



KUNA PLANNING AND ZONING COMMISSION Agenda for September 11, 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: *All Listed Consent Agenda Items are Action Items*

- a. Meeting Minutes for August 28, 2018.

3. NEW BUSINESS

- a. **18-22-DR (Design Review)** – Walnut Creek Town Homes; The applicant, Daniel B. Zillner, seeks Design Review approval from the Planning and Zoning Commission (acting as Design Review Committee) for five quadplex buildings, which includes 20 townhomes and landscaping, parking and lighting for two commercial lots. The sites are located on W Heartland Drive, Kuna, Idaho 83634 (APN# R3023310010 & R3023310220). **ACTION ITEM.**

4. PUBLIC HEARING

- a. **18-01-S (Preliminary Plat) & 18-07-DR (Design Review)** – Whisper Meadows Subdivision; Katie Miller with Bailey Engineers, request approval to subdivide approximately 73.50 acres into 310 buildable lots, 38 common lots. The subject site is located near the northwest corner of Linder and Columbia Roads, Meridian, Idaho, ID 83642, within Section 2, Township 2 North, Range 1 West, B.M. (APN#'s R1393850100, R1693860010, R1693860290 and R1693860280). **ACTION ITEM.**
 - **Staff recommends that this case be tabled to Tuesday, September 25, 2018 due to the ACHD report not being available at this time.**
- b. **18-10-SUP (Special Use Permit)** – Small Wonders Daycare; Applicant, Tracey McRoberts, seeks Special Use Permit approval in order to operate a Group Childcare Facility in an existing residence. The site is located at 1403 North Antimony Place, Kuna, ID 83634. **ACTION ITEM.**
- c. **18-02-S (Preliminary Plat) & 18-18-DR (Design Review)** – Madrone Heights Subdivision; On behalf of N Star Farm, LLC (the applicant), Kirsti Grabo with KM Engineering, requests approval to subdivide approximately 39.48 acres (previously zoned R-6) into 206 single home lots, an additional 27 common lots, and one shared driveway. Applicant has reserved the name Madrone Heights Subdivision. A Design Review application for the landscaping for the 27 common lots accompanies this application. The address is 2030 W. Kuna Road, Kuna Idaho, and is located near the NWC of Ten Mile and Kuna Roads, in Section 22, Township 2 North, Range 1 West, B.M. (APN #: S1322438400.) **ACTION ITEM.**

5. ADJOURNMENT

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, August 28, 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	Absent
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 August 14, 2018.

Commissioner Gealy Motions to approve the consent agenda; Commissioner Laraway Seconds, all aye and motion carried 3-0.

2. NEW BUSINESS

- a. **18-21-DR (Design Review)** – Merlin Pointe Subdivision No. 1; On behalf of Black Creek LLP, the applicant, Steve Arnold with A Team Land Consultants, seeks Design Review approval from the Planning and Zoning Commission (acting as Design Review Committee) for the first phase of Merlin Pointe Subdivision, which includes 52 townhouse buildings and landscaping for six commercial lots and eight common lots. A sign application for the subdivision and townhomes accompanies this application. The site is located on East Kuna Road, Kuna, Idaho 83634 (APN# S1324449005 and R0615254601).

C/Young: The first item up on your public hearing is 18-21-DR, Design Review for the Merlin Pointe Subdivision No.

1. **Steve Arnold:** Chairman and Commissioners, Steve Arnold, A Team Land Consultants, 1875 Whisper Cove, Boise, ID 83709. This is the first phase of Merlin Pointe, which was approved in 2012. We submitted a final plat, and then we submitted a new final plat. The new final plat reflected 52 townhouse lots, 6 commercial lots and 4 common lots. Before you tonight are the townhomes that have been approved. We have several variations and essentially two types of townhome products. We have a single-story, a two-story, and a tri-plex combination for the three lots. We have interior for the subdivision. For the zoning based on this area that was approved, we need to have attached units. That’s why we have the triplexes and the duplexes. All of these are being platted on their own lots, and they are a for-sale product. The homes range from 1400 to 1800 square feet. For what we don’t have in front of you tonight, I hope there is some latitude in the future. We will put the same color scheme and materials, but we will probably have a two-story triplex. We couldn’t get it in time into your packet, but I believe that we’ll get some latitude if we stick with the same latitude and colors. They range from 1500 to 1800 square feet, but when we do the two-story triplex, it will probably be larger. The other aspect that we have before you tonight is our landscape plan. Originally, we had proposed sod in the park area. After speaking with our landscaper, it would be better if we use hydroseed within the park area. Then, we are proposing some of the common areas around the commercial lot. The reason that the seed sets better initially is that we’ll get deeper roots in the native soil. It just becomes a hardier grass type. We are doing that to try to get something that’s going to be durable. We’re hoping that we’re going to get quite a bit of use on the park. The commercial lots are not before you tonight, we don’t have tenants yet, and

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we're still playing games with Idaho Transportation Department (ITD). We're hoping that we start seeing some commercial come in. We're going to start construction as soon as possible on the townhomes, once they are approved. I can stand for any questions you may have. **C/Laraway:** On the townhomes that you're proposing, you said you will start construction right away. How will you hydroseed in the winter? **Steve Arnold:** I'm hoping to get the landscaper going tomorrow, after the landscaping gets approved. I've got the topsoil laid in the park, and I'm going to be bringing in a couple inches of topsoil there. Granite excavation will be moving some topsoil into the common areas. We would have the front done, but I'm hung up with ITD. The front we're planning to sod, because I wanted a greened-up look. As we come in off of Sailer, all the way to the first intersection, that's going to be sod. It's mainly the park that we're talking about, which is along the west boundary of the commercial and the north boundary of the large lot. **C/Gealy:** I read that there won't be any community garbage collection and it will all be individual tip carts. Is that correct? **Steve Arnold:** Chairman Young, Commissioner Gealy, it will all be individual. **C/Gealy:** Each home has a garage, is that correct? **Steve Arnold:** Correct, we have entertained the idea of two-car garages for the tandems. **C/Gealy:** So, there's off-street storage opportunities for the tipcarts. They won't just all be sitting out on the streets everywhere? **Steve Arnold:** We'll have an HOA to make sure that doesn't happen. **C/Gealy:** As far as parking, they all have a two-car garage and a driveway? **Steve Arnold:** The driveways are setback anywhere between 15 to 20. We will have parking spaces in there. **C/Gealy:** Will there be adequate off-street parking? **Steve Arnold:** There will be adequate off-street parking, and there will be a street-section that ACHD allows parking on. It's a 34-foot street section. **C/Gealy:** I read that there is a shared driveway? I couldn't find one. **Steve Arnold:** No, they're all individual. **Jace Hellman:** Good evening Chairman and Commissioners, for the record, Jace Hellman, Planner II, Kuna Planning and Zoning Staff, 751 W 4th St. The application before you tonight is 18-21-DR and 18-09-SN. There is a sign component. Commissioner Gealy, to touch on your question, when you read the shared driveway, I was referring to the commercial leave that there is. There is cross-access across the commercial lots. As stated, they've proposed a 20-foot landscape buffer along East Kuna Rd. There is extensive landscaping proposed between these future commercial lots and the residences that exist to the west. Landscaping has been provided between all commercial lots in the townhome component of this project. This is with landscaping islands and buffers proposed along Sailer Avenue. Touching the sod point, it was approved as sod in 2013. They came back since and now are saying hydroseed on certain portions, which is fine. Staff would rely on the Design Review Committee's decision. If you would like sod, you have the ability to condition it. If you want hydroseed, we can leave it that way too. There is a 2.2-acre park that's centrally located within the townhome component of the project. It does have a micro pass that provide pedestrian connectivity. As for the sign, there was a sign application that released sign elevations. This accompanied the overall design review application. They proposed two monument signs for the development. The first one would be for the shopping center, and I believe they noted it as Option E on Exhibit B11. The second would be for the townhome component, which is known as the Merlin Cottages. This is Option A circled on their elevation. If the applicant prefers different ones, we can discuss that as well. Staff would find that both proposed signs comply with Kuna City Code, Title 5 Chapter 10. With this being a design review, no formal noticing procedures will be needed. The applicant has complied with Kuna City Code, the Kuna Comprehensive Plan, and the applicant has provided everything we asked him to. Staff would forward a recommendation of approval for 18-21-DR and 18-09-SN to the Design Review Committee. I'll stand for any questions you may have. The applicant has provided material boards to look at as well. **C/Young:** The intended location for the monument sign is set at the entry for the commercial subdivision on Sailer. Is that on the east or west side of Sailer? **Steve Arnold:** Mr. Chairman, members of the Commission, in regards to the intent of the signs, there will be two. One will be at the northwest corner of what used to be Jackpot and Sailer. On that corner lot, we will have some decorative landscaping, and it will probably just be a small sign that says "Merlin Pointe Cottages". As you enter in off of Kuna Road, right in the center island, that's where the commercial signs will be. They'll be lit up, and we've got landscaping and other things in there too. It will be completed as soon as ITD lets us do it. **C/Damron:** If that sign's going to be set back off there, what's the visibility for people coming into that commercial site? That looks like it might be a little confusing for him. It would be confusing to see the sign for the cottages out by the road, and then set back in there for the commercial sites. **Steve Arnold:** No, the commercial is going to be right there. Like I said, the cottage sign is going to be more wayward,

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showing where people are going. It's also more marketing than anything else. **C/Laraway:** How many access points did ITD grant? **Steve Arnold:** We have four deeded access points, and it's been a big rub. Tom deeded that a long time ago. We worked with ITD to fix the safety problem. We had originally approved an access right on the curve, and the plan in the pot was that we wanted to get a traffic signal there for safety concerns. As you know, we've got some big plans to develop east of town by the golf course. That road is going to get nothing but more traffic. With the existing traffic on that right now, it would probably be warranted via safety reasons. It's not warranted now due to safety volumes, but for safety concerns, it is. It meets the separation from Kay. Even ITD agrees with the separation from your future Kay signal. After they approved it with us, they had some staff change over. Then they've decided that they don't want the signal on the curve, and they were talking about straightening it out. When the school came in, they told the school that they needed a traffic signal there to handle the school when it developed. This is one of the reasons why the school walked from that 90-100 acres off of Kuna Road. Anyway, we've had all of this approved, and why we're back looking at it again is ridiculous. **C/Laraway:** I wasn't part of the original design and I apologize. On entrances off of Highway 69 into the Subdivision and to commercial. Will there be extended turn lanes to get in and out? **Steve Arnold:** There weren't any required turn lanes at that first one. Historically, deceleration lanes haven't been utilized. There is talk about doing that here. We had a driveway up on the curve that was planned to be signalized. We had Sailer, and we had a right in right out on the commercial lot that was being platted. Then we had East Ensolarado Street, the road that basically came straight out. We had it stubbed in this first phase. That was planned to go out to Highway 69. We had planning access, and that was safe. Now, what they're trying to do is move the driveway from the corner up closer to our full access. Then you're going to have offset driveways. You get conflict by offset driveways. The ideal situation is that you either align or offset greatly. They're suggesting that we offset it maybe 200 feet from that intersection. It creates an unsafe situation. Where are the traffic signals going to be? **C/Laraway:** When you refer to they, are you talking about ITD? **Steve Arnold:** Yes. **C/Gealy:** I remember our conversation for the need for a traffic light at that corner. You're talking about developing the western part of this parcel right now, for today's design review. **Steve Arnold:** Yes, for the western portion. Hopefully, if we get this resolved, we'll probably build the eastern portion really quick. We'll build it when we get the green light so we don't get back in this situation again. If I might add, and this is the only rebuttal that I have. What we're asking for with the hydroseeding, it's in code. We're not asking for asking for a variance or anything, we just want a hardier grass. I'll stand for any questions you may have. **C/Gealy:** And you're fine either way? Approved as sod? **Jace Hellman:** Something that was approved when it originally came through. Here's something different. You have options. **C/Young:** That brings up Commission discussion. As far as color schemes, I'm good with the choices. Even if the monument signs have a stone base, the monument signs give it a nice aesthetic look as you come into the commercial piece. One thing I've always liked about this is the connectivity to the proposed residential to the park just north of this. There's a pathway that connects these to that pathway and two other areas of the neighboring subdivision. It will add continuity to the north. **C/Gealy:** Is there connectivity within? **C/Young:** Yes. I have no issues with what I've seen myself.

Commissioner Gealy motions to approve Case No. 18-21-DR and 18-09-SN with the conditions as outlined in the staff report and the recommendation that the applicant install hydroseed in the park as requested; Commissioner Laraway Seconds; Motion carried 3-0.

3. PUBLIC HEARING

18-02-S (Preliminary Plat) & 18-18-DR (Design Review) – Madrone Heights Subdivision; On behalf of N Star Farm, LLC (the applicant), Kirsti Grabo with KM Engineering, requests approval to subdivide approximately 39.48 acres (previously zoned R-6) into 206 single home lots, an additional 27 common lots, and one shared driveway. Applicant has reserved the name Madrone Heights Subdivision. A Design Review application for the landscaping for the 27 common lots accompanies this application. The address is 2030 W. Kuna Road, Kuna Idaho, and is located near the NWC of Ten Mile and Kuna Roads, in Section 22, T 2N, R 1W, APN #: S1322438400. ACTION ITEM.

- **Staff requests this item be tabled until a date determined by the Planning and Zoning Commission.**

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Jace Hellman: Chairman and Commissioners, in order to move forward with applications, we need to receive critical agency comments. Ada County Highway District did not submit their comments in time, so we are still waiting for that report. Staff was told today that it should be available next week. If we're looking to schedule, then we're looking for a two-week delay. That should be sufficient time. That would be September 11th. I'll also talk to the project manager to send out courtesy notices to folks who are here tonight and those within the vicinity of the property.

Commissioner Gealy motions to table Case No. 18-02-S and 18-18-DR to September 11, 2018; Commissioner Laraway Seconds; Motion carried 3-0.

4. COMMISSION REPORTS

5. ADJOURNMENT

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

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

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



City of Kuna

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

Planning & Zoning Commission - Staff Report

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

File Numbers: 18-22-DR (Design Review)

Location: 1534 & 1535 W Heartland Drive,
Kuna, Idaho 83634

Planner: Sam Weiger, Planner I

Hearing date: September 11, 2018

Owner/Applicant: Daniel B. Zillner
1277 W. Oak Tree Drive
Kuna, ID 83634
208.870.6035
dzillner@frontiernet.net

Engineer: John Hatch – Hatch Design
Architecture
6126 W. State Street Ste. 107
Boise, ID 83703
208.412.9250
Jeff@HatchDA.com



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- E. General Project Facts
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- H. Comprehensive Plan Analysis
- I. Proposed Decision by the Commission

A. Course of Proceedings:

1. According to Kuna City Code (KCC) Title 5, Chapter 4, Section 2 (Design Review); all new multifamily residential projects, landscaping and parking lots are required to submit an application for review by the Planning and Zoning Commission. As a public meeting item, this action requires no formal public noticing actions.

a. Notifications

- i. Agency Notification August 1, 2018
- ii. Completeness Letter July 26, 2018
- iii. Agenda September 11, 2018

B. Applicants Request:

The applicant, Dan Zillner, requests Design Review (DR) approval to construct five quadplexes of townhouses on two lots totaling approximately 2.008 acres. The sites are located at 1534 & 1535 W Heartland Drive, Kuna, Idaho 83634.

C. Aerial Map:



D. **History:** The properties are within City limits and are currently zoned Commercial (C-1). When the subject site was rezoned to C-1 in 2006, the north parcel became Lot 1 Block 1, and the south parcel became Lot 1 Block 4 in Galiano Estates Subdivision.

E. General Projects Facts:

1. Surrounding Land Uses:

North	A	Agricultural – Kuna City
South	R-4	Medium Density Residential – Ada County
East	R-4	Service Commercial District – Kuna City
West	RR	Light Industrial – Ada County

2. Parcel Sizes, Current Zoning, Parcel Numbers:

- 1534 W. Heartland Drive (Parcel R3023310110): Approximately 1.096 acres
- 1535 W. Heartland Drive (Parcel R3023310220): Approximately 0.912 acres
- Zoning: C-1 (Neighborhood Commercial)

3. Services:

Sanitary Sewer – City of Kuna
 Potable Water – City of Kuna
 Irrigation District – Kuna Municipal District (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:

Currently both sites contain low vegetation and existing trees.

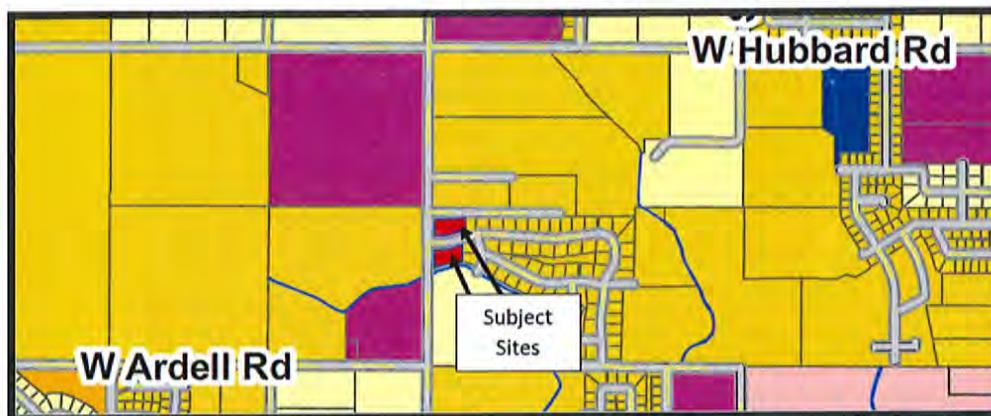
5. **Transportation / Connectivity:**

The applicant proposes two full-access driveways, one for each parcel, from W. Heartland Drive.

6. **Environmental Issues:**

The subject sites lie within the designated Nitrate Priority Area (NPA). Beyond the NPA, staff is not aware of any additional environmental issues, health or safety conflicts.

7. **Comprehensive Future Land Use Map:** The Future Land Use Map (FLU) identifies these sites as Neighborhood Commercial. Staff views this proposed Design Review request to be consistent with the surrounding zoning designations as designated in the Comprehensive Plan Future Land Use Map.



F. **Staff Analysis:**

The applicant requests Design Review approval for five townhome quadplex buildings within Galiano Subdivision, also referred to as Walnut Creek Subdivision. The subject properties are located at 1534 and 1535 W Heartland Drive. According to the applicant, the purpose of the project is to provide multi-family housing for Galiano Subdivision. The applicant is proposing five townhome quadplex buildings with 20 townhome units.

The applicant proposes 50 total parking spaces. The applicant proposes 20 garage spaces, 20 driveway spaces and 10 parking lot spaces. Staff finds that the proposed number of parking spaces exceeds the requirement of 1.5 spaces per unit as specified in Kuna City Code (KCC) Title 5 Chapter 9, Off-Street Parking and Loading Facilities.

Staff finds that the existing six-foot vinyl fence is in conformance with KCC Title 5 Chapters 4 and 5, Design Requirements, Objectives and Considerations and Regulations for Fences, Walls and Hedges. Staff finds that the proposed quadplex height, 27 feet and three inches for each building, complies with Title 5, Chapter 3 Section 3 of KCC.

The proposed landscape plan includes existing landscaping only. Staff recommends the applicant provide new and additional landscaping in order to buffer the proposed townhomes from the existing subdivision. Staff finds that the existing three-inch caliper deciduous and evergreen trees comply with Title 5, Chapter 17 of KCC.

The applicant is hereby notified that this project is subject to a Design Review inspection and fees. Required inspections, post construction, are to verify Design Review compliance for the buildings, parking lots, and landscaping prior to issuance of the Certificate of Occupancy for the buildings.

City services and facilities are within 300-feet of the subject sites. The applicant is required to make connections to City utilities when the sites are developed further.

