BUILDING. SEE CIVIL DRAWINGS FOR FINISH FLOOR ELEVATIONS.
- ALL CONSTRUCTION MODIFICATIONS, REPAIRS OR CHANGES TO CURBS, CUTTERS, CURB RUMPS AND SIDEWALKS IN THE RIGHT-OF-WAY TO RECEIVE AGENCY APPROVAL PRIOR TO CONSTRUCTION AND TO BE CONSTRUCTED PER AGENCY STANDARDS.
- ALL EXTERIOR SIDEWALKS, RAMP, CURB RUMPS AND LANDINGS SHALL BE CONSIDERED AN ACCESSIBLE ROUTE AND SHALL COMPLY WITH ICC/ADA 1171.1-2003 CHAPTER 6. ALL NEW SIDEWALKS TO HAVE A MAXIMUM SLOPE OF 1:20 (5%) SIDEWALKS WITH A SLOPE GREATER THAN 1:20 SHALL SLOPE 1:12 MAXIMUM AND SHALL NOT SLOPE GREATER THAN 4" RISE AND SHALL HAVE LANDINGS 5'-0" EACH END IN THE DIRECTION OF TRAVEL. ALL SIDEWALKS MAY HAVE A MAXIMUM CROSS SLOPE OF 2% (1:50). ALL EXTERIOR LANDINGS AT DOORS TO BE FLUSH WITH BUILDING FINISH FLOOR AND SLOPE AWAY FROM THE BUILDING AT 2% (1:50) MAXIMUM FOR A MINIMUM DISTANCE OF 5'-0".
- TO ACCOMMODATE CONSTRUCTION TOLERANCES, WHERE SURFACES ARE REQUIRED AT 2% (1:50) MAXIMUM SLOPE, CONSTRUCT AT 1.75% (1:57) MAXIMUM SLOPE. WHERE SURFACES ARE REQUIRED AT 3% (1:33) MAXIMUM SLOPE, CONSTRUCT AT 4.5% (1:22) MAXIMUM SLOPE. WHERE SURFACES ARE REQUIRED AT 4.5% (1:22) MAXIMUM SLOPE, CONSTRUCT AT 6.7% (1:15) MAXIMUM SLOPE.
- PROVIDE EXPANSION JOINTS IN SIDEWALKS AT 20'-0" O.C. MAX. CONTROL JOINTS AT 3'-0" O.C. TYPICAL. ALL SIDEWALKS SHALL SLOPE TO SHEET WATER PER GENERAL NOTE 2 REQUIREMENTS. SEE DETAIL 1/081.1 FOR TYPICAL CONSTRUCTION NOTES.
- ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE MANUFACTURER'S REQUIREMENTS, ACCEPTED CONSTRUCTION STANDARDS AND CONFORM TO ALL BUILDING CODES AND REGULATIONS.



PROJECT
KELLEHER
SUBDIVISION NO. 2
N. LINDER RD. &
W. HUBBARD RD.
KUNA, IDAHO 83634

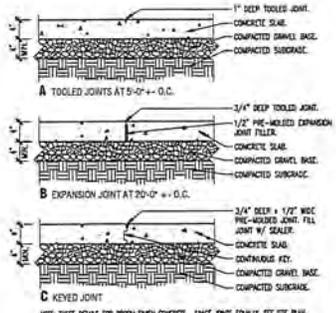


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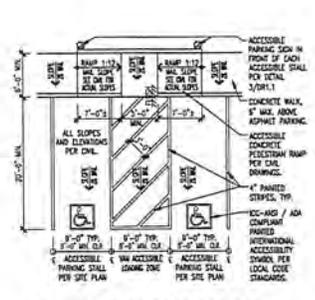
FILE
DATE: MARCH 15, 2018
JOB NO: 18-302 DR1.0
DRAWN BY: ROB THEBEAU, AIA

REVISIONS

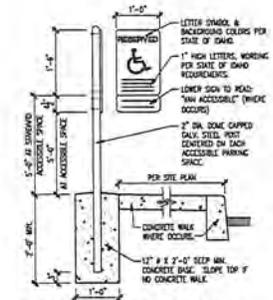
SHEET
DR1.0
SITE PLAN



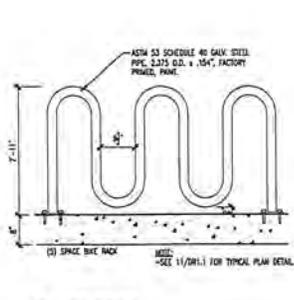
1 CONCRETE CONTROL JOINTS
SCALE: 1" = 1'-0"



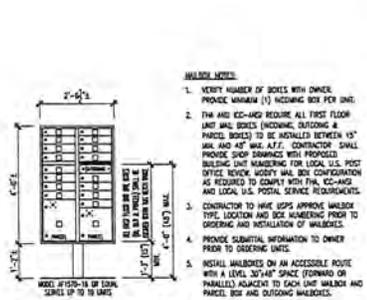
2 TYPICAL ACCESSIBLE STALL
SCALE: 1/8" = 1'-0"



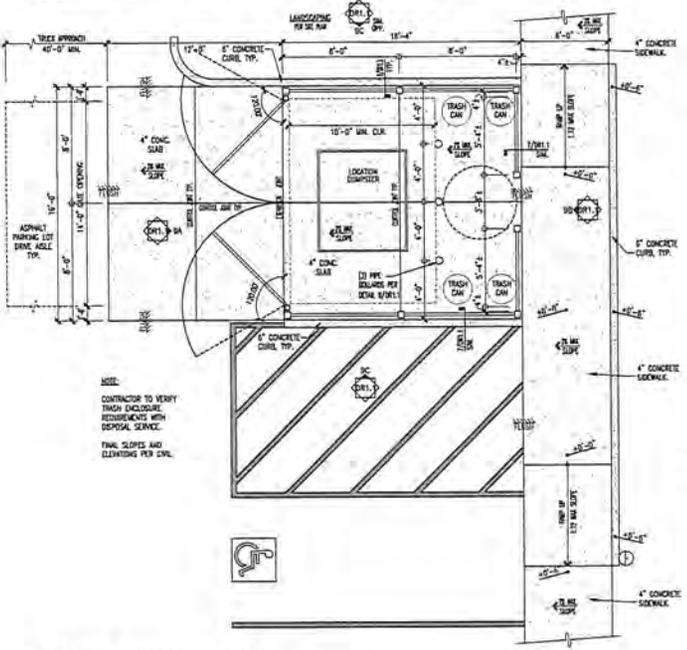
3 ACCESSIBLE STALL SIGN
SCALE: 3/4" = 1'-0"



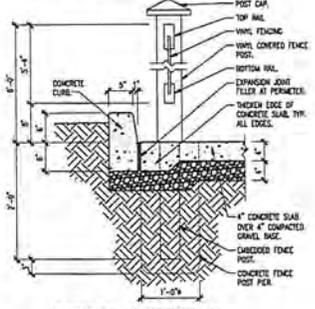
4 BIKE RACK
SCALE: 3/4" = 1'-0"



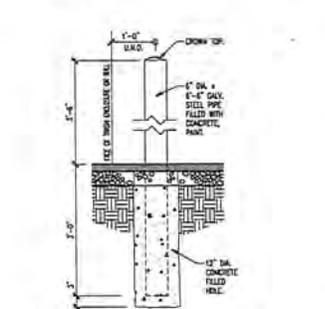
5 MAIL BOX DETAIL
SCALE: 1" = 1'-0"



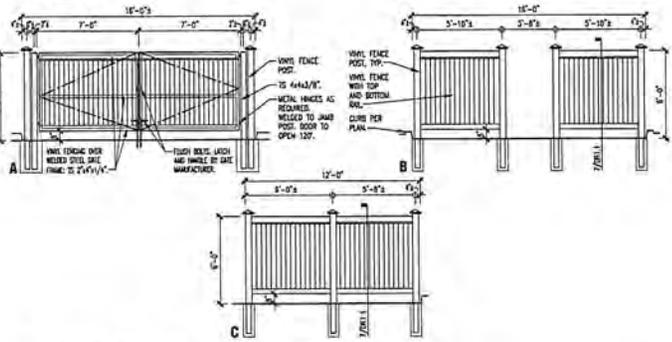
6 TRASH ENCLOSURE PLAN
SCALE: 1/4" = 1'-0"



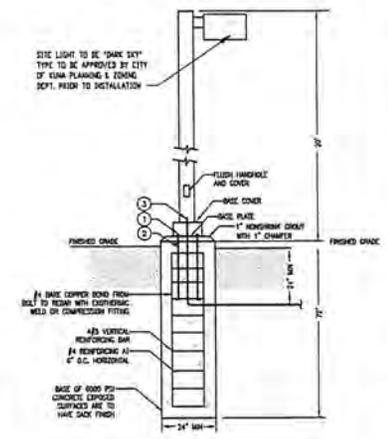
7 TYPICAL ENCLOSURE FENCE SECTION
SCALE: 1" = 1'-0"



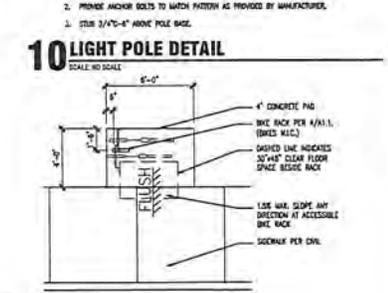
8 TYPICAL STEEL BOLLARD
SCALE: 3/4" = 1'-0"



9 TRASH ENCLOSURE ELEVATIONS
SCALE: 1/4" = 1'-0"



10 LIGHT POLE DETAIL
SCALE: 3/4" = 1'-0"



11 TYP. BIKE RACK PAD
SCALE: 1/4" = 1'-0"

PROJECT
KELLEHER SUBDIVISION NO. 2
N. LINDER RD. & W. HUBBARD RD. KUNA, IDAHO 83634

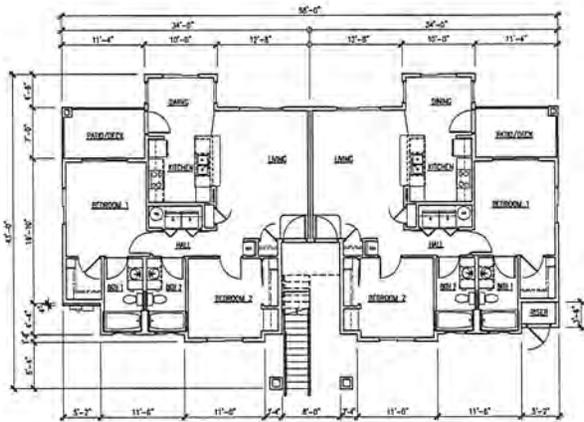
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PRELIMINARY

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FILE
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FILE NO: 18-002 OR1.0
DRAWN: FROD TEBEAU, AIA

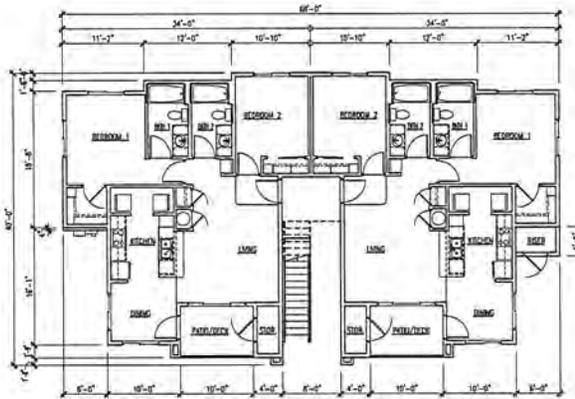
REVISIONS

SHEET
DR1.1
SITE DETAILS



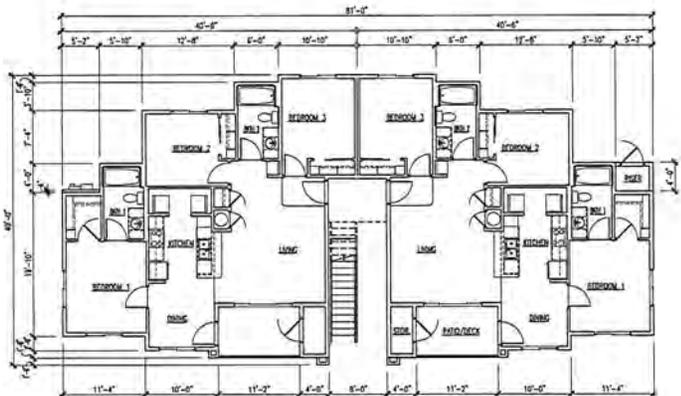
BUILDING TYPE 2-1
1 FIRST FLOOR PLAN

2-BEDROOM / 2-BATHROOM
SECOND FLOOR STM.
UNIT AREA: 1,763 S.F.
NET INCLUDES PATIOES AND DECKS
FIRST FLOOR AREA: 3,260 S.F.
NETS OVER PATIOES AND DECKS
SECOND FLOOR AREA: 2,115 S.F.
NETS OVER PATIOES AND DECKS



BUILDING TYPE 2-2
1 FIRST FLOOR PLAN

2-BEDROOM / 2-BATHROOM
SECOND FLOOR STM.
UNIT AREA: 1,763 S.F.
NET INCLUDES PATIOES AND DECKS
FIRST FLOOR AREA: 3,350 S.F.
NETS OVER PATIOES, DECKS AND DECKS
SECOND FLOOR AREA: 2,171 S.F.
NETS OVER PATIOES, DECKS AND DECKS



BUILDING TYPE 3-1
3 FIRST FLOOR PLAN

3-BEDROOM / 2-BATHROOM
SECOND FLOOR STM.
UNIT AREA: 1,779 S.F.
NET INCLUDES PATIOES AND DECKS
FIRST FLOOR AREA: 3,484 S.F.
NETS OVER PATIOES, DECKS AND DECKS
SECOND FLOOR AREA: 2,474 S.F.
NETS OVER PATIOES, DECKS AND DECKS

KEYNOTES

- FIRE SPRINKLER RISER ROOM. PROVIDE SIGN ON EXTERIOR OF THE DOOR IN ONE-FOOT LETTERS SHOWING THE RISER ROOM IN COMPLIANCE WITH THE INTERNATIONAL CODE AND WITH THE APPROVAL OF THE FIRE AGENCIES. PROVIDE AND INSTALL THREE LOCKS WITHIN 5 FEET OF DOOR AS DIRECTED BY THE FIRE AGENCIES.
- ELECTRICAL METERS AND PANELS. VERIFY EXACT LOCATION WITH UTILITY AND ELECTRICIAN DRAWINGS.
- PREPARE FLASHING AT ALL PENETRATOR WALLS ADJACENT TO LANDSCAPING PER DETAIL 2/02A.
- EXTERIOR CONCRETE WALL AT FIRST FLOOR ENTRY DOOR TO BE FLASH WITH BUILDING INTERIOR. CONCRETE TO SLOPE AWAY FROM ENTRY DOOR NO MORE THAN 2% IN ANY DIRECTION FOR A MINIMUM SLOPE OF 3'-0" PERPENDICULAR TO DOORS. GIVE DRAWINGS FOR SLOPE SLOPING BEYOND DOOR FLASHING AREA. FLASH WALL BETWEEN BUILDING AND CONCRETE WALL / W/DO PER DETAIL 1/02S.
- FIRE EXTINGUISHER CABINET MOUNTED WITH HOOKETS AT 4'-0" A.F.F. WALL. SEE DETAIL 2/02D.
- ROOF BELOW.
- CONCRETE PAVES. AT TYPE A ACCESSIBLE UNITS (1 TOTAL): PAVES TO BE FLASH WITH UNIT INTERIOR AND WITH STORAGE CLOSET AND SLOPE AWAY FROM THE BUILDING DECK WALL. SLOPE. AT ALL OTHER FIRST FLOOR UNITS: THE LEVEL CHANGE BETWEEN THE INTERIOR SPACE AND THE EXTERIOR PAVES IS 4" MAX. (EXCLUDING THRESHOLDS). IT IS RECOMMENDED THAT THE PAVES IS 0'-1" BELOW THE UNIT FINISH FLOOR AND SLOPE AWAY FROM THE BUILDING DECK WALL. SLOPE.
- DECK WITH CONCRETE SLOPING SLABS. THE LEVEL CHANGE BETWEEN THE INTERIOR SPACE AND THE EXTERIOR DECK IS 4" MAX. (EXCLUDING THRESHOLDS). IT IS RECOMMENDED THAT THE DECK IS 0'-1" BELOW THE UNIT FINISH FLOOR AND SLOPE AWAY FROM THE BUILDING DECK WALL. SLOPE. SEE DETAILS 2-1/02A FOR DECK AND WALL FLASHING REQUIREMENTS.
- STAIR LANDING TO BE LEVEL WITH UNIT FINISH FLOOR AND SLOPE AWAY FROM THE BUILDING AT DE. SEE DETAIL 2/02E FOR LANDING AND WALL FLASHING REQUIREMENTS.

GENERAL NOTES

- EACH SUB-CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES WITH THE DRAWINGS TO THE ARCHITECT PRIOR TO THE BEGINNING OF CONSTRUCTION.
- ALL EXTERIOR DIMENSIONS ARE TO THE FACE OF FOUNDATION STEEL WALL. SEE DETAIL 1/02F FOR TYPICAL EXTERIOR WALL CONSTRUCTION AT FOUNDATION. EXTERIOR WALL FINISHING TO BE ALIGNED VERTICALLY FROM FLOOR TO FLOOR UNLESS OTHERWISE NOTED.
- VERIFY ALL EXTERIOR FLOOR PLAN DIMENSIONS WITH FOUNDATION PLAN.
- ALL INTERIOR WALL DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.
- SEE UNLINED STAIRWAY PLAN AND STAIRWAY SECTIONS (SHEETS A10-A12) FOR ALL STAIRWAY NOTES AND DIMENSIONS.
- SEE UNIT UNLINED FLOOR PLANS (SHEETS A10-A12) FOR ALL UNIT DIMENSIONS, KEYNOTES AND FOR DOOR AND WINDOW CALLOUTS.
- ANY THROUGH OF MECHANICAL PENETRATION OF FIRE-RESISTIVE CONSTRUCTION TO COMPLY WITH 2015 IBC SECTION 714. SEE SHEETS A10-A11.2. TESTS AND LISTED ACCESSIBLE TO BE PROVIDED TO FIELD SUPERVISOR.
- ALL FINISH, FIXTURES AND EQUIPMENT TO BE INSTALLED TO BE IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATION, ACCEPTED BUILDING STANDARDS AND DRAWING TO ALL BUILDING CODES.
- FOR DETAILS OF THE WOOD CONSTRUCTION SEE FIRE RATED CONSTRUCTION PLANS AND BUILDING CODE SUMMARY, SHEET A01.1.
- ALL KEYNOTES, DIMENSIONS, AND NOTES TYPICAL UNITS.
- SEE SITE PLAN FOR DETERMINATION OF SCREENS AT BUILDING.
- AT ALL FIRST FLOOR TOILET LOCATIONS PROVIDE ADJUSTABLE TOILET FLANGE PER DETAIL 15/001.1.

APARTMENT BUILDING AREAS

BUILDING TYPE 2-1	GROSS FLOOR		GROSS BUILDING	
	FLOOR (UNIT AREA)	FLOOR (FIN AREA)	BUILDING (UNIT AREA)	BUILDING (FIN AREA)
FIRST FLOOR	3,260 S.F.	2,106 S.F.	3,277 S.F.	2,292 S.F.
SECOND FLOOR	3,265 S.F.	2,079 S.F.	3,077 S.F.	2,136 S.F.
TOTAL	6,525 S.F.	4,225 S.F.	6,354 S.F.	4,428 S.F.
TOTAL #2	7,220 S.F.	4,850 S.F.	7,708 S.F.	5,834 S.F.

BUILDING TYPE 2-2	GROSS FLOOR		GROSS BUILDING	
	FLOOR (UNIT AREA)	FLOOR (FIN AREA)	BUILDING (UNIT AREA)	BUILDING (FIN AREA)
FIRST FLOOR	3,350 S.F.	2,249 S.F.	3,367 S.F.	2,364 S.F.
SECOND FLOOR	3,355 S.F.	2,058 S.F.	3,155 S.F.	2,172 S.F.
TOTAL	6,705 S.F.	4,327 S.F.	6,522 S.F.	4,536 S.F.
TOTAL #4	14,424 S.F.	17,308 S.F.	15,440 S.F.	18,152 S.F.

BUILDING TYPE 3-1	GROSS FLOOR		GROSS BUILDING	
	FLOOR (UNIT AREA)	FLOOR (FIN AREA)	BUILDING (UNIT AREA)	BUILDING (FIN AREA)
FIRST FLOOR	3,484 S.F.	2,554 S.F.	3,501 S.F.	2,664 S.F.
SECOND FLOOR	3,489 S.F.	2,363 S.F.	3,218 S.F.	2,474 S.F.
TOTAL	6,973 S.F.	4,927 S.F.	6,719 S.F.	5,138 S.F.
TOTAL #3	8,308 S.F.	9,808 S.F.	8,872 S.F.	10,276 S.F.

PROJECT TOTALS: 19,572 S.F. 25,556 S.F. 21,020 S.F. 27,264 S.F.

- AS MEASURED TO THE INSIDE FACE OF EXTERIOR WALLS NOT INCLUDING STAIRWAYS, STORAGE AND AREAS UNDER CANOPIES, DECKS AND PATIOS.
- AS MEASURED TO THE INSIDE FACE OF EXTERIOR WALLS INCLUDING STAIRWAYS, STORAGE AND AREAS UNDER CANOPIES, DECKS AND PATIOS. (PER 2009 IBC CHAPTER 5 AND CHAPTER 10)
- AS MEASURED TO THE OUTSIDE FACE OF EXTERIOR WALLS NOT INCLUDING STAIRWAYS, STORAGE AND AREAS UNDER CANOPIES, DECKS AND PATIOS.
- AS MEASURED TO THE OUTSIDE FACE OF EXTERIOR WALLS INCLUDING STAIRWAYS, STORAGE AND AREAS UNDER CANOPIES, DECKS AND PATIOS.

LEGEND

ALL DIMENSIONS PER WALL TYPE. SEE UNLINED PLAN FOR EXTERIOR WALL AND DIMENSIONS PER DETAIL 1/02E FOR CONSTRUCTION NOTES.	DOOR CALLOUT PER DOOR SCHEDULE SHEET A01.1.
CONSTRUCTION WALL TYPE CALLOUT PER SHEET A10.1.	



PROJECT
KELLEHER
SUBDIVISION NO. 2
N. LINDER RD. &
W. HUBBARD RD.
KLUNA, IDAHO 83634



FILE
DATE: MARCH 15, 2018
BY: DR2.0
PROJECT: 16-302 DR2.0
DRAWN BY: ROB TABELLA, AIA

REVISIONS

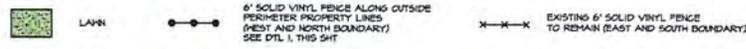
SHEET
DR2.0
APARTMENT
FLOOR PLANS

Exhibit
B9



PLANT PALETTE

SYM	COMMON NAME	BOTANICAL NAME	INSTALLATION SIZE
EVERGREEN TREES			
	BOSNIAN PINE	PINUS LEUCODERIS	6'-0" HT B4B
	KARL FICKS CEDAR	CEDRUS DEODARA 'KARL FICKS'	6'-0" HT B4B
	DRING SERBIAN SPRUCE	PRICA OBPIKA (SERB)	6'-0" HT B4B
	SKY HIGH JUNIPER	JUNIPERUS SCOPULORUM 'SKYHIGH'	6'-0" HT B4B
	VANDYKE'S PINE	PINUS FLEXILIS 'VANDYKE'S'	6'-0" HT B4B
	KEEFER'S WHITE SPRUCE	PINUS ALABICA 'PENDLAY'	6'-0" HT B4B
SHADE/TREE TREES (CLASS II)			
	AUTUMN PURPLE ASH	FRAXINUS AMERICANA 'AUTUMN PURPLE'	2.5" CAL B4B
	SKYLINE HONEYLOCUST	GLEDITSIA TRIACANTOSIN 'NEREUS 'SKYCOLE'	2.5" CAL B4B
	LITTLELEAF LINDEN	TILIA CORDATA	2.5" CAL B4B
	TULIP TREE	LIRIODENDRON TULIPIFERA	2.5" CAL B4B
ORNAMENTAL TREES (CLASS II)			
	ACER GINNALA 'FLAME'	ACER GINNALA 'FLAME'	5'-10" HT B4B CLIMP
	PYRUS CALLERYANA 'GLENN'S FORM'	PYRUS CALLERYANA 'GLENN'S FORM'	2.5" CAL B4B
	MALUS x 'JPS-KO'	MALUS x 'JPS-KO'	2.5" CAL B4B
	MALUS 'SACHTOPF'	MALUS 'SACHTOPF'	2.5" CAL B4B
SHRUBS/ORNAMENTAL GRASSES/PERENNIALS			
	BLACK-EYED SUSAN	RUDBECKIA FULLGIDA 'GOLDSTROM'	1 GAL
	BLUE RUG JUNIPER	JUNIPERUS HORIZONTALIS 'HELTON'	2 GAL
	CREeping MAHONIA	MAHONIA REPENS	3 GAL
	RED FLOWER CARPET ROSE	ROSA 'FLOWER CARPET NOISE'	3 GAL
	DWARF FOUNTAIN GRASS	PENNISETUM ALOPECUROIDES 'MAHLEN'	1 GAL
	DARTS GOLD NIERIBARK	PHYSCARPUS OPULIFOLIUS 'DARTS GOLD'	1 GAL
	STELLA D'ORO DAYLILY	HEXAGONIA ANDREWSIANA 'FRUIT'	3 GAL
	HERALD N' GOLD EUSTOMA	EUSTOMA FORSTERI 'HERALD N' GOLD'	3 GAL
	INDIGO SUMMER HYDRANGEA	HYDRANGEA ANDREWSIANA 'FRUIT'	3 GAL
	PINE LINE BUGACH'ORN	RHAMNUS FRAXILLA 'RON WILLIAMS'	5 GAL
	SIROLOA SUN HAT	RHUS ARGENTATA 'SRO-LOA'	5 GAL
	IVORY HALO DOGWOOD	CORNUS ALBA 'HAHALA'	5 GAL
	KARL FOERSTER REED GRASS	CALAMAGROSTIS ARUNDINACEA 'K.F.'	1 GAL
	LITTLE DIMPLES NIERIBARK	PHYSCARPUS OPULIFOLIUS 'DONNA MAY'	5 GAL
	HEDGECOTE BLUE ENGLISH LAVENDER	LAVANULA ANGSTIFOLIA 'HEDGECOTE BLUE'	1 GAL
	OTTO LUYKEN LAUREL	PRUNUS LAURICERASUS 'OTTO LUYKEN'	3 GAL
	P. M. FRODOE DOGWOOD	RHOICODENDRON 'P.M.'	5 GAL
	MAIDEN GRASS	MISCANTHUS SINENSIS 'GRACILIMUS'	1 GAL
	SUMMERHENE NIERIBARK	PHYSCARPUS OPULIFOLIUS 'SEWARD'	3 GAL



NOTES

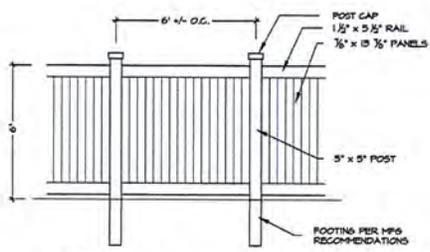
- ALL LANDSCAPE SHALL BE INSTALLED IN ACCORDANCE WITH KUNA CITY ORDINANCE REQUIREMENTS. ALL LOTS WILL COMPLY WITH KUNA CITY ORDINANCE REQUIRING ONE (1) TREE PER LOT (PROVIDED BY BUILDER AND/OR DEVELOPER).
- ALL PLANTING AREAS TO BE WATERED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
- TREES SHALL NOT BE PLANTED WITHIN THE 10'-CLEAR ZONE OF ALL ACID 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 INTERFERE THE 40' STREET AND DEPARTURE VISION TRIANGLES AT ALL INTERSECTIONS. NO CONSPICUOUS TREES OR SHRUBS OVER 3' HIGH AT MATURITY WILL BE LOCATED WITHIN VISION TRIANGLE OR ACID ZONE. AS TREES MATURE, THE OWNER SHALL BE RESPONSIBLE FOR TRIMMING TREE CANOPIES TO MEET ACID REQUIREMENTS FOR MAINTAINING CLEAR VISIBILITY WITHIN 40' STREET AND DEPARTURE VISION TRIANGLE. TREES SHALL BE PLANTED NO CLOSER THAN 30' FROM STOP SIGNS.
- 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 FORESTERS' PRE-APPROVAL. PLANTING BED DESIGN AND QUANTITIES MAY BE ALTERED DURING FINAL PLANT LANDSCAPE PLAN DESIGN. 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.

LANDSCAPE CALCULATIONS

EXISTING LANDSCAPE BUFFER ALONG LINDER ROAD AND HUBBARD ROAD TO BE SUPPLIED AND PROTECTED.
EXISTING LANDSCAPE BUFFER ALONG LINDER ROAD AND HUBBARD ROAD TO BE SUPPLIED AND PROTECTED.
NUMBER OF TREES PROVIDED IN APARTMENT COMPLEX AREA: 60 TREES
THERE ARE NO EXISTING TREES ON SITE.

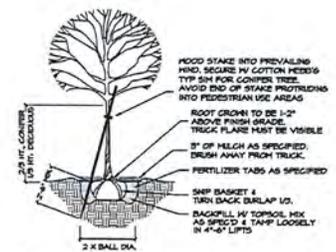
DEVELOPMENT DATA

TOTAL AREA	1.96 AC (85,473 S.F.)
PROPOSED BUILDINGS	5
4-UNIT TWO-STORY BUILDINGS	5
PROPOSED UNITS	32
PROPOSED PARKING	66 (62 STANDARD + 4 ACCESSIBLE)
LAND DEVELOPMENT	
BUILDING FOOTPRINTS	57,204 S.F. (43%)
SITE PAVING	36,300 S.F. (43%)
LANDSCAPING	18,009 S.F. (14%)
ZONING	C-1



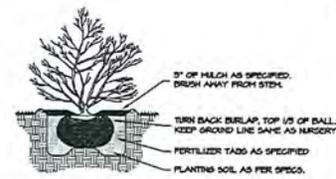
- NOTES:**
1. FENCE TO STEP DOWN TO 3" HEIGHT 20" FROM ROOF.
2. FENCE STYLE AND COLOR (CREAM) TO MATCH EXISTING ADJACENT SUBDIVISION FENCING.

① VINYL PRIVACY FENCE NOT TO SCALE



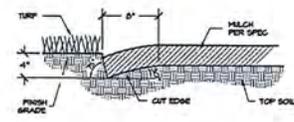
- NOTES:**
1. REMOVE ALL THINE, ROPE, OR BINDINGS FROM ALL TRUNKS.
2. REMOVE BURLAP AND WIRE BASKETS FROM THE TOP 1/3 OF ALL ROOT BALLS AFTER PLANTING.
3. IF SYNTHETIC WRAP/BURLAP IS USED, IT MUST BE COMPLETELY REMOVED.

② TREE PLANTING/STAKING NOT TO SCALE



- NOTES:** DIRT HOLE THREE THE SIZE OF ROOTBALL.
3" OF MULCH AS SPECIFIED. BRUSH AWAY FROM STEEL.
TURN BACK BURLAP, TOP 1/3 OF BALL. KEEP GROUND LINE SAME AS HANGRY.
FERTILIZER TABS AS SPECIFIED.
PLANTING SOIL AS PER SPECS.

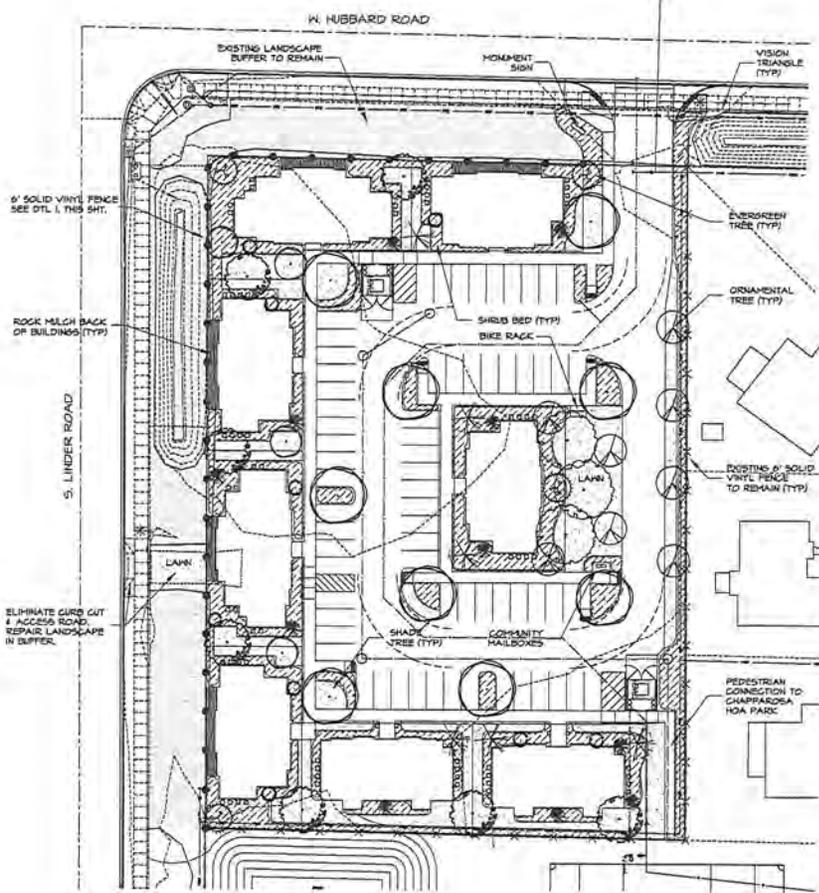
③ SHRUB PLANTING NOT TO SCALE



④ PLANTER CUT BED EDGE NOT TO SCALE

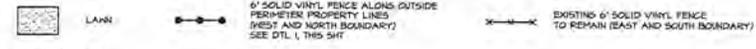


DEVELOPER
TRILOGY DEVELOPMENT, INC.
9839 W. CABLE CAR ST.
BOISE, IDAHO 83709



PLANT PALETTE

SYM	COMMON NAME	BOTANICAL NAME	INSTALLATION SIZE
EVERGREEN TREES			
①	BOSNAN PINE	PNUS LEUCODERMIS	6'-0" HT B&D
	KARL RICHTS CEDAR	CEDRUS DEODARA 'KARL RICHTS'	6'-0" HT B&D
	BIKING SCISSOR SPRUCE	PNUS CHENSICA 'BIKING'	6'-0" HT B&D
	SKY HIGH JUNIPER	JUNIPERUS SCOPULORUM 'BAULISH'	6'-0" HT B&D
	VANDERHOLTS PINE	PNUS FLEXILIS 'VANDERHOLTS'	6'-0" HT B&D
	KEEPS WHITE SPRUCE	PNUS ALBA 'WENDULA'	6'-0" HT B&D
SHADE/TREE TREES (CLASS II)			
②	AUTUM PURPLE ASH	FRAXINUS AMERICANA 'AUTUM PURPLE'	25" GAL B&D
	SKYLINE HONEYLOCUST	GLYSTRYA TRIANGULATA 'NORMA SKYCOLE'	25" GAL B&D
	LITTLELEAF LINDEN	TILIA LORDATA	25" GAL B&D
	TULIP TREE	LIRIODENDRON TULIPIFERA	25" GAL B&D
ORNAMENTAL TREES (CLASS II)			
③	AMUR MAPLE	ACER BIRMALA 'FLAME'	8'-0" HT B&D CLUMP
	CHANTRELLE PEAR	PIRUS CALLERYANA 'SILENS FORM'	25" GAL B&D
	ROYAL RANDOLPHS CRABAPPLE	MALUS x 'JES-ENO'	25" GAL B&D
	SNOWDRIFT CRABAPPLE	MALUS SNOWDRIFT	25" GAL B&D
SHRUB/ORNAMENTAL GRASSES/PERENNIALS			
	BLACK EYED SUSAN	XIPHOCLIA FLUIDA 'GOLDSTROM'	1 GAL
	BLUE RIDG. JUNIPER	JUNIPERUS HORIZONTALIS 'VELTONI'	2 GAL
	CAROLINA HANDBL	HANDROSA REPENS	3 GAL
	RED FLOWER GARNET ROSE	ROSA 'FLOWER GARNET. NOAR'	3 GAL
	DWARF FOUNTAIN GRASS	PERNISCETH ALPOPECUROIDES 'IAHHELI'	3 GAL
	DARTS GOLD WINEBARK	PHYSCOCARPUS OPULIFOLIUS 'DARTS GOLD'	3 GAL
	STELLA D'ORO DAYLILY	HEMEROCALLIS 'STELLA D'ORO'	1 GAL
	EMERALD N' GOLD BLOOMING	DIANTHUS FORTUNEI 'EMERALD N' GOLD'	3 GAL
	ENDLESS SUMMER HYDRANGEA	HYDRANGEA ARBORESCENS 'TRIMM'	5 GAL
	FINE LINE BUGTIGHTER	RHAMNUS FRAGULA 'RON WILLIAMS'	5 GAL
	ROSE SAW SMAC	RIBES ARISTATICA 'ROSE-LOW'	5 GAL
	IVORY HALO DOGWOOD	CORNUS ALBA 'BAULHALO'	5 GAL
	KARL FOENSTER REED GRASS	CALAMAGROSTIS ARUNDINACEA 'K.F.'	1 GAL
	LITTLE DEVIL WINEBARK	PHYSCOCARPUS OPULIFOLIUS 'DOKNA MAY'	3 GAL
	HIDCOTE BLUE ENGLISH LAVENDER	LAVANDULA ANGUSTIFOLIA 'HIDCOTE BLUE'	1 GAL
	OTTO LUTKEN LAUREL	PNUS LAURUS 'OTTO LUTKEN'	5 GAL
	P.J.M RHODODENDRON	RHODODENDRON 'P.J.M'	5 GAL
	HAIDEN GRASS	MISCANTHUS SINENSIS 'ORAGELLUS'	1 GAL
	SUMMERING WINEBARK	PHYSCOCARPUS OPULIFOLIA 'SEWARD'	3 GAL



NOTES

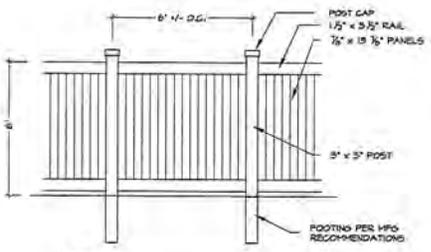
- ALL LANDSCAPE SHALL BE INSTALLED IN ACCORDANCE WITH KIMA CITY ORDINANCE REQUIREMENTS. ALL LOTS WILL COMPLY WITH KIMA CITY ORDINANCE REQUIRING ONE (1) TREE PER LOT (PROVIDED BY BUILDER AND/OR DEVELOPER).
- ALL PLANTING AREAS TO BE WATERED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
- TREES SHALL NOT BE PLANTED WITHIN THE 10'-CLEAR ZONE OF ALL ACID STORM DRAIN PIPE STRUCTURES OR FACILITIES. SEE PAGE B&D. MUST BE PROTECTED FROM ANY AND ALL CONTAMINATION DURING THE CONSTRUCTION AND INSTALLATION OF THE LANDSCAPE IRRIGATION SYSTEM.
- NO TREES SHALL IMPERE THE 40' STREET AND DEPARTURE VISION TRIANGLES AT ALL INTERSECTIONS. NO CONFERING TREES OR SHRUBS OVER 3' HIGH AT MATURITY WILL BE LOCATED WITHIN VISION TRIANGLE OR ACID ROW. AS TREES MATURE, THE OWNER SHALL BE RESPONSIBLE FOR PRUNING TREES CANOPIES TO MEET ACID REQUIREMENTS FOR MAINTAINING CLEAR VISIBILITY WITHIN 40' STREET AND DEPARTURE VISION TRIANGLE. TREES SHALL BE PLANTED NO CLOSER THAN 30' FROM STOP SIGNS.
- 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 POSSESSOR'S PRE-APPROVAL. PLANTING BED DESIGN AND QUANTITIES MAY BE ALTERED DURING FINAL PLAT LANDSCAPE PLAN DESIGN. BURLAP AND WIRE BASKETS TO BE REMOVED FROM ROOT BALL AS HIGH AS POSSIBLE, AT LEAST HALFWAY DOWN THE BALL OF THE TREE. ALL NYLON ROPES TO BE COMPLETELY REMOVED FROM TREES.

LANDSCAPE CALCULATIONS

EXISTING LANDSCAPE BUFFER ALONG LINDER ROAD AND HUBBARD ROAD TO BE RETAINED AND PROTECTED.
NUMBER OF TREES PROVIDED IN AN APARTMENT COMPLEX AREA: 80 TREES
THERE ARE NO EXISTING TREES ON SITE.

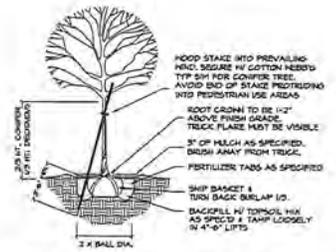
DEVELOPMENT DATA

TOTAL AREA	1.45 AC (62,473 S.F.)
PROPOSED BUILDINGS	0
4-UNIT TWO-STORY BUILDINGS	0
PROPOSED UNITS	32
PROPOSED PARKING	60
	(60 STANDARD + 4 ACCESSIBLE)
LAND DEVELOPMENT	
BUILDING FOOTPRINTS	37,264 S.F. (14%)
SITE PAVING	56,706 S.F. (43%)
LANDSCAPING	(10,003 S.F. (14%))
ZONING	CU-1



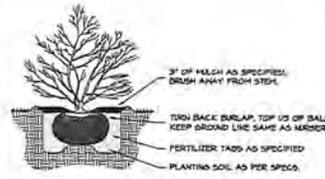
- NOTES:**
- FENCE TO STEP DOWN TO 3' HEIGHT 20' FROM ROW.
 - FENCE STYLE AND COLOR (GREEN) TO MATCH EXISTING ADJACENT SUBDIVISION FENCING.

① VINYL PRIVACY FENCE NOT TO SCALE

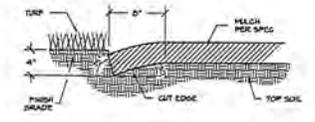


- NOTES:**
- REMOVE ALL TWINE, ROPE, OR BINDINGS FROM ALL TRUNKS.
 - REMOVE BURLAP AND WIRE BASKETS FROM THE TOP 1/3 OF ALL ROOT BALLS AFTER PLANTING.
 - IF SYNTHETIC WRAP/BURLAP IS USED, IT MUST BE COMPLETELY REMOVED.