Staff has determined that this application complies with Title 5 of Kuna City Code; Idaho Statute §67-6512; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case No. 18-22-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

K. Proposed Decision by the Commission:

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

The decision is based on the facts outlined in staff's report, the case file, and the discussion at the public meeting. The Planning and Zoning Commission of Kuna, Idaho, hereby (approves/denies) Case No. 18-22-DR, a Design Review request by Dan Zillner, with the following conditions of approval:

1. The applicant shall follow all requirements for sanitary sewer, potable water, irrigation system connections, and all other requirements of the Kuna Public Works Department.
2. The applicant shall obtain written approval of the construction plans from the agencies noted below. The approval may be either on agency letterhead referring to the approved use or may be written or stamped upon a copy of the approved plans. All site improvements are prohibited prior to approval of these agencies and the issuance of a building permit:
 - a. The City Engineer shall review and approve all civil plans and sewer hook-ups. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the civil plan.
 - b. 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.
 - c. The KMID Irrigation District shall approve any modifications to the existing irrigation system.
 - d. Approval from Ada County Highway District / Impact Fees, if any shall be paid prior to building permit approval.
3. Parking within the sites shall comply with Kuna City Code (except as specifically approved otherwise). All parking lot drainage and storm water retention plans shall be reviewed and approved by the City Engineer.
4. The applicant shall add landscaping along the east property lines for additional screening between the single-family dwellings and the proposed townhomes.
5. The applicant shall add landscaping along the north and south property lines for screening between the ag fields north of the townhomes, and the undeveloped residential land south of the townhomes.
6. The applicant shall work with J&M Sanitation and install trash enclosure gates on the outside ends of enclosure side walls. All enclosure gates shall open past 120 degrees. Applicant shall provide new trash enclosure details to city staff and to J&M Sanitation.
7. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace any unhealthy or dead plant material immediately or as the planting season permits, as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public and/or private entities owning the property.
8. Lighting within the sites shall comply with current Kuna City Code. All street lighting within and for the sites shall be LED lighting and establish dark skies practices.
9. This development is subject to building and landscaping design review inspections prior to receiving a certificate of occupancy. Inspection fees shall be paid prior to requesting staff inspection.
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 Planning and Zoning Commission, or seek amending them through the Design Review process.

11. Applicant shall follow staff, City engineer and other agency recommended requirements, as applicable.
12. Applicant shall comply with all local, state and federal laws.

DATED: this 11th day of September, 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

For Office Use Only	
File Number (s)	
Project name	
Date Received	
Date Accepted/ Complete	
Cross Reference Files	
Commission Hearing Date	
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>DAN ZILLNER</u>	Phone Number: <u>208-870-6035</u>
Address: <u>1277 W. OAK TREE DR</u>	E-Mail: <u>dzillner@frontiernet.net</u>
City, State, Zip: <u>KUNA Idaho 83634</u>	Fax #: _____
Applicant (Developer): _____	Phone Number: _____
Address: _____	E-Mail: <u>→</u>
City, State, Zip: <u>SAME AS OWNER</u>	Fax #: _____
Engineer/Representative: <u>JEFF HATCH</u>	Phone Number: _____
Address: <u>Architect.</u>	F-Mail: _____
City, State, Zip: _____	Fax #: _____

Subject Property Information

Site Address: <u>1534 AND 1535 W. HEARTLAND</u>	
Site Location (Cross Streets): <u>TEN MILE RD., BETWEEN HUBBARD & DEER FLAT</u>	
Parcel Number (s): <u>R3023310010 AND R3023310220</u>	
Section, Township, Range: <u>LOT 1, BLOCK 1 AND LOT 1, BLOCK 4 GALIANO GRAPES</u>	
Property size: <u>APPROX. 1 ACRE/LOT TOTAL 2 ACRES</u>	
Current land use: <u>VACANT</u>	Proposed land use: <u>MULTI FAMILY</u>
Current zoning district: <u>C1</u>	Proposed zoning district: <u>C1</u>

Project Description WALNUT CREEK TOWNHOMES

Project / subdivision name: ~~SERRA'S POINT TOWNHOMES~~ / CALIANO ESTATES
 General description of proposed project / request: BUILD 5 4-FLEXES, TOTAL OF 20 UNITS
 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: _____
 Any existing buildings to remain? Yes No
 Number of residential units: 20 Number of building lots: 2
 Number of common and/or other lots: 0
 Type of dwellings proposed:
 Single-Family _____
 Townhouses _____
 Duplexes _____
 Multi-Family _____
 Other _____
 Minimum Square footage of structure (s): 1250 \$1350 SF units, 10 EACH
 Gross density (DU/acre-total property): 10/ACRE 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: [Signature] Date: 8/2/2018



City of Kuna Design Review Application

P.O. Box 13
Kuna, Idaho 83634
(208) 922.5274
Fax: (208) 922.5989
Website: www.kunacity.id.gov

FILE NO.: _____

CROSS REF.: _____

FILES: _____

The City of Kuna has adopted a Design Review process whose purpose is to make Kuna a pleasant and comfortable place to live and work. This Design Review process is based on standards and guidelines found in the Design Review Ordinance No. 2007-02 and the Architecture and Site Design Booklet. Both of these documents can be found online (www.cityofkuna.com) or are picked up in the City's Planning and zoning department is located at 763 W Avalon, Kuna ID. Staff is glad to assist you with your application form.

The Design Review application applies to the following land use actions:

- ▶ Multi- family dwellings (3 or more)
- ▶ Commercial
- ▶ Industrial
- ▶ Institutional
- ▶ Office
- ▶ Common Area
- ▶ Subdivision Signage
- ▶ Proposed Conversions
- ▶ Proposed changes in land use and/or building use or exterior remodeling
- ▶ Exterior restoration, and enlargement or expansion of existing buildings, signs or sites.

Application Submittal Requirements

Applicant
Use

Staff
Use

- | | | |
|-------------------------------------|--|--------------------------|
| <input checked="" type="checkbox"/> | Date of pre- application meeting : <u>05/30/18</u>
<i>Note: Pre-Applications are valid for a period of three (3) months.</i> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | A complete Design Review Application form
<i>Note: It is the applicant's responsibility to use a current application.</i> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Detailed letter of explanation or justification for the application, describing the project and design elements, and how the project complies with Design Review standards. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | One (1) Vicinity Map (8 ½" x 11") at 1" = 300' scale (or similar), label the location of the property and adjacent streets. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | One 8 ½" x 11" colored aerial photo depicting proposed site, street names, and surrounding area within five-hundred feet (500'). | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | Copy of Deed; and, if the applicant is not the owner, an original notarized statement (affidavit of legal interest) from the owner (and all interested parties) stating the applicant is authorized to submit this application. | <input type="checkbox"/> |

- Detailed site, landscape, drainage plan, elevation and to scale. (No smaller than 1"=30', unless otherwise approved.)
- One of each plan** (site, landscape, drainage plan and elevations) is required to be submitted in the following plan sizes:

- (1) 24" X 36" TO SCALE COPIES
 (1) 11" X 17" REDUCTIONS
 (1) 8 1/2" X 11" REDUCTIONS

- Provide a color rendering and material sample board specifically noting where each color and material is to be located on the structure.
- Note: Provide photo of the colored rendering and material samples board to City Staff electronically in a JPG or PDF format.

The Applicant is obligated to provide a site plan that graphically portrays the site and includes the following features:

Site Plan

Applicant Use		Staff Use
<input checked="" type="checkbox"/>	North Arrow	<input type="checkbox"/>
<input checked="" type="checkbox"/>	To scale drawings	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Property lines	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Name of "Plan Preparer" with contact information	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Name of project and date	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Existing structures, identify those which are to be relocated or removed	<input type="checkbox"/>
<input checked="" type="checkbox"/>	On-site and adjoining streets, alleys, private drives and rights-of-way	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Drainage location and method of on-site retention / detention	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location of public restrooms	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Existing / proposed utility service and any above-ground utility structures and their location	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location and width of easements, canals and drainage ditches	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location and dimension of off-street parking	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Locations and sizes of any loading area, docks, ramps and vehicle storage or service areas	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Trash storage areas and exterior mechanical equipment, with proposed method of screening	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Sign locations (a separate sign application must be submitted with this application)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	On-site transportation circulation plan for motor vehicles, pedestrians and bicycles	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Locations and uses of ALL open spaces	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Locations, types and sizes of sound and visual buffers (Note: all buffers must be located outside the public right-of-way)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle	<input type="checkbox"/>
N/A <input type="checkbox"/>	Locations of subdivision lines (if applicable)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location of walls and fences and indication of their height and material of construction	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Roofline and foundation plan of building, location on the site	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location and designations of all sidewalks	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location and designation of all rights-of-way and property lines	<input type="checkbox"/>

Landscape and Streetscape Plan

The landscape and streetscape plans need to be drawn by the project architect, professional landscape architect, landscape designer, or qualified nurseryman for development's possessing more than twelve thousand (12,000) square feet of private land. The landscaped and streetscape plans must be colored. The Planning Director or City Forester may require the preparation of a landscape plan for smaller developments by one of the noted individuals if the lot(s) have unique attributes.

Applicant Use	Staff Use
<input checked="" type="checkbox"/> North Arrow	<input type="checkbox"/>
<input checked="" type="checkbox"/> To scale drawings	<input type="checkbox"/>
<input checked="" type="checkbox"/> Boundaries, property lines and dimensions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Name of "Plan Preparer" with contact information	<input type="checkbox"/>
<input checked="" type="checkbox"/> Name of project and date	<input type="checkbox"/>
<input checked="" type="checkbox"/> Type and location of all plant materials and other ground covers. <i>Please review the City's plant list and rely upon it to identify the site's planting strategy. Include botanical and common name, quantity, spacing and sizes of all proposed landscape materials at the time of planting, and at maturity. A list of acceptable trees is available upon request from City Planning Staff. If there are any questions, please contact the City Forester, Natalie Reeder, at 208.880.0953</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Existing vegetation identified by specific size. Identify those which are proposed to be relocated or removed.	<input type="checkbox"/>
<input checked="" type="checkbox"/> Method of irrigation. <i>Note: All plant materials, except existing native plants not damaged during construction or xeriscape species shown not to require regular watering, shall be irrigated by underground sprinkler systems set on a timer in order to obtain proper watering duration and ease of maintenance.</i>	<input type="checkbox"/>
N/A <input type="checkbox"/> Location, description, materials, and cross-sections of special features, including berming, retaining walls, hedges, fences, fountains street/pathway furniture (benches, etc.), etc.	<input type="checkbox"/>
<input checked="" type="checkbox"/> Sign locations <i>Note: A separate sign application must be submitted with this application</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Locations and uses for open spaces	<input type="checkbox"/>
<input checked="" type="checkbox"/> Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle	<input type="checkbox"/>
<input checked="" type="checkbox"/> Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles	<input type="checkbox"/>
<input checked="" type="checkbox"/> Location and designations of all sidewalks	<input type="checkbox"/>
See Waiver <input type="checkbox"/> Engineered grading and drainage plans: A generalized drainage plan showing direction drainage with proposed on-site retention. Upon submission of building/construction plans for an approved design review application, a detailed site grading and drainage plan, prepared by a registered professional engineer (PE) shall be submitted to the City for review and approval by the City Engineer.	<input type="checkbox"/>

Building Elevations

Applicant Use		Staff Use
<input checked="" type="checkbox"/>	Detailed elevation plans of each side of any proposed building(s) or additions(s) <i>Note: Four (4) elevations to include all sides of development and must be in color</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Identify the elevations as to north, south, east, and west orientation	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Colored copies of all proposed building materials and indication where each material and color application is to be located <i>Note: Submit as 11"x17" reductions</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Screening/treatment of mechanical equipment	<input type="checkbox"/>
N/A <input type="checkbox"/>	Provide a cross-section of the building showing any roof top mechanical units and their roof placement	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Detailed elevation plans showing the materials to be used in construction of trash enclosures	<input type="checkbox"/>

Lighting Plan

Applicant Use		Staff Use
N/A <input type="checkbox"/>	Exterior lighting including detained cut sheets and photometric plan (pedestrian, vehicle, security, decoration)	<input type="checkbox"/>
N/A <input type="checkbox"/>	Types and wattage of all light fixtures <i>Note: The City encourages use of "dark sky" lighting fixtures</i>	<input type="checkbox"/>
N/A <input type="checkbox"/>	Placement of all light fixtures shown on elevations and landscaping plans	<input type="checkbox"/>

Roof Plans

Applicant Use		Staff Use
N/A <input type="checkbox"/>	Size and location of all roof top mechanical units	<input type="checkbox"/>

Design Review Application

Applicant: Hatch Design Architecture Phone: (208) 412-9250

Owner

Representative

Fax/Email: Jeff@HatchDA.com

Applicant's Address: 6126 W. State St. Suite 107, Boise, ID

Zip: 83703

Owner: Daniel B Zillner Phone: (208) 870-6035

Owner's Address: ~~1534 W Heartland Dr, Kuna, ID~~ Email: dzillner@frontiernet.net

1277 W. OAK TREE DR., KUNA, ID Zip: 83634

Represented By: *(if different from above)* _____ Phone: _____

Address: _____ Email: _____

Zip: _____

Address of Property: 1534 W Heartland Dr, Kuna, ID AND 1535 W. HEARTLAND DR.

Zip: 83634

Distance from Major Cross Street: 15'-0" Adjacent from N. Ten Mile Rd. Street Name(s): N. Ten Mile Rd. & W. Heartland Dr.

Please check the box that reflects the intent of the application

- BUILDING DESIGN REVIEW**
 SUBDIVISION / COMMON AREA LANDSCAPE

- DESIGN REVIEW MODIFICATION**
 STAFF LEVEL APPLICATION

This Design Review application is a request to construct, add or change the following: (Briefly explain the nature of the request.)

New construction on vacant lot for proposed townhomes that will hold a total of ²⁰ units, parking and open spaces.

1. Dimension of Property: 0.912 acres + 1.096 ACRES = 2.008 ACRES
2. Current Land Use(s): C-1
3. What are the land uses of the adjoining properties?
 North: A
 South: R-4
 East: R-4
 West: RR
4. Is the project intended to be phased, if so what is the phasing time period? No
 Please explain: N/A

5. The number and use(s) of all structures: ²⁰ ~~Eight (8)~~ multi-family housing townhome units divided into ⁵ ~~two (2)~~ quadplex townhomes will have 1.5 parking spaces per unit.

6. Building heights: 27ft - 3in Number of stories: Two (2)

The height and width relationship of new structures shall be compatible and consistent with the architectural character of the area and proposed use.

Note: The maximum building height for each zoning district is as follows:

L-O: 35'	C-2: 60'	CBD: 80'	M-2: 60'	P: 60'
C-1: 35'	C-3: 60'	M-1: 60'	M-3: 60'	<u>26.85%</u>

7. What is the percentage of building space on the lot when compared to the total lot area? 23.8%
8. Exterior building materials & colors: (Note: This section must be completed in compliance with the City of Kuna Ordinance No. 2007-21A (as amended); found online at www.cityofkuna.com) under the City Code.

MATERIAL **COLOR**
 Roof: Asphalt Shingles / "Antique Black"

Walls: (State percentage of wall coverage for each type of building material below for each frontage wall) If there is not adequate space to identify the various building materials and applications, please list them on the attached sheet of this application. Please attach photos to support application types.

- % of Wood application: _____ / "Wool Skein" Lap Siding ; "Hopsack" Board & Baton/Shingles
- % EIFS: 0% / N/A
(Exterior Insulation Finish System)
- % Masonry: _____ / "Revelstoke" Stone Veneer
- % Face Block: 0% / N/A
- % Stucco: 0% / N/A
- & other material(s): 0% / N/A
- List all other materials: N/A
- Windows/Doors: _____ / _____
(Type of window frames & styles / doors & styles, material)
- Soffits and fascia material: _____ / "Alabaster"
- Trim, etc.: _____ / "Alabaster"

Other: 0% / N/A

9. Please identify Mechanical Units: See site plan on sheet A-1.0

Type/Height: Condensor / 30"

Proposed Screening Method: Privacy Wall

10. Please identify trash enclosure: (size, location, screening & construction materials) 12'-0" x 8'-0" x 6'-0" ; see sheet A-1.0 for location and screening ; see sheets A-4.0 and A-4.1 for construction materials.

11. Are there any irrigation ditches/canals on or adjacent to the property? Yes

If yes, what is the name of the irrigation or drainage provider? Teed Lateral

12. Fencing: (Please provide information about new fencing material as well as any existing fencing material)

Existing Fencing

Type: Vinyl

Size: 5'

Location: Along East property line, see Site Plan on sheet A-1.0

(Please note that the City has height limitations of fencing material and requires a fence permit to be obtained prior to installation)

13. Proposed method of On-site Drainage Retention/Detention:

Proposed drainage swales on the Southeast corner of Southern lot and on the East / Southwest of Northern lot.

14. Percentage of Site Devoted to Building Coverage: ~~20%~~ 26.85%

% of Site Devoted to Landscaping: ~~57.7%~~ 51.95% Square Footage: ~~22,322~~ 44,979

% of Site that is Hard Surface: ~~11.2%~~ 21.2 Square Footage: ~~18,784~~

% of Site Devoted to other uses: 0

Describe: _____

% of landscaping within the parking lot (landscaped islands, etc.): N/A

15. For details, please provide dimensions of landscaped areas within public rights-of-way:

15' - 0" Existing landscaping, see Landscape Plan on sheet L-1.0.

16. Are there any existing trees of 4" or greater in caliper on the property? (Please provide the information on the site plans.)

If yes, what type, size and the general location? (The City's goal is to preserve existing tree with greater than a four inch (4") caliper whenever possible):

No

17. Dock Loading Facilities:

Number of docking facilities and their location: N/A

Method of screening: Existing landscape berm on Western side of parcel

18. Pedestrian Amenities: (bike racks, receptacles, drinking fountains, benches, etc.) Sidewalks

19. Setbacks of the proposed building from property lines:

Front 22.5 -feet Rear 15 -feet Side 21 -feet Side 15 -feet

20. Parking requirements: 1.5 per unit

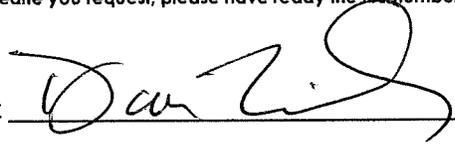
Total Number of Parking Spaces: ~~Four (4)~~ 10 Width and Length of Spaces: 30+ 20'-0" x 9'-0"

Total Number of Compact Spaces 8'x17': N/A + 20 GARAGE

21. Is any portion of the property subject to flooding conditions? Yes + 20 DRIVEWAYS. No X

IF THE PLANNING DIRECTOR OR DESIGNEE, THE DESIGN REVIEW BOARD AND/OR THE CITY COUNCIL DETERMINE THAT ADDITIONAL AND/OR REVISED INFORMATION IS NEEDED, AND/OR IF OTHER UNFORESEEN CIRCUMSTANCES ARISE, ANY DATES OUTLINED FOR PROCESSING MAY BE RECHEDULED BY THE CITY. APPLICANT/REPRESENTATIVE MUST ATTEND THE DESIGN REVIEW BOARD MEETING/PLANNING AND ZONING MEETINGS.

The Ada County Highway District may also conduct public meetings regarding this application. If you have questions about the meeting date or the traffic that this development may generate or the impact of that traffic on streets in the area, please contact the Ada County Highway District at 208.387.6170. In order to expedite your request, please have ready the file number indicated in this notice.

Signature of Applicant  Date 8/2/2018
~~07/02/18~~

City staff comments:

Signature of receipt by City Staff _____ Date _____

FOR ADDITIONAL INFORMATION:
(Please list page number and item in reference)

PAGE # 8, ITEM # 20
4 "Visitor" PARKING SPACES @ 1535 HEARTLAND
L " " " " @ 1534 HEARTLAND

Each unit has a single garage and
DEDICATED DRIVE/PARKING.



**HATCH
DESIGN
ARCHITECTURE**

6126 w. state st., boise, idaho 83703 • phone 208.475.3204 • fax 208.475.3205 • email info@hatchda.com

July 2, 2018

Statement of Intent

City of Kuna- Planning & Zoning Commission
763 W Avalon St. Kuna, Idaho 83634

Re: **Design Review for Walnut Creek Townhomes
1534 W Heartland Dr., Kuna, ID 83634 & 1535 W Heartland Dr., Kuna, ID 83634**

Dear Planning Staff,

The owner for the properties located at 1534 W. Heartland Dr. and 1535 W. Heartland Dr. is proposing the new construction of five (5) quadplexes; approximately 5,540 s.f. for each townhome structure. The primary access for the property is from W. Heartland Dr. in Kuna, ID.

The purpose of the project is to provide multi-family housing for Galiano Subdivision. The proposed project will consist of the five (5) quadplex townhomes with each quadplex having an individual parking garage, per unit, attached to structure. Additional parking will be provided with two (2) uncovered parking spaces for each quadplex and (1) shared trash enclosure for each parcel. The trash enclosure will comply with the Kuna City Code under chapter 4, section 5-4-7-3, and subsection E: 1 by being located near the middle of each parcel and out-of-sight of the adjacent neighborhood. Vegetation and building mass will be used as a buffer for noise towards the parcel's surrounding neighbors.

The scope will include development of all portions on the site, including landscaping and pedestrian access onto the site. In compliance with Kuna City Code, the proposed townhomes on each parcel cover approximately 26% of the site with over 50% of the site being devoted to landscape. In accordance to Chapter 4, section 5-4-6, and subsection A: 1-5, there will be little impact with vehicular traffic being added to the area since the two parcels' entrances are the first access from the adjacent main street and will feature no on-street parking to minimize impact on traffic. Parking on-site will be within individual garages, or in-sight of multiple windows to provide a sense of safety for the parking areas. Referring to chapter 4, section 5-4-6, and subsection A: 2, site landscaping will be used as noise and visual buffers to reduce the sound impact coming from N. Ten Mile Rd. for both the proposed townhomes and the development's close neighbors on the East of the parcels. There will be open spaces throughout the sites with landscaping breaking up the hard surface from the building footprints. For chapter 4, section 5-4-6, and subsection A: 3, the open spaces will host proposed drainage swales to allow on-site drainage control. In chapter 4, section 5-4-6, and subsection A: 5, the proposed townhomes will comply by maintaining the standards for building height. Proposed townhomes will have covered entrances, fencing and maintain similar aesthetics to the existing structures in the surrounding neighborhood.

The impact on the site will be limited in order to preserve the existing landscaping that is on-site. The existing trees and low vegetation will help to serve as the noise and visual buffer for the site by reducing noise from traffic and creating a better visual entrance.

Please contact our office with any questions you may have in reviewing the application materials.

Sincerely,

Jeff Hatch, AIA LEED AP
HATCH DESIGN ARCHITECTURE

Exhibit

B3



**HATCH
DESIGN
ARCHITECTURE**

6126 w. state st., boise, idaho 83703 • phone 208.475.3204 • fax 208.475.3205 • email info@hatchda.com

July 2, 2018

Waiver Request

Planning & Zoning Commission
City of Kuna
763 W Avalon St.
Kuna, Idaho 83634

Re: **Design Review for Townhomes at
1534 W Heartland Dr., Kuna, ID 83634
1535 W Heartland Dr., Kuna, ID 83634**

Dear Planning Staff,

The owner for the property located at 1534 W. Heartland Dr. and 1535 W. Heartland Dr., Kuna, ID 83634 is proposing the new construction of 5 townhome quadplex buildings of approximately 5,540 s.f. each.

We would like to request the requirements of the topographical survey, engineered grading and drainage plans be waived until the design review application has been processed.

Please contact our office with any questions you may have in reviewing the application materials.

Sincerely,

Jeff Hatch, AIA LEED AP
HATCH DESIGN ARCHITECTURE

ADA COUNTY RECORDER J. DAVID NAVARRO AMOUNT 3.00 1
BOISE IDAHO 11/08/07 02:26 PM
DEPUTY Lea Ibbey
RECORDED - REQUEST OF [REDACTED]
Alliance Title 107151546

ADA COUNTY RECORDER J. DAVID NAVARRO AMOUNT 3.00 1
BOISE IDAHO 11/28/07 02:38 PM
DEPUTY Danielle Boulette
RECORDED - REQUEST OF [REDACTED]
Alliance Title 107157516

Re-recorded

Re-record to correct address

WARRANTY DEED

Order No.: AT-5000634118DBD

FOR VALUE RECEIVED

Gallano, LLC, an Idaho limited liability company,

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Daniel B. Zillner and Jana Lee Zillner, Husband and Wife,

whose current address is: 9540-W. Amity, Boise, Idaho 83709 P.O. Box 639, New Meadows, ID 83654

the grantee(s), the following described premises, in Ada County, Idaho, TO WIT:

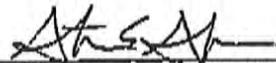
Lot 1 in Block 4 of Gallano Estates Subdivision, according to the official plat thereof, filed in Book 99 at Page(s) 12780 through 12783, Official Records of Ada County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: November 6, 2007

Gallano, LLC, an Idaho limited liability company


By: Steven Schrader, Managing Member

State of Idaho }
County of Valley } ss

On this 14 day of November, in the year 2007, before me, Janet Ravenscraft, a Notary Public in and for said state, personally appeared Steven Schrader, known or identified to me to be the Managing Member in the Limited Liability Company known as Gallano, LLC, who executed the foregoing instrument, and acknowledged to me that he executed the same in said LLC 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.



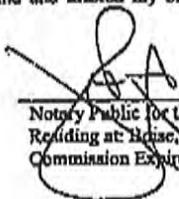

Notary Public for the State of Idaho
Residing at Boise, ID
Commission Expires 09-03-09

Exhibit
B5



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
Kunacity.id.gov

State of Idaho)
) ss
County of Ada)

WE DAN & JANA LEE ZILLNER 1277 W. OAK TREE DR.
Name Address
KUNA IDAHO 83634
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 Hatch Design Architecture 6126 W. State St. Boise, ID 83703
Name Address

to submit the accompanying application pertaining to that property.

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

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

Dated this 24th day of July, 2018

Dan Zillner Jana Lee Zillner
Signature

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

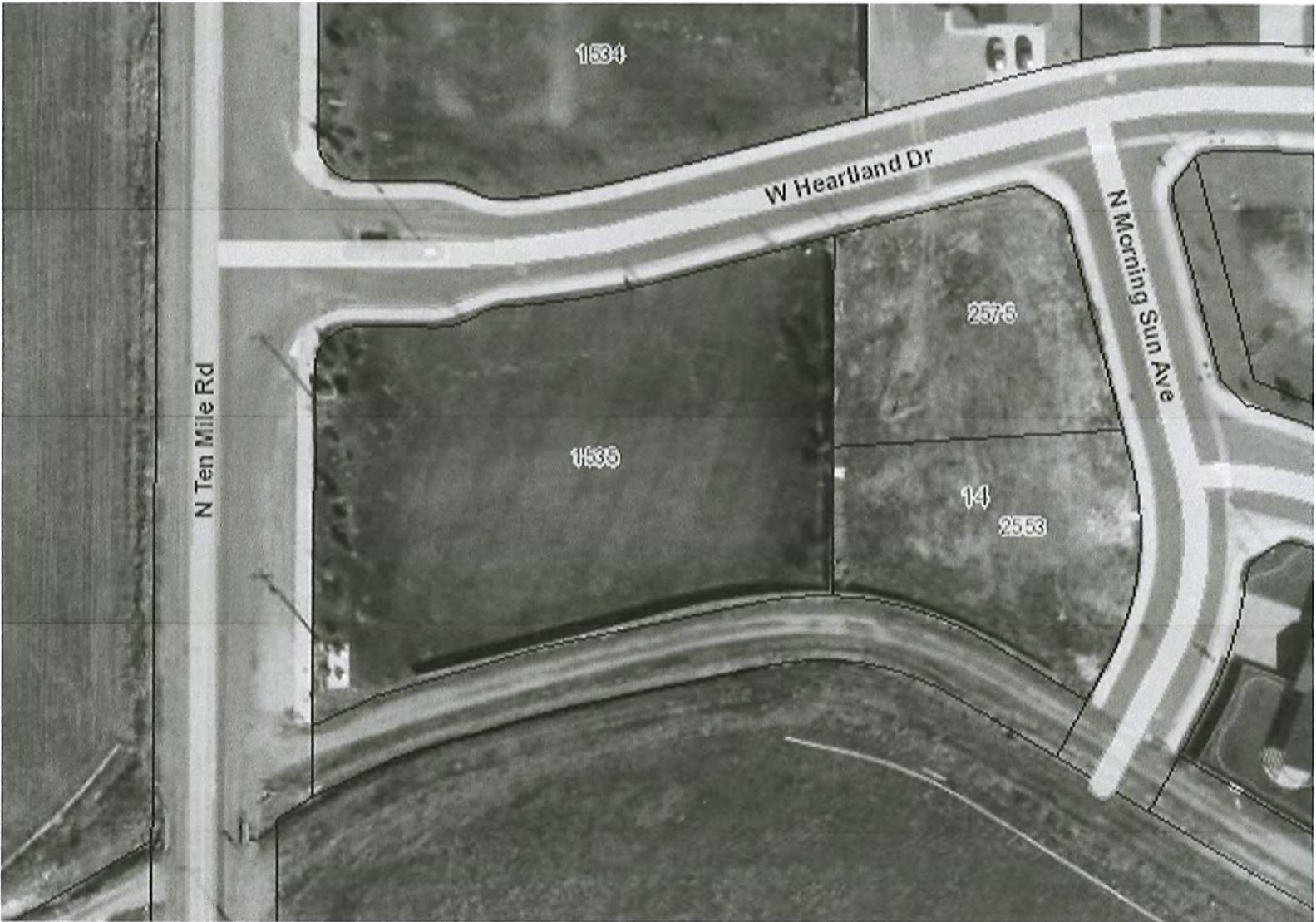
Dawn Stephens
Notary Public for Idaho

Residing at: Kuna, Idaho

My commission expires: 3-7-04

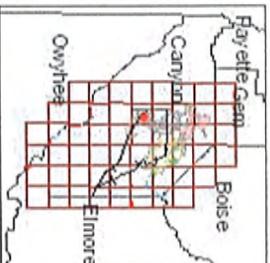


1535 W Heartland Vicinity Map



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



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

August 1, 2018

Dan Zillner
1277 W. Oak Tree Drive
Kuna, ID 83634
208.870.6035
dzillner@frontiernet.net

Jeff Hatch – Hatch Design Architecture
6126 W. State St., Ste 107
Boise, ID 83703
208.412.9250
Jeff@HatchDA.com

Completeness Letter

18-22-DR (Design Review) Walnut Creek Town Homes 1534 & 1535 W Heartland Road (APN: R3023310010 & R3023310220)

To whom it may concern:

On August 1, 2018, Kuna's planning and zoning staff finished reviewing the submitted the Design Review Application for the parcel referenced above. This letter is to notify you the City will consider the application complete, subject to the following fees being sent to the City. The Planning and Zoning Commission public hearing date for your case is tentatively scheduled for **September 11, 2018**, here at City Hall at 6:00 pm.

The following application items are requested at this time:

- Consolidated Commission and Council Review Application
- Consolidated Design Review Application

The following application fees are requested at this time:

Planning and Zoning Department

- Architectural Design Review: \$400 (base) + (\$10/Unit) @ 20 Units = \$600.00
- Landscape Design Review: \$250 (base) + (\$20/Acre) @ 2.008 acres = \$290.00

Total Fees Amount Due: \$890.00

A Design Review is designated in Kuna City Code 1-14-3 (KCC), as a public meeting with the Planning and Zoning Commission as the decision-making body. As a public meeting, this application does not require public notice as set forth in Idaho Code, Chapter 65, Idaho Local Land Use Planning Act.

If you have any questions regarding this information, please contact me at 387.7731 or by e-mail at sweiger@Kunaid.gov.

Respectfully,

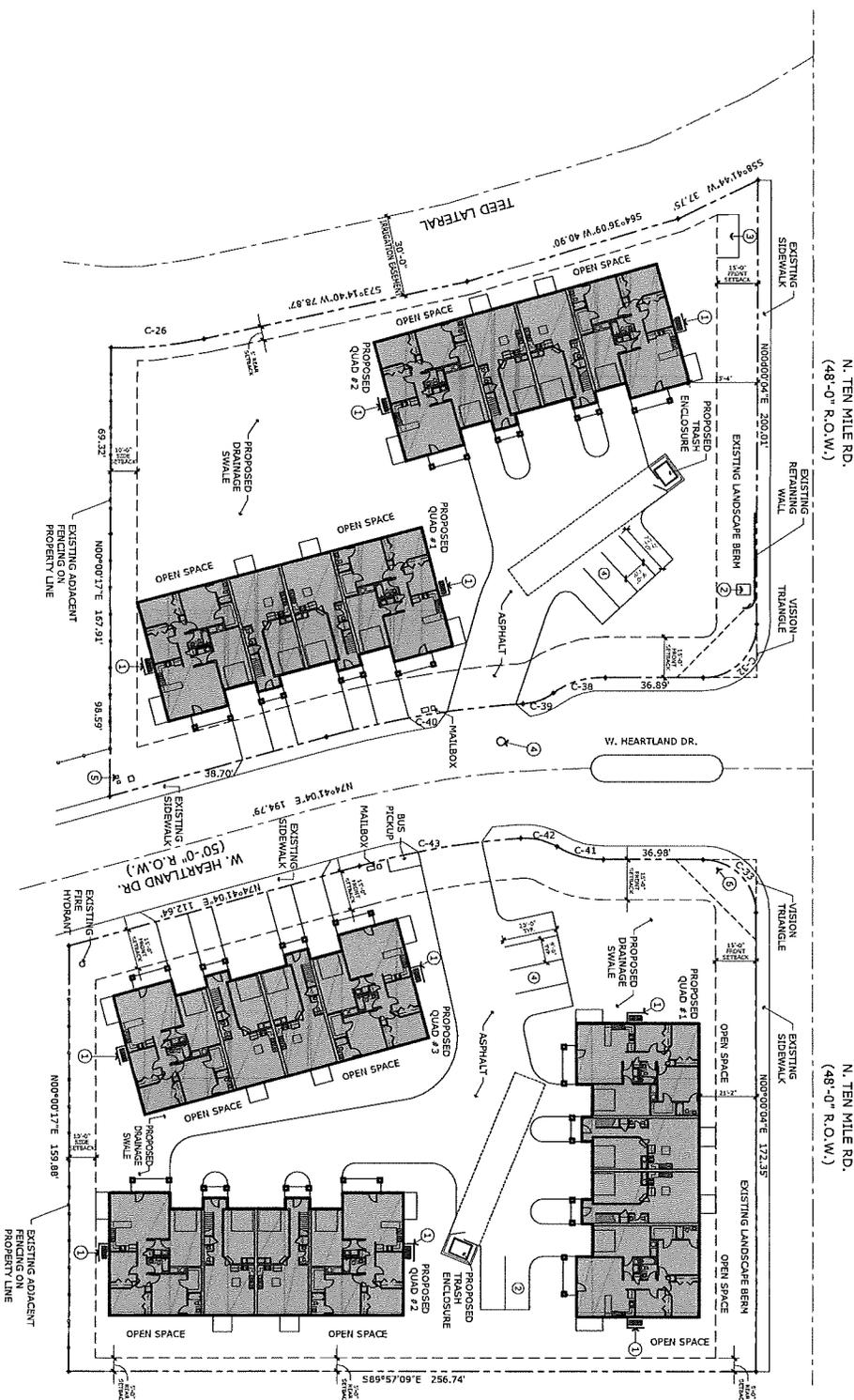
Sam Weiger
Planner I
Kuna Planning and Zoning Department

Cc: Wendy Howell, Director of Planning Services

Exhibit

C1

CONCEPT SITE PLAN
SCALE: 1" = 20'-0"



N. TEN MILE RD.
(48'-0" R.O.W.)

N. TEN MILE RD.
(48'-0" R.O.W.)

W. HEARTLAND DR.
(50'-0" R.O.W.)



- KEYNOTES**
- ① PROPOSED 4'-0" HIGH SCREEN WALL LAP SIDING TO MATCH RESIDENCE.
 - ② EXISTING TRANSMISSION TO REMAIN, PAID.
 - ③ EXISTING SECTOR BOX AND UTILITY.
 - ④ EXISTING MANHOLE TO REMAIN.
 - ⑤ EXISTING MEASURED IRRIGATION.
 - ⑥ EXISTING STOP SIGN.

- GENERAL NOTES**
- A. ALL DRAINAGE IS TO REMAIN ON SITE WITH DRAINAGE SWALES.
 - B. NO PUBLIC RESTROOM IS PROPOSED.
 - C. EXISTING OVERHEAD POWER ALONG N. HEARTLAND DR. TO REMAIN.
 - D. WATER AND SEWER SERVICES WILL COME FROM W. HEARTLAND DR.
 - E. FOR PROPERTY CURVE TABLE, REFER TO F. AND PROPOSED LOADING DOCK OR STORAGE AREAS.
 - G. ALL TRASH ENCLOSURES AND MECHANICAL UNITS TO BE SCREENED WITH FENCING AND LANDSCAPING.

NEW MULTIFAMILY HOUSING DEVELOPMENT FOR:
WALNUT CREEK TOWNHOMES
1534 AND 1535 W. HEARTLAND DR., KUNA, ID, 83634

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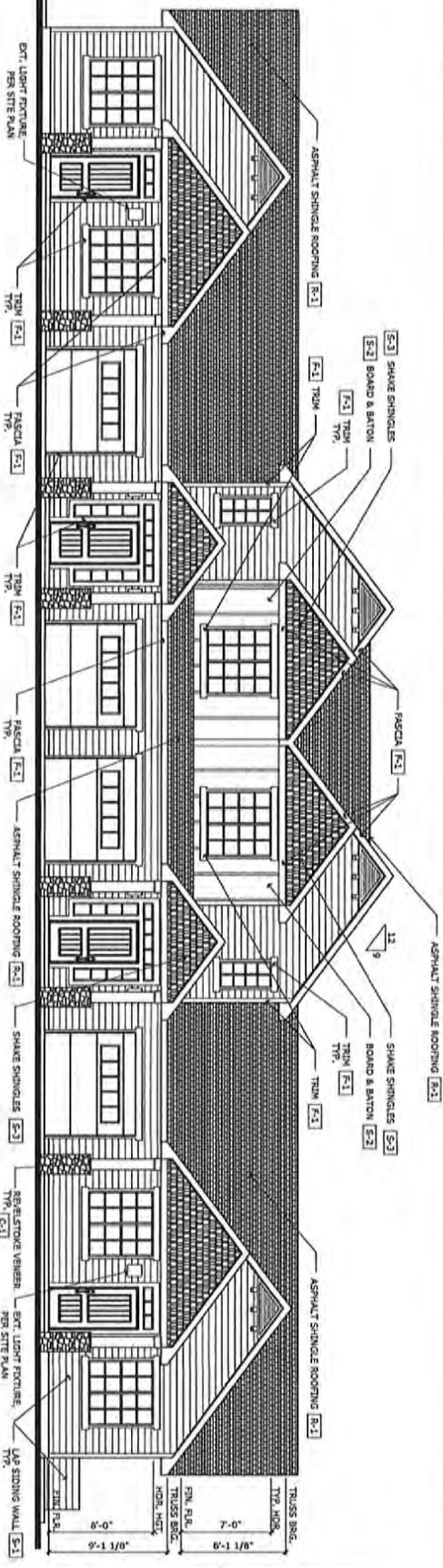
HATCH DESIGN ARCHITECTURE
6125 W. STATE ST.
SUITE 100
KUNA, ID 83642
OFFICE: (208) 475-2004
FAX: (208) 475-2004
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HATCH DESIGN ARCHITECTURE

Exhibit
D1

A-1.0
SITE PLANS

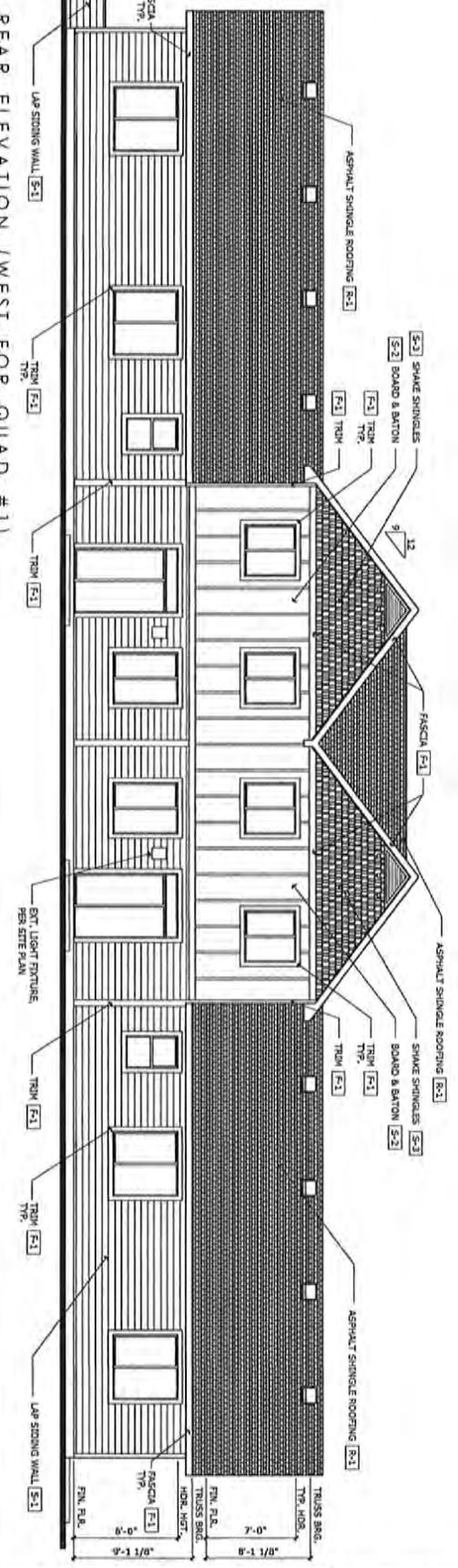
FRONT ELEVATION (EAST FOR QUAD #1)

SCALE: 1/4" = 1'-0"



REAR ELEVATION (WEST FOR QUAD #1)

SCALE: 1/4" = 1'-0"



MATERIAL SAMPLE BOARD

	C-1	RESTON STONE VENER BRAND: VESSEL STONE PRODUCTS STYLE: "GROUP THREE" TYPE: "GROUP THREE" COLOR: "WOOD, SHERIN" CODE: SW6148		S-3	SHAKE SHINGLES BRAND: SHERWIN WILLIAMS COLOR: "HORNSACK" CODE: SW6139		F-1	FASCIA & TRIM BRAND: SHERWIN WILLIAMS COLOR: "ANTIQUE BLACK" CODE: SW1008
	S-2	BOARD & BATON WALLS BRAND: SHERWIN WILLIAMS COLOR: "WOOD, SHERIN" CODE: SW6139		B-1	BOARD & BATON BRAND: SHERWIN WILLIAMS COLOR: "WOOD, SHERIN" CODE: SW6139		R-1	ASPHALT SHINGLE ROOFING BRAND: INKED COLOR: "ANTIQUE BLACK"

A-4.0

EXTERIOR ELEVATIONS

NEW MULTIFAMILY HOUSING DEVELOPMENT FOR:
WALNUT CREEK TOWNHOMES

1534 AND 1535 W. HEARTLAND DR., KUNA, ID, 83634

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HATCH DESIGN ARCHITECTURE
 8120 W. SPANISH
 SUITE 100
 KUNA, ID 83634
 TEL: (208) 475-2004
 FAX: (208) 475-2004
 COPYRIGHT 2018
 HATCH DESIGN ARCHITECTURE

Exhibit D3

LANDSCAPE PLAN

SCALE: 1" = 20'-0"



N. TEN MILE RD.
(48'-0" R.O.W.)

N. TEN MILE RD.
(48'-0" R.O.W.)

W. HEARTLAND DR.

W. HEARTLAND DR.

GENERAL NOTES	
A.	ALL GRAVEL IS TO REMAIN ON SITE WITH ORIGINAL SWALES.
B.	FOR PROPERTY CURVE TABLE, REFER TO PRESSURIZED.
C.	PROPOSED IRRIGATION TO BE PRESSURIZED.