② TREE PLANTING/STAKING NOT TO SCALE



③ SHRUB PLANTING NOT TO SCALE



④ PLANTER CUT BED EDGE NOT TO SCALE

DEVELOPER
TRILBY DEVELOPMENT, INC.
9436 W. CABLE CREEK ST.
BOISE, IDAHO 83709

NORTH

SCALE 1" = 30'



1 BUILDING TYPE 2-1A FRONT ELEVATION
SCALE 1/8" = 1'-0" COLOR PATTERN "A"



2 BUILDING TYPE 2-1A RIGHT SIDE ELEVATION
SCALE 1/8" = 1'-0" COLOR PATTERN "A"



3 BUILDING TYPE 2-1A REAR ELEVATION
SCALE 1/8" = 1'-0" COLOR PATTERN "A"



4 BUILDING TYPE 2-1A LEFT SIDE ELEVATION
SCALE 1/8" = 1'-0" COLOR PATTERN "A"



5 BUILDING TYPE 2-1B FRONT ELEVATION
SCALE 1/8" = 1'-0" COLOR PATTERN "B"



6 BUILDING TYPE 2-1B RIGHT SIDE ELEVATION
SCALE 1/8" = 1'-0" COLOR PATTERN "B"



7 BUILDING TYPE 2-1B REAR ELEVATION
SCALE 1/8" = 1'-0" COLOR PATTERN "B"



8 BUILDING TYPE 2-1B LEFT SIDE ELEVATION
SCALE 1/8" = 1'-0" COLOR PATTERN "B"

KEYNOTES

- ASPHALT SHINGLE ROOF / HP CAP. SEE ROOF PLAN FOR LOCATION AND TYPES OF ROOF MITE VEILING.
- ARCHITECTURAL LAMINATED FINERBOARD ROOF SHINGLES.
- 6 X 12 PAINTED WOOD COVER.
- FASCH 1/4 X 4 PAINTED HARDBOARD. AT GABLE ENDS AND EAVES WITHOUT CUTTERS PROVIDE ADDITIONAL 1 X 4 PAINTED HARDBOARD AT TOP. PROVIDE PAINTED 5/16" HARDBOARD SOFFIT. PROVIDE PAINTED 5/16" HARDBOARD VENTS SOFFIT AT EAVES.
- PRE-FINISHED METAL CUTTER AND DOWNSPOUT PER ROOF PLAN. FINAL LOCATION AND NUMBER OF DOWNSPOUTS DETERMINE EXACTS TO BE DESIGN-BUILD BY THE GENERAL CONTRACTOR. PROVIDE CONCRETE SPLASH BLOCK AT BASE.
- 3/4 X 12 PAINTED HARDBOARD SOING TRIM. PROVIDE PREFINISHED "Z" FLASHING AT TOP.
- 3/4 X 8 PAINTED HARDBOARD SOING TRIM. PROVIDE PREFINISHED "Z" FLASHING AT TOP.
- 1 X 4 PAINTED HARDBOARD SOING TRIM TYP.
- VERTICAL BOARD & BATTEN STYLE SOING. PAINTED 4 X 12 X 3/16" HARDBOARD PANELS WITH PAINTED 1 X 2 HARDBOARD BATTENS AT 12" O.C. OR PAINTED 1 X 3 HARDBOARD BATTENS AT 1'-4" O.C.
- HORIZONTAL LAP SOING. PAINTED HARDBOARD LAPPED SOING.
- PROVIDE HORIZONTAL LAP SOING AT STAIRWAYS (NOT SHOWN); PAINTED HARDBOARD LAP SOING.
- PAINTED HARDBOARD COLUMN.
- DECORATIVE EXTERIOR LIGHT FIXTURE.
- STONE VENEER CAP.
- STONE VENEER SOING.
- DOUBLE GLAZED VINYL FINISHED WINDOW PER WINDOW SCHEDULE WITH 1" X 4" PAINTED HARDBOARD TRIM. SEE WINDOW SCHEDULE DETAILS FOR FLASHING REQUIREMENTS.
- EXTERIOR DOOR PER DOOR SCHEDULE WITH 1 X 4 PAINTED HARDBOARD TRIM. SEE DOOR SCHEDULE DETAILS FOR FLASHING REQUIREMENTS.
- PAINTED STEEL STAIR STRUCTURE WITH PRE-CAST CONCRETE TREADS AND PAINTED STEEL GUARDRAIL AND HANDRAIL.
- DECK STRUCTURE PER DETAIL WITH CONCRETE TOP, PAINTED HARDBOARD CEILING, PAINTED HARDBOARD TRIMS AND PAINTED STEEL GUARDRAIL.
- FINE SPUNNER REEF FLOOR WITH SPUNNER SHINGLE ROOF WITH PRE-FINISHED METAL FLASHINGS. PAINTED HARDBOARD FASCH, SOING AND TRIMS AND PAINTED INSULATED METAL DOOR. VERIFY WITH SITE PLAN FOR LOCATION OF CLOSET. SOME BUILDINGS HAVE THE REEF CLOSET ON THE OPPOSITE SIDE.
- WALL MOUNT ELECTRICAL PANEL LOCATION. VERIFY WITH SITE PLAN FOR LOCATION OF ELECTRICAL PANELS. SOME BUILDINGS HAVE THE ELECTRICAL PANELS ON THE OPPOSITE SIDE.
- EXPOSED CONCRETE FOUNDATION WALL. FILL ALL VOIDS. SACK & PATCH FINISH.
- FINISH GRADE, SLOPE AWAY FROM BUILDING AT 2% MIN. SEE GRADING PLAN.

GENERAL NOTES

- ALL NOTES ON ELEVATIONS ARE TYPICAL AND APPLY TO ALL ELEVATIONS.
- REFER TO CONSTRUCTION DETAILS (SHEETS A100 AND A101) AND SPECIFICATIONS FOR ADDITIONAL EXTERIOR FINISH MATERIAL NOTES.
- ALL VISIBLE EXTERIOR FLASHINGS TO BE PRE-FINISHED METAL (DARK BROWN) U.O.A. ALL CONCEALED METAL FLASHING TO BE GALVANIZED METAL. ALL EXPOSED GALVANIZED MET TO MATCH EXTERIOR MATERIAL FINISH COLOR.
- SUB-CONTRACTORS TO PROVIDE 12" X 12" MIN. SAMPLE OF ALL FINISH MATERIALS FOR OWNER'S REVIEW AND ACCEPTANCE PRIOR TO CONSTRUCTION.
- VERIFY ALL FINISH MATERIAL SELECTION AND COLORS WITH OWNER PRIOR TO ORDERING AND INSTALLATION.
- OWNER OFFICE HARDBOARD SOING AND TRIMS TO BE DETERMINED HARDBOARD OR FIBER CONCRETE SOING AND TRIMS. ALL SOING AND TRIMS TO BE CALKED, PRIMED (OR PRE-PRIMED) AND PAINTED.
- ALL UTILITIES TO BE SCREENED OR BELOW GRADE. COORDINATE WITH MECHANICAL DRAWINGS AS REQUIRED.
- ALL FINISH MATERIALS TO BE INSTALLED PER MANUFACTURER SPECIFICATIONS, 2015 IRC REQUIREMENTS AND PER GENERALLY ACCEPTED CONSTRUCTION PRACTICES.

EXTERIOR FINISH SCHEDULE

ALL BUILDINGS			
MATERIAL	MTF / COLOR	MATERIAL	FINISH COLOR
ASPHALT SHINGLE	MANUFACTURER'S CAP COLOR: DARKER NATURAL SHADOWN: BARKWOOD	VINYL WINDOW FRAME	MANUFACTURER'S COLOR: ALUMINUM
PAINTED HARDBOARD FASCH & SOFFIT	WFC SHERWIN WILLIAMS PAINT NUMBER: SW6145 COLOR NAME: BROWN SPIN	WINDOW GLAZING	COLOR: CLEAR INSULATED
PAINTED HARDBOARD SOING & TRIM TRIM, BELL PANEL, CEILING, DOWNSPOUT	WFC SHERWIN WILLIAMS PAINT NUMBER: SW6145 COLOR: BROWN SPIN	METAL RAILING	POWDER COAT COLOR: BLACK
PRE-FINISHED METAL CUTTER & DOWNSPOUT	WFC SHERWIN WILLIAMS PAINT NUMBER: SW6145 / WOOD SKIN	METAL STAIRS, STRINGERS & RAILING	POWDER COAT COLOR: BLACK
STONE VENEER	WFC BEAN COLOURED STONE - COURTESY LINDSEYDAVE.ASPCH	EXPOSED METAL FLASHING	FACTORY PRE-FINISHED COLOR: DARK BROWN

COLOR PALLET A			
MATERIAL	MTF / COLOR	MATERIAL	FINISH COLOR
PAINTED HARDBOARD BOARD & BATTEN	WFC SHERWIN WILLIAMS PAINT NUMBER: SW2445 COLOR NAME: BANGLOUSE GRN	PAINTED HARDBOARD LAP SOING	WFC SHERWIN WILLIAMS PAINT NUMBER: SW7520 COLOR NAME: LARSON

COLOR PALLET B			
MATERIAL	MTF / COLOR	MATERIAL	FINISH COLOR
PAINTED HARDBOARD BOARD & BATTEN	WFC SHERWIN WILLIAMS PAINT NUMBER: SW7716 COLOR NAME: DYE DYE	PAINTED HARDBOARD LAP SOING	WFC SHERWIN WILLIAMS PAINT NUMBER: SW7520 COLOR NAME: TO HOT

COLOR PALLET C			
MATERIAL	MTF / COLOR	MATERIAL	FINISH COLOR
PAINTED HARDBOARD BOARD & BATTEN	WFC SHERWIN WILLIAMS PAINT NUMBER: SW7040 COLOR NAME: ARTS&AN TAN	PAINTED HARDBOARD LAP SOING	WFC SHERWIN WILLIAMS PAINT NUMBER: SW6111 COLOR NAME: OLIVER TAN

COLOR PALLET D			
MATERIAL	MTF / COLOR	MATERIAL	FINISH COLOR
PAINTED HARDBOARD BOARD & BATTEN	WFC SHERWIN WILLIAMS PAINT NUMBER: SW7727 COLOR NAME: MANDAR TAN	PAINTED HARDBOARD LAP SOING	WFC SHERWIN WILLIAMS PAINT NUMBER: SW7520 COLOR NAME: SUGAR BRICK



PROJECT
KELLEHER SUBDIVISION NO. 2
N. LINDER RD. & W. HUBBARD RD. KUNA, IDAHO 83634



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FILE
DATE: MARCH 15, 2018
BY: JLB-002.AS.D
PROJECT: ROB TIBEAU, AIA

REVISIONS

SHEET

DR3.0
APARTMENT BUILDING TYPE 2-1 EXTERIOR ELEVATIONS





**1 BUILDING TYPE 2-2A
FRONT ELEVATION**

SCALE: 1/8" = 1'-0" COLOR PATTERN "C"



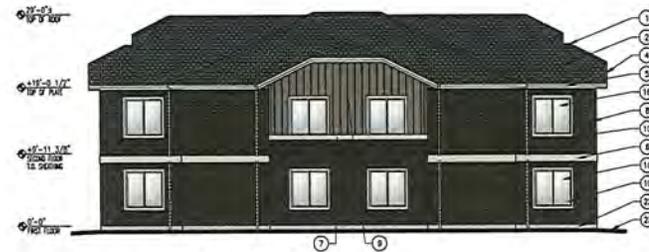
**3 BUILDING TYPE 2-2A
REAR ELEVATION**

SCALE: 1/8" = 1'-0" COLOR PATTERN "C"



**5 BUILDING TYPE 2-2B
FRONT ELEVATION**

SCALE: 1/8" = 1'-0" COLOR PATTERN "C"



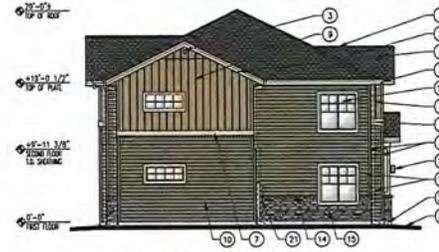
**7 BUILDING TYPE 2-2B
REAR ELEVATION**

SCALE: 1/8" = 1'-0" COLOR PATTERN "C"



**2 BUILDING TYPE 2-2A
RIGHT SIDE ELEVATION**

SCALE: 1/8" = 1'-0" COLOR PATTERN "C"



**4 BUILDING TYPE 2-2A
LEFT SIDE ELEVATION**

SCALE: 1/8" = 1'-0" COLOR PATTERN "C"



**6 BUILDING TYPE 2-2B
RIGHT SIDE ELEVATION**

SCALE: 1/8" = 1'-0" COLOR PATTERN "C"



**8 BUILDING TYPE 2-2B
LEFT SIDE ELEVATION**

SCALE: 1/8" = 1'-0" COLOR PATTERN "C"

KEYNOTES ①

- ASPHALT SHINGLE ROOF / HP CAP. SEE ROOF PLAN FOR LOCATION AND TYPES OF ROOF ATEC VENTING.
- ARCHITECTURAL UNFINISHED FIBERGLASS ROOF SHINGLES.
- 6 X 12 PAINTED WOOD CORBEL.
- FASCIA: 3/4 X 8 PAINTED HARDBOARD. AT EAVE ENDS AND ENDS WITHOUT CUTTERS PROVIDE ADDITIONAL 1 X 4 PAINTED HARDBOARD AT TOP. PROVIDE PAINTED 5/16" HARDBOARD SOFFIT. PROVIDE PAINTED 5/16" HARDBOARD VENTED SOFFIT AT ENDS.
- PRE-FINISHED METAL CUTTER AND DOWNSPOUT FOR ROOF PLAN. FINAL LOCATION AND NUMBER OF DOWNSPOUTS (DOWN SPOUTS) TO BE DESIGN-BUILD BY THE GENERAL CONTRACTOR. PROVIDE CONCRETE SPASH BLOCK AT BASE.
- 3/4 X 12 PAINTED HARDBOARD SIDING TRIM. PROVIDE PREFINISHED "I" FLUSHING AT TOP.
- 3/4 X 8 PAINTED HARDBOARD SIDING TRIM. PROVIDE PREFINISHED "I" FLUSHING AT TOP.
- 1 X 4 PAINTED HARDBOARD SIDING TRIM TOP.
- VERTICAL BOARD & BATTEN STYLE SIDING. PAINTED 4" X 10" X 5/16" HARDBOARD PANELS WITH PAINTED 1 X 2 HARDBOARD BATTENS AT 12" O.C. OR PAINTED 1 X 1 HARDBOARD BATTENS AT 1'-4" O.C.
- HORIZONTAL LAP SIDING. PAINTED HARDBOARD LAPPED SIDING.
- PROVIDE HORIZONTAL LAP SIDING AT STAIRWAYS (NOT SHOWN). PAINTED HARDBOARD LAP SIDING.
- PAINTED HARDBOARD COLUMN.
- DECORATIVE EXTERIOR LIGHT FEATURE.
- STONE VENER CAP.
- STONE VENER SIDING.
- DOUBLE GLAZED VENTS FRAMED WINDOW PER WINDOW SCHEDULE WITH 1" X 4" PAINTED HARDBOARD TRIM. SEE WINDOW SCHEDULE DETAILS FOR FLASHING REQUIREMENTS.
- EXTERIOR DOOR PER DOOR SCHEDULE WITH 1 X 4 PAINTED HARDBOARD TRIM. SEE DOOR SCHEDULE DETAILS FOR FLASHING REQUIREMENTS.
- PAINTED STEEL STAR STRUCTURE WITH PRE-CAST CONCRETE TREADS AND PAINTED STEEL GUARDRAIL AND HANDRAIL.
- DECK STRUCTURE FOR METAL WITH CONCRETE TOP. PAINTED HARDBOARD CEILING. PAINTED HARDBOARD TRIMS AND PAINTED STEEL GUARDRAIL.
- THE SPRINKLER REAR CLOSET WITH ASPHALT SHINGLE ROOF WITH PRE-FINISHED METAL FLASHING. IN PAINTED HARDBOARD FLOOR, SIDING AND TRIMS AND PAINTED INSULATED METAL DOOR. VERIFY METAL PLAN FOR LOCATION OF CLOSET. SOME BUILDINGS HAVE THE REAR CLOSET ON THE OPPOSITE SIDE.
- WALL MOUNT ELECTRICAL PANEL LOCATION. VERIFY WITH SITE PLAN FOR LOCATION OF ELECTRICAL PANELS. SOME BUILDINGS HAVE THE ELECTRICAL PANELS ON THE OPPOSITE SIDE.
- EXPOSED CONCRETE FOUNDATION WALL. FILL ALL VOIDS. SACK & PATCH FINISH.
- FINISH GRADE. SLOPE AWAY FROM BUILDING AT 2% MIN. SEE GRADING PLAN.

GENERAL NOTES

- ALL NOTES ON ELEVATIONS ARE TYPICAL AND APPLY TO ALL ELEVATIONS.
- REFER TO CONSTRUCTION TYPE DETAILS (SHEETS A10.0 AND A10.1) AND SPECIFICATIONS FOR ADDITIONAL EXTERIOR FINISH MATERIAL NOTES.
- ALL VISIBLE EXTERIOR FLASHINGS TO BE PRE-FINISHED METAL (DARK BROWN GLAZ). ALL CONCEALED METAL FLASHING TO BE GALVANIZED METAL. ALL EXPOSED GALVANIZED METAL PAINTED TO MATCH ADJACENT MATERIAL FINISH COLOR.
- SUB-CONTRACTORS TO PROVIDE 12" X 12" MIN. SAMPLE OF ALL FINISH MATERIALS FOR OWNER'S REVIEW AND ACCEPTANCE PRIOR TO CONSTRUCTION.
- VERIFY ALL FINISH MATERIAL SELECTION AND COLORS WITH OWNER PRIOR TO ORDERING AND INSTALLATION.
- OWNER OBTAIN HARDBOARD SIDING AND TRIMS TO BE ENGINEERED HARDBOARD OR FIBER CEMENT SIDING AND TRIMS. ALL SIDING AND TRIMS TO BE GALVANIZED, PRIMED (OR PRE-PRIMED) AND PAINTED.
- ALL UTILITIES TO BE SCREENED OR BELOW GRADE. COORDINATE WITH MECHANICAL DRAWINGS AS REQUIRED.
- ALL FINISH MATERIALS TO BE INSTALLED PER MANUFACTURER SPECIFICATIONS, 2015 IRC REQUIREMENTS AND PER GENERALLY ACCEPTED CONSTRUCTION PRACTICES.

EXTERIOR FINISH SCHEDULE

ALL BUILDINGS

MATERIAL	MFR / COLOR	MATERIAL	FINISH COLOR
ASPHALT SHINGLE	MANUFACTURER'S CAP COLOR: INTERLUM NATURAL	VINYL WINDOW FRAME	MANUFACTURER'S COLOR: ALUMINO
PAINTED HARDBOARD FASCIA & SOFFIT	MFC SHERWIN WILLIAMS PAINT NUMBER: SW7548 COLOR NAME: BROWN SUEDE	WINDOW GLAZING	COLOR: CLEAR INSULATED
PAINTED HARDBOARD BOARD & BATTEN SIDING	MFC SHERWIN WILLIAMS PAINT NUMBER: SW7548 COLOR NAME: BROWN SUEDE	METAL RAILING	POWDER COAT COLOR: BLACK
PRE-FINISHED METAL CUTTER & DOWNSPOUT	MFC SHERWIN WILLIAMS PAINT NUMBER: SW7548 COLOR NAME: BROWN SUEDE	METAL STAIRS STRINGS & RAILING	POWDER COAT COLOR: BLACK
STONE VENER	MFC TRUSS CEILING STONE - COUNTRY LEDGESTONE: ASPEN	EXPOSED METAL FLASHING	FACTORY PRE-FINISHED COLOR: DARK BROWN

COLOR PALLET A

MATERIAL	MFR / COLOR	MATERIAL	FINISH COLOR
PAINTED HARDBOARD BOARD & BATTEN SIDING	MFC SHERWIN WILLIAMS PAINT NUMBER: SW7548 COLOR NAME: BROWN SUEDE	PAINTED HARDBOARD LAP SIDING	MFC SHERWIN WILLIAMS PAINT NUMBER: SW7548 COLOR NAME: BROWN SUEDE

COLOR PALLET B

MATERIAL	MFR / COLOR	MATERIAL	FINISH COLOR
PAINTED HARDBOARD BOARD & BATTEN SIDING	MFC SHERWIN WILLIAMS PAINT NUMBER: SW7548 COLOR NAME: BROWN SUEDE	PAINTED HARDBOARD LAP SIDING	MFC SHERWIN WILLIAMS PAINT NUMBER: SW7548 COLOR NAME: BROWN SUEDE

COLOR PALLET C

MATERIAL	MFR / COLOR	MATERIAL	FINISH COLOR
PAINTED HARDBOARD BOARD & BATTEN SIDING	MFC SHERWIN WILLIAMS PAINT NUMBER: SW7548 COLOR NAME: BROWN SUEDE	PAINTED HARDBOARD LAP SIDING	MFC SHERWIN WILLIAMS PAINT NUMBER: SW7548 COLOR NAME: BROWN SUEDE

COLOR PALLET D

MATERIAL	MFR / COLOR	MATERIAL	FINISH COLOR
PAINTED HARDBOARD BOARD & BATTEN SIDING	MFC SHERWIN WILLIAMS PAINT NUMBER: SW7548 COLOR NAME: BROWN SUEDE	PAINTED HARDBOARD LAP SIDING	MFC SHERWIN WILLIAMS PAINT NUMBER: SW7548 COLOR NAME: BROWN SUEDE

PROJECT

KELLEHER SUBDIVISION NO. 2

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FILE NO. 18-3022 AS.0

DATE: MARCH 15, 2018

BY: ROB TEBEALL, AIA

REVISIONS

SHEET

DR3.1
APARTMENT BUILDING TYPE 2-2
EXTERIOR ELEVATIONS



1 BUILDING TYPE 3-1A FRONT ELEVATION

SCALE: 1/8" = 1'-0" COLOR PATTERN "A"



3 BUILDING TYPE 3-1A REAR ELEVATION

SCALE: 1/8" = 1'-0" COLOR PATTERN "A"



5 BUILDING TYPE 3-1B FRONT ELEVATION

SCALE: 1/8" = 1'-0" COLOR PATTERN "B"



7 BUILDING TYPE 3-1B REAR ELEVATION

SCALE: 1/8" = 1'-0" COLOR PATTERN "B"



2 BUILDING TYPE 3-1A RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0" COLOR PATTERN "A"



4 BUILDING TYPE 3-1A LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0" COLOR PATTERN "A"



6 BUILDING TYPE 3-1B RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0" COLOR PATTERN "B"



8 BUILDING TYPE 3-1B LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0" COLOR PATTERN "B"

KEYNOTES

- ASPHALT SHINGLE ROOF / HP CAP. SEE ROOF PLAN FOR LOCATION AND TYPES OF ROOF ATTEC VENTING.
- ARCHITECTURAL UNPAINTED FIBERGLASS ROOF SHINGLES.
- 8 X 12 PAINTED WOOD CORNICE.
- FASCIA: 3/4 X 8 PAINTED HARBORD. AT GABLE ENDS AND EAVES WITHOUT GUTTERS PROVIDE ADDITIONAL 1 X 4 PAINTED HARBORD AT TOP. PROVIDE PAINTED 3/16" HARBORD SOFFIT. PROVIDE PAINTED 3/16" HARBORD VENTED SAFETY AT ENDS.
- PRE-FINISHED METAL GUTTER AND DOWNSPOUT PER ROOF PLAN. FINAL LOCATION AND NUMBER OF DOWNSPOUTS (SHOWN DASHED) TO BE DESIGN-BUILD BY THE GENERAL CONTRACTOR. PROVIDE CONCRETE SPASH BLOCK AT BASE.
- 3/4 X 8 PAINTED HARBORD SIDING TRIM. PROVIDE PRE-FINISHED "C" FLASHING AT TOP.
- 3/4 X 8 PAINTED HARBORD SIDING TRIM. PROVIDE PRE-FINISHED "C" FLASHING AT TOP.
- 1 X 4 PAINTED HARBORD SIDING TRIM TOP.
- VERTICAL BOARD & BATTEN STYLE SIDING: PAINTED 4" X 8" 1/2" 3/16" HARBORD PANELS WITH PAINTED 1 X 2 HARBORD BATTENS AT 12" O.C. OR PAINTED 1 X 3 HARBORD BATTENS AT 1'-4" O.C.
- HORIZONTAL LAP SIDING: PAINTED HARBORD LAPPED SIDING.
- PROVIDE HORIZONTAL LAP SIDING AT STAIRWAYS (NOT SHOWN). PAINTED HARBORD LAP SIDING.
- PAINTED HARBORD CORNICE.
- SECONDARY EXTERIOR LIGHT FIXTURE.
- STONE VENER CHAP.
- STONE VENER SIDING.
- DOUBLE GLAZED VINYL FINISH WINDOW PER WINDOW SCHEDULE WITH 1" X 4" PAINTED HARBORD TRIM. SEE WINDOW SCHEDULE DETAILS FOR FLASHING REQUIREMENTS.
- EXTERIOR DOOR PER DOOR SCHEDULE WITH 1 X 4 PAINTED HARBORD TRIM. SEE DOOR SCHEDULE DETAILS FOR FLASHING REQUIREMENTS.
- PAINTED STEEL STAIR STRUCTURE WITH PRE-CAST CONCRETE TREADS AND PAINTED STEEL GUARDRAIL AND HANDRAIL.
- DECK STRUCTURE PER DETAIL WITH CONCRETE TOP, PAINTED HARBORD CEILING, PAINTED HARBORD TRIM AND PAINTED STEEL GUARDRAIL.
- PRE-FINISHED ROSE CLOSET WITH ASPHALT SHINGLE ROOF WITH PRE-FINISHED METAL FLASHING. 1/4 PAINTED HARBORD FACIA, SIDING AND TRIM AND PAINTED INSULATED METAL DOOR. VERIFY WITH SITE PLAN FOR LOCATION OF CLOSET. SOME BUILDINGS HAVE THE ROSE CLOSET ON THE OPPOSITE SIDE.
- WALL MOUNT ELECTRICAL PANEL LOCATION. VERIFY WITH SITE PLAN FOR LOCATION OF ELECTRICAL PANELS. SOME BUILDINGS HAVE THE ELECTRICAL PANELS ON THE OPPOSITE SIDE.
- EXPOSED CONCRETE FOUNDATION WALL. FILL ALL VOIDS. SACK & PATCH FINISH.
- FINISH GRAD. SLOPE AWAY FROM BUILDING AT 2% MIN. SEE GRADING PLAN.

GENERAL NOTES

- ALL NOTES ON ELEVATIONS ARE TYPICAL AND APPLY TO ALL ELEVATIONS.
- REFER TO CONSTRUCTION TYPE DETAILS (SHEETS A10.0 AND A10.1) AND SPECIFICATIONS FOR ADDITIONAL EXTERIOR FINISH MATERIAL NOTES.
- ALL VISIBLE EXTERIOR FLASHINGS TO BE PRE-FINISHED METAL (DARK BROWN U.S.A.). ALL CONCEALED METAL FLASHINGS TO BE GALVANIZED METAL. ALL EXPOSED GALVANIZED METAL PAINTED TO MATCH ADJACENT MATERIAL FINISH COLOR.
- SUB-CONTRACTORS TO PROVIDE 12" X 12" MIN. SAMPLE OF ALL FINISH MATERIALS FOR OWNER'S REVIEW AND ACCEPTANCE PRIOR TO CONSTRUCTION.
- VERIFY ALL FINISH MATERIAL SELECTION AND COLORS WITH OWNER PRIOR TO ORDERING AND INSTALLATION.
- OWNER OPTION: HARBORD SIDING AND TRIM TO BE ENGINEERED HARBORD OR FIBER CEMENT SIDING AND TRIM. ALL SIDING AND TRIM TO BE CALKED, PRIMED (ON PRE-FINISHED) AND PAINTED.
- ALL UTILITIES TO BE SCREENED OR BELOW GRADE. COORDINATE WITH MECHANICAL DRAWINGS AS REQUIRED.
- ALL FINISH MATERIALS TO BE INSTALLED PER MANUFACTURER SPECIFICATIONS, 2015 IRC REQUIREMENTS AND PER GENERALLY ACCEPTED CONSTRUCTION PRACTICES.

EXTERIOR FINISH SCHEDULE

ALL BUILDINGS			
MATERIAL	MPN / COLOR	MATERIAL	FINISH COLOR
ASPHALT SHINGLE	MANUFACTURER LAP COLOR: TARDIUM WOOD	VINYL WINDOW FRAME	MANUFACTURER: COLOR: ALUMINO
PAINTED HARBORD FACIA & SOFFIT	MPN: SHERWIN WILLIAMS PAINT NUMBER: SW1540 COLOR NAME: BURNING BROWN	WINDOW GLAZING	COLOR: CLEAR INSULATED
PAINTED HARBORD ROOF & WINDOW TRIM, BELLY BRACE, CORNICE, GUTTER, ETC.	MPN: SHERWIN WILLIAMS PAINT NUMBER: SW1540 COLOR NAME: BURNING BROWN	METAL RAILING	POWDER COAT COLOR: BLACK
PRE-FINISHED METAL GUTTER & DOWNSPOUT	MPN: SHERWIN WILLIAMS PAINT NUMBER: SW1540 COLOR NAME: BURNING BROWN	METAL STAIRS / STAIRCASES & RAILING	POWDER COAT COLOR: BLACK
STONE VENER	MPN: BROWN CULTURES STONE - COUNTRY LEDGESTONE: ASPEN	EXPOSED METAL FLASHING	FACTORY PRE-FINISHED COLOR: DARK BROWN
COLOR PALLET A			
MATERIAL	MPN / COLOR	MATERIAL	FINISH COLOR
PAINTED HARBORD BOARD & BATTEN SIDING	MPN: SHERWIN WILLIAMS PAINT NUMBER: SW7540 COLOR NAME: HARBORD GRAY	PAINTED HARBORD LAP SIDING	MPN: SHERWIN WILLIAMS PAINT NUMBER: SW7540 COLOR NAME: HARBORD GRAY
COLOR PALLET B			
MATERIAL	MPN / COLOR	MATERIAL	FINISH COLOR
PAINTED HARBORD BOARD & BATTEN SIDING	MPN: SHERWIN WILLIAMS PAINT NUMBER: SW7715 COLOR NAME: OAK CHEST	PAINTED HARBORD LAP SIDING	MPN: SHERWIN WILLIAMS PAINT NUMBER: SW7715 COLOR NAME: OAK CHEST
COLOR PALLET C			
MATERIAL	MPN / COLOR	MATERIAL	FINISH COLOR
PAINTED HARBORD BOARD & BATTEN SIDING	MPN: SHERWIN WILLIAMS PAINT NUMBER: SW7540 COLOR NAME: HARBORD GRAY	PAINTED HARBORD LAP SIDING	MPN: SHERWIN WILLIAMS PAINT NUMBER: SW7540 COLOR NAME: HARBORD GRAY
COLOR PALLET D			
MATERIAL	MPN / COLOR	MATERIAL	FINISH COLOR
PAINTED HARBORD BOARD & BATTEN SIDING	MPN: SHERWIN WILLIAMS PAINT NUMBER: SW7230 COLOR NAME: MOON TALK	PAINTED HARBORD LAP SIDING	MPN: SHERWIN WILLIAMS PAINT NUMBER: SW7230 COLOR NAME: MOON TALK



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SEAL



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FILE: MARCH 15, 2018 18-302 AS.0

DESIGNER: ROB TABERA, AIA

REVISIONS

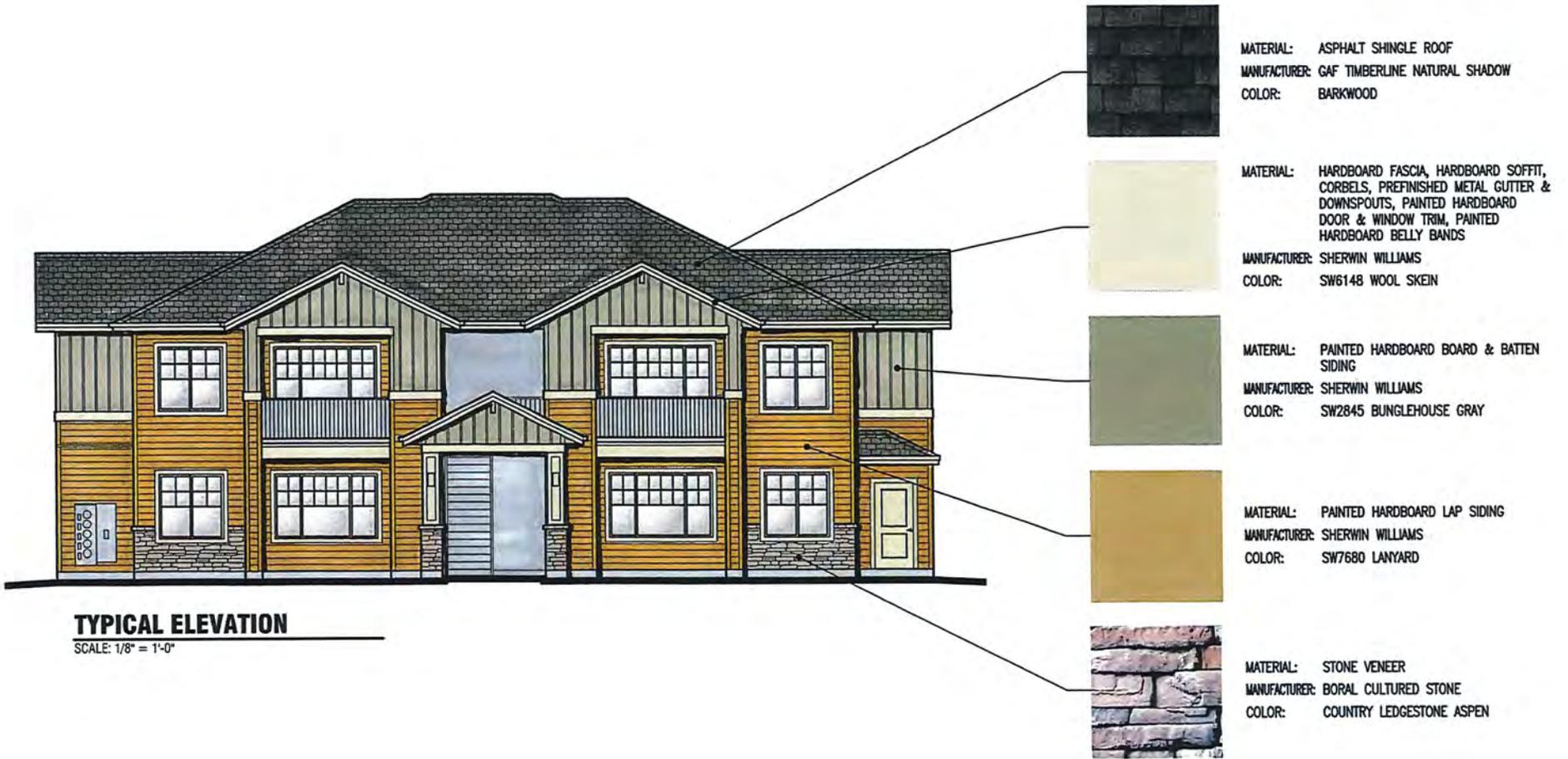
SHEET

DR3.2

APARTMENT BUILDING TYPE 3-1 EXTERIOR ELEVATIONS

KELLEHER 4-PLEXES

COLOR PALLET A



TYPICAL ELEVATION

SCALE: 1/8" = 1'-0"

KELLEHER 4-PLEXES

COLOR PALLET B

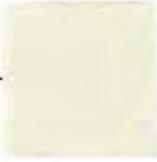


TYPICAL ELEVATION

SCALE: 1/8" = 1'-0"



MATERIAL: ASPHALT SHINGLE ROOF
 MANUFACTURER: GAF TIMBERLINE NATURAL SHADOW
 COLOR: BARKWOOD



MATERIAL: HARDBOARD FASCIA, HARDBOARD SOFFIT, CORBELS, PREFINISHED METAL GUTTER & DOWNSPOUTS, PAINTED HARDBOARD DOOR & WINDOW TRIM, PAINTED HARDBOARD BELLY BANDS
 MANUFACTURER: SHERWIN WILLIAMS
 COLOR: SW6148 WOOL SKEIN



MATERIAL: PAINTED HARDBOARD BOARD & BATTEN SIDING
 MANUFACTURER: SHERWIN WILLIAMS
 COLOR: SW7718 OAK CREEK



MATERIAL: PAINTED HARDBOARD LAP SIDING
 MANUFACTURER: SHERWIN WILLIAMS
 COLOR: SW7509 TIKI HUT

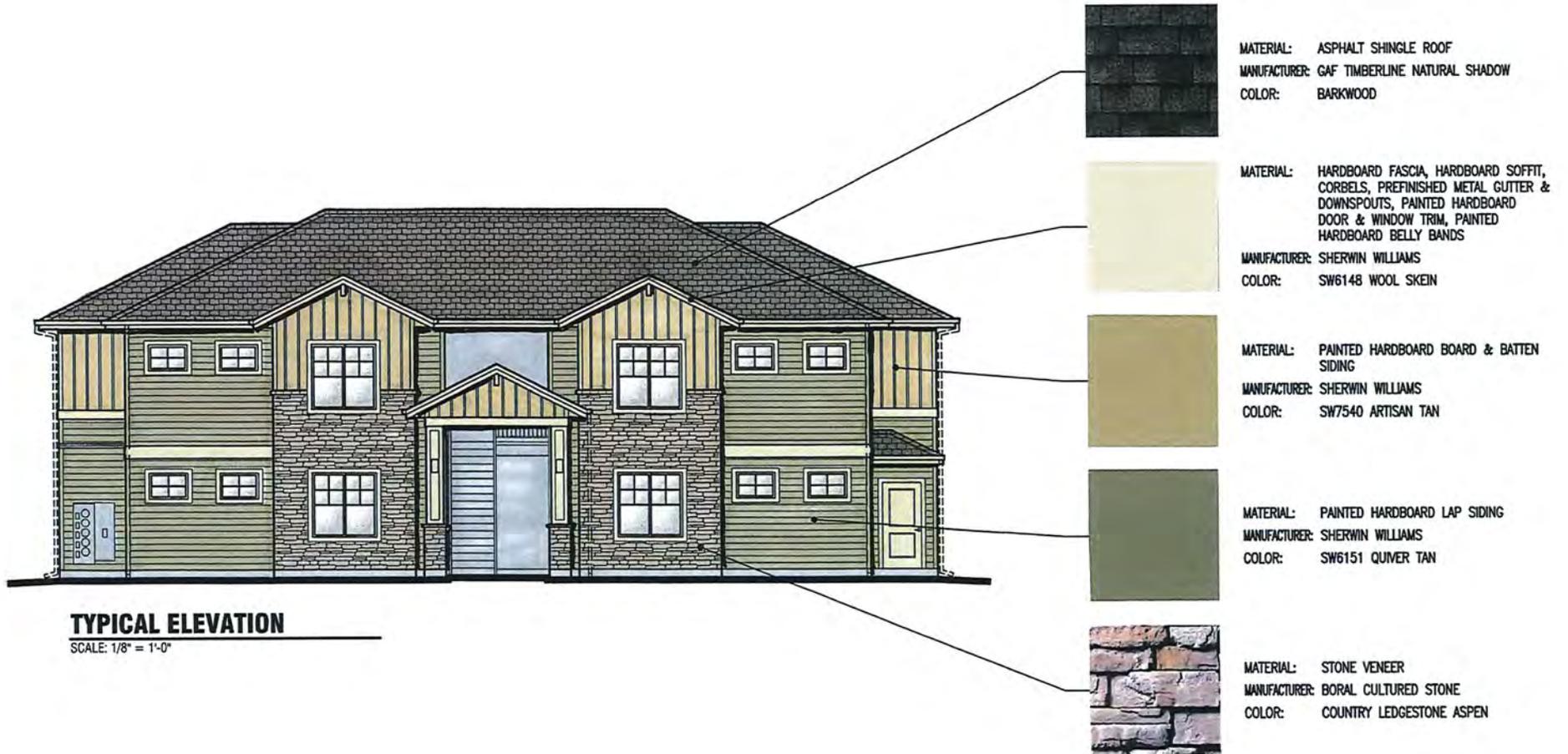


MATERIAL: STONE VENEER
 MANUFACTURER: BORAL CULTURED STONE
 COLOR: COUNTRY LEDGESTONE ASPEN



KELLEHER 4-PLEXES

COLOR PALLET C

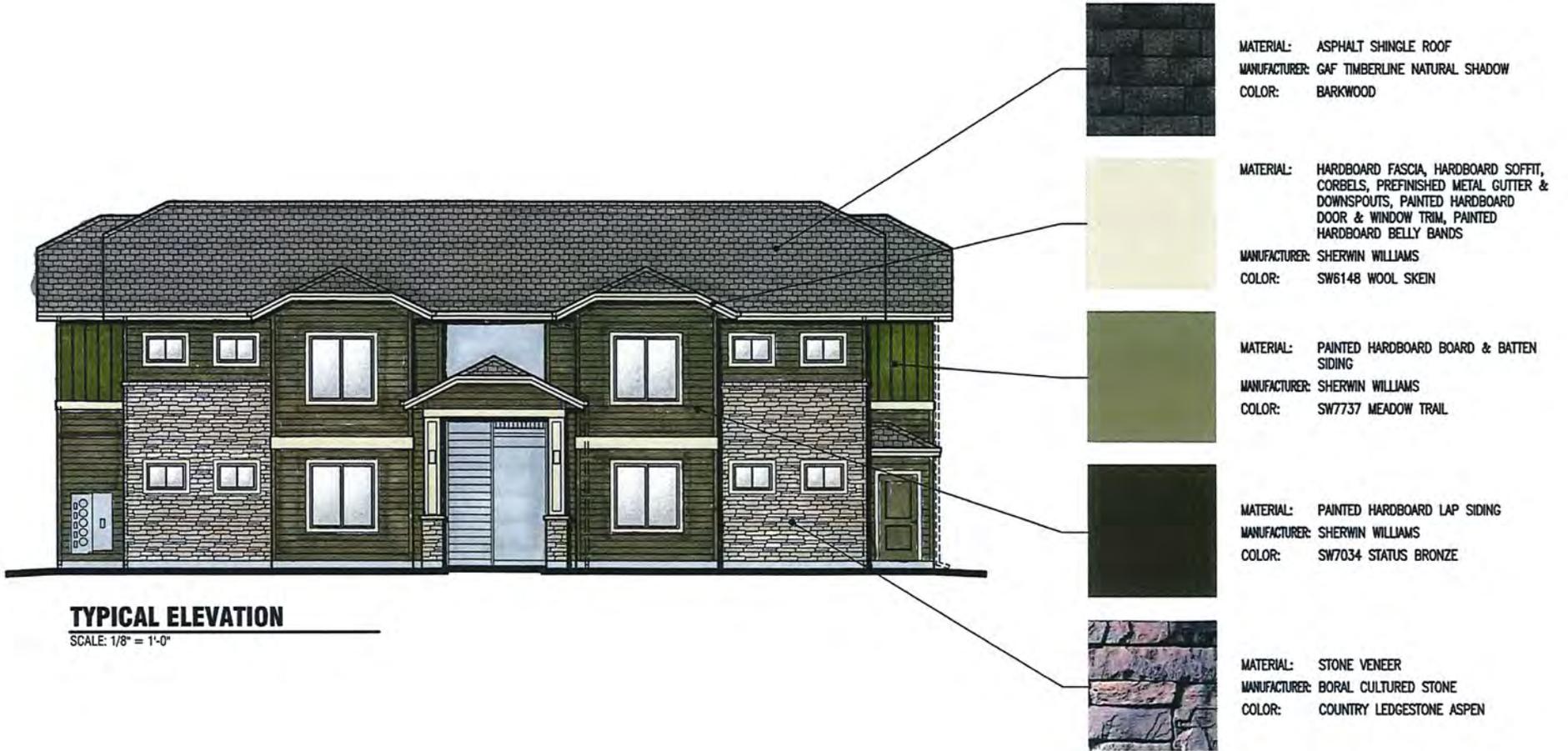


TYPICAL ELEVATION

SCALE: 1/8" = 1'-0"

KELLEHER 4-PLEXES

COLOR PALLET D



TYPICAL ELEVATION

SCALE: 1/8" = 1'-0"



Consistent with LEED® goals
& Green Globes™ criteria
for light pollution reduction

LuxMaster® Series 53

Area Lighting
70-150W HPS

PRODUCT OVERVIEW

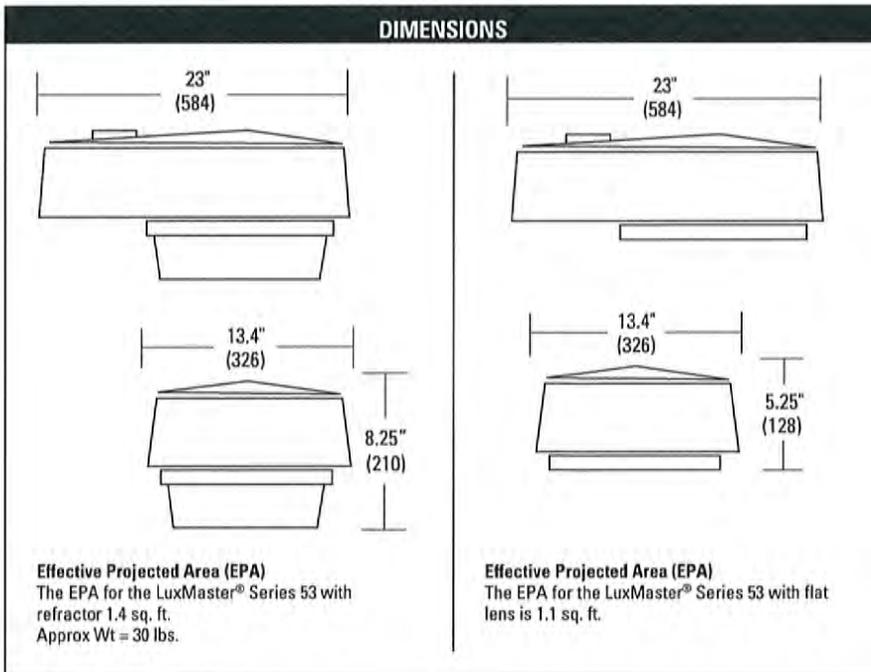


Features:

- Durable die-cast aluminum housing for long-life performance
- Optical assembly designed for maximum performance
- Removable ballast tray electrical system for installation and maintenance ease
- "Breathing Seal" developed by American Electric prevents contaminants from entering optical assembly for maximum efficiency
- Optics available in flat tempered glass, drop acrylic and drop polycarbonate
- Available in a variety of IES light distributions patterns and cutoff classifications
- Standard product is designed to mount to pipe mast arm. Direct pole mount arms are available
- All electrical components warranted by American Electric Lighting's 6-year guarantee
- UL Listed
- Mogul base, E39, socket standard
- Suitable for -30°C MH / -40°C HPS
- Complies with ANSI: C136.2, C136.10, C136.14, C136.15

Applications:

- Parking lots
- Roadways
- Residential communities
- Commercial environments
- Office communities



PREFERRED SELECTION CATALOG NUMBERS
53 10S CA MT1 R2 DA
53 15S CA MT1 R2 FG
53 10S RH 120 R3 FG



LuxMaster® Series 53

Area Lighting

70-150W HPS

ORDERING INFORMATION

Example: 53 15S CA MT1 R3 FG LC PC

Series	Wattage / Source		Ballast	Voltage	Distribution
53 LuxMaster Shoebox	07 70W	S HPS	RN Reactor Normal Power Factor	120 120V 208 208V	R2 Roadway Type II R3 Roadway Type III
	10 100W		RH Reactor High Power Factor	240 240V 277 277V	<i>Refer to optical matrix below for compatibility</i>
	15 150W		XN High Reactance / Lag Normal Power Factor	347 347V 480 480V	
	17 175W		XH High Reactance / Lag High Power Factor	MT1 Multi-tap Wired 120V MT2 Multi-tap Wired 240V MT7 Multi-tap Wired 277V	
			CA CWA Auto Reg MR Mag Reg (3 coil) CT CWI SC SCWA	TT3 Tri-tap Wired 347V DT2 Dual Tap 120/240 Wired 240V DT4 Dual Tap 240/480 Wired 480V	
					Optics
					DA Drop Acrylic Prismatic Refractor DP Drop Polycarbonate Prismatic Refractor FG Flat Glass Clear Tempered ¹

Options

Mounting

(blank) Internal fitter (1-1/4")
M2 Internal fitter (pre-set 2")

Paint ²

(blank) Bronze (standard)
BK Black
DDB Dark Bronze
GY Gray
WH White

Terminal Block

(blank) Terminal Block (standard)
T2 Wired to L1 & L2 Positions
T3 3 Wire Operation (L1, N, L2
Position)

Fusing ³

SF Single Fuse (120, 277, 347V)
DF Double Fuse (208, 220, 240, 480V)

Photocontrol Receptacle

(blank) NEMA Photocontrol
Receptacle (standard)
NR No Photocontrol Receptacle ⁴

Lamp

LC Lamp Included, Clear
LD Lamp Included, Deluxe

Starter

(blank) Open Board (standard)
EC Encapsulated Plug-in
OP Open Plug-in
PS Protected/Auto Shutoff ⁵

Listing

(blank) UL Listed (standard)
CS CSA Certified
XL No Listing

Misc.