KEYNOTES	
1	EXISTING PLANTING AND MULCH GROUND COVER TO REMAIN.
2	EXISTING SEEDED LAWN TO REMAIN.
3	EXISTING 3" CAL. EVERGREEN TO REMAIN.
4	EXISTING 3" CAL. DECIDUOUS TREE TO REMAIN.
5	EXISTING SHRUBS, APPROX. 1 GAL.
6	EXISTING 3" CAL. DECIDUOUS TREE TO BE RELOCATED.
7	PROPOSED TRASH ENCLOSURE, SEE EXTERIOR SHOWN LIGHT. SEE CUTSHEET.
8	EXISTING LANDSCAPE BERM.
9	OPEN SPACE.

NEW MULTIFAMILY HOUSING DEVELOPMENT FOR:
WALNUT CREEK TOWNHOMES

1534 AND 1535 W. HEARTLAND DR., KUNA, ID, 83634

HATCH DESIGN ARCHITECTURE
BOISE, IDAHO 83702
PHONE: 208.333.8855
FAX: 208.333.8855
WWW.HATCHDESIGNARCHITECTURE.COM

DATE: 08/15/2018
PROJECT: WALNUT CREEK TOWNHOMES
DRAWING: LANDSCAPE PLAN

Exhibit
D4

L-1.0

LANDSCAPE PLAN



City of Kuna

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

Planning & Zoning Commission - Staff Report

To: Kuna Planning and Zoning Commission.

File Numbers: 18-10-SUP (Special Use Permit);
Small Wonders Daycare

Location: 1403 N. Antimony Pl.,
Kuna, Idaho 83634

Planner: Jace Hellman, Planner II

Hearing date: September 11, 2018

Owner: Kirt & Stacy Taylor
2254 N Justin Way
Meridian, ID 83646

Applicant: Tracey McRoberts
1119 N Cambrick Dr
Kuna, ID 83634
208-891-2849
mtmmcroberts@cablone.net

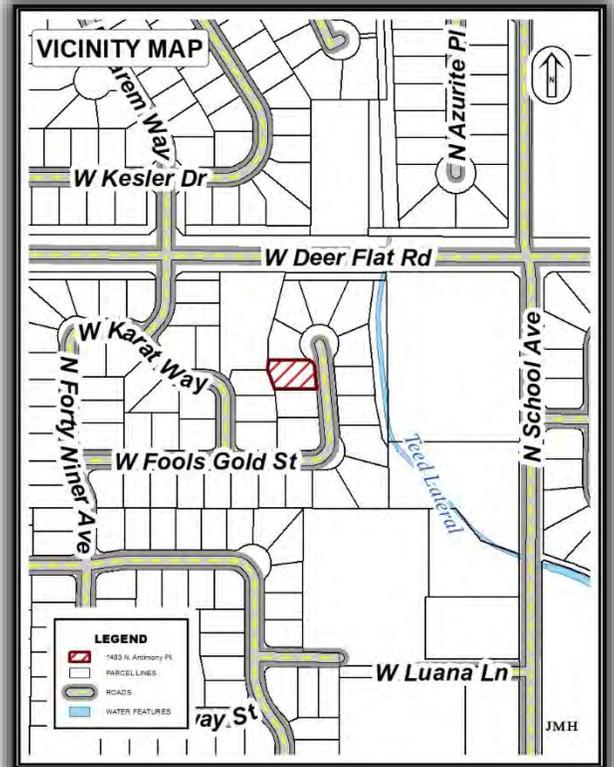


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| B. Applicants Request | I. Proposed Findings of Fact |
| C. Aerial map | J. Kuna City Code Analysis |
| D. History | K. Proposed Conclusions of Law |
| E. General Project Facts | L. Proposed Decision by the Commission |
| F. Staff Analysis | |
| G. Applicable Standards | |

A. Course of Proceedings:

1. The applicant is proposing to operate a Group Childcare Facility within an existing residence located at 1403 North Antimony Place. In accordance with Titles 5-3 and 5-6 (Zoning Districts and Definitions) of Kuna City Code (KCC); this use requires approval of a Special Use Permit (SUP).
2. In accordance with KCC Title 5, Chapters 3 and 6, the applicant seeks approval of a Special Use Permit (SUP) for a Group Childcare Facility at the subject site which allows for no more than 12 children at any one time, on a regularly scheduled basis.

a. Notifications

- | | |
|-------------------------------------|-------------------------------|
| i. Neighborhood Meeting | August 8, 2018 (one attendee) |
| ii. Agencies | August 14, 2018 |
| iii. 300' Notice to Property Owners | August 22, 2018 |
| iv. Kuna Melba Newspaper | August 22, 2018 |
| v. Site Posted | August 27, 2018 |

B. Applicants Request:

Applicant, Tracey McRoberts, seeks Special Use Permit approval in order to operate a Group Childcare Facility in an existing residence. The site is located at 1403 North Antimony Place, Kuna, ID 83634.

C. Aerial Map:



D. History: The property Lot 32, Block 5 of Gold Creek Subdivision No. 2 and is currently zoned R-6 (Medium Density Residential). The current home on the property is used as a rental unit.

E. General Projects Facts:

1. Surrounding Land Uses:

North	R-6	Medium-Low Density Residential – Kuna City
South	R-6	Medium-Low Density Residential – Kuna City
East	R-6	Medium-Low Density Residential – Kuna City
West	R-6	Medium-Low Density Residential – Kuna City

2. Parcel Sizes, Current Zoning, Parcel Numbers:

- Parcel Size: Approximately 0.199 acres
- Zoning: R-6 (Medium Density Residential)
- Parcel #: R3192280340

3. Services:

- Sanitary Sewer– City of Kuna
- Potable 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 currently a single-family residential home onsite, estimated to be approximately 1,371 square feet, and an attached three-car garage, estimated to be approximately 620 square feet. The yard is fully fenced. Landscaping on site is generally associated with an existing residential lot, including multiple mature trees.

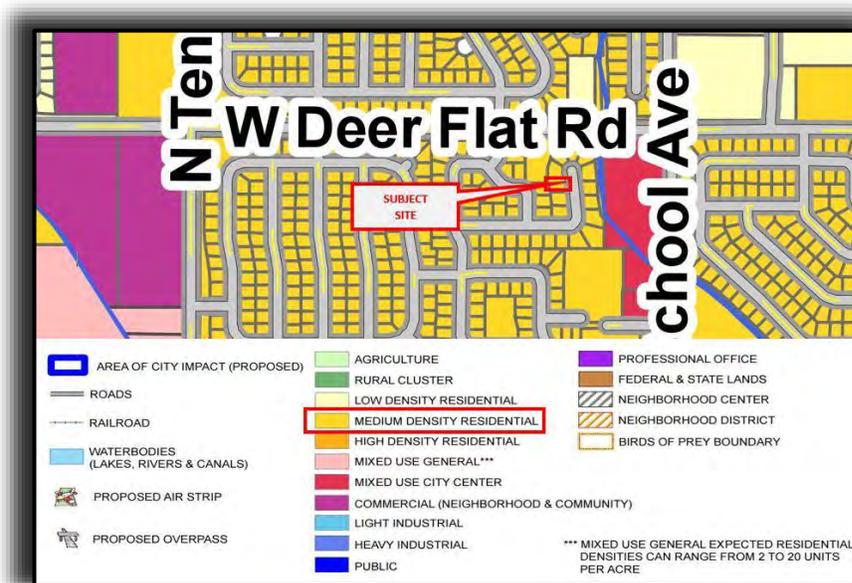
5. **Transportation / Connectivity:**

Current access to the site exists along the subject sites frontage on North Antimony Place via an existing driveway. Attached sidewalks throughout the subdivision provide pedestrian connectivity.

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 Medium-Density Residential. Staff views this proposed Special Use Permit request to be consistent with the surrounding zoning designations as designated in the Future Land Use Map.



8. **Agency Responses:**

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

- Idaho Transportation Department (August 14, 2018) Exhibit B4
- Kuna School District (August 18,2018) Exhibit B5
- Central District Health Department (August 27, 2018) Exhibit B6

F. **Staff Analysis:**

In order to operate a Group Childcare facility within a residential zone, a Special Use Permit is required per Kuna City Code Title 5, Chapters 3 and 1 (Zoning Districts and Definitions). Group Childcare, allows the applicant to provide childcare for seven (7) to twelve (12) children under the age of 12 on regularly scheduled basis, with the appropriate child to staff ratio according to Idaho Code 39-1109(4)(a). The Group Childcare Facility hours of operation are proposed as Monday through Friday from 6:00 am to 6:00 pm with some variation for special circumstances. The applicant has proposed a total of three to five employees with a maximum of one to two employees working onsite at one time.

Childcare facilities require a minimum of forty (40) square feet of usable indoor space per child and eighty (80) square feet of usable outdoor space per child. The applicant will be required to comply with Idaho Code Title 39, Chapter 11. Staff finds that the square footage of the proposed site exceeds the requirements for seven (7) to twelve (12) children.

Staff has determined that this application complies with Title 5 of Kuna City Code; Idaho Statute §67-65 and §39-11; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case No. 18-10-SUP 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.
4. Idaho Code, Title 39, Chapter 11, Health and Safety.

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 are consistent with the following comprehensive plan components:

2.0 – Property Rights

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

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

5.0 – Economic Development

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

Objective 1.2:

Strengthen existing business enterprises and promote their expansion.

6.0 – Land Use

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

Objective 2.2:

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

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

I. Proposed Findings of Fact:

1. Based on the record contained in Case No. 18-10-SUP, including the exhibits, staff's report and any public testimony at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby *approves/conditionally approves/denies* the Findings of Fact and Conclusions of Law, and the conditions of approval for Case No. 18-10-SUP.
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 September 11, 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 No. 18-10-SUP, this proposal appears to *generally comply with/not generally comply with* the Comprehensive Plan and Future Land Use Map.

Comment: *The Comprehensive Plan Future Land Use Map designates the approximately 0.199 acres (project site) as Medium-Density Residential. The group childcare facility is permitted in this zone with a special use permit.*

4. The Kuna Planning and Zoning Commission has the authority to approve or deny this application.

Comment: *On September 11, 2018, Kuna's Planning and Zoning Commission will vote to approve/conditionally approve/deny application 18-10-SUP.*

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

Comment: *As noted in the process and noticing section, notice requirements were met to hold a public hearing on September 11, 2018.*

J. Kuna City Code Analysis:

1. This request appears to be *consistent/inconsistent* and *in compliance/ not 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 the proposed project.

Comment: *The 0.199-acre project site is suitable for a group childcare facility.*

3. The special use permit *is likely/is not likely* to cause substantial environmental damage or avoidable injury to wildlife or their habitat.

Comment: *The land to be built on 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 likely/is not likely* to cause adverse public health problems.

Comment: *The proposed group childcare facility is connected to Kuna public sewer and water 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 special use permit request considers the location of the property and adjacent uses. The adjacent uses are residential, commercial and public – as referenced in the Kuna Comprehensive Plan Future Land Use Map.*

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

Comment: *Utility services are suitable and adequate for a group childcare facility.*

K. Proposed Conclusions of Law:

1. Based on the evidence contained in Case No. 18-10-SUP, Commission finds Case No. 18-10-SUP generally *complies/ does not comply* with Kuna City Code.
2. Based on the evidence contained in Case No. 18-10-SUP, Commission finds Case No. 18-10-SUP is generally *consistent/not consistent* with Kuna’s Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

L. Proposed Decision by the Commission:

Note: 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 outlined in staff’s report and public testimony as presented, the Planning and Zoning Commission of Kuna, Idaho, hereby (approves, conditionally approves or denies) Case No. 18-10-SUP, a Special Use Permit request by Tracey McRoberts (with or without) the following conditions of approval:

1. As requested by the applicant, the Group Childcare facility is allowed to be open Monday through Friday from 6:00 am to 6:00 pm, with some variation to accommodate special circumstances.
2. Signs, banners, flags or other means to attract attention onsite are allowed, with a permit, in accordance with KCC 5-10-4. A sign permit must be obtained prior to installing any new, or modifying any existing, signage.
3. Applicant shall ensure that fencing around the outside play area is in safe condition and complies with Idaho Code 39-1109.
4. The applicant shall provide the City with a copy of the Childcare License from the State of Idaho “Health and Welfare” Department within 30 days after approval and signing of the City’s Findings of Fact, Conclusions of Law for the Special Use Permit or the approvals may be revoked.
5. The applicant shall provide a copy of all subsequent license renewals to Kuna’s Planning and Zoning Department for the Group Childcare Facility.
6. Applicant shall install a door chime on the front door to indicate any opening.
7. Applicant shall install safety locks on doors and cabinets where chemicals are stored.
8. Applicant shall install a fire extinguisher with the correct class rating (5lb ABC) for a kitchen.
9. All electrical outlets shall be covered with safety devices.
10. 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 Planning and Zoning Department.

11. This Special Use Permit is valid if the conditions of approval are adhered to continuously. In the event the conditions are not continuously followed; the special use permit approval may be revoked.
12. The applicant shall maintain a Kuna City Business License through Kuna City Clerk's office once the Special Use Permit is acquired.
13. The Fire District, Building Inspector and Central District Health Department must perform their necessary inspections for final sign-off. The applicant shall provide the City with copies.
14. The Special Use Permit shall follow the proposed intent provided on the SUP application and divest when the applicant no longer operates a Group Childcare Facility on the property and/or no longer has any interest in the property or the business is discontinued for more than one (1) year. The applicant is obligated to advise the City of any changes in ownership or leasing agreements which would affect business operations.
15. The special use permit is not transferable from one parcel to another.
16. The applicant shall follow all staff and agency recommendations.
17. The applicant shall comply with all local, state and federal laws.

DATED: this 11th day of September, 2018.

received
8/19/18



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

Commission & Council Review Application

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

*Please submit the appropriate checklist (s) with application

Type of Review (check all that apply):

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

For Office Use Only	
File Number (s)	18-10-809
Project name	Small workers Day care
Date Received	8/19/18
Date Accepted/Complete	8/13/18
Cross Reference Files	
Commission Hearing Date	9/11/18
City Council Hearing Date	

Contact/Applicant Information

Owners of Record: <u>Kirt + Stacy Taylor</u>	Phone Number: <u>208-559-0467</u>
Address: <u>2254 N Justin Way</u>	E-Mail: <u>swimupstream@live.com</u>
City, State, Zip: <u>Meridian, ID 83646</u>	Fax #: _____
Applicant (Developer): <u>Tracey McRoberts</u>	Phone Number: <u>208-891-2849</u>
Address: <u>1119 N Cambridge Dr</u>	E-Mail: <u>mtmcmcroberts@cabiconet.net</u>
City, State, Zip: <u>Kuna, ID 83634</u>	Fax #: _____
Engineer/Representative: _____	Phone Number: _____
Address: _____	F-Mail: _____
City, State, Zip: _____	Fax #: _____

Subject Property Information

Site Address: <u>1403 N Antimony Pl Kuna Idaho 83634</u>	
Site Location (Cross Streets): <u>Fools Gold</u>	
Parcel Number (s): <u>R3192280340</u>	
Section, Township, Range: <u>2N1W23</u>	
Property size: <u>0.199</u>	
Current land use: <u>Residential</u>	Proposed land use: <u>Residential - Special use</u>
Current zoning district: <u>R-6</u>	Proposed zoning district: <u>Same</u>

Exhibit
A3

Project Description

Project / subdivision name: Goldcreek
General description of proposed project / request: In Home Group Daycare 7-12 children

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: _____
Any existing buildings to remain? Yes No
Number of residential units: _____ Number of building lots: _____
Number of common and/or other lots: _____
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: Tracy McRoberts Date: 7-31-18



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

Special Use Checklist

Special Use requires a public hearing with the Planning & Zoning Commission. A public hearing sign will be required to be posted by the applicant for the meeting. Sign posting regulations are available online.

Project name: Small Wonders Daycare	Applicant: Tracey McRoberts
---	---------------------------------------

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

Applicant (✓)	Description	Staff (✓)
✓	Completed and signed Commission & Council Review Application.	✓
✓	Detailed submittal letter explaining how the project enhances and beautifies the community and types of services the project will provide.	✓
✓	Legal description of the property: 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.	✓
✓	Proof of ownership—A copy of your deed and Affidavit of Legal Interest (for all interested parties).	✓
✓	8 1/2 x 11 vicinity map showing streets, driveways, property lines, etc.	✓
✓	Landscape plan drawn to scale as the same size as the site development plan with the following details: ◇ Type, size and location of all existing & proposed plant materials and other ground covers. The size of plants at planting and maturity should be included. ◇ Existing vegetation labeled to remain or to be removed with landscaping on adjacent properties by area (s) to be considered. ◇ Method of irrigation. ◇ Cross-sections through areas of special features, berms, retaining walls, etc. ◇ Footprints of all structures to be constructed.	✓
✓	Site development plan on 24x36 to scale (not smaller than 1=30 unless otherwise approved) with the following information: ◇ Building locations—existing and proposed with spare-footages. ◇ Fences—existing, surrounding and proposed. ◇ Off-street parking, circulation and driveway locations and types. ◇ Location and size of adjacent streets and driveways. ◇ North arrow and property lines. ◇ Drawings of major exterior elevations. ◇ Building materials and color scheme. ◇ Existing grades and proposed new grades. ◇ Existing lighting and proposed lighting.	✓
✓	Commitment of Property Posting form signed by the applicant/agent.	✓
✓	Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application).	✓

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.





City of Kuna
Special Use Permit
Child Care Facility Application
Fee: \$330.00 (Home/Group Care)/ \$800.00 (Center)

P.O. Box 13
Kuna, Idaho 83634
(208) 922-5274
Fax: (208) 922-5898
Website:
www.kunacity.id.gov

File No. : 18-10-SUP
Cross Ref. :
File Name: Small wonders Daycare

Definition of a Home Daycare:

Daycare Facilities: Any home where non-medical care, protection or supervision is regularly provided to children under twelve (12) years of age, for periods less than twenty four (24) hours per day, while the parents or guardians are not on the premises. Any facility providing daycare is required to have a special use permit and a State of Idaho basic daycare license.

- A. **Family Childcare Home:** A childcare facility which provides care for six (6) or fewer children throughout the day.
- B. **Group Childcare Home:** A childcare facility, which provides care for seven (7) to twelve (12) children throughout the day.
- C. **Childcare Center:** A childcare facility, which provides care for more than twelve (12) children throughout the day. *Note: Childcare Centers are subject to the Design Review process.*

It should be noted that, in determining the type of childcare facility that is being operated, the total number of children cared for during the day and not the number of children at the facility at any one time is determinative.

KCC 5-6-5: Supplementary Conditions and Safeguards:

In granting any special use, the planning and zoning commission may prescribe appropriate conditions, bonds and safeguards in conformity with this title. Violations of such conditions, bonds or safeguards, when made a par of the terms under which the special use is granted, shall be deemed a violation of this title.