PC Photocontrol Included per
Voltage Specified ⁴
SS Stainless Steel Fasteners (external)
HS House Side Shield
LA Lightning Arrestor (Void UL/CSA
Listed Options)
SH Shorting Cap ⁴
HK Hinge Keeper
NL NEMA Label on Housing

Notes:

1. Nighttime Friendly™ optic
2. Other colors available, please contact your local American Electric Lighting representative
3. Voids UL/CSA Certified Options and not available in MT, TT, and DT voltages
4. PC and SH not available with NR option
5. Limited availability, please contact your local American Electric Lighting representative

Optic Distribution

	R2 DA	R3 DA	R2 DP	R3 DP	R2 FG	R3 FG
07S	▲	▲	▲	▲	▲	▲
10S	▲	▲	▲	▲	▲	▲
15S	▲	▲	▲	▲	▲	▲



AEL Headquarters, 3825 Columbus Road, Granville, OH 43023
www.americanelectricleighting.com
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Warranty Five-year limited warranty. Complete warranty terms located at:
www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx
Actual performance may differ as a result of end-user environment and application.
Specifications subject to change without notice.

Please contact your sales representative for the latest product information.

BALLAST MATRIX

LuxMaster® Series 53

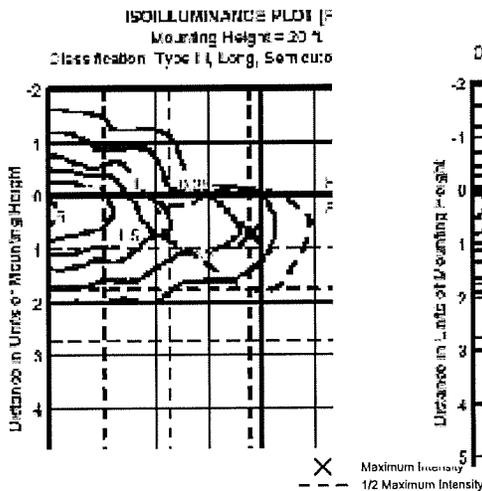
Watts	120	208	240	277	347	480	DT2
07S	CA,CT,MR,RH,RN	CA,CT,MR,XH,XN	CA,CT,MR,XH,XN	CA,XH,XN	CA,CT,XH,XN	XH	CA,CT,MR,XH,XN
10S	CA,CT,MR,RH,RN	CA,CT,MR,RH,RN	CA,CT,MR,RH,RN	CA,XH,XN	XH,XN	CA	CA,CT,MR,XH,XN
15S	CA,CT,RN,RH	CA,CT,XH,XN	CA,CT,XH,XN	CA,XH,XN	CA	CA	CA,CT,XH,XN

LuxMaster® Series 53 continued

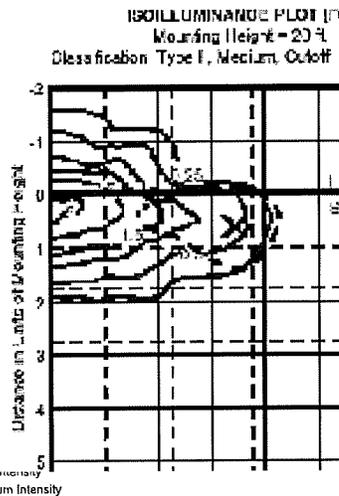
Watts	MT1	MT2	MT7	TT3
07S	CA,XN,XH	CA,XN,XH	CA,XN,XH	XN,XH
10S	CA,XN,XH	CA,XN,XH	CA,XN,XH	XN,XH
15S	CA,XH,XN	CA,XN,XH	CA,XN,XH	XH,XN

PHOTOMETRICS

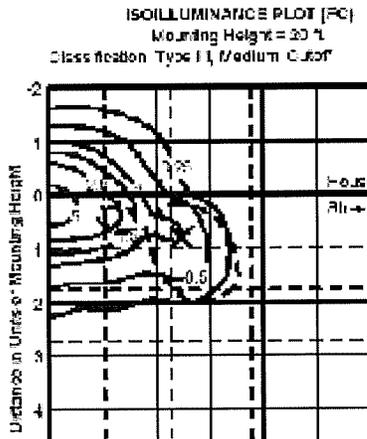
53 15S R3 DP



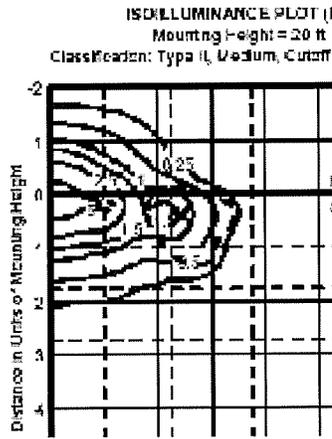
53 15S R2 DA



53 15S R3 FG



53 15S R2 FG



Product Specifications Report



Job Name:		Job Type:	
Comments:		Quantity:	
88230D-833: Manufactured by Sea Gull Lighting		Dimensions:	
		Diameter: 7 square" Center of outlet box up: 3 1/4"	
		Height: 10 3/4" Center of outlet box Down: 7 1/2"	
		Extends Max: 8" Canopy Depth: 7/8"	
		Wire: 6 1/2" Canopy Height: 7"	
		Canopy Width: 5"	
		Bulbs:	
		1 - Medium A - Line 100w max - Bulb Not Included	
		Material List:	
		Material #1: Body - Aluminum - Cottage Bronze	
		Material #2: Panels - Glass - Etched White Tiffany Glass	
		Safety Listing:	
		cUL Listed for Wet Locations	
88230D-833 - Single-Light Ashville Outdoor Wall Dark Sky Wall Lantern in Cottage Bronze Finish with Etched White Tiffany Glass Panels			
UPC #: Fixture Type:			
Finish: Cottage Bronze (833)			

Features:	
•Replacement Glass Order: G501460-6047	
Instruction Sheets	
•English(HC-1331) •French(F-009)	

Shipping Information (UPS Shipable:NO)														
Individual	Weight	Length	Width	Height	Carton	Weight	Length	Width	Height	Case	Weight	Length	Width	Height
Qty: 1	lbs	"	"	"	Qty:	lbs	"	"	"	Qty:	lbs	"	"	"



City of Kuna

Commission Staff Report

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

To: Planning and Zoning Commission

Case Numbers: 18-01-PUD Mod (Planned Unit Development Modify)
Timbermist Sub

Site Location: NEC Linder & Hubbard Roads Kuna, Idaho 83634

Planner: Troy Behunin, Planner III

Hearing Date: June 26, 2018

Engineer: **Engineering Solutions, LLP,**
Becky McKay
1029 N Rosario St. Ste. 100
Meridian, ID, 83642
208.938.0980
Es-beckym@qwestoffice.net

Owner(s): *Toll ID I, LLC*
Thomas Coleman
3103 W, Sheryl Dr., Ste. 100
Meridian, ID, 83642
tc Coleman@tollbrothers.com

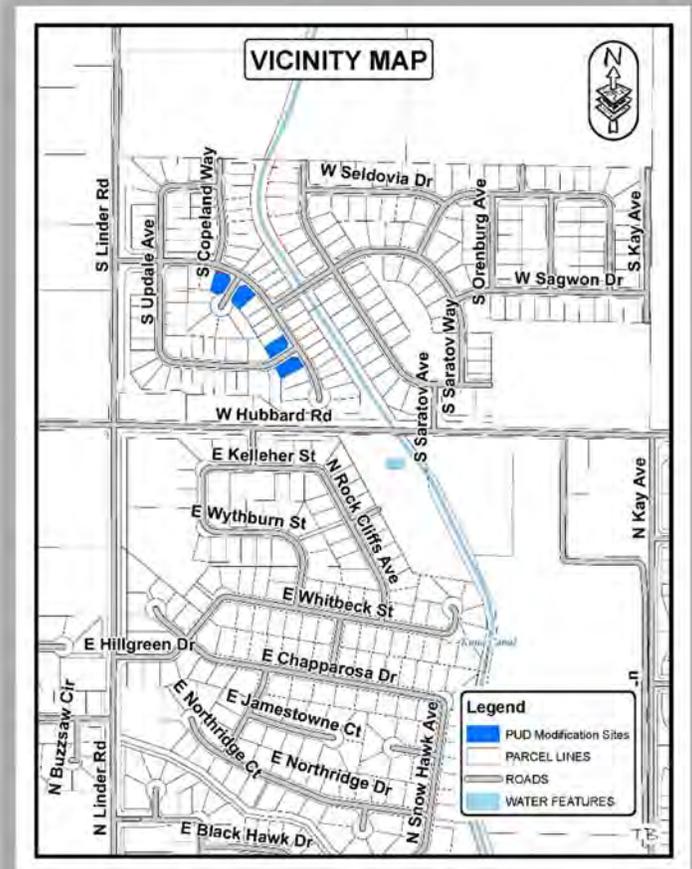


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| C. Aerial map | J. Proposed Findings of Fact |
| D. Site History | K. Proposed Comprehensive Plan Analysis |
| E. General Project Facts | L. Idaho Code Analysis |
| F. Staff Analysis | M. Proposed Conclusions of Law |
| G. Applicable Standards |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

A. Process and Noticing:

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states that PUD's (Planned Unit Development) and Development Agreements are designated as *public hearings*, with the Planning and Zoning Commission as the recommending body and City Council as the decision making body. These land use applications were given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

a. Notifications

- i. Neighborhood Meeting March 29, 2018 (10 persons attended)

- | | |
|----------------------------------|---------------|
| ii. Agency Comment Request | May 3, 2018 |
| iii. 300' Property Owners Notice | June 14, 2018 |
| iv. Kuna, Melba Newspaper | May 31, 2018 |
| v. Site Posted | June 15, 2018 |

B. Applicant's Request:

On behalf of Toll ID I, LLC, the applicant Becky McKay with Engineering Solutions, LLC, requests approval for PUD Modification, in order to measure street side yard setbacks from public Rights-of-Way, rather than from edge of sidewalk as required in KCC 5-3-3(9). This affects four (4) lots total in the Timbermist Subdivision; Lots 5 & 11, Block 9 in Sub No. 2, and Lot 23, Blk 10 & Lot 16, Blk 9 in Sub No. 3. The site is near the northeast corner (NEC) of Hubbard and Linder Roads, Kuna, Idaho, within Section 14, Township 2 North, Range 1 West; APN No's: R8461160290, R846116230, R8461170020 and R8461170360.

C. Aerial Map:



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D. Site History:

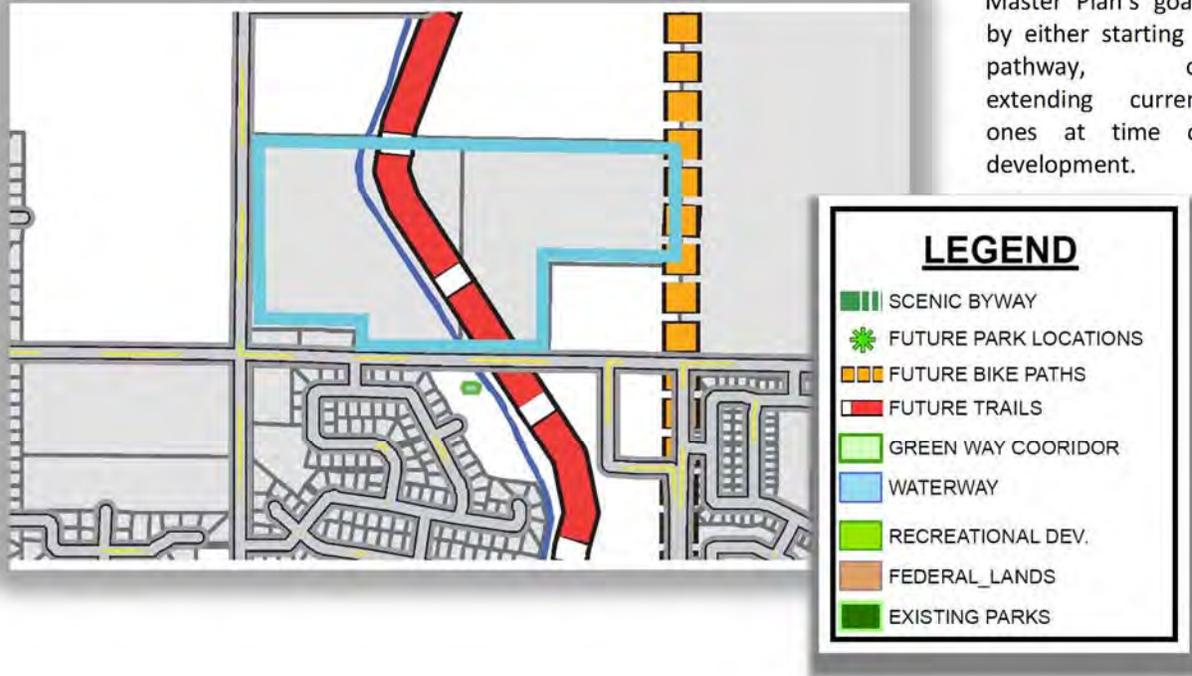
These parcels are apart of the Timbermist Subdivision which were recorded in 2015 and 2017. Prior to being developed, these lots were part of an agriculture field.

E. General Projects Facts:

1. **Comprehensive Plan Map:** The Future Land Use Map (Comp Plan Map) is intended to serve as a *guide* for the decision making body for the City. The Comp Plan map indicates land use designations generally speaking, it is not the actual zone. These lands are designated as Medium Density Residential, and the current zoning is R-4, which in in concert with the Map.

2. **Recreation and Pathways Map:** The Recreation and Pathways Master Plan Map indicates a future trail through the northeast corner (NEC) of the site, situated along the Mason Creek feeder on the south side of the site. Accordingly, it is the City’s goal and desire to increase the number of trails and pathways in Kuna. Staff highly recommends that developers design and construct trails and pathways along frontages of their

canals and ditches to comply with the Master Plan’s goals by either starting a pathway, or extending current ones at time of development.



3. **Surrounding Land Uses:**

North	RR	Rural Residential – Ada County
South	RR, C-1, R-2 thru R-6	Rural Residential – Ada County AND Neighborhood Comm., Low and Medium Den Residential– Kuna City
East	RR, PUD	Rural Residential – Ada County AND PUD – Kuna City
West	RR	Rural Residential – Ada County

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

Property Owner	Parcel Size (Approximately)	Current Zone: (R-4) Medium Den. Residential	Parcel Number
TOLL ID I, LLC	0.19 acres	R-4, Kuna City	R8461160230
TOLL ID I, LLC	0.19 acres	R-4, Kuna City	R8461160290
TOLL ID I, LLC	0.166 acres	R-4, Kuna City	R8461170020
TOLL ID I, LLC	0.188 acres	R-4, Kuna City	R8461170360
Total Acres 0.734			

5. **Services:**

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

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

These are ready-to-go lots in an already fully-developed subdivision and three of the four are vacant. One lot does have a home being built on it.

7. **Transportation / Connectivity:**

All four lots already have improved connections to public streets.

8. **Environmental Issues:**

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

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

- Boise Project Board of Control – Exhibit B-1
- Department of Environmental Quality – Exhibit B-2
- Idaho Transportation Department (ITD) – Exhibit B-3

F. Staff Analysis:

These lots were platted with an R-4 zoning (Low/Med. Density) in 2015 and 2017. During the public hearings for said annexation, certain development conditions were applied and approved by the Commission and City Council. Staff finds that this proposal conforms to each condition as outlined in the findings of fact and conclusions of law and concludes the developer has made every effort to be compliant with those conditions.

This subdivision was approved originally in 2007, and was re-platted and slightly altered through the public hearing process in 2014, when Coleman Homes purchased the land. This subdivision is adjacent to two principle arterials, Linder and Hubbard Roads. All public utilities are directly adjacent to each lot within Timbermist Sub, as it has been fully improved.

Applicant is requesting to alter the street side yard setbacks for four (4) lots in Timbermist - Lots 5 & 11, Block 9 in Sub No. 2, and Lot 23, Block 10 & Lot 16, Block 9 in Sub No. 3. KCC 5-3-3-9, currently states;

Setbacks are usually measured from the property line; however, if a public sidewalk is placed upon private property by way of a public easement - the private property side edge of the sidewalk shall serve as the beginning of the setback line for establishing the yard setback.

These requested changes will not affect the lot count, or any open spaces. Rather, these changes likely will be un-noticeable to most residents and appears that they will have very little affect to anyone within Timbermist. The affected 'neighbor' of these changes will be the sidewalk and the street. Staff is confident that these requested changes will not alter the feel of the subdivision and appears that it poses no significant harm or detriment to any of its residents. From the letter of intent and applicants exhibits, it appears that the change in street side yard setbacks are minimal. The owner originally applied the PUD option of developing this subdivision, and this request appears to qualify as part of the give-and-take methodology, and staff recommends acceptance of these deviations from City Code.

Staff has determined this application complies with the goals and policies for Kuna City, Title 5 of the Kuna City Code as modified through this process; Idaho Statute § 67-6511; and the Kuna Comprehensive Plan document; and forwards a recommendation of approval for Case No's 18-01-PUD MOD, subject to any conditions of approval outlined by Kuna's City Council.

G. Applicable Standards:

1. Kuna City Code Chapter 6 – Chapter 1-6; Subdivision Regulations,
2. City of Kuna Zoning Ordinance Title 5, Chapter 13 as modified,

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

H. Procedural Background:

On June 26, 2018, the Planning and Zoning Commission considered the case, including the application, agency comments, staff's memo, the application exhibits and public testimony presented or given.

I. Factual Summary:

These parcels are located near the northeast corners of Linder and Hubbard Roads. The project consists of four (4) home lots, within the Timbermist subdivision and within City limits and all parcels are zoned R-4 (Low Density Residential). Applicant requests relief from the street side yard setbacks to be measured from the back of ROW, rather than the sidewalk for four (4) lots as required in KCC 5-3(9). All lots have significant frontage on public roads and are buildable lots within a recorded plat. The overall lot count will not be altered.

J. Proposed Findings of Fact:

Based upon the record contained in Case No. **18-01-PUD Mod**, including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, including the exhibits, and the testimony during the public hearing, the Kuna Commission hereby recommends **approves/denies** the Findings of Fact and Conclusions of Law, and conditions of approval for Case No. 18-01-0UD Mod, a request for PUD (planned Unit Development) approval by the applicant follows:

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

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

Comment: *The Kuna Commission held a public hearing on the subject applications on June 26, 2016, to hear from City staff, the applicant and to accept public testimony. The decision by the Commission is based on the application, staff report and public testimony, both oral and written.*

2. Based on the evidence contained in Case No. 18-01-PUD Mod, this proposal **does/does not** appear to generally comply with the Comprehensive Plan and City Code.

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

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

Comment: *On June 26 2018, the Commission voted to recommend approval/denial of case No. 18-01-UD Mod.*

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

Comment: *As noted in the process and noticing sections, notice requirements were met to hold a public hearing on June 26, 2018.*

K. City Commissions Comprehensive Plan Analysis:

Commission determines the proposed street side yard setback request for the *site is/is not* consistent with the following Comp Plan components:

Housing:

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

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

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

Ensure the City land use policies, restrictions, conditions and fees do not violate private property rights and ensure that land use actions, decisions, and regulations do not effectively eliminate all economic value of the subject property. Ensure that City land use actions, decisions, and regulations do not prevent a private property owner from taking advantage of a fundamental property right and staff shall evaluate with guidance from the City's attorney; the Idaho Attorney General's six criterion established to determine the potential for property taking.

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

Economic Development Goals and Objectives - Section 5 - Summary:

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

Comment: *The Comp Plan encourages an adequate mix of housing for all income levels and calls for increasing pedestrian connections. The request provides an opportunity for a number of additional housing types to Kuna's inventory and quality housing.*

Land Use Goals and Objectives - Section 6 - Summary:

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

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

Housing Goals and Objectives - Section 12 - Summary:

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

Comment: *With the requested changes to these setbacks, applicant provides an opportunity for a high quality development with a variety of dwelling types, densities, and price points for all income levels Kuna as encouraged by the Comp Plan. In the future, this project could significantly add to the City's overall orderly development and discourages land divisions and development greater than one half acre, and could avoid increased municipal services costs and sprawl.*

Community Design Goals and Objectives - Section 13 - Summary:

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

Comment: Applicant shall be conditioned to follow sound community design concepts and comply with the Comp Plan goals and help strengthen Kuna's image.

L. City Council's Idaho State Code Analysis:

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

M. The Commission's Conclusions of Law:

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

1. The Commission feels the site *is/is not* physically suitable for development in the future.
Comment: *The 0.734 acre (approximate) proposal **does/does not** appear to be suitable as proposed.*
2. The street side yard setback requests **are/are not** likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.

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

3. These applications **are/are not** likely to cause adverse public health problems.
Comment: *The change in street side yard setbacks generally comply with the Comp Plan. In the future, the lots will connect to public sewer and potable water systems, therefore eliminating the occurrence of adverse public health problems.*
4. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.

Comment: *Through correspondence with public service providers and application evaluation, this change in setbacks appears to avoid detriment to surrounding uses. Council did consider the change in setbacks and the location of the properties with adjacent uses.*

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

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

6. Based on the evidence contained in Case No. 18-01-PUD Mod, Council finds Case No. 18-01-PUD Mod **do/do not** adequately comply with Kuna City Code.
7. Based on the evidence contained in Case 18-01-PUD Mod, Council finds Case No. 18-01-PUD Mod generally **does/does not** comply with Kuna City Codes.

N. Recommended Conditions of Approval:

Based upon the Comp Plan, Kuna City Code, the record before the Commission, the applicant's presentation and testimony at the June 26, 2018, and discussion at the public hearing, the Kuna Commission votes to recommend approval/denial for Case No. 18-01-PUD Mod, with the following conditions of approval:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
 - a. The City Engineer shall approve the sewer hook-ups.
 - b. The City Engineer shall approve the drainage and grading plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
 - c. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties".
 - d. The Meridian Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Meridian Fire District is required.
 - e. The *Boise-Kuna and Nampa-Meridian* Irrigation Districts shall approve any modifications to the existing irrigation system.
 - f. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to *issuance* of any building permit(s).
 - g. All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
2. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see **KCC 6-4-2-W**.
3. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
4. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation system of the City (KMID).

5. Street lights and parking lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Skies practices.
6. Parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
7. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted). Perimeter fencing (and permit) is required prior to requesting final plat signatures from Kuna City Clerk and Engineer.
8. All signage within/for the project shall comply with Kuna City Code and shall be approved in the design review process with all new commercial and multi-family.
9. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
10. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
11. Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
12. Developer/owner/applicant shall comply with all local, state and federal laws.

DATED: This ____ day of _____, 2018.

VICINITY MAP



S Linder Rd

S Updale Ave

S Copeland Way

W Seldovia Dr

S Orenburg Ave

S Kay Ave

W Sagwon Dr

W Hubbard Rd

S Saratov Ave

S Saratov Way

E Kelleher St

N Rock Cliffs Ave

N Kay Ave

E Wythburn St

E Whitbeck St

Kuna Canal

E Hillgreen Dr

E Chapparosa Dr

N Buzzsaw Cir

N Linder Rd

E Northridge Ct

E Jamestowne Ct

N Snow Hawk Ave

E Black Hawk Dr

E Northridge Dr

Legend

-  PUD Modification Sites
-  PARCEL LINES
-  ROADS
-  WATER FEATURES

-n

12



S Liner Rd

E Scareby St

N Copeland Ave

E Kelleher St

N Update Ave

E Wyrthum St

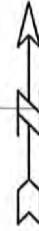
Hubbard Rd

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Google Earth

W. COLUMBIA RD.

S. LINDER RD.



S. MERIDIAN RD. (HWY. 69)

SITE

W. HUBBARD RD.

TIMBERMIST SUBDIVISION

VICINITY MAP - 1"=800'

LOCATED IN SECTION 12, T. 2N., R.1W., B.M.
KUNA, ADA COUNTY, IDAHO

received
3.30.2018

**Timbermist PUD Modification
Reduction of Street Side Setback for Living Area
Timbermist Subdivisions Nos. 2 and 3**

Project Narrative

Engineering Solutions, LLP, has been retained by Toll ID I LLC to modify the planned development for four lots: Lots 5 and 11, Block 9, Timbermist No. 2; and Lot 23, Block 10, and Lot 16, Block 9 in Timbermist Subdivision No. 3. The applicant is requesting a PUD modification to allow the flanking, or street side, setback be measured from the right-of-way instead of the sidewalk. The sidewalk is located within in easement outside the 50-foot-wide right-of-way. Kuna Zoning Ordinance Section 5-3-3(9) states: "Setbacks are usually measured from the property line; however, if a public sidewalk is placed upon private property by way of a public easement – the private property side edge of the sidewalk shall serve as the beginning of the setback line for establishing the yard setback."

The applicant designed the subdivision with detached sidewalks, incorporating an 8-foot-wide landscape parkway with trees along the local streets to provide a visually pleasing and pedestrian-friendly streetscape. However, locating the sidewalks within pedestrian easements outside the right-of-way negatively affected four lots. The four corner lots are configured where application of the 15-foot flanking setback to the living space from the sidewalk is creating extreme difficult. The applicant's models will not fit on the lots and meet the street side setback as applied under the Ordinance. The applicant's representative met with the staff to discuss a solution to the flanking setback problem. After consultation with other staff members and the legal staff, it was determined that a PUD modification for the four lots would be appropriate.

Two neighborhood meetings were held with the adjoining neighbors, and they are supportive of this application. They indicated they want these homes to be consistent with the size and quality of their homes and agree that a deviation from application of the flanking street setback is reasonable. The reduction is necessary because, although the lots exceed the minimum lot size, the footprint of the homes anticipated to be built on these lots cannot be accommodated with the setback measured from the back of sidewalk on the flanking street side. All other applicable setbacks -- the interior side, rear and front setbacks -- will be honored and measured as outlined within the Ordinance.

We request that the PUD be modified to allow the street side setback of 15 feet (for living area only) be measured from the right-of-way and not from the back of sidewalk. The attached exhibits show the footprint of the desired homes, the setbacks and the proposed fence location on each lot.

We respectfully request the Commission and Council approve the PUD modification as outlined.

received
3.30.2018



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

Commission & Council Review Application

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

*Please submit the appropriate checklist (s) with application

Type of Review (check all that apply):

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

For Office Use Only	
File Number (s)	18-01- PUD MOD. 06-07-DA
Project name	
Date Received	
Date Accepted/ Complete	
Cross Reference Files	
Commission Hearing Date	
City Council Hearing Date	

Contact/Applicant Information

Owners of Record: Toll ID LLC	Phone Number: 208-424-0020
Address: 3103 W. Sheryl Drive, Suite 100	E-Mail: Thomas@tollbrothers.com
City, State, Zip: Meridian, ID 83642	Fax #: 208-424-0040
Applicant (Developer): Same as Owner	Phone Number: _____
Address: _____	E-Mail: _____
City, State, Zip: _____	Fax #: _____
Engineer/Representative: Engineering Solutions, LLP	Phone Number: 208-938-0980
Address: 1029 N. Rosario Street, Suite 100	E-Mail: es-beckym@gwestoffice.net
City, State, Zip: Meridian, ID 83642	Fax #: 208-938-0941

Subject Property Information

Site Address: 1395 and 1449 W. Sagwon Drive, 9473 and 9501 S. Rock Cliffs Place, Kuna, Idaho	
Site Location (Cross Streets): W. Soldotna Drive/S. Rock Cliffs Place and S. Copeland Place/W. Sagwon Drive	
Parcel Number (s): R8461160290, R846116230, R8461170020, and R8461170360	
Section, Township, Range: Section 12, T.2N., R.1W., B.M., Kuna, Ada County, Idaho	
Property size : Timbermist 2: L5B9 (8,220 sf), L11B9 (8,220 sf); Timbermist 3 - L16B9 (7,243 sf), L23B10 (8,194 sf)	
Current land use: Single-family Residential	Proposed land use: Single-family Residential
Current zoning district: R-4	Proposed zoning district: N/A



Project Description

Project / subdivision name: <u>Timbermist Subdivision PUD Modification</u>
General description of proposed project / request: <u>Request to measure living area setback from the edge of public right-of-way instead of the back of sidewalk for the four corner lots; 2 in Timbermist Sub. No. 2 and 2 in Timbermist Sub. No. 3.</u>
Type of use proposed (check all that apply): <input checked="" type="checkbox"/> Residential _____ <input type="checkbox"/> Commercial _____ <input type="checkbox"/> Office _____ <input type="checkbox"/> Industrial _____ <input type="checkbox"/> Other _____
Amenities provided with this development (if applicable): <u>N/A</u>

Residential Project Summary (if applicable)

Are there existing buildings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Please describe the existing buildings: _____
Any existing buildings to remain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Number of residential units: <u>4</u> Number of building lots: _____
Number of common and/or other lots: <u>N/A</u>
Type of dwellings proposed: <input checked="" type="checkbox"/> Single-Family _____ <input type="checkbox"/> Townhouses _____ <input type="checkbox"/> Duplexes _____ <input type="checkbox"/> Multi-Family _____ <input type="checkbox"/> Other _____
Minimum Square footage of structure (s): _____
Gross density (DU/acre-total property): _____ Net density (DU/acre-excluding roads): _____
Percentage of open space provided: _____ Acreage of open space: _____
Type of open space provided (i.e. landscaping, public, common, etc.): _____

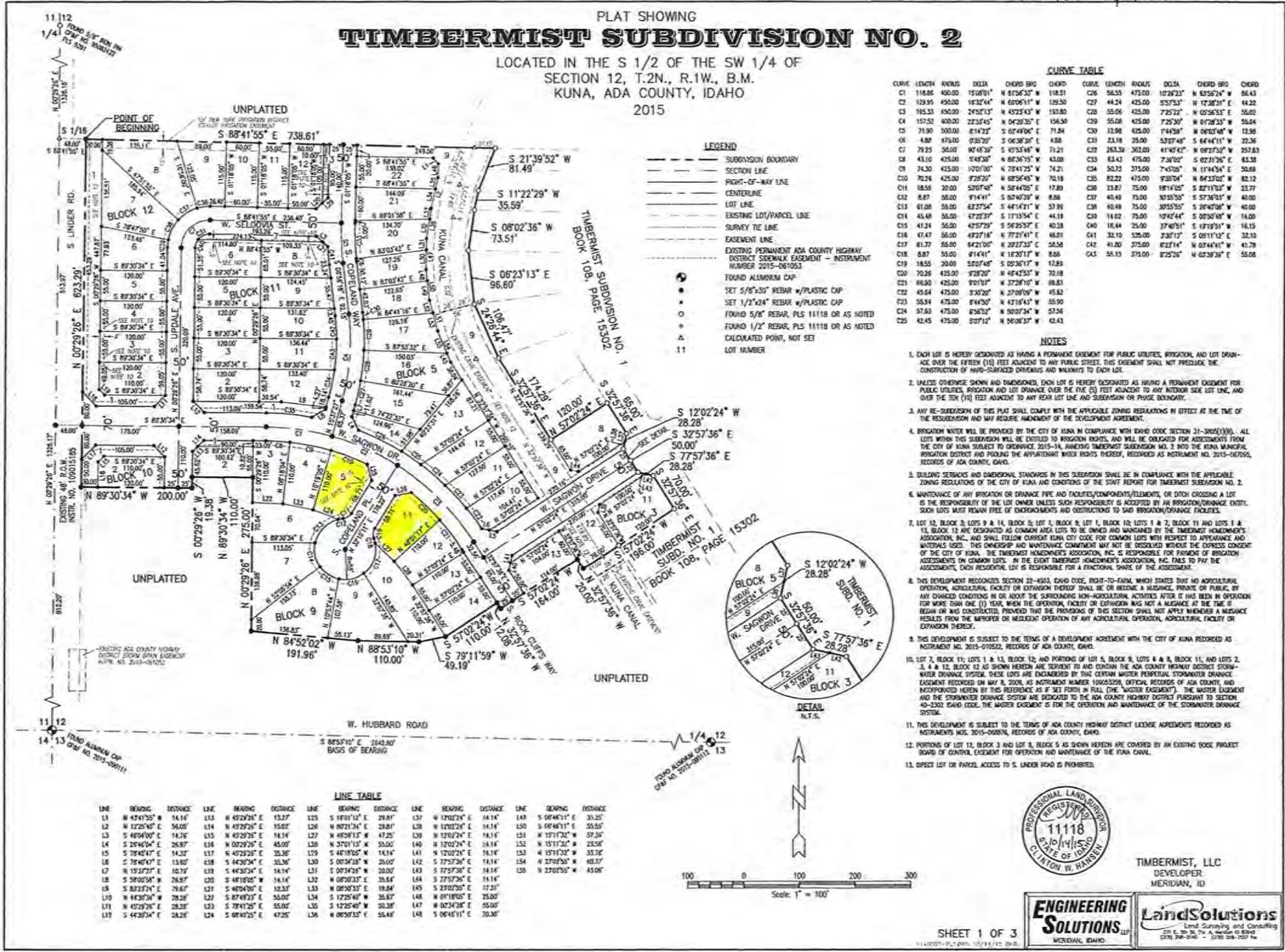
Non-Residential Project Summary (if applicable) N/A

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

Applicant's Signature: *Becky McKay* Date: 3/30/18

PLAT SHOWING TIMBERMIST SUBDIVISION NO. 2

LOCATED IN THE S 1/2 OF THE SW 1/4 OF SECTION 12, T.2N., R.1W., B.M. KUNA, ADA COUNTY, IDAHO 2015



CURVE TABLE

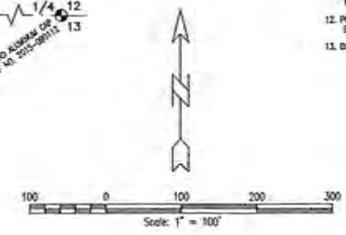
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG	CHORD	CURVE	LENGTH	RADIUS	DELTA	CHORD BRG	CHORD
C1	118.86	450.00	150.00°	N 81°56'37" W	194.81	C26	44.24	425.00	107°23'27"	N 83°59'54" E	86.43
C2	129.90	450.00	162°14" W	N 69°04'14" W	128.50	C27	44.24	425.00	107°23'27"	N 83°59'54" E	86.43
C3	195.33	450.00	216°31" W	N 43°25'43" W	193.80	C28	55.06	425.00	72°52'27"	N 02°56'53" E	55.62
C4	157.52	400.00	223°45" W	N 04°20'07" E	156.50	C29	55.08	425.00	72°52'30"	N 07°28'38" E	55.64
C5	71.90	500.00	81°23" E	S 07°49'06" E	71.84	C30	13.96	425.00	1°44'58"	N 06°03'48" W	13.88
C6	4.88	476.00	93°02" E	S 06°38'38" E	4.88	C31	23.18	25.00	53°14'05"	S 64°41'11" W	23.26
C7	79.25	50.00	97°48'30" E	S 43°54'47" W	79.21	C32	263.28	302.00	41°02'47"	N 08°27'57" W	257.83
C8	43.10	425.00	54°50" E	N 06°56'55" W	43.08	C33	63.43	475.00	73°00'27"	S 02°31'50" E	63.38
C9	74.30	425.00	107°00" E	N 78°42'25" W	74.21	C34	50.73	375.00	74°50'25"	N 17°14'54" E	50.68
C10	79.26	425.00	57°20" E	N 08°56'45" W	79.18	C35	82.22	475.00	73°50'14"	N 04°33'02" E	82.12
C11	18.55	20.00	57°07'48" E	N 58°44'02" E	17.89	C36	23.87	75.00	18°14'05"	S 02°11'07" W	23.77
C12	8.87	38.00	91°44" E	S 07°40'27" W	8.83	C37	43.49	75.00	20°53'50"	S 57°20'51" W	40.00
C13	61.08	55.00	63°27'54" E	S 44°14'21" W	59.98	C38	49.49	75.00	20°53'50"	S 20°40'50" W	49.00
C14	45.48	55.00	47°27'37" E	S 11°35'54" E	44.18	C39	14.02	75.00	10°42'44"	S 05°30'48" W	14.00
C15	41.24	55.00	47°57'20" E	S 06°29'57" E	40.28	C40	16.44	25.00	37°40'51"	S 17°18'51" W	16.15
C16	47.47	36.00	47°27'18" E	N 77°27'41" E	46.01	C41	33.10	325.00	23°07'12"	S 09°11'12" E	32.10
C17	61.37	55.00	64°21'00" E	N 20°27'57" E	58.58	C42	41.80	375.00	47°21'14"	N 03°14'47" W	41.78
C18	8.87	55.00	91°44" E	N 10°20'17" E	8.86	C43	54.13	375.00	87°25'27"	N 02°38'50" E	53.68
C19	18.55	20.00	57°07'48" E	S 03°30'17" W	17.89						
C20	79.26	425.00	57°20" E	N 08°56'45" W	79.18						
C21	86.90	425.00	90°10" E	N 37°28'10" W	86.83						
C22	45.64	425.00	53°02" E	N 27°09'09" W	45.63						
C23	58.14	475.00	67°40" E	N 42°14" W	58.10						
C24	57.60	475.00	82°52" E	N 50°37'34" W	57.56						
C25	42.45	475.00	59°12" E	N 50°08'37" W	42.43						

- LEGEND**
- SUBDIVISION BOUNDARY
 - SECTION LINE
 - RIGHT-OF-WAY LINE
 - CENTERLINE
 - LOT LINE
 - EXISTING LOT/PARCEL LINE
 - SURVEY THE LINE
 - EASEMENT LINE
 - EXISTING PERMANENT ADA COUNTY HIGHWAY DISTRICT SIDEWALK EASEMENT - INSTRUMENT NUMBER 2015-091063
 - FOUND ALUMINUM CAP
 - SET 5/8"x30" REBAR W/PLASTIC CAP
 - SET 1/2"x24" REBAR W/PLASTIC CAP
 - FOUND 5/8" REBAR, PLS 11118 OR AS NOTED
 - FOUND 1/2" REBAR, PLS 11118 OR AS NOTED
 - △ CALCULATED POINT, NOT SET
 - 11 LOT NUMBER

- NOTES**
- EACH LOT IS HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE OVER THE FIFTEEN (15) FEET ADJACENT TO ANY PUBLIC STREET. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF WALK-OR-SIDEWALK-OR-BICYCLEWAY TO EACH LOT.
 - UNLESS OTHERWISE SHOWN AND DIMENSIONED, EACH LOT IS HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION AND LOT DRAINAGE OVER THE FIVE (5) FEET ADJACENT TO ANY INTERIOR SIDE LOT LINE, AND OVER THE TEN (10) FEET ADJACENT TO ANY REAR LOT LINE AND SUBDIVISION OR PHASE BOUNDARY.
 - ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION AND MAY REQUIRE AMENDMENT OF THE DEVELOPMENT AGREEMENT.
 - IRRIGATION WATER WILL BE PROVIDED BY THE CITY OF KUNA IN COMPLIANCE WITH DAVID CODE SECTION 31-305(1)(D). ALL LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION RIGHTS, AND WILL BE OBLIGATED FOR ASSESSMENTS FROM THE CITY OF KUNA SUBJECT TO ORDINANCE 2015-14, HAVING TIMBERMIST SUBDIVISION NO. 2 INTO THE KUNA MANAGERIAL DISTRICT AND PENDING THE APPROVEMENT THEREIN THEREOF, RECORDED AS INSTRUMENT NO. 2015-067695, RECORDS OF ADA COUNTY, IDAHO.
 - BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF KUNA AND CONDITIONS OF THE STAFF REPORT FOR TIMBERMIST SUBDIVISION NO. 2.
 - MAINTENANCE OF ANY IRRIGATION OR DRAINAGE PIPE AND FACILITIES/COMPONENTS/ELEMENTS, OR OTHER CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ACCEPTED BY AN IRRIGATION/DRAINAGE ENTITY. SUCH LOTS MUST REMAIN FREE OF ENCROACHMENTS AND OBSTRUCTIONS TO SAID IRRIGATION/DRAINAGE FACILITIES.
 - LOT 12, BLOCK 9, LOTS 8 & 14, BLOCK 8; LOT 1, BLOCK 8; LOT 1, BLOCK 10; LOTS 1 & 7, BLOCK 11; AND LOTS 1 & 13, BLOCK 12 ARE DESIGNATED AS COMMON AREA LOTS TO BE OWNED AND MAINTAINED BY THE TIMBERMIST HOMEOWNERS' ASSOCIATION, INC., AND SHALL FOLLOW CURRENT KUNA CITY CODE FOR COMMON LOTS WITH RESPECT TO APPEARANCE AND MATERIALS USED. THIS OWNERSHIP AND MAINTENANCE COMPACT MAY NOT BE DISRUPTED WITHOUT THE EXPRESS CONSENT OF THE CITY OF KUNA. THE TIMBERMIST HOMEOWNERS' ASSOCIATION, INC. IS RESPONSIBLE FOR PAYMENT OF IRRIGATION ASSESSMENTS ON COMMON LOTS. IN THE EVENT TIMBERMIST HOMEOWNERS' ASSOCIATION, INC. FAILS TO PAY THE ASSESSMENTS, EACH RESIDENTIAL LOT IS RESPONSIBLE FOR A PRO-RATA SHARE OF THE ASSESSMENT.
 - THIS DEVELOPMENT RECOGNIZES SECTION 22-4033, DAVID CODE, RIGHT-TO-FARM, WHICH STATES THAT NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PEST OF PUBLIC, OR ANY OTHER CONDITION IN OR ABOUT THE SURROUNDING NON-AGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE NEGLECT OR INADEQUATE OPERATION OF ANY AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF.
 - THIS DEVELOPMENT IS SUBJECT TO THE TERMS OF A DEVELOPMENT AGREEMENT WITH THE CITY OF KUNA RECORDED AS INSTRUMENT NO. 2015-019122, RECORDS OF ADA COUNTY, IDAHO.
 - LOT 7, BLOCK 11; LOTS 1 & 13, BLOCK 12; AND PORTIONS OF LOT 5, BLOCK 9, LOTS 6 & 8, BLOCK 11, AND LOTS 2, 3, 4 & 12, BLOCK 12 AS SHOWN HEREON ARE SUBJECT TO AND CONTROLLED BY THE ADA COUNTY REARWAY DISTRICT STORM-WATER DRAINAGE SYSTEM. THESE LOTS ARE ENCLAVED BY THAT CERTAIN WATER RETENTIONAL STORMWATER DRAINAGE EXISTING RECORDED ON MAY 11, 2008, AS INSTRUMENT NUMBER 1504320A, OFFICIAL RECORDS OF ADA COUNTY, AND INCORPORATED HEREIN BY THIS INSTRUMENT AS IF SET FORTH IN FULL. THE WATER EASEMENT, THE WATER EASEMENT AND THE STORMWATER DRAINAGE SYSTEM ARE DEDICATED TO THE ADA COUNTY HIGHWAY DISTRICT SUBJECT TO SECTION 40-2202 DAVID CODE. THE WATER EASEMENT IS FOR THE OPERATION AND MAINTENANCE OF THE STORMWATER DRAINAGE SYSTEM.
 - THIS DEVELOPMENT IS SUBJECT TO THE TERMS OF ADA COUNTY HIGHWAY DISTRICT LICENSE AGREEMENTS RECORDED AS INSTRUMENTS NOS. 2015-008781, RECORDS OF ADA COUNTY, IDAHO.
 - PORTIONS OF LOT 13, BLOCK 3 AND LOT 8, BLOCK 5 AS SHOWN HEREON ARE COVERED BY AN EXISTING EASEMENT PROJECT BOARD OF CONTROL, EXCEPT FOR OPERATION AND MAINTENANCE OF THE KUNA CANAL.
 - OBJECT LOT OR PARCEL ACCESS TO S. LINDEER ROAD IS PROHIBITED.