KCC 5-6-6: Procedure for Hearing Notice:

Prior to granting a special use permit, at least one public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulations within the jurisdiction. Notice shall also be provided to

property owners and residents within three hundred feet (300') of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission.

KCC 5-1A-8:

A:1: Posting of Hearing Notice on Property: Not less than ten (10) days prior to the hearing, the applicant shall post a copy of said notice of hearing of the application on the property under consideration; except as noted herein, posting of the property must be in substantial compliance.

KCC 5-6-7: Action by Commission:

Within thirty (30) days after the public hearing, the planning and zoning commission shall approve, conditionally approve or disapprove the applications as presented. If the application is approved or approved with modifications, the commission shall direct the director to issue a special use permit listing the specific conditions specified by the commission for approval.

Any special use permit so granted shall be personal to the applicant and shall not run with the land, shall not be transferable, and shall terminate when the applicant ceases to do business at the location stated in the permit.

Application Submittal Requirements

Applicant Use		Staff Use
<input checked="" type="checkbox"/>	Copy of CPR and First Aid Training Certificate	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	A complete Special Use Permit Application form <i>Note: It is the applicant's responsibility to use the most current application.</i>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Detailed letter of explanation or justification for the application, describing the project and design elements, and how the project complies with the Special Use conditions.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	One (1) Vicinity Map (8 1/2" x 11") at 1" = 300' scale (or similar), label the location of the property and adjacent streets.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	One 8 1/2" x 11" colored aerial photos depicting proposed site, street names, and surrounding area within five-hundred feet (500'). The purpose of these photos is to view the site for existing features and adjacent sites.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Copy of Deed; and , if the applicant is not the owner, an original notarized statement (Affidavit of Legal Interest) from the owner (and ALL interested parties) stating the applicant is authorized to submit this application.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Copy of Daycare License from the State of Idaho "Health and Welfare" Department	<input checked="" type="checkbox"/>

- One (1) detailed site plan that includes the following: (8 1/2" x 11" minimum)
- All existing structures labeled as existing and proposed uses
 - Size of parcel (acres or square feet)
 - Special features such as sidewalks, fencing, retaining walls or berms.
 - Parking areas with garage door widths shown
 - Off street parking, circulation and driveway locations
 - Proposed or existing types of outdoor lighting
 - Child pick-up area
 - Existing and proposed landscaping
 - Dimensions of usable outdoor and indoor "play areas"
 - Fences: Type and Height, including gates. Indicate if existing or proposed.
Note: All gates are required to be locked during business hours.
 - Diagram showing uses within the home. (IE: bedroom, kitchen, etc.)
- Commitment of Property form signed by the applicant / agent
- Neighborhood Meeting Certificate
Note: Certificate and Neighborhood meeting list forms must accompany this application.
- Diagram for evacuation plans of house in case of fire or other disaster

Additional Information

1. Are there smoke detectors in every living area except the bedrooms and bathrooms? Yes X No
2. Locks installed on all doors to the outside? Yes X No
3. Door chime installed on the front door to indicate any opening? Yes X No
4. Safety locks on doors and cabinets where chemicals are stored? Yes X No
5. Fire extinguisher installed in kitchen? Yes X No
6. Is the home daycare located on an arterial or collector street?
Note: If yes, there must be an on-site pick-up area designed to prevent vehicles from backing onto the roadway. This application must include a diagram which shows how this will be accomplished. Yes No X
7. Are there any indoor and/or outdoor pools? Yes No X
If a pool is present, what measures are taken to protect children from the pool area?

8. Are there stairs indoor/outdoor of proposed site? Yes No
 If yes, are there safety barriers installed? Yes No
 9. Are electrical outlets covered with safety devices? Yes No

Applicant Information

Applicant: Tracey McRoberts Phone: 208-891-2849
 Owner Purchaser Lessee

Fax/Email: mtmmcroberts@Cableone.net

Applicant's Address: 1119 N Cambrick Dr
Kuna, ID Zip: 83634

Owner: Stacy Taylor Phone: 208-559-0467

Owner's Address: 2254 N Justin Way Email: Swimupstream@Live.com
Meridian, ID Zip: 83646

Represented By: *(if different from above)* _____ Phone: _____

Address: _____ Email: _____

Zip: _____

Please check the box that reflects the intent of the application:

FAMILY CHILDCARE HOME
 CHILDCARE CENTER

GROUP CHILDCARE HOME

Subject Property Information

Site Address: 1403 N Antimony PL Kuna Id 83634

Site Location (Cross Streets): Fools Gold & Antimony

Parcel Number(s): Lot 32 Block 5 Section, Township, Range: 2N1W23
R3192280340 Goldcreek Subdivision

Gross Floor Area: 1371 Live-able Space (not for daycare use): 586

Current Land Use: SUB Proposed Land Use: _____ Currently Zoning District: R-6

Project Description / Summary

Is this facility in your principal residence? Yes _____ No X

Will you be hiring any employees who do not reside on the premises? Yes X No _____

If yes, how many? 3-5 Not more than 1-2 employees working at a time

Project Description: Group Home (In-Home) Daycare

General Description of request: Use of the downstairs portion of the home to

run an in-home (Grouphome) daycare for 7-12 Children. Upstairs to be used as living quarters for mother.

Hours/Days of operation: Monday - Friday 6am-6pm

Number and ages of children: 7-12 Children ages 0-10

Fencing type / size / & location: 6' Cedar fencing. Fully fenced back yard

Existing or proposed lighting: House lights & Street lights

Parking available: 3 Car Garage & Driveway Number of possible parking spots: 6

Off street parking available: Yes - front & side of house - 3 spots off street Designated pick-up area: Driveway

Standard Conditions (Home/Group Care Only)

Meet requirements of the International Fire Code (IFC)
Note: If the applicant is uncertain about a particular code and its application, they are responsible to seek that knowledge.

Maintain fire safety standards.

- Provide at least two (2) unblocked outside exits that remain unimpeded at all times. Staff and parents shall be advised where these exits are located and they need to be marked appropriately.
- Provide corridors and stairs that are a minimum of 36" wide and provide gates so children cannot access stairs.
- Flame source utilities shall not be accessible to children and I posses a carbon monoxide detector that is operable at all times and located in proximity to the flame source.
- Storage areas shall be free of excessive combustibles or highly flammable materials and be inaccessible to children.
- Smoke detectors shall be installed on the ceilings of each floor story, in front of the doors, to stairways and separated a maximum 30-foot in corridors or at other distance's required by code.
- Bathroom and closet doors shall be designed so they can be unlocked from the outside
- The site address on the side of the building fronting the street shall be numbered and illuminated so that it can be readily seen from the street
- Provide a flashlight on-site and other emergency supply, in anticipation of a power outage. These supplies need to readily accessible and maintained in good working order
- Ensure that all food preparation, serving and storage areas, equipment and utensils are clean, in good repair and kept out of the children's reach
- Ensure that all dishes and utensils are properly cleaned, rinsed, sanitized and air dried
- Ensure that all perishable foods are stored in a covered container, in an operating refrigerator, with a maximum temperature of 40 degrees
- Ensure that deep freezers or other refrigeration type units, which cannot be opened from the inside, are locked or stored in a locked room
- Ensure that no home-canned foods are served to the children
- All child care facilities are required to be inspected by Central District Health Department for compliance with Idaho Code §39-1110. The child care provider shall practice acceptable public health practices in order to curtail the spread of communicable diseases and maintain sanitary conditions
- Ensure that a minimum 40 square feet of habitable indoor dwelling area is provided for each child. The City staff shall review and determine which areas of the building are considered habitable
- Ensure that a minimum 80 square feet of outdoor play space is provided for each child. The City shall review and determine what outdoors areas meet this area requirement

- Ensure that all cleaning agents and other poisonous substances that pose danger to children are kept in locked storage or preferably removed from the premises. Chemical storage of chemicals underneath, over or near a sink should be avoided since many chemicals are affected by moisture and become hazardous through chemical change
- Ensure that child care rooms are clean and dry; that all floors, walls, ceiling and furniture are clean and kept in good repair; that all floors are swept and mopped daily with a sanitizing solution and carpeted areas vacuumed daily
- The facility must be free of exposed lead-based paint surfaces, that are chipped, flaking or peeling. If the residence has lead based paint, the applicant shall advise the City of this fact
- Ensure an onsite telephone is operable at all times. Post emergency phone numbers, including fire, rescue, police (or 911 or local equivalent where they are ready accessible to the daycare provider). Place City Planning Department and Poison Control phone numbers in a prominent location
- Ensure that play materials, equipment and furnishing are kept clean, in good repair; and do not possess sharp edges. Children shall be located in safe, sight-obstructing fenced outdoor play areas. The fences shall be sturdy with no sharp or jagged edges. All equipment shall be kept in good repair and well maintained. Equipment shall be sturdy, stable and free of hazards including sharp edges, lead based paint, loose nails, splinters, protrusions (excluding nuts and bolts on sides of fences) and pinch and crush points. Children shall not be allowed to play on outdoor equipment that is hot to the touch
- Ensure the building's used for child care meet the City's building and Fire District codes
- Ensure that all doors opening to the outside are self-closing (except for sliding glass doors) and all ventilating windows have locking screens
- Ensure that heating, ventilating and lighting facilities meet City code
- Ensure that child accessible electrical outlets are covered with safety caps, ground fault interrupters or have safety outlets' installed that meet City code
- All child care provider's refuse and garbage shall be collected, stored and disposed of in an appropriate manner with a minimum weekly solid waste pickup or disposal service. Garbage shall be contained so that it does not attract rodents or insects. Waste material will be placed in containers and locations approved by the City
- The childcare facility grounds will be kept neat and clean and free from rodents, hazards and other perils
- Smoking shall be prohibited in all areas of the facility during its hours of operation

- Ensure that children who are ill are excluded from the general population and sent home as soon as possible to minimize safety threat to fellow children. Provide the City with a protocol of how sick children will be attended. Report any health related concerns to either the City or the Health Department
- Ensure that sleeping, play areas and fixtures are maintained in a sanitary condition. Children shall not share unwashed bedding; and all bedding shall be washed after soiling and at least once a week
- Outdoor play areas shall adjoin, or be safely accessible to indoor areas
- All equipment openings, steps, decks and handrails shall be smaller than three and half inches (3 ½") in spacing or diameter or greater than nine inches (9") to prevent child entrapment
- All upright angles shall be greater than 55 degrees to prevent the children's entrapment and entanglement
- The outdoor play area shall be enclosed by a private or semi-private fence constructed of approved building materials to a minimum height of five feet (5') but not to exceed six feet (6'). The fence shall include a minimum of two (2) operating exits. Semi-private fences shall not have openings exceeding 1 ¾ inch width
- All stationary outdoor equipment that is more than eighteen inches (18") in height shall be installed over a protective surfacing
- Play equipment shall be place at least six feet (6') away from buildings, fences, trees or other play equipment and kept in good repair. Swing seats shall be made of plastic, soft or flexible material
- Exterior balconies, porches, and stairs shall be of stable construction and any space under porches needs to be closed off in such a manner as to guard against children's curiosity
- Vertical offsets such as outsides basement window wells, stairways or retaining walls shall have guardrails or approved screening
- Area's inhabited by children, shall be free of electrical hazards (switchboxes, unfenced air conditioners, or power lines) and attractive hazards (vehicles, metal drums, pallets tools or wood piles)
- Wells, tool sheds and other hazards are to be fenced or closed off
- Areas inhabited by children are to be kept free of animal wastes and debris
- Remove any poisonous substances such as plants, berries or mushrooms from the premises

- Sandbox or sand play areas are to be completely covered when not in use
- Outdoor water features are not allowed on the premises or nearby child accessible areas; water features includes pools, spas, ponds and other similar water containment areas
- Child care facilities shall not be permitted next to an open body of water without an approved method of fencing construction that has been reviewed by City Planning Staff
- The child care owner/operator shall ensure that firearms, other types of weapons, weapon accessories and ammunition are kept in locked storage. Firearms shall be kept unloaded at all times and the ammunition will be stored separately from the firearms. The children's parents or guardians shall be notified of weapons kept on premises and advised of how they are secured

Applicant's Signature: Tracy McRoberts **Date:** 7-27-18

Signature of receipt by City Staff: [Signature] **Date:** 8/13/18

ADDITIONAL COMMENTS:

Tracey McRoberts

Small Wonders Daycare

Kuna, Idaho

208-891-2849

Proposed property use: 1403 N Antimony Place Kuna, Idaho – for Group Daycare Facility (in-home) 7-12 children.

I am interested in establishing a state licensed, in home, group childcare facility at the property of 1403 N Antimony Place where I will serve no more than 7-12 children.

I currently run a licensed, in home, group childcare at the home I own at 1119 N Cambrick Drive, where I have been conducting business since 2006 to present. I also ran a licensed, in home, group childcare at 985 W Gold Street from 1998-2006. Kuna is a fast growing community and has a great need for quality, licensed, well ran daycares. I have built a very good reputation for myself over the years for providing extremely high quality yet affordable daycare in Kuna and therefore my demand has increased and I look to expand my business.

The downstairs of the property (1403 N Antimony Pl) will be used for the purpose of daycare. The upstairs of the residence will be used for living quarters for my mother, and will not occupy daycare children.

My program hours will be Monday – Friday 6am to 6pm. Since parents work schedules differ, children usually arrive over a period of several hours and a similar pattern for pick up in the afternoon. This reduces the number of vehicles likely to stop at the home at one time, as do siblings or carpools arriving together. Parents are encouraged to safely escort children to and from cars into the home. By implementing these measures, my business should not increase traffic congestion on the street.

When children are in my care, my assistants and I are responsible for their supervision at all times, including indoor activities and outdoor play. I anticipate scheduled outdoor playtime to be limited to (one hour) after 9am and (one hour) after 2pm. Noise will be kept below the maximum stipulated by city officials.

The backyard (fully fenced) will be used as a play area for the daycare children. The back yard is fully fenced with a 6' cedar fence consisting of a walk through gate and a drive through gate – both of which will be kept locked as to prevent children from opening the gates. There is a 38'x10' concrete patio that runs the width of the back of the house. The back yard is grassed with minimal landscaping consisting of 2 trees (mature and neatly manicured with no low hanging branches) and a lilac bush. The underground

Exhibit
A4b

automatic sprinkler system runs off city irrigation water. We have installed a security fence surrounding the air conditioning unit to keep the children safely away from it.

The front yard is grassed with minimal & neat landscaping. The front yard will not be used by the daycare children, other than walking up to the home during drop off and pick up. The 3 car driveway will be used for parent parking (drop off & pick up zone). There is a 3 car garage in which myself and the employees can park. There is also additional on street parking spaces that will accommodate 1-3 cars if needed.

I strive to run a safe, loving, structured daycare with minimal impact on my neighbors so that no one will ever feel inconvenienced by it. I have ran in home daycares in two different neighborhoods for 20 years and have never had a neighbor complaint.

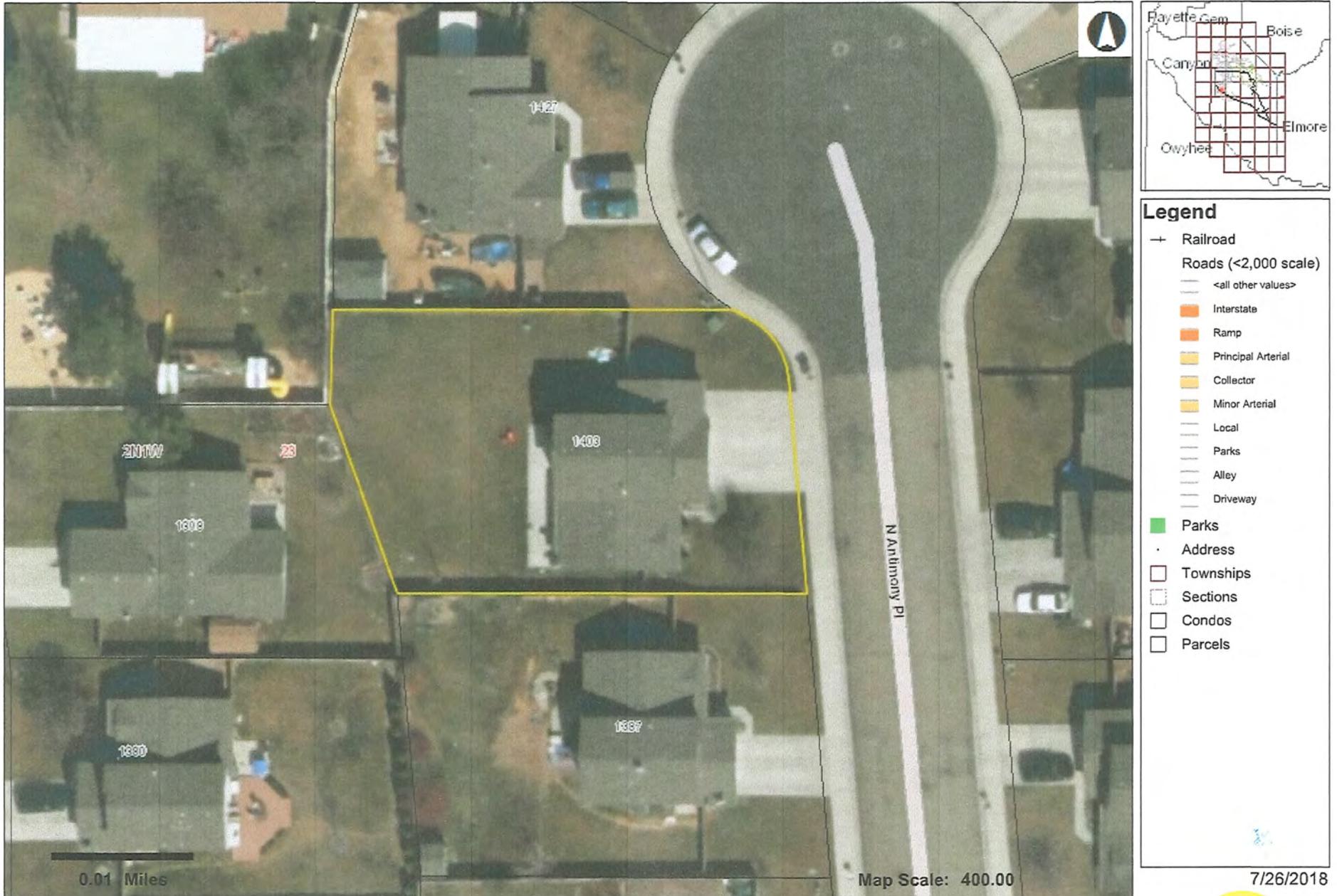
Thank you for your consideration of my application.