LINE TABLE

LINE	BEARING	DISTANCE												
L1	S 42°41'55" W	14.14	L13	N 45°22'26" E	15.27	L25	S 10°11'12" E	29.81	L37	N 12°02'24" E	14.14	L49	S 06°46'11" E	35.52
L2	N 12°25'40" E	36.02	L14	N 45°29'25" E	15.02	L26	N 80°21'24" E	28.81	L38	N 12°02'24" E	14.14	L50	S 06°46'11" E	35.52
L3	S 48°54'00" E	14.76	L15	N 45°29'25" E	14.14	L27	N 48°59'15" W	47.25	L39	N 12°02'24" E	14.14	L51	N 17°17'32" W	37.30
L4	S 25°44'04" E	28.97	L16	N 00°22'26" E	45.00	L28	N 37°01'15" W	33.50	L40	N 12°02'24" E	14.14	L52	N 23°17'52" W	23.85
L5	S 78°40'41" E	14.32	L17	N 45°29'25" E	35.36	L29	S 40°17'05" W	18.84	L41	N 12°02'24" E	14.14	L53	N 15°14'52" W	33.32
L6	S 78°40'41" E	13.82	L18	S 44°30'34" E	35.36	L30	S 00°34'28" W	35.00	L42	S 77°57'36" E	18.14	L54	N 15°14'52" W	40.57
L7	N 15°17'27" E	10.77	L19	S 44°30'34" E	14.14	L31	S 00°34'28" W	20.00	L43	S 77°57'36" E	18.14	L55	N 23°02'55" W	45.08
L8	S 50°06'34" W	26.87	L20	S 48°18'05" W	14.14	L32	N 08°20'33" E	35.64	L44	S 77°57'36" E	18.14			
L9	S 83°27'41" E	26.67	L21	S 40°40'07" E	12.33	L33	N 08°20'33" E	18.84	L45	S 27°02'50" E	17.37			
L10	N 44°30'34" W	28.28	L22	S 87°48'23" E	55.00	L34	S 12°25'40" W	35.87	L46	N 01°18'02" E	25.00			
L11	N 45°29'25" E	28.38	L23	S 78°41'25" E	55.00	L35	S 12°25'40" W	20.38	L47	N 02°54'28" E	35.00			
L12	S 44°30'34" E	28.28	L24	S 08°47'25" E	47.25	L36	N 08°50'32" E	55.48	L48	S 06°46'11" E	20.38			



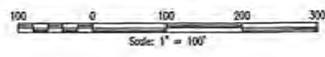
TIMBERMIST, LLC
DEVELOPER
MERIDIAN, ID

ENGINEERING SOLUTIONS
LAND SOLUTIONS

received
3.30.2018

TIMBERMIST SUBDIVISION NO. 3

LOCATED IN THE S 1/2 OF THE SW 1/4 OF SECTION 12, T.2N., R.1W., B.M.
KUNA, ADA COUNTY, IDAHO
2017

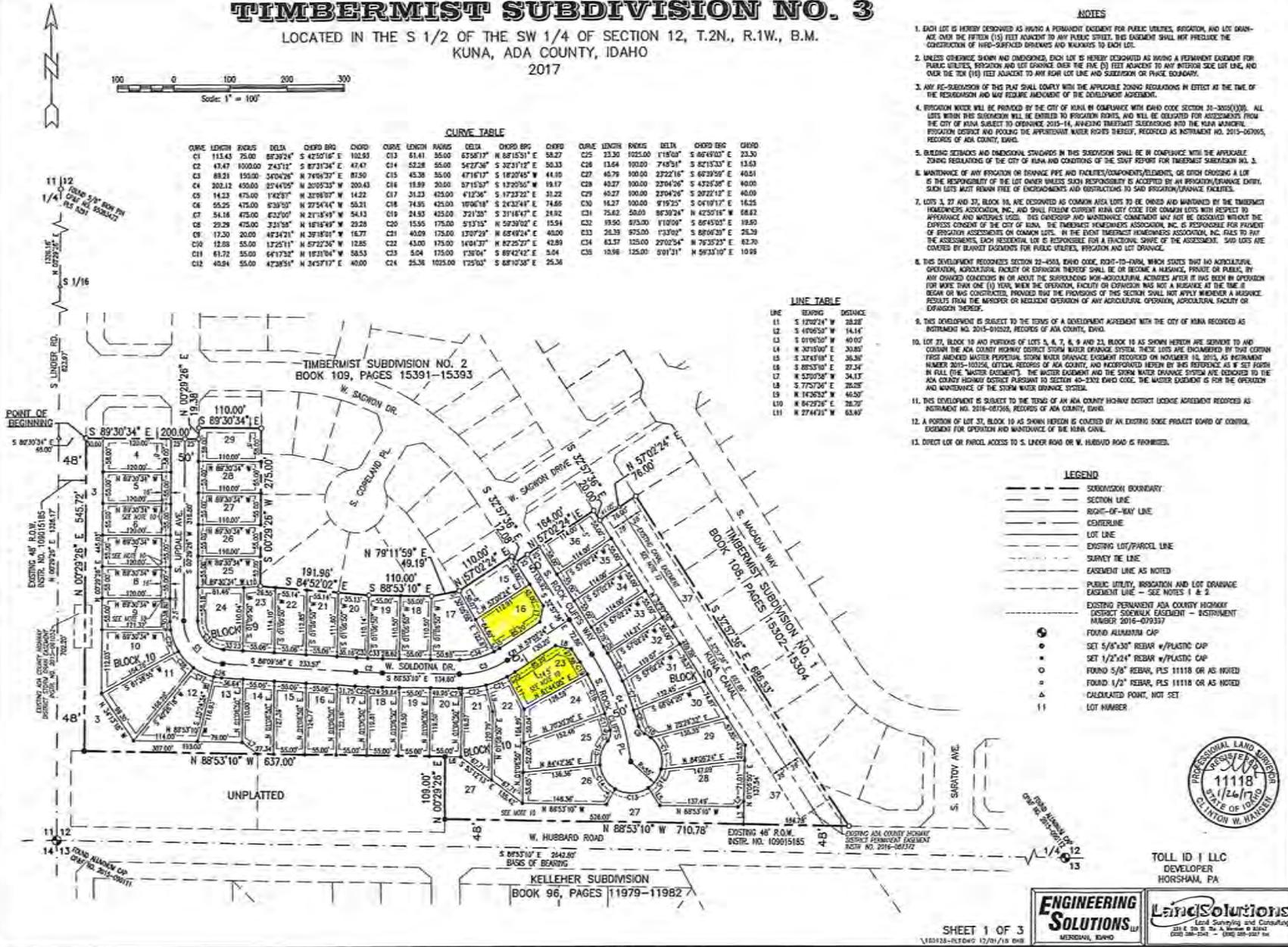


CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEG	CHORD END	CURVE	LENGTH	RADIUS	DELTA	CHORD BEG	CHORD END
C1	115.43	75.00	89°30'24"	S 42°50'14" E	102.93	C13	81.41	55.00	62°58'17"	N 68°15'51" E	58.27
C2	47.47	100.00	243°12"	S 87°31'34" E	47.47	C14	52.28	55.00	54°27'36"	S 32°31'12" E	50.33
C3	88.21	150.00	340°42"	N 74°06'37" E	81.50	C15	45.28	55.00	47°16'17"	S 18°20'45" W	44.10
C4	302.12	450.00	25°44'25"	N 20°05'33" W	305.43	C16	18.39	20.00	37°15'07"	S 12°25'50" W	18.17
C5	14.23	475.00	142°57"	N 28°18'07" W	14.22	C17	31.23	425.00	4°12'36"	S 17°23'22" E	31.22
C6	55.25	475.00	83°52'50"	N 20°54'14" W	55.21	C18	74.95	425.00	10°06'18"	S 24°32'48" E	74.66
C7	54.18	475.00	63°20'00"	N 21°15'49" W	54.13	C19	24.93	450.00	32°12'20"	S 21°16'47" E	24.92
C8	29.29	475.00	331°58"	N 18°16'48" W	29.28	C20	15.95	175.00	5°13'10"	N 52°30'02" E	15.94
C9	17.50	20.00	48°34'21"	N 39°18'01" W	16.77	C21	40.59	175.00	13°07'23"	N 58°48'24" E	40.60
C10	12.28	55.00	17°25'11"	N 57°22'24" W	12.85	C22	43.00	175.00	14°04'37"	N 82°25'27" E	42.80
C11	61.72	55.00	64°12'32"	N 18°10'04" W	58.53	C23	5.04	175.00	1°30'04"	S 89°42'42" E	5.04
C12	40.94	55.00	42°39'51"	N 34°57'17" E	40.00	C24	25.36	1025.00	1°25'00"	S 88°10'38" E	25.34

LINE TABLE

LINE	BEARING	DISTANCE
11	S 17°02'24" W	28.28
12	S 47°06'52" W	14.14
13	S 01°06'50" W	40.00
14	N 30°15'00" E	30.87
15	S 32°48'18" E	36.30
16	S 89°33'10" E	37.34
17	N 52°50'14" E	34.11
18	S 77°07'24" E	20.23
19	N 14°36'32" E	46.50
20	N 84°29'24" E	28.70
21	N 27°44'10" E	63.49



- NOTES**
1. EACH LOT IS HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE OVER THE FIFTEEN (15) FEET ADJACENT TO ANY PUBLIC STREET. THE EASEMENT SHALL NOT PREVENT THE CONSTRUCTION OF HARD-SURFACED DRIVEWAYS AND WALKWAYS TO EACH LOT.
 2. UNLESS OTHERWISE SHOWN AND DIMENSIONED, EACH LOT IS HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE OVER THE FIVE (5) FEET ADJACENT TO ANY INTERIOR SIDE LOT LINE, AND OVER THE TEN (10) FEET ADJACENT TO ANY FRONT LOT LINE AND SUBDIVISION OR PAVEMENT ROADWAY.
 3. ANY RE-DESIGNATION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RE-DESIGNATION AND MAY REQUIRE AMENDMENT OF THE DEVELOPMENT AGREEMENT.
 4. IRRIGATION WATER WILL BE PROVIDED BY THE CITY OF KUNA IN COMPLIANCE WITH DAHD CODE SECTION 20-3002(1)(b). ALL LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION RIGHTS, AND WILL BE OBLIGATED FOR ASSESSMENT FROM THE CITY OF KUNA SUBJECT TO ORDINANCE 2015-14, ANNEXED TREATMENT SUBDIVISIONS AND THE KUNA WASTEWATER IRRIGATION DISTRICT AND POOLING OF APPROPRIATE WATER RIGHTS THEREOF, RECORDED AS INSTRUMENT NO. 2015-020605, RECORDS OF ADA COUNTY, IDAHO.
 5. BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF KUNA AND CONDITIONS OF THE STAFF REPORT FOR TIMBERMIST SUBDIVISION NO. 3.
 6. MAINTENANCE OF ANY IRRIGATION OR DRAINAGE PIPES AND FACILITIES, EQUIPMENTS, ELEMENTS, OR OTHER CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ACCEPTED BY AN IRRIGATION/DRAINAGE ENTITY. SUCH LOTS MUST MAINTAIN TREE OR ENCROACHMENT AND OBSTRUCTIONS TO SAID IRRIGATION/DRAINAGE FACILITIES.
 7. LOTS 3, 27 AND 37, BLOCK 10, ARE DESIGNATED AS COMMON AREA LOTS TO BE OWNED AND MAINTAINED BY THE TIMBERMIST HOMEOWNERS ASSOCIATION, INC. AND SHALL FOLLOW CURRENT KUNA CITY CODE FOR COMMON LOTS WITH RESPECT TO APPEARANCE AND MATERIALS USED. THIS OWNERSHIP AND MAINTENANCE OBLIGATION MAY NOT BE EXERCISED WITHOUT THE EXPRESS CONSENT OF THE CITY OF KUNA. THE TIMBERMIST HOMEOWNERS ASSOCIATION, INC. IS RESPONSIBLE FOR PAYMENT OF IRRIGATION ASSESSMENTS OR COMMON LOTS. IN THE EVENT TIMBERMIST HOMEOWNERS ASSOCIATION, INC. FAILS TO PAY THE ASSESSMENTS, EACH RESIDENTIAL LOT IS RESPONSIBLE FOR A FRACTIONAL SHARE OF THE ASSESSMENT. SAID LOTS ARE COVERED BY BLANKET EASEMENTS FOR PUBLIC UTILITIES, IRRIGATION AND LOT DRAINAGE.
 8. THIS DEVELOPMENT RECOGNIZES SECTION 20-4004 DAHD CODE, PART-10-PART, WHICH STATES THAT NO AGRICULTURAL OPERATIONS, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NEIGHBOR, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING AREAS AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A RESIDENCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED, PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER A RESIDENCE RESULTS FROM THE IMPROVER OR INCIDENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF.
 9. THIS DEVELOPMENT IS SUBJECT TO THE TERMS OF A DEVELOPMENT AGREEMENT WITH THE CITY OF KUNA RECORDED AS INSTRUMENT NO. 2015-010520, RECORDS OF ADA COUNTY, IDAHO.
 10. LOT 37, BLOCK 10 AND PORTIONS OF LOTS 3, 6, 7, 8 AND 23, BLOCK 10 AS SHOWN HEREON ARE SUBJECT TO AND ARE COVERED BY THE ADA COUNTY HIGHWAY DISTRICT STORM WATER DRAINAGE SYSTEM. THESE LOTS ARE ENCOMPASSED BY 1500 CUBIC FEET AMENDED MASTER PERPETUAL STORM WATER DRAINAGE EASEMENT RECORDED ON NOVEMBER 16, 2015, AS INSTRUMENT NUMBER 2015-10354, RECORDS OF ADA COUNTY, AND INCORPORATED HEREIN BY THIS INSTRUMENT AS IF SET FORTH IN FULL (THE "MASTER EASEMENT"). THE MASTER EASEMENT AND THE STORM WATER DRAINAGE SYSTEM ARE DEDICATED TO THE ADA COUNTY HIGHWAY DISTRICT PURSUANT TO SECTION 40-2002 DAHD CODE. THE MASTER EASEMENT IS FOR THE OPERATION AND MAINTENANCE OF THE STORM WATER DRAINAGE SYSTEM.
 11. THIS DEVELOPMENT IS SUBJECT TO THE TERMS OF AN ADA COUNTY HIGHWAY DISTRICT LICENSE AGREEMENT RECORDED AS INSTRUMENT NO. 2016-027056, RECORDS OF ADA COUNTY, IDAHO.
 12. A PORTION OF LOT 37, BLOCK 10 AS SHOWN HEREON IS COVERED BY AN EXISTING SORE PROJECT BOARD OF CONTROL EASEMENT FOR OPERATION AND MAINTENANCE OF THE KUNA CANAL.
 13. DIRECT LOT OR PARCEL ACCESS TO S. LINCOLN ROAD OR W. HUBBARD ROAD IS FURNISHED.

- LEGEND**
- SUBDIVISION BOUNDARY
 - SECTION LINE
 - RIGHT-OF-WAY LINE
 - CENTERLINE
 - LOT LINE
 - EXISTING LOT/PARCEL LINE
 - SURVEY LINE
 - EASEMENT LINE AS NOTED
 - PUBLIC UTILITY, IRRIGATION AND LOT DRAINAGE EASEMENT LINE - SEE NOTES 1 & 2
 - EXISTING PERMANENT ADA COUNTY HIGHWAY DISTRICT SIDEWALK EASEMENT - INSTRUMENT NUMBER 2016-027056
 - FOUND ALUMINUM CAP
 - SET 5/8" x 30" REBAR w/ PLASTIC CAP
 - SET 1/2" x 24" REBAR w/ PLASTIC CAP
 - FOUND 5/8" REBAR, PLS 11118 OR AS NOTED
 - FOUND 1/2" REBAR, PLS 11118 OR AS NOTED
 - △ CALCULATED POINT, NOT SET
 - 1) LOT NUMBER



TOLL ID LLC
DEVELOPER
HORSHAM, PA

ENGINEERING SOLUTIONS
MERIDIAN, IDAHO

Land Solutions
Land Surveying and Consulting
201 E. 2nd St., 2nd Floor • Kuna, ID 83602
(208) 288-5242 • (208) 288-5247 fax

received

3.30.2018

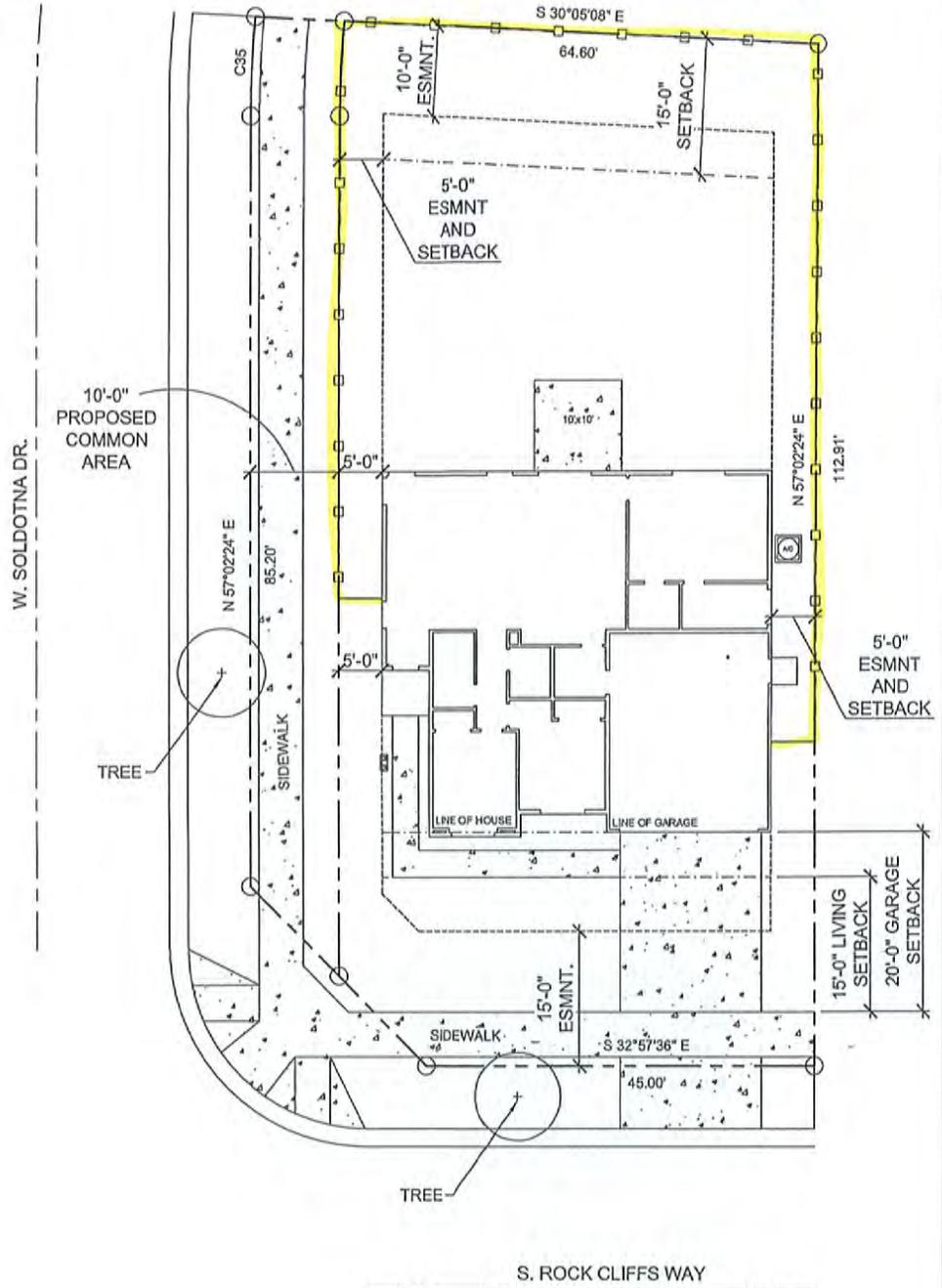
GENERAL NOTES:

1. CONTRACTOR TO VERIFY ALL DIMENSIONS, SPECIFICATIONS AND ELEVATIONS AND REPORT ANY ERRORS AND OR OMISSIONS TO COLEMAN HOMES CONSTRUCTION.
2. SLOPE AWAY FROM HOUSE MIN. 5% FOR 10' AND 2% THEREAFTER.
3. 3" SCH-40 PIPE UNDER DRIVEWAY
4'-0" OFF STREET.
4. 3" SCH-40 PIPE UNDER SIDEWALK.