Sincerely,

Tracey McRoberts

Ada County Assessor

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7/26/2018





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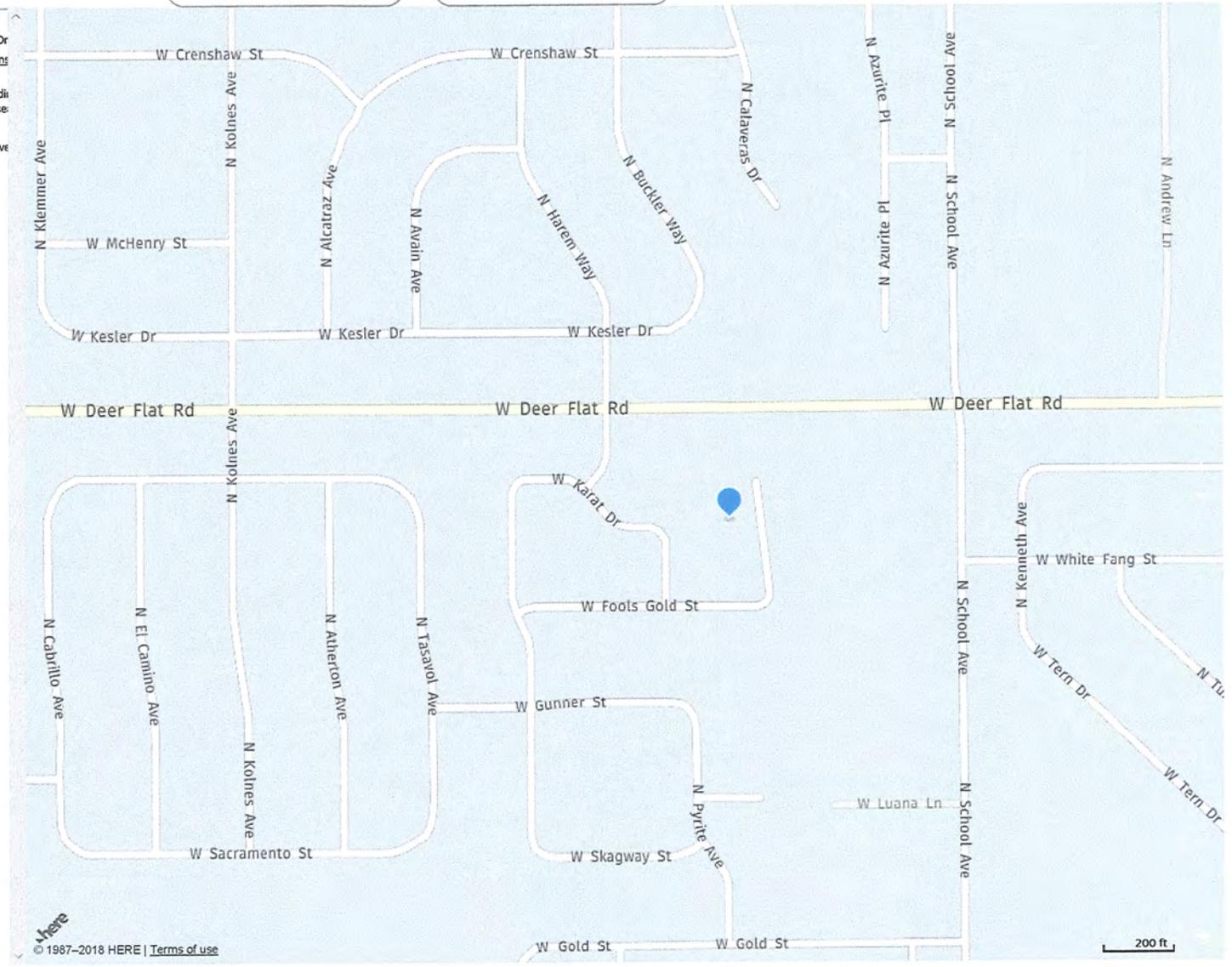
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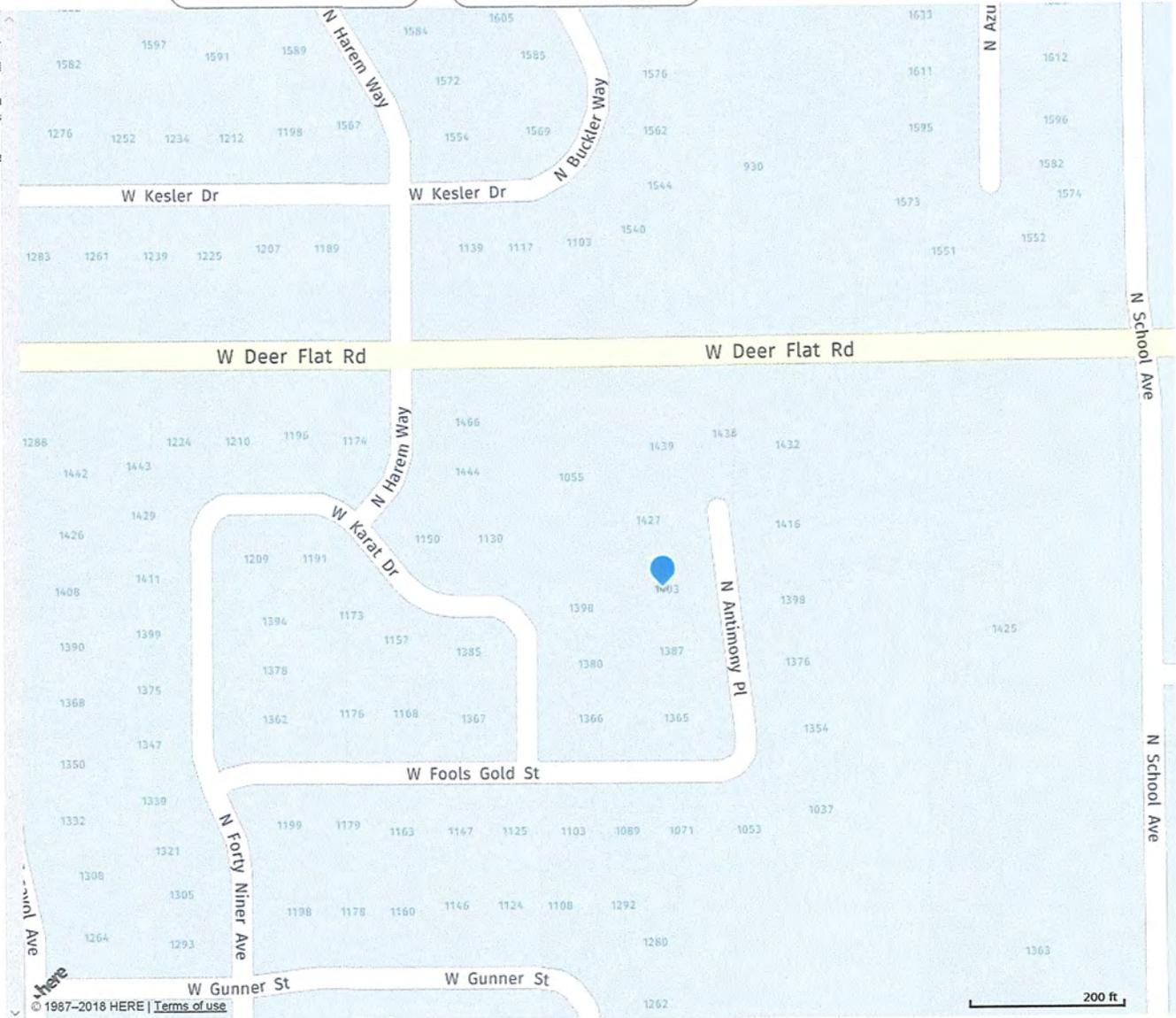
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KL7

ALLIANCE TITLE & ESCROW CORP.

CORPORATION DEED

Order No. 5000211363SK

For Value Received

Corey Barton Homes, Inc., an Idaho Corporation

a corporation duly organized and existing under the laws of the State of Idaho, Grantor,
does hereby Grant, Bargain, Sell and convey unto

Kurt I. Taylor and Stacy L. Taylor, Husband and Wife

whose current address is: **1403 N. Antimony Pl.
Kuna, ID 83634**

the following described real estate, to-wit:

**Lot 32 in Block 5 of Goldcreek Subdivision No. 2, according to the official plat thereof, filed in
Book 83 of Plats at Page(s) 9233, Official Records of Ada County, Idaho.**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee(s), heirs and assigns forever. And the Grantor does hereby covenant to and with
the Grantee(s), that it is the owner of said premises; that they are free from all
encumbrances EXCEPT: current year taxes, conditions, covenants, restrictions,
reservations, easements, rights and rights of way, apparent or of record.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of
Directors has caused its corporate name to be hereunto subscribed and its corporate seal
to be affixed July 18, 2002.

[Signature]
By: **Serena Clark, Secretary**

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2002 JUL 23 PM 4:35

RECORDED - REQUEST OF

FEE 3⁰⁰ DEPUTY *[Signature]*

102082894

102082894
ALLIANCE TITLE

State of Idaho)
County of Ada) ss.

On this 23rd day of July, 2002, before me, a Notary Public in and for said state, personally appeared
Serena Clark known to me to be the Secretary of the Corporation, and acknowledged to me that pursuant to
a Resolution of the Board of Directors, she executed the foregoing in said Corporation 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.



[Signature]
Notary Public for the State of Idaho,
Residing at: **Caldwell, Idaho**
Commission Expires: **April 28, 2003**

Exhibit
Aye



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, Stacy Taylor 2254 N Justin Way
Name Address
Meridian ID 83646
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 Tracey McRoberts 1119 N Cambrick Dr Kuna, ID
Name Address
to submit the accompanying application pertaining to that property.

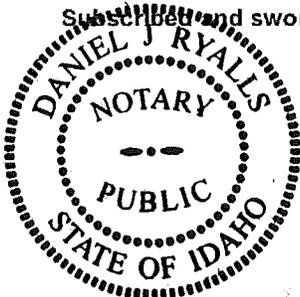
B. I agree to indemnify, defend and hold City of Kuna and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

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

Dated this 26th day of July, 2018

[Signature] / Stacy L Taylor
Signature

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



[Signature]
Notary Public for Idaho

Residing at: Boise ID

My commission expires: 8-11-2023

STATE OF IDAHO
DEPARTMENT OF HEALTH AND WELFARE

BASIC DAYCARE LICENSE

The holder of this Basic Daycare License

Resource ID: 00000011515

SMALL WONDERS DAYCARE & PRESCHOOL

TRACEY KROSCH-MCROBERTS- OWNER

1119 NORTH CAMBRICK DRIVE
KUNA, ID 83634

NAME OF FACILITY / APPLICANT / ADDRESS

has complied with the requirements of Section 39-1104, Idaho Code, and has obtained a fire inspection and health inspection establishing compliance with Section 39-1109 and 39-1110 and the requirements in Idaho Code 39-1105 regarding criminal history checks to be licensed as a:

GROUP DAYCARE FACILITY

Maximum 12 Children In Attendance
Occupancy Load: 57

06/12/2018

Effective Date

06/11/2020

Expiration Date

Your continued compliance will require criminal history checks for all owners, operators and employees who have direct contact with children, and on all other individuals thirteen (13) years of age or older who have unsupervised direct contact with children or are regularly on the premises of this daycare facility.

According to Section 39-1117, Idaho Code, a daycare license does not constitute a representation affirming to any person that the program or facility is free from risk. A daycare license does not guarantee adequacy of care, services, safety, or the well-being of any child, staff, contractor, volunteer, or visitor of a daycare facility. It is the parent's primary responsibility for evaluation and selection of daycare services.

Your Basic Daycare License and contact information to file daycare complaints must be posted in a conspicuous place at your facility and a copy of Idaho Code Sections 39-1101 through 39-1119 shall be available on the premises at all times for staff and parents to read upon request.

Erica Ruop

7-19-2018

Exhibit

A4f



Main Menu

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Property Search

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2018 Property Details for Parcel R3192280340

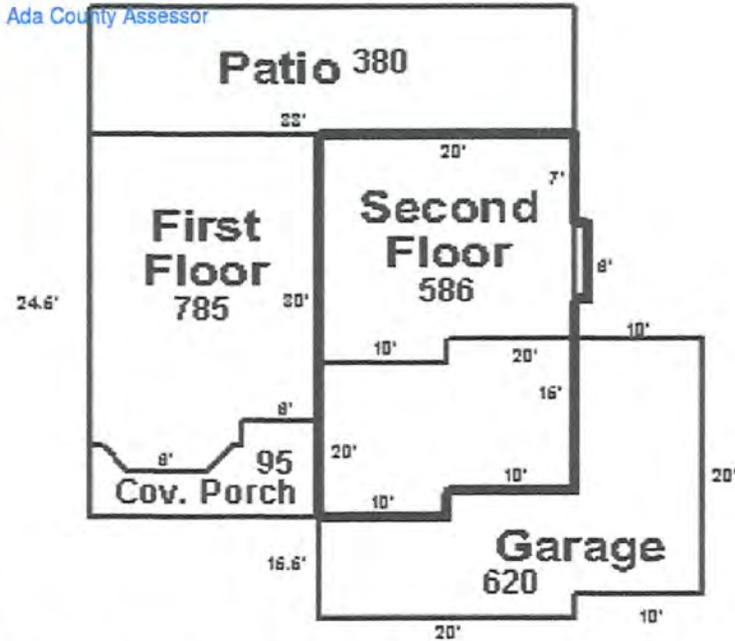
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Building Sketch

Ada County Assessor

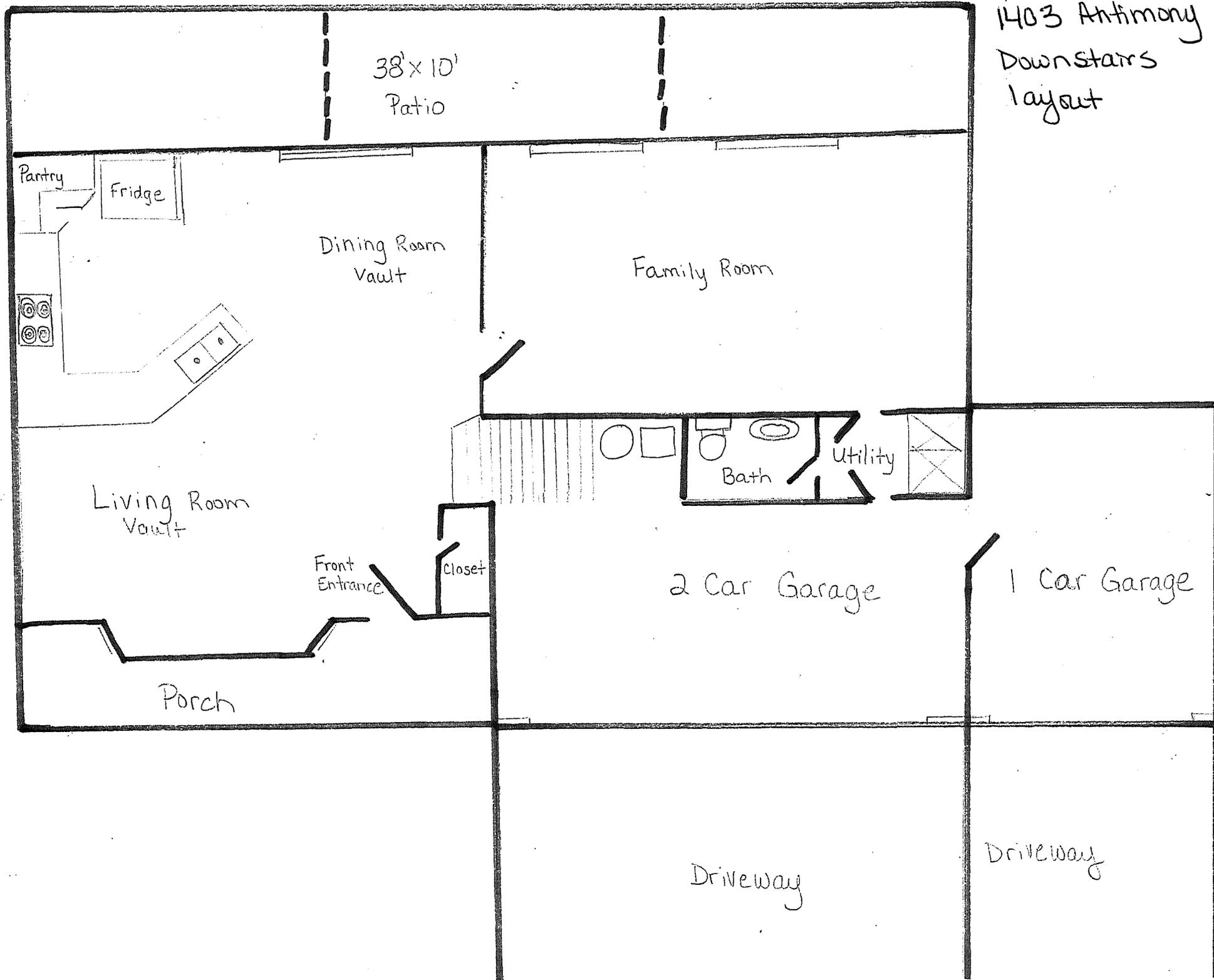


Ada County appraisers follow American National Standards Institute (ANSI) building measurement standards for square footage calculations. This information is to be used ONLY for reference purposes and Ada County is not responsible for any inaccuracies. If you have questions concerning the accuracy, please use the "Need Help" button at the top of the screen.

[Contact Us](#) | [Disclaimer](#)

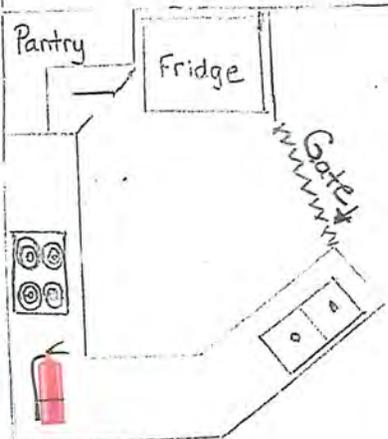


1403 Antimony
Downstairs
Layout



1403 Antimony
Downstairs
Use proposal

38' x 10'
Patio



Sliding Glass Door

Eating Area

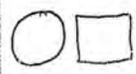
Play + Nap Room
(Carpet)

Wood Flooring
Laminate

Wood Flooring
Laminate

Stairs
Gates

Stairs



Bath

Utility

Play + Craft Area

Front Entrance
w/ Door Chime

closet

2 Car Garage

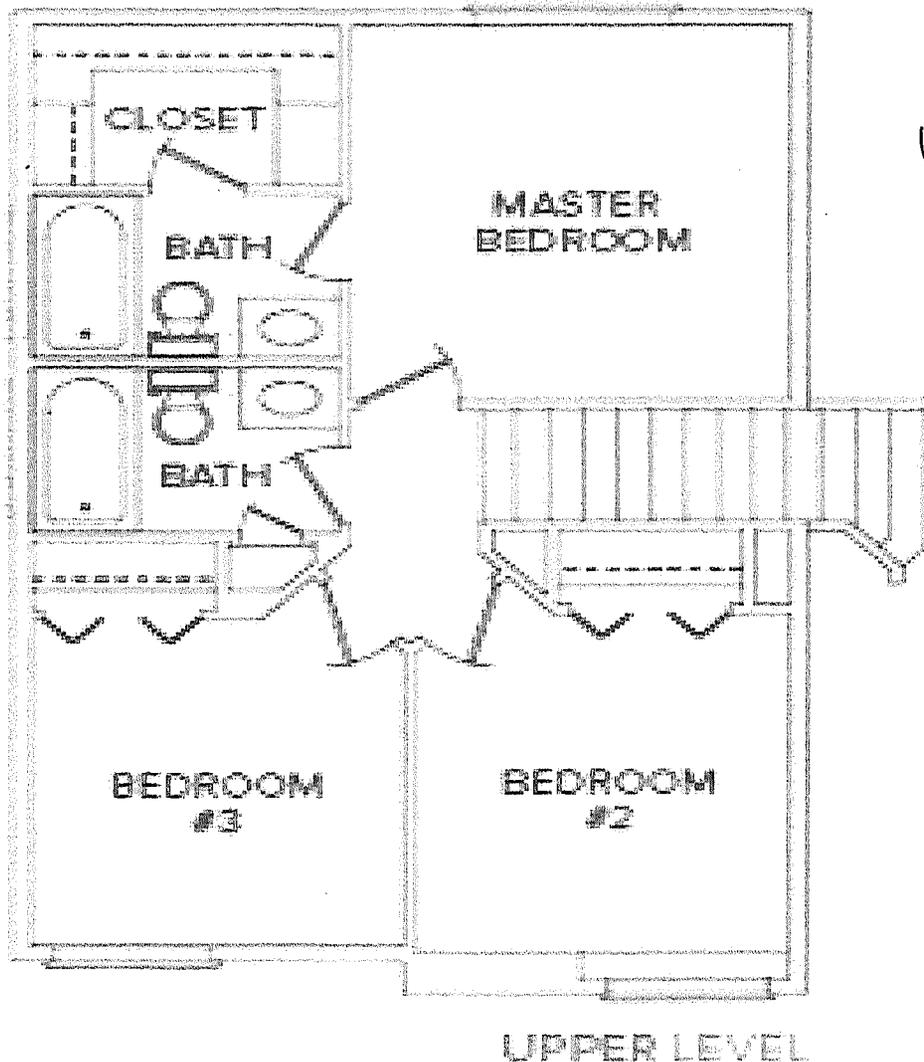
1 Car Garage



Porch

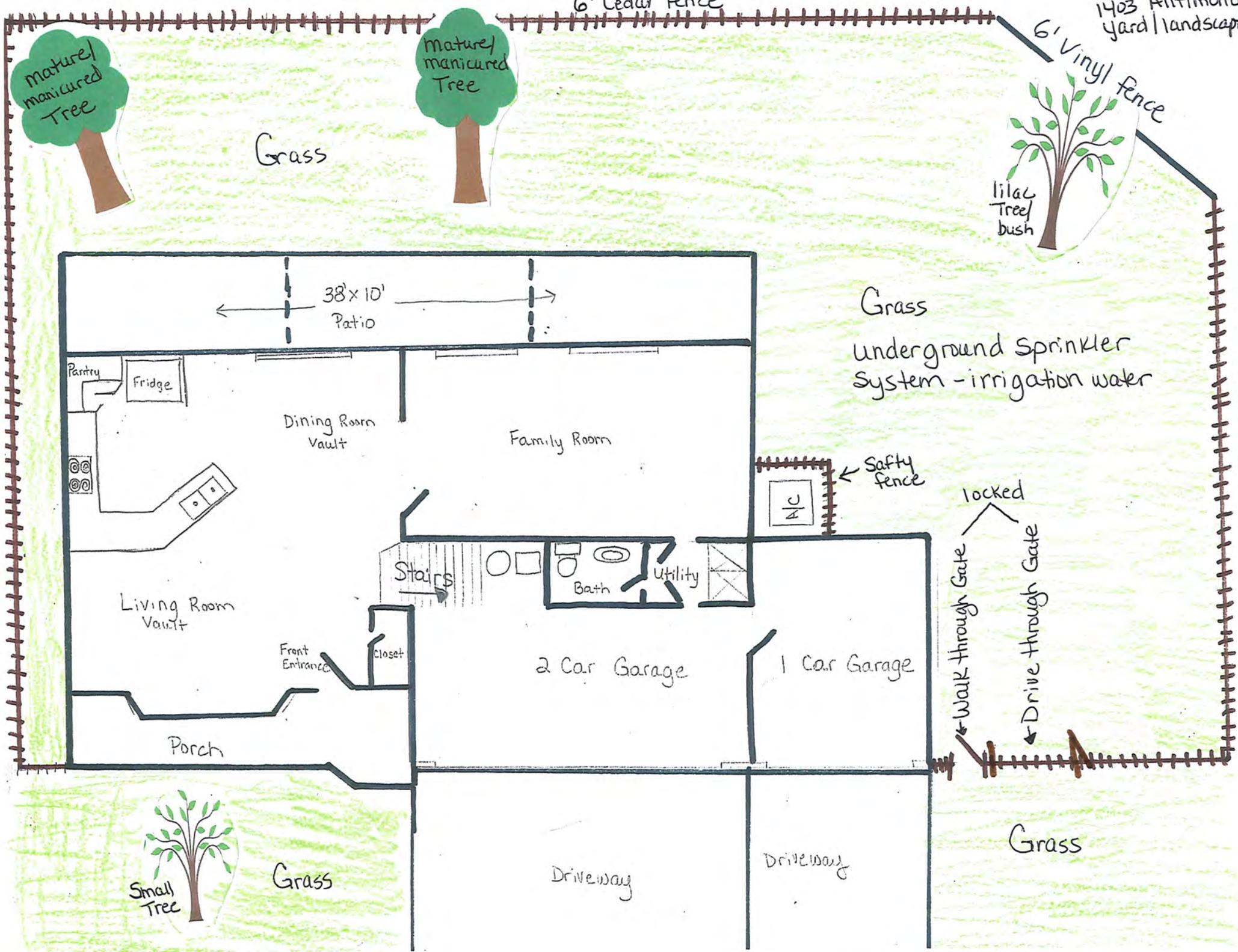
Driveway

Driveway



Upper level- NO Daycare
Personal use only

UPPER LEVEL



6' Cedar Fence

1403 Antimony yard landscape



Grass

Grass

underground sprinkler System - irrigation water

Grass

Grass

Driveway

Driveway

38' x 10' Patio

Pantry Fridge

Dining Room Vault

Family Room

A/C Safety fence

Stairs

Bath

Utility

Living Room Vault

2 Car Garage

1 Car Garage

Front Entrance

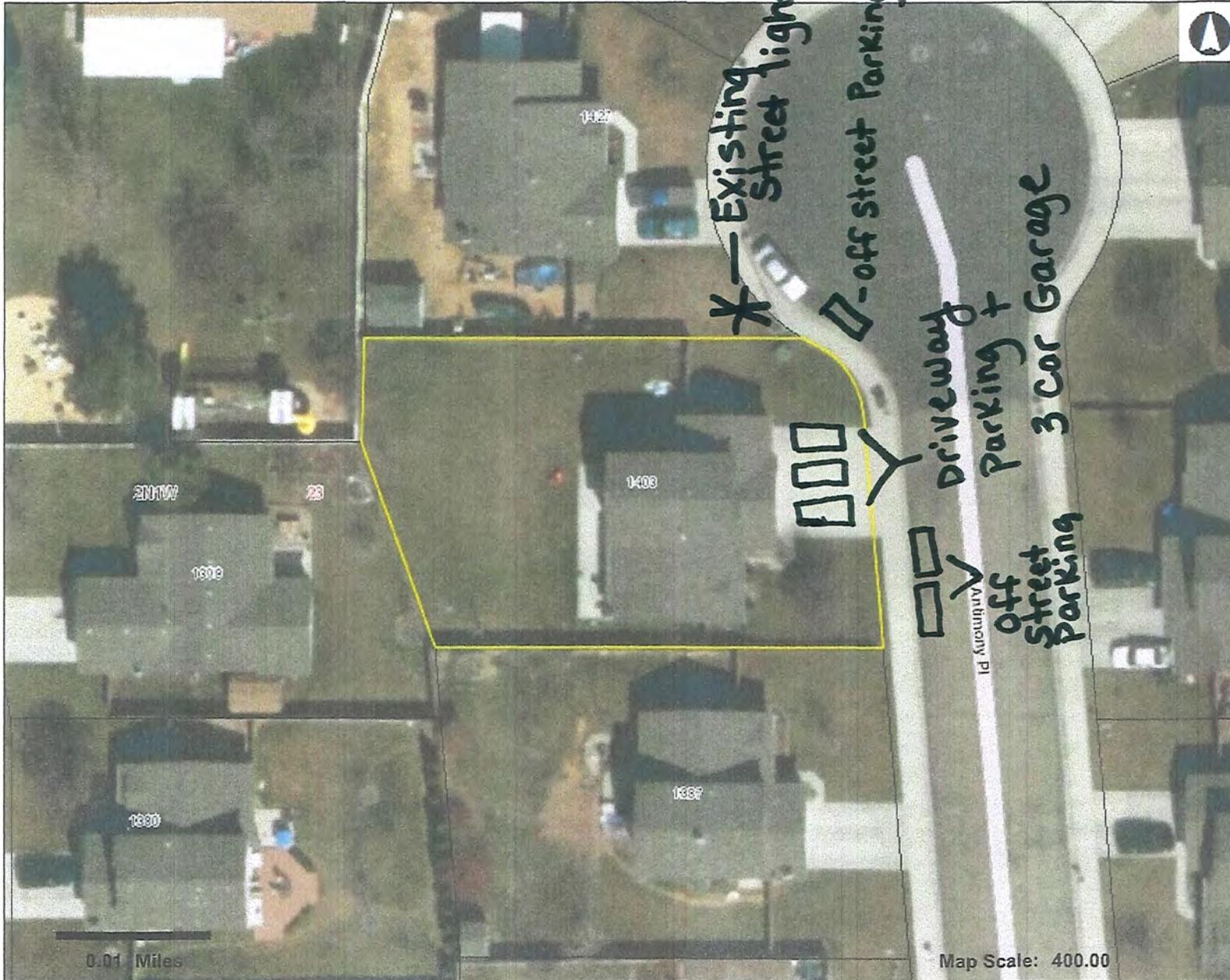
closet

Porch

locked
Walk through Gate
Drive through Gate

Ada County Assessor

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Legend

- + Railroad
- Roads (<2,000 scale)
 - <all other values>
 - Interstate
 - Ramp
 - Principal Arterial
 - Collector
 - Minor Arterial
 - Local
 - Parks
 - Alley
 - Driveway
- Parks
- Address
- Townships
- Sections
- Condos
- Parcels

7/26/2018



City of Kuna
**COMMITMENT TO
PROPERTY POSTING**

P.O. Box 13
Kuna, Idaho 83634
208.922.5274
Fax: 208.922.5989
Website:
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

Tracy M Roberts
Applicant/agent signature

7-27-18
Date





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 5-1A-2 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: In Home Group Daycare

Date and time of neighborhood meeting: _____

Location of neighborhood meeting: 1403 N Antimony Pl Kuna ID

SITE INFORMATION:

Location: Quarter: _____ Section: 23 Township: 2N Range: 1W Total Acres: 0.199

Subdivision Name: Goldcreek Lot: 32 Block: 05

Site Address: 1403 N Antimony Pl Tax Parcel Number(s): R3192280340

Tax code Area: 04

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

CURRENT PROPERTY OWNER:

Name: Stacy Taylor & Kirt Taylor

Address: 2254 N Justin Way City: Meridian State: ID Zip: ~~83634~~ 83646

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

Name: Tracey McRoberts Business (if applicable): Small Wonders Daycare

Address: 1119 N Cambrock City: Kuna State: ID Zip: 83634



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)	
<input checked="" type="checkbox"/> Special Use	In home Group Daycare 7-12 children
Variance	
Expansion of Extension of a Nonconforming Use	
Zoning Ordinance Map Amendment	

APPLICANT:

Name: Tracey McRoberts
Address: 1119 N Cambridge Dr
City: Kuna State: ID Zip: 83634
Telephone: 208-891-2849 Fax: mtmcrberts@cablzone.net

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) Tracey McRoberts Date 7-31-18

SIGN IN SHEET

PROJECT NAME: Small Wonders Daycare

Date: 8-8-18 1403 N Antimony PL

	<u>Name</u>	<u>Address</u>	<u>Zip</u>	<u>Phone</u>
1	<u>Stacy Taylor</u>	<u>2254 N Justin Way</u>	<u>83646</u>	<u>208-559-0467</u>
2				
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Dear Neighbor,

My name is Tracey McRoberts, my family and I are your neighbors at 1403 N Antimony Place. I am interested in establishing a licensed in-home daycare where I will serve 7-12 children. Because I do not wish to inconvenience you, your family or our neighborhood, I wanted to take this opportunity explain to you the nature of my business, it's potential impact on our neighborhood, and the steps that I will take to minimize this impact.

I have been successfully running a licensed in-home daycare in Kuna since 1998. I have lived in two different neighborhoods with my business and have never had any neighbor complaints. Maintaining harmony with my neighbors as well as honoring your privacy is extremely important to me. I would like my daycare to benefit the neighborhood and not hinder it.

My daycare operates Monday – Friday 6am-6pm. Because parents work schedules differ, children usually arrive over a period of one to two hours in the morning and leave in a similar pattern in the afternoon. This reduces the number of vehicles likely to stop at the home at one time, as do siblings or carpools arriving together. Because of this, my business will not increase traffic congestion on the street. Furthermore, parents will be asked to park in the driveway or in front of our property while dropping off and picking up their children. When children are in my care, my assistant and I are responsible for their supervision at all times, including indoor activities, and during outdoor play (backyard only). I anticipate outdoor play time to be limited to approximately (one hour) after (9am) and approximately (one hour) after 2pm, and noise will be kept below the maximum stipulated by city officials.

I will be hosting a neighborhood meeting at the property (1403 N Antimony Pl), on Wednesday August 8th from 6pm-7pm, to discuss the plans for my in-home business.

If you have questions, concerns or would like me to consider other impacts on our neighborhood, please feel free to attend the meeting I am holding or you may also contact me via phone or email. Gathering your input now will help me to better plan my program and prevent issues that might arise in the future.

If you need further information or assistance, please contact:

Kuna Planning & Zoning 208-922-5274

Sincerely,

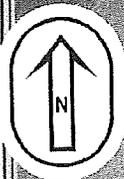
Tracey McRoberts

1403 N Antimony Pl

208-891-2849

mtmmcroberts@cableone.net

300 FT MAP



W Kesler Dr

W Deer Flat Rd

W Fools Gold St

W Gunner St

W Luana Ln

N School Ave

N Pyrite Ave

Wheat Road

LEGEND

-  1403 N Antimony Place
-  300 Ft Properties
-  PARCEL LINES
-  ROADS
-  WATER FEATURES

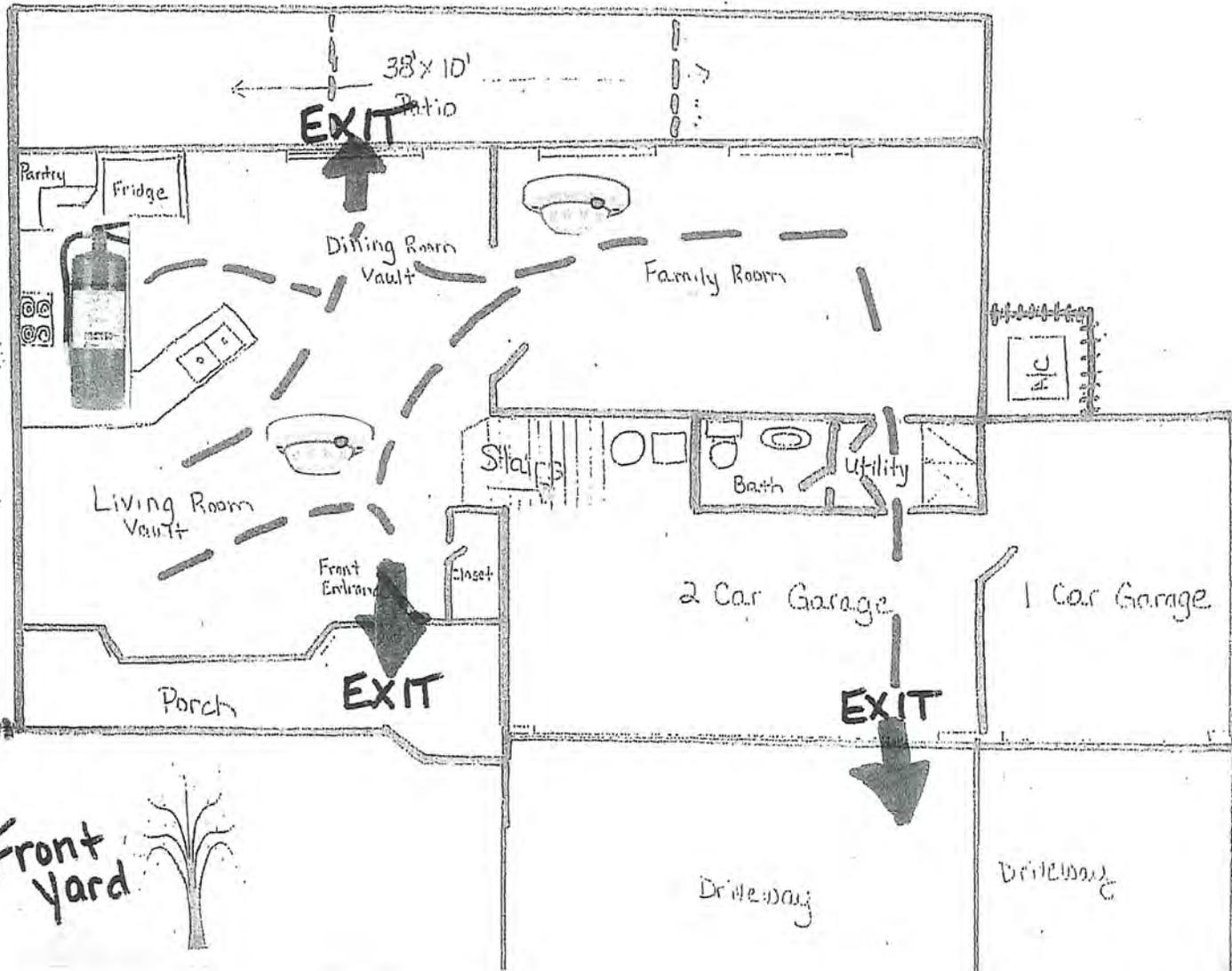
JMH

Fire Escape Plan

Back Yard

mature/
manicured
Tree

mature/
manicured
Tree



EXIT

EXIT

EXIT

Gate



Walk through Gate

Drive through Gate

Front
Yard

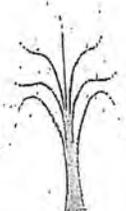


Exhibit
A4J



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 Tracey M Roberts - Small Wonders Daycare (NAME OF SUBDIVISION OR ADDRESS) was posted as required per Kuna City Ordinance 5-1A-8. Sign posted Wednesday August 29th 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 29 day of August, 2018.

Signature,

Tracey M Roberts
Owner/Developer

STATE OF IDAHO)
County of Ada) : ss

On this 29 day of August, 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.

Linda J Torres
Notary Public
Residing at Brae
Commission Expires 5-8-23



CITY OF KUNA PUBLIC HEARING NOTICE

Before the Kuna Planning and Zoning Commission

When: September 11, 2018 at the Kuna City Hall – 751 W 4th ST 6:00 PM

PURPOSE: Special Use Permit – In home group childcare, Gold Creek
Subdivision – Zoning: R-6

LOCATION: 1403 N Antimony Place Kuna, Idaho

APPLICATION BY: Tracey McRoberts – Small Wonders Daycare, Kuna Idaho



CITY OF KUNA PUBLIC HEARING NOTICE

Before The Kuna Planning
and Zoning Commission

When: September 11, 2018 at the Kuna City Hall
751 W. 4th ST. 6:00pm

PURPOSE: Special Use Permit- In home group childcare
Gold Creek Subdivision-Zoning: R-6

When: September 11, 2018 at the Kuna City Hall
751 W. 4th ST. 6:00pm

Location: 1403 N. Antimony Place, Kuna

APPLICATION: Tracey McRoberts
Small Wonders Daycare, Kuna Idaho



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

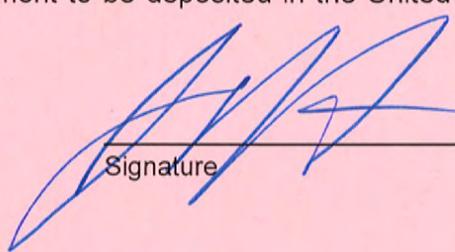
Date: 8/22/18

To: 300' Property Owners Other _____

Planner: Jace Hellman

Case Name: Small wonders Daycare 18-10-SUP

I HEREBY CERTIFY that on this 22nd day of August 2018, I caused a true and correct copy of the foregoing instrument to be deposited in the United States mail, with prepaid postage.



Signature

Dawn Stephens

Attest

Exhibit
B1



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 **September 11, 2018**, beginning at **6:00 pm** on the following case:

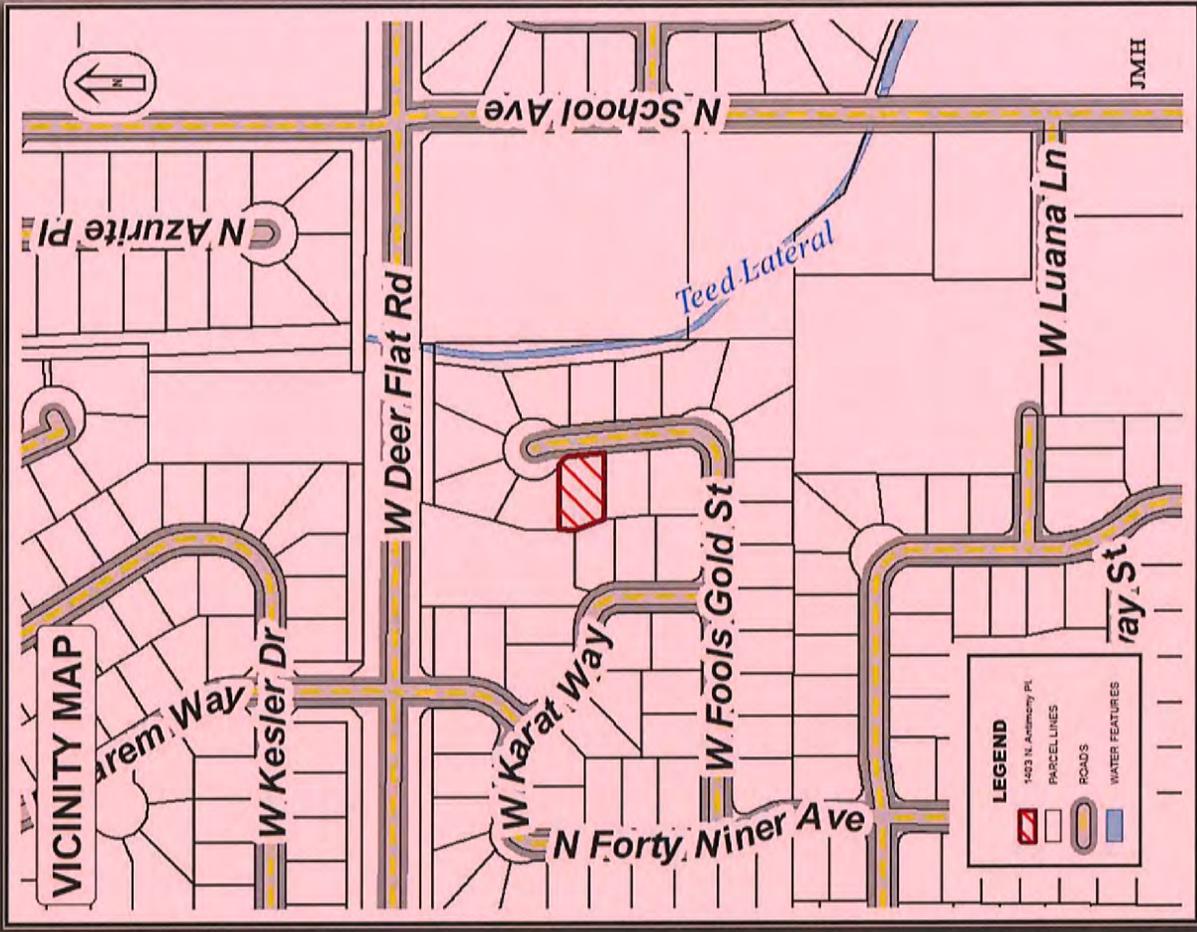
A **Special Use Permit (SUP)** request from Tracey McRoberts to operate a **Group Childcare Facility** in an existing residence located at 1403 N. Antimony Pl., Kuna, ID 83634. The applicant proposes childcare for seven (7) to twelve (12) Children (ages 0 to 10) at any one time. The proposed hours of operation will be approximately 6 am to 6 pm, Monday through Friday.