GROUND AREA	
FRONT YARD	
REAR YARD & SIDE YARD	
STREET SIDE YARD	
TOTAL YARD AREA	####
STRIP BETWEEN CURB & S.W.	
NEW FENCE INSTALL	
TOTAL LOT FENCING	

COVERED ROOF AREAS	
MAIN LEVEL LIVING AREA	
UPPER LEVEL LIVING AREA	
GARAGE AREA	
COVERED PATIO AREA	
LOT AREA	7243
LOT COVERAGE %	%

STRUCTURAL OPTIONS	
GARAGE ORIENTATION (RIGHT)	
ELEVATION 'B'	



SITE PLAN
SCALE: 1" = 20' 0"

**LOT #16 , BLOCK #09
TIMBERMIST #3**
CITY OF KUNA
ADA COUNTY, IDAHO

APPROVED BY :
PURCHASING : _____
CONSTRUCTION : _____
BUYER : _____

received
3.30.2018

SHEET #:	PLAN:
1	
OF	
1	
JOB #:	DRAWN BY:
	DATE:


Coleman Homes
real choices...better living

3103 W. SHERYL DR.,
SUITE 100
MERIDIAN, IDAHO 83642
PH: (208) 424-0020
FAX: (208) 424-0030

LOT# 16	BLOCK#09	TIMBERMIST #3
MORGAN BASE PLAN		

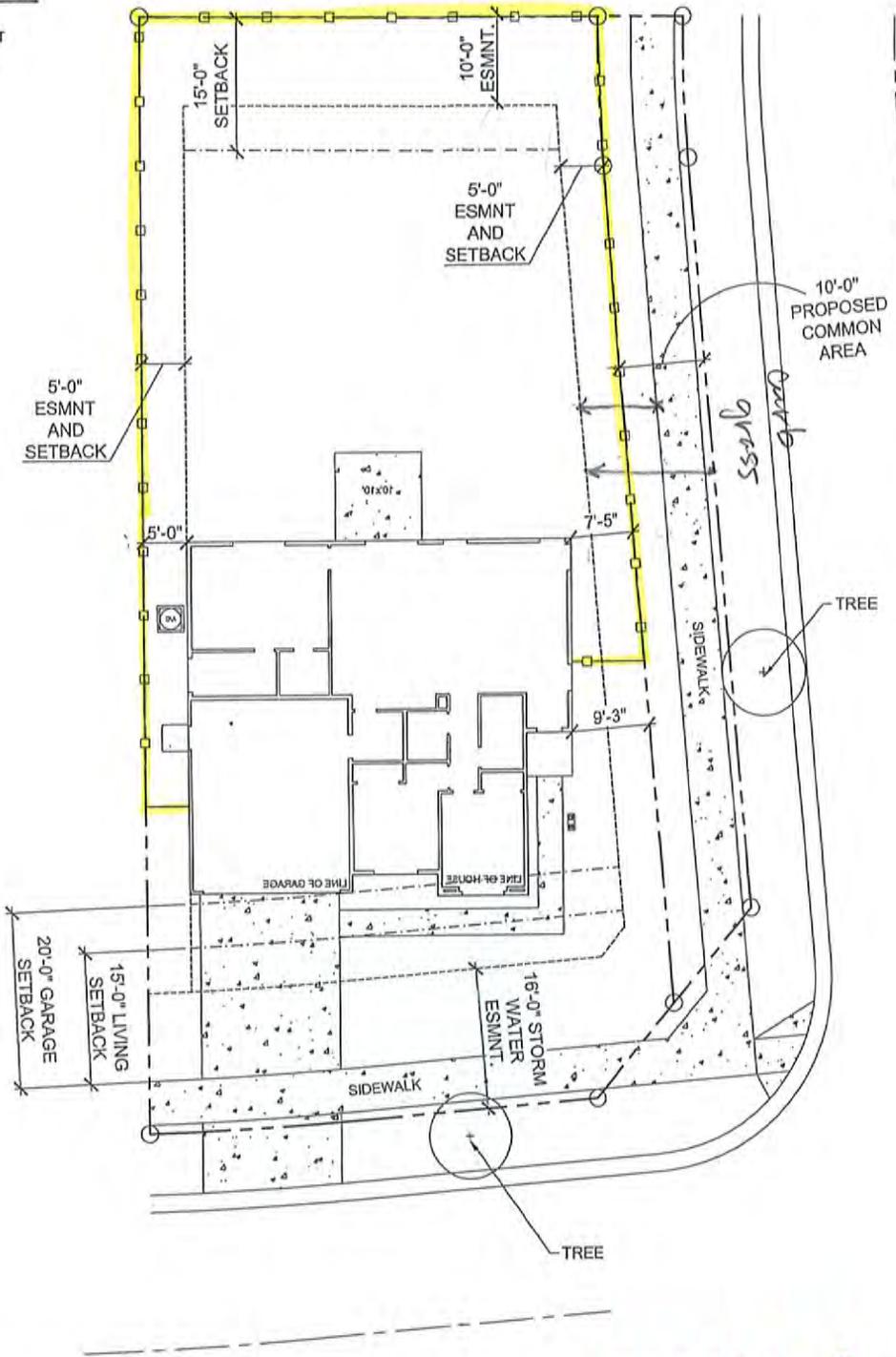
GENERAL NOTES:

1. CONTRACTOR TO VERIFY ALL DIMENSIONS, SPECIFICATIONS AND ELEVATIONS AND REPORT ANY ERRORS AND OR OMISSIONS TO COLEMAN HOMES CONSTRUCTION.
2. SLOPE AWAY FROM HOUSE MIN. 5% FOR 10' AND 2% THEREAFTER.
3. 3" SCH-40 PIPE UNDER DRIVEWAY 4'-0" OFF STREET.
4. 3" SCH-40 PIPE UNDER SIDEWALK.

GROUND AREA	
FRONT YARD	
REAR YARD & SIDE YARD	
STREET SIDE YARD	
TOTAL YARD AREA	####
STRIP BETWEEN CURB & S.W.	
NEW FENCE INSTALL	
TOTAL LOT FENCING	

COVERED ROOF AREAS	
MAIN LEVEL LIVING AREA	
UPPER LEVEL LIVING AREA	
GARAGE AREA	
COVERED PATIO AREA	
LOT AREA	8194
LOT COVERAGE %	%

STRUCTURAL OPTIONS	
GARAGE ORIENTATION (RIGHT)	
ELEVATION 'B'	



received
3.30.2018

SITE PLAN
SCALE: 1" = 20' 0"

LOT #23, BLOCK #10
TIMBERMIST #3
CITY OF KUNA
ADA COUNTY, IDAHO

APPROVED BY: _____
PURCHASING: _____
CONSTRUCTION: _____
BUYER: _____

SHEET #:	PLAN:
7	
OF	
7	
JOB #:	DRAWN BY:
	DATE:



3103 W. SHERYL DR.,
SUITE 100
MERIDIAN, IDAHO 83642
PH: (208) 424-0030
FAX: (208) 424-0030

LOT# 23	BLOCK# 10	TIMBERMIST #3
MORGAN BASE PLAN		

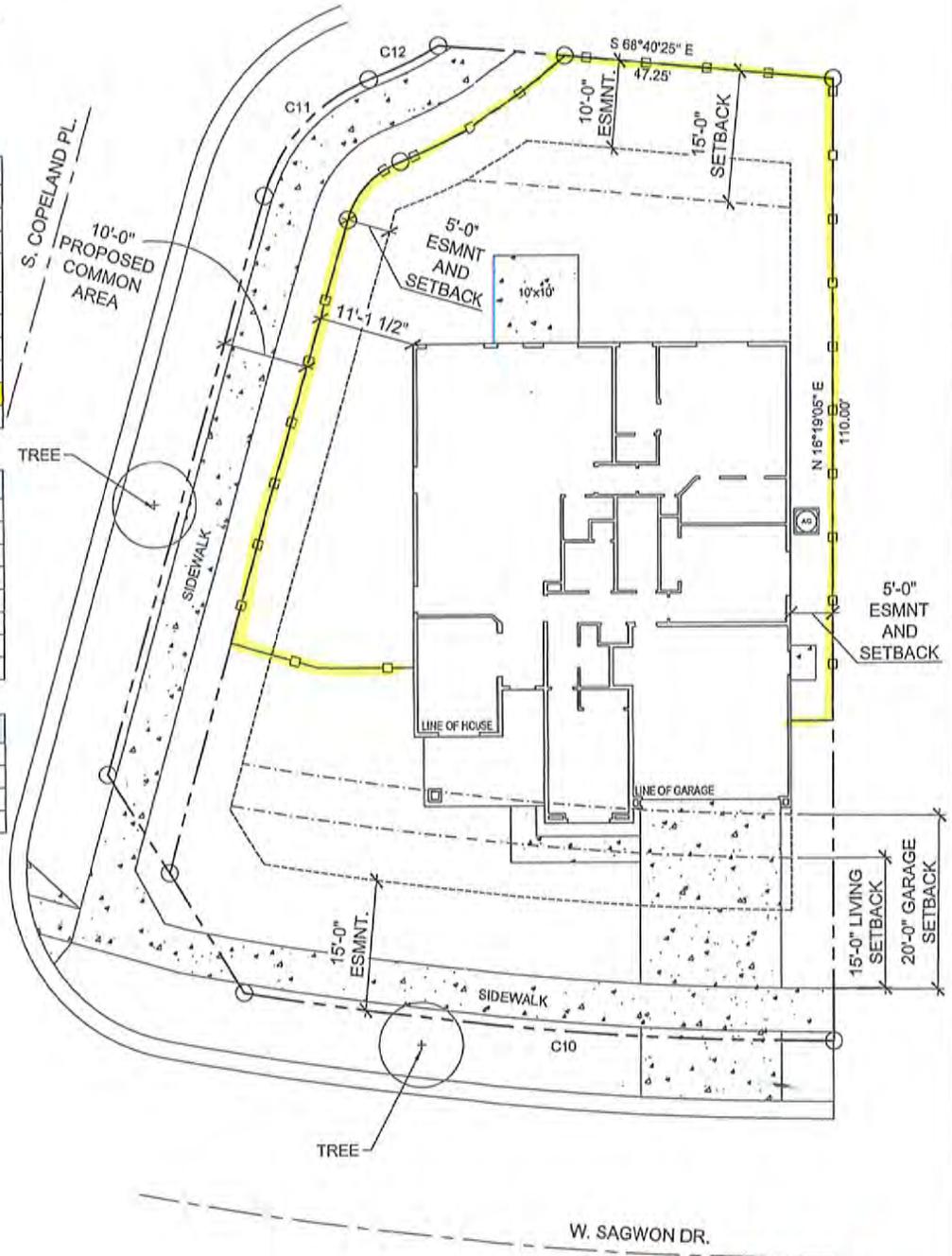
GENERAL NOTES:

1. CONTRACTOR TO VERIFY ALL DIMENSIONS, SPECIFICATIONS AND ELEVATIONS AND REPORT ANY ERRORS AND OR OMISSIONS TO COLEMAN HOMES CONSTRUCTION.
2. SLOPE AWAY FROM HOUSE MIN. 5% FOR 10' AND 2% THEREAFTER.
3. 3" SCH-40 PIPE UNDER DRIVEWAY 4'-0" OFF STREET.
4. 3" SCH-40 PIPE UNDER SIDEWALK.

GROUND AREA	
FRONT YARD	
REAR YARD & SIDE YARD	
STREET SIDE YARD	
TOTAL YARD AREA	###
STRIP BETWEEN CURB & S.W.	
NEW FENCE INSTALL	
TOTAL LOT FENCING	

COVERED ROOF AREAS	
MAIN LEVEL LIVING AREA	
UPPER LEVEL LIVING AREA	
GARAGE AREA	
COVERED PATIO AREA	
LOT AREA	
LOT COVERAGE %	%

STRUCTURAL OPTIONS	



received
3.30.2018

SITE PLAN
SCALE: 1" = 20' 0"

**LOT #05 , BLOCK #09
TIMBERMIST #2**
CITY OF KUNA
ADA COUNTY, IDAHO

APPROVED BY :

PURCHASING : _____

CONSTRUCTION : _____

BUYER : _____

SHEET #:	PLAN:
1	
OF	
1	
JOB #:	DRAWN BY:
	DATE:


Coleman Homes
real choices...better living

3103 W. SHERYL DR.,
SUITE 100
MERIDIAN, IDAHO 83642
PH: (208) 424-0030
FAX: (208) 424-0030

LOT#05	BLOCK#09	TIMBERMIST #2
W. Sagwon Dr.		
REED BASE PLAN		

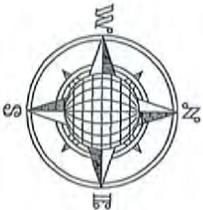
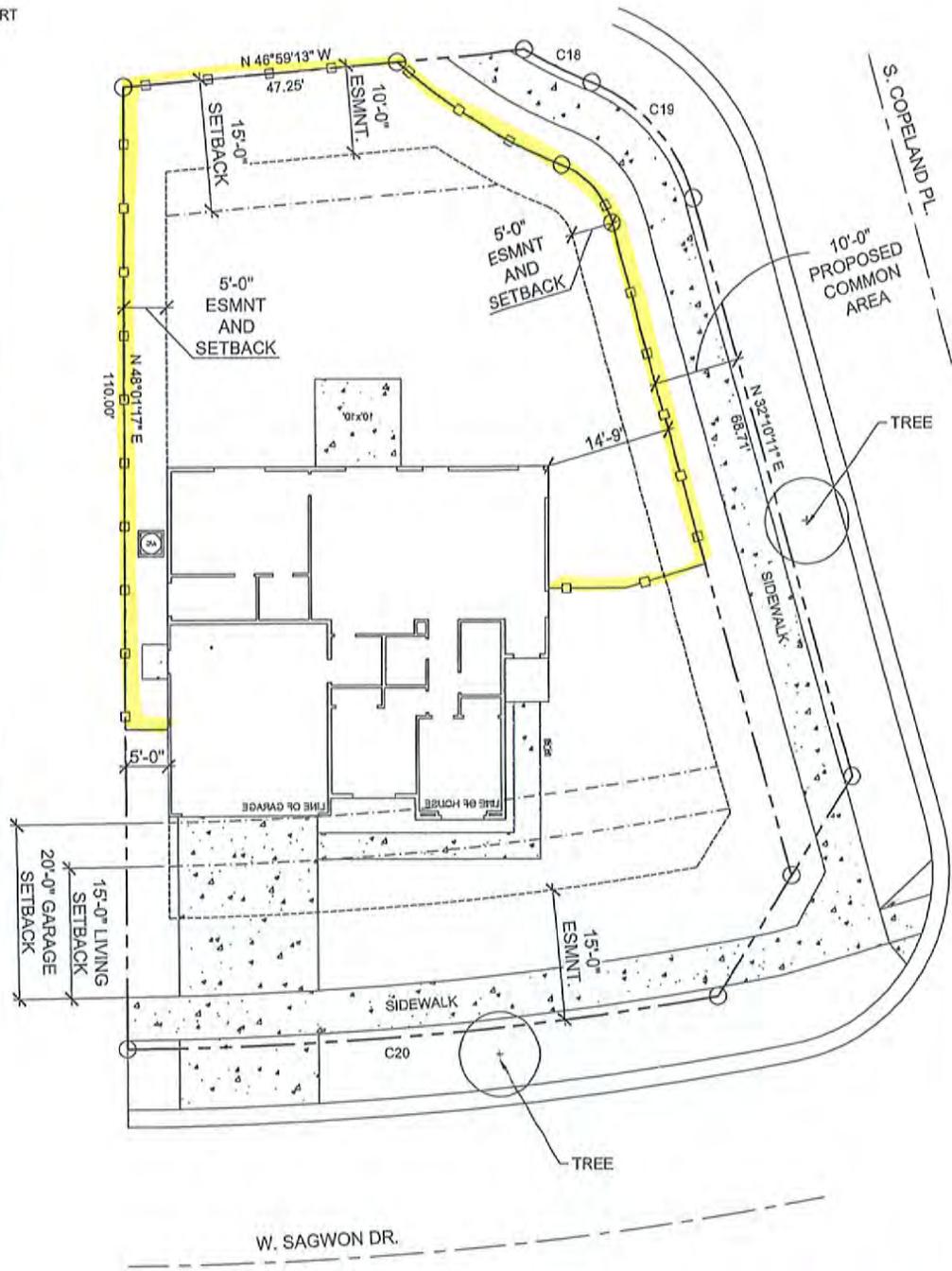
GENERAL NOTES:

1. CONTRACTOR TO VERIFY ALL DIMENSIONS, SPECIFICATIONS AND ELEVATIONS AND REPORT ANY ERRORS AND OR OMISSIONS TO COLEMAN HOMES CONSTRUCTION.
2. SLOPE AWAY FROM HOUSE MIN. 5% FOR 10' AND 2% THEREAFTER.
3. 3" SCH-40 PIPE UNDER DRIVEWAY 4'-0" OFF STREET.
4. 3" SCH-40 PIPE UNDER SIDEWALK.

GROUND AREA	
FRONT YARD	
REAR YARD & SIDE YARD	
STREET SIDE YARD	
TOTAL YARD AREA	###
STRIP BETWEEN CURB & S.W.	
NEW FENCE INSTALL	
TOTAL LOT FENCING	

COVERED ROOF AREAS	
MAIN LEVEL LIVING AREA	
UPPER LEVEL LIVING AREA	
GARAGE AREA	
COVERED PATIO AREA	
LOT AREA	
LOT COVERAGE %	%

STRUCTURAL OPTIONS	



SITE PLAN
SCALE: 1" = 20' 0"

**LOT #11, BLOCK #09
TIMBERMIST #2**

CITY OF KUNA
ADA COUNTY, IDAHO

received
3.30.2018

APPROVED BY:

PURCHASING: _____

CONSTRUCTION: _____

BUYER: _____

SHEET #:	PLAN:
1 OF 1	
JOB #:	DRAWN BY:
	DATE:



3103 W. SHERYL DR.,
SUITE 100
MERIDIAN, IDAHO 83642
PH: (208) 424-0020
FAX: (208) 424-0030

LOT#11	BLOCK#09	TIMBERMIST #2
W. Sagwon Dr.		
MORGAN BASE PLAN		

Exhibit B-1

RICHARD DURRANT
CHAIRMAN OF THE BOARD

CLINTON PLINE
VICE CHAIRMAN OF THE BOARD

TIMOTHY M. PAGE
PROJECT MANAGER

ROBERT D. CARTER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

JERRI FLOYD
ASSISTANT SECRETARY-
TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3155

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

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

08 May 2018

RECEIVED

MAY 14 2018

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

CITY OF KUNA

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

RE: Engineering Solutions- Timbermist No. 2 & 3 18-01-PUD
NE Crnr. of Linder & Hubbard Rds.
New York Irrigation District NY-028-001-00, NY-026-008-00
Kuna Lateral 207+10, 207+30
Sec. 12, T2N, R1W, BM.

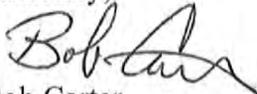
Troy Behunin:

The Boise Project has no objection to a PUD modification for the above-mentioned property, as there are no project facilities located there.

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

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

Sincerely,



Bob Carter
Assistant Project Manager- BPBC
bdc/bc

cc: Clint McCormick Watermaster, Div; 2 BPBC
Terri Hasson Secretary – Treasurer, NYID
File

Exhibit B-2



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

DEQ Response to Request for Environmental Comment

Date: May 23, 2018
Agency Requesting Comments: City of Kuna
Date Request Received: May 3, 2018
Applicant/Description: Modification Timbermist Subdivisions No. 2 & 3 18-01-PUD

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

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

1. Air Quality

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

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

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

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

2. Wastewater and Recycled Water

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

All projects for construction or modification of wastewater systems require

preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.

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

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

3. Drinking Water

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

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

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

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

4. Surface Water

- *A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.*
- *Please contact DEQ to determine whether this project will require a National Pollution*

Exhibit B-2

Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.

- *If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.*
- *The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at: <http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>*
- *The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.*

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

5. Hazardous Waste And Ground Water Contamination

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

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

- ***Ground Water Contamination.*** *DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water*

quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method.”

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

6. Additional Notes

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

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

Sincerely,



Aaron Scheff
aaron.scheff@deq.idaho.gov
Regional Administrator
Boise Regional Office
Idaho Department of Environmental Quality

ec: TRIM 2018AEK65

Exhibit B-3



Your Safety • Your Mobility
Your Economic Opportunity

IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 8028 • Boise, ID 83707-2028

(208) 334-8300 • itd.idaho.gov

May 10, 2018

Troy Behunin
City of Kuna, Planning and Zoning Department
P.O. Box 13
Kuna, ID 83634

VIA EMAIL

Development Application	18-01-PUD
Project Name	MODIFICATION TIMBERMIST SUBDIVISION NO 2 & 3
Project Location	Northeast corner of South Linder Road and West Hubbard Road, west of SH-69 milepost 4.21
Project Description	PUD modification in order to measure side/street side setbacks from public Right-of-Way, rather than from the edge of sidewalk as required
Applicant	Becky McKay with Engineering Solutions
Representing	Toll ID, LLC

The Idaho Transportation Department (ITD) reviewed the referenced planned unit development modification application and has the following comments:

1. This project does not abut the State highway system.
 2. The City is reminded that the SH-69 corridor is already becoming congested and this project will increase the number of vehicle trips in the corridor. ITD currently has a signal listed in the Idaho Transportation Improvement Plan (ITIP) for construction at the intersection of SH-69 and Hubbard Road.
 3. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
 4. IDAPA 39.03.60 rules govern advertising along the State highway system. The applicant may contact Justin Pond, Right-of-Way Section Program Manager, at (208) 334-8832 for more information.
-

Exhibit B-3



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 8028 • Boise, ID 83707-2028

(208) 334-8300 • itd.idaho.gov

5. ITD does not object to the PUD modification to Timbermist Subdivision No 2 & 3 as presented in the application.

If you have any questions, you may contact Tom Haynes at (208) 334-8944 or me at (208) 332-7190.

Sincerely,

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

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





Neighborhood Meeting Certification

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

GENERAL INFORMATION:

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

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

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

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

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

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

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

Description of proposed project: Timbermist Subdivision - PUD Modification

Date and time of neighborhood meeting: March 29, 2018 - 6:00 pm

Location of neighborhood meeting: Kuna Senior Center

SITE INFORMATION:

Location: Quarter: SW Section: 12 Township: 2N. Range: 1W. Total Acres: 65.14

Subdivision Name: Timbermist Subdivision No. 2 & 3 Lot: 5/11 & 18/23 Block: 9/10

Site Address: 9360 N. Linder Road Tax Parcel Number(s): R8461160230, R8461160290

NE of Linder and Hubbard Roads R8461170020, R8461170360

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

CURRENT PROPERTY OWNER:

Name: Toll ID I LLC

Address: 3103 W. Sheryl Drive, Suite 100 City: Meridian State: ID Zip: 83642

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

Name: Becky McKay Business (if applicable): Engineering Solutions, LLP

Address: 1029 N. Rosario Street, Suite 100 City: Meridian State: ID Zip: 83642



PROPOSED USE:

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

Application Type

- Annexation
- Re-zone
- Subdivision (Sketch Plat and/or Prelim. Plat)
- Special Use
- Variance
- Expansion or Extension of a Nonconforming Use
- Zoning Ordinance Map Amendment

Brief Description

Timbermist Planned Unit Development - Modification to
flanking street setbacks to allow 15' setback for living area to
be measured from right-of-way in lieu of back of sidewalk for
4 single-family residential lots - Lot 23, Block 10, Lot 16, Block 9,
Timbermist Subdivision No. 3. Lots 5 and 11, Block 9,
Timbermist No. 2.

APPLICANT:

Name: Becky McKay

Address: 1029 N. Rosario Street, Suite 100

City: Meridian State: ID Zip: 83642

Telephone: 208-938-0980 Fax: 208-938-0941

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accord with Section 8-7A-3 of the Kuna City Code

Signature: (Applicant)  Date 3/30/18



1029 N. Rosario Street, Suite 100
Meridian, ID 83642
Phone: (208) 938-0980
Fax: (208) 938-0941
E-mail: es-beckym@qwestoffice.net

INVITATION

March 21, 2018

Dear Property Owner:

The City of Kuna Code (§5-1A-2) requires a meeting between the applicant and the property owners within 300 feet prior to submitting an application. This is an invitation to a neighborhood meeting concerning property located north of W. Hubbard Road and east of S. Linder Road in Kuna, Idaho.

The neighborhood meeting will be held:

WHEN: Thursday, March 29, 2018, at 6:00 p.m.

**WHERE: Timbermist Subdivision Pool Parking Lot
(see attached map)
Kuna, Idaho**

The applicant, Toll ID I LLC, will be requesting a modification to the planned unit development for Timbermist Subdivision for two corner lots in Timbermist No. 2 and two corner lots in Timbermist No. 3. The request is being made to allow the living area setbacks to be measured from the edge of right-of-way in lieu of back of sidewalk for these four lots, allowing for a reduction of the setback from the edge of right-of-way. Site plans for the four lots are included showing home and fencing locations. A map showing the four lots and the location of the neighborhood meeting is enclosed. If you have questions concerning the application and cannot attend the meeting, please feel free to call me at 208-938-0980.

Sincerely,

Engineering Solutions, LLP

A handwritten signature in blue ink that reads "Becky McKay". The signature is fluid and cursive.

Becky McKay
Planner

/ss
Enclosure