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

You are invited to provide oral or written comments at the hearing. Written testimony received by the close of business on **September 5, 2018** will be included in the packets that is distributed to the governing body prior to the hearing. Late submissions (must submit six (6) copies) will be presented to the governing body at time of the hearing. Please note oral comments made during the public hearing will be restricted to three (3) minutes per person. Mail written comments to PO Box 13, Kuna, ID 83634 or drop them off at City Hall, 751 West 4th Street, Kuna, ID.

If you have questions or need special assistance, please contact the Planning and Zoning Division at (208) 922-5274.

In all correspondence concerning this case, please refer to the case name: **18-10-SUP (Special Use Permit) – Small Wonders Daycare.**



MAILED 08/22/18

Griselda Alaniz
1466 N Harem Way
Kuna, ID 83634

Cynthia Asquith
PO Box 217
Kuna, ID 83634

Bradley Beckley
1980 S Meridian Rd STE 140
Meridian, ID 83642

Larry Calhoun
1425 N School Ave
Kuna, ID 83634

Jayden Case
1398 N Antimony PL
Kuna, ID 83634

Brandon & Ezmerelda Castillo
1380 N Dredge Ave
Kuna, ID 83634

Jefferson Davis
1366 N Dredge Ave
Kuna, ID 83634

Ryan Duell
1053 W Fools Gold St
Kuna, ID 83634

Phillip Estberg
1147 W Fools Gold St
Kuna, ID 83634

Eric & Chaelaine Frost
1125 W Fools Gold St
Kuna, ID 83634

Goldcreek Homeowners Association
6223 Discovery Way STE 1000
Boise, ID 83713

Rachel Harrison
1385 N Dredge Ave
Kuna, ID 83634

Justin & Shannon Hyer
1376 N Antimony PL
Kuna, ID 83634

IVY 2009 FAMILY TRUST 03/07/2009
IVY GEORGE V TRUSTEE
1367 N Dredge Ave
Kuna, ID 83634

Kolo LLC
PO Box 412
Kuna, ID 83634

Michael McCormick
Jessica Forrey
1387 N Antimony PI
Kuna, ID 83634

Eric & Katherine Miller
2540 W Kuna Mora Rd
Kuna, ID 83634

Jacob & Angelene Miller
1157 W Karat
Kuna, ID 83634

Pennie Oyen
1071 W Fools Gold St
Kuna, ID 83634

Douglas Pack
Colleen Aman
1416 N Antimony PI
Kuna, ID 83634

Kevin & Janet Patterson
1354 N Antimony PI
Kuna, ID 83634

Brad Perkins
Amber Davis
1438 N Antimony PI
Kuna, ID 83634

Beverly Phillips
1398 N Dredge Ave
Kuna, ID 83634

Matthew & Jennifer Rawles
1427 N Antimony PI
Kuna, ID 83634

Tony Rost
3348 Highlawn Dr
Twin Falls, ID 83709

S R Jenkins INC
10753 W Amity Rd
Boise, ID 83709

Anthony Sherlock
1150 W Karat Way
Kuna, ID 83634

Peter Smith
1444 N Harem Way
Kuna, ID 83634

Jason Steel
1168 W Fools Gold St
Kuna, ID 83634

Todd & Crystal Stevens
1432 N Antimony PI
Kuna, ID 83634

Kirt & Stacey Taylor
2254 NE Justin Way
Meridian, ID 83646

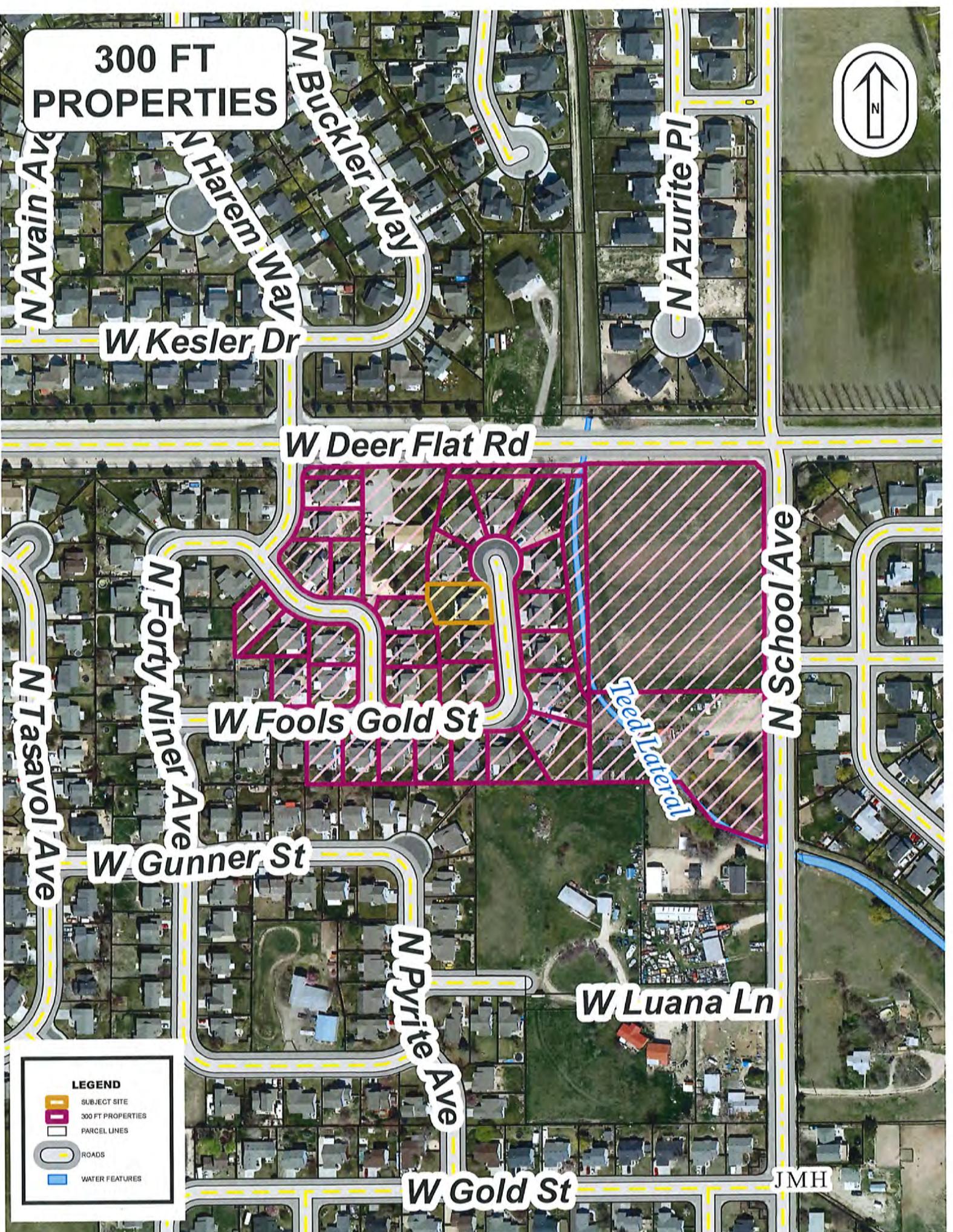
Richard & Heidi Torres
1089 W Fools Gold St
Kuna, ID 83634

John Whalen
5923 N Rosepoint Pl
Boise, ID 83713

Thomas & Karen Woods
1439 N Antimony Pl
Kuna, ID 83634

PRIMOWNER	SECOWNER	ADDCONCAT	STATCONCAT
ALANIZ GRISELDA B		1466 N HAREM WAY	KUNA, ID 83634-0000
ASQUITH CYNTHIA GAIL		PO BOX 217	KUNA, ID 83634-0000
BECKLEY BRADLEY D		1980 S MERIDIAN RD STE 140	MERIDIAN, ID 83642-0000
CALHOUN LARRY RAY		1425 N SCHOOL AVE	KUNA, ID 83634-1215
CASE JAYDEN T		1398 N ANTIMONY PL	KUNA, ID 83634-0000
CASTILLO BRANDON	CASTILLO EZMERELDA M	1380 N DREDGE AVE	KUNA, ID 83634-0000
DAVIS JEFFERSON		1366 N DREDGE AVE	KUNA, ID 83634-0000
DUELL RYAN N		1053 W FOOLS GOLD ST	KUNA, ID 83634-0000
ESTBERG PHILLIP L		1147 W FOOLS GOLD ST	KUNA, ID 83634-0000
FROST ERIC C	FROST CHAELAINE L	1125 W FOOLS GOLD ST	KUNA, ID 83634-0000
GOLDCREEK HOMEOWNERS ASSOCIATION		6223 DISCOVERY WAY STE 1000	BOISE, ID 83713-0000
HARRISON RACHEL O		1385 N DREDGE AVE	KUNA, ID 83634-0000
HYER JUSTIN	HYER SHANNON K	1376 N ANTIMONY PL	KUNA, ID 83634-0000
IVY 2009 FAMILY TRUST 03/07/2009	IVY GEORGE V TRUSTEE	1367 N DREDGE AVE	KUNA, ID 83634-0000
KOLO LLC		PO BOX 412	KUNA, ID 83634-0000
MCCORMICK MICHAEL	FORREY JESSICA	1387 N ANTIMONY PL	KUNA, ID 83634-0000
MILLER ERIC H	MILLER KATHERINE A	2540 W KUNA MORA RD	KUNA, ID 83634-0000
MILLER JACOB L	MILLER ANGELENE D	1157 W KARAT WAY	KUNA, ID 83634-0000
OYEN PENNIE S		1071 W FOOLS GOLD ST	KUNA, ID 83634-0000
PACK DOUGLAS ERIC	AMAN COLLEEN RENAE	1416 N ANTIMONY PL	KUNA, ID 83634-0000
PATTERSON KEVIN K	PATTERSON JANET F	1354 N ANTIMONY PL	KUNA, ID 83634-0000
PERKINS BRAD B	DAVIS AMBER L	1438 N ANTIMONY PL	KUNA, ID 83634-0000
PHILLIPS BEVERLY		1398 N DREDGE AVE	KUNA, ID 83634-0000
RAWLES MATTHEW BRIAN	RAWLES JENNIFER I	1427 N ANTIMONY PL	KUNA, ID 83634-7906
ROST TONY D		3348 HIGHLAWN DR	TWIN FALLS, ID 83303-0000
S R JENKINS INC		10753 W AMITY RD	BOISE, ID 83709-0000
SHERLOCK ANTHONY CLAUD		1150 W KARAT WAY	KUNA, ID 83634-3387
SMITH PETER		1444 N HAREM WAY	KUNA, ID 83634-0000
STEEL JASON		1168 W FOOLS GOLD ST	KUNA, ID 83634-0000
STEVENS TODD	STEVENS CRYSTAL	1432 N ANTIMONY PL	KUNA, ID 83634-3390
TAYLOR KIRT I	TAYLOR STACY L	2254 NE JUSTIN WAY	MERIDIAN, ID 83646-0000
TORRES RICHARD L	TORRES HEIDI M	1089 W FOOLS GOLD ST	KUNA, ID 83634-0000
WHALEN JOHN		5923 N ROSEPOINT PL	BOISE, ID 83713-0000
WOODS THOMAS F	WOODS KAREN	1439 N ANTIMONY PL	KUNA, ID 83634-0000

**300 FT
PROPERTIES**



W Deer Flat Rd

W Fools Gold St

Teed Lateral

W Gunner St

W Luana Ln

W Gold St

JMH

LEGEND

-  SUBJECT SITE
-  300 FT PROPERTIES
-  PARCEL LINES
-  ROADS
-  WATER FEATURES

Jace Hellman

From: Jace Hellman
Sent: Thursday, August 16, 2018 9:01 AM
To: 'IDAHO PRESS TRIBUNE'
Subject: City of Kuna Request for Legal Publication
Attachments: KMN publish Req 18-10-SUP.docx

Greetings:

We would like to request that you publish the attached legal notification in the **August 22nd, 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 #7465 (if you need it).
Thank you.

Jace Hellman
Planner II
751 W 4th St
Kuna, ID 83634
jhellman@kunaid.gov



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

File # 18-10-SUP Small Wonders Daycare

NOTICE IS HEREBY GIVEN, that the Kuna Planning & Zoning Commission will hold a public hearing, **Tuesday, September 11, 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 **Special Use Permit** request from Tracey McRoberts to operate a **Group Childcare Facility** in an existing residence located at 1403 N. Antimony Pl., Kuna, ID 83634. The applicant proposes childcare for seven (7) to twelve (12) Children (ages 0 to 10) at any one time. The proposed hours of operation will be approximately 6 am to 6 pm, Monday through Friday.

The public is invited to present written or oral comments. Written testimony received by the close of business on **September 5, 2018** will be included in the packets distributed to the governing body. Late submissions (must include six (6) copies) will be presented to the governing body at the time of the hearing. Please mail written comments to PO Box 13, Kuna, ID 83634, or drop them 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 August 22, 2018.

(Sent 8/16/2018)

Kuna P.O. # 7465

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 08/20/18 09:32 by sje14

Acct #: 345222

Ad #: 1802630

Status: New CHOLD

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

Start: 08/22/2018 Stop: 08/22/2018
Times Ord: 1 Times Run: ***
LEG 1.00 X 65.00 Words: 268
Total LEG 65.00
Class: 0006 GOVERNMENT NOTICES
Rate: LG Cost: 53.10
Affidavits: 1

Contact: CHRIS ENGLER
Phone: (208)387-7727

Ad Descrpt: 18-10-SUP
Given by: JACE HELLMAN
P.O. #: 7465

Fax#:
Email: awelker@kunaid.gov; gsmith@k
Agency:

Created: sje14 08/20/18 09:24
Last Changed: sje14 08/20/18 09:32

PUB ZONE EDT TP RUN DATES
KMN A 96 S 08/22

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 08/20/18 09:32 by sje14

Acct #: 345222

Ad #: 1802630

Status: New CHOLD CHOI

LEGAL NOTICE

File # 18-10-SUP
Small Wonders Daycare

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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

August 22, 2018 1802630

Looks great

Jace Hellman

From: IDAHO PRESS TRIBUNE <legals@idahopress.com>
Sent: Monday, August 20, 2018 10:33 AM
To: Jace Hellman
Cc: legals@idahopress.com
Subject: Confirmation: Ad 1802630 for 1 KUNA, CITY OF
Attachments: AD1802630_jnl.pdf

LEGAL E-MAIL FINAL APPROVAL RECIEPT

Good Day,

Attached is an invoice which shows proof, price and publication dates. Please check spelling and run dates for accuracy. PLEASE RESPOND by 10:00 am to confirm or make changes in order to meet deadline. You can simply reply to this email.

Idaho Press, 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

345222 1802630

1 KUNA, CITY OF

P.O. BOX 13
KUNA ID 83634

RECEIVED
AUG 29 2018
CITY OF KUNA

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:
08/22/2018

Sharon Jessen
STATE OF IDAHO

County of Canyon)

On this 22nd day of August 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 Nielsen
Notary Public for Idaho

Residing at Canyon County
My Commission expires 06/28/2023



LEGAL NOTICE

File # 18-10-SUP
Small Wonders Daycare

NOTICE IS HEREBY GIVEN, that the Kuna Planning & Zoning Commission will hold a public hearing, Tuesday, September 11, 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 Special Use Permit request from Tracey McRoberts to operate a Group Childcare Facility in an existing residence located at 1403 N. Antimony Pl., Kuna, ID 83634. The applicant proposes childcare for seven (7) to twelve (12) Children (ages 0 to 10) at any one time. The proposed hours of operation will be approximately 6 am to 6 pm, Monday through Friday.

The public is invited to present written or oral comments. Written testimony received by the close of business on September 5, 2018 will be included in the packets distributed to the governing body. Late submissions (must include six (6) copies) will be presented to the governing body at the time of the hearing. Please mail written comments to PO Box 13, Kuna, ID 83634, or drop them 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

August 22, 2018 1802630

Jace Hellman

From: Jace Hellman
Sent: Tuesday, August 14, 2018 9:12 AM
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; 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; 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. 18-10-SUP (Special Use Permit) - Small Wonders Daycare
Attachments: Agency Review Packet.pdf

August 14, 2018

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

FILE NUMBER	18-10-SUP (Special Use Permit) <i>Tracey McRoberts – Small Wonders Daycare</i>
PROJECT DESCRIPTION	Tracey McRoberts requests approval of a Special Use Permit (SUP) to operate a Group Childcare Facility in an existing residence located at 1403 N. Antimony Pl., Kuna, ID 83634. The applicant proposes childcare for seven (7) to twelve (12) Children (ages 0 to 10) at any one time. The proposed hours of operation will be approximately 6 am – 6 pm, Monday through Friday.
SITE LOCATION	1403 N Antimony Pl., Kuna, Idaho 83634.
APPLICANT/ REPRESENTATIVE	Tracey McRoberts 1119 N Cambrick Dr. Kuna, ID 83634 208-891-2849 mtmmicroberts@cableone.net
SCHEDULED HEARING DATE	Tuesday, September 11th, 2018 6:00 PM Kuna City Hall is located at 751 W 4 th Street, Kuna, ID 83634
KUNA STAFF CONTACT	Jace Hellman, Planner II jhellman@kunaid.gov Phone: 922-5274 Fax: 922-5989

Enclosed is information to assist you with your consideration and response. All comments as to how this action may affect the service(s) your agency provides, is greatly appreciated. Please contact staff with any questions. **If your agency needs different or additional information to review and provide comments please notify our office and they will**



be sent to you. If your agency needs additional time for review, please let our office know as soon as possible. *No response within 15 business days will indicate you have no objection or comments for this project.*

Thank you,

Jace Hellman

Planner II

751 W 4th St

Kuna, ID 83634

jhellman@kunaaid.gov





CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

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

Rezone # 18-10-SUP

Conditional Use # _____

Preliminary / Final / Short Plat _____

Small Wonders Daycare - City of Kuna

- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
 - high seasonal ground water 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: 8/27/18

Exhibit
B6



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

August 14, 2018

Troy Behunin
City of Kuna, Planning and Zoning Department
P.O. Box 13
Kuna, ID 83634

VIA EMAIL

Development Application	18-10-SUP
Project Name	SMALL WONDERS DAYCARE
Project Location	1403 North Antimony, west of SH-69 milepost 3.07
Project Description	Establish a group childcare facility in an existing residence
Applicant	Tracey McRoberts

The Idaho Transportation Department (ITD) reviewed the referenced special use permit application and has the following comments:

1. This project does not abut the State highway system.
2. 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.
3. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
4. ITD does not object to the establishment of a group childcare facility in an existing residence 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,

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

Exhibit
B4

Jace Hellman

From: Brenda Saxton <bsaxton@kunaschools.org>
Sent: Saturday, August 18, 2018 11:29 AM
To: Jace Hellman
Subject: Re: Kuna Planning and Zoning Request for Comment - Case No. 18-10-SUP (Special Use Permit) - Small Wonders Daycare

Hi Jace,

No concerns

Brenda

On Tue, Aug 14, 2018 at 9:12 AM, Jace Hellman <jhellman@kunaid.gov> wrote:

August 14, 2018

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

FILE NUMBER		18-10-SUP (Special Use Permit) Tracey McRoberts – Small Wonders Daycare
PROJECT DESCRIPTION		Tracey McRoberts requests approval of a Special Use Permit (SUP) to operate a Group Childcare Facility in an existing residence located at 1403 N. Antimony Pl., Kuna, ID 83634. The applicant proposes childcare for seven (7) to twelve (12) Children (ages 0 to 10) at any one time. The proposed hours of operation will be approximately 6 am – 6 pm, Monday through Friday.
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APPLICANT/ REPRESENTATIVE		Tracey McRoberts 1119 N Cambrick Dr. Kuna, ID 83634 208-891-2849



		mtmmcroberts@cableone.net
SCHEDULED HEARING DATE		Tuesday, September 11th, 2018 6:00 PM Kuna City Hall is located at 751 W 4 th Street, Kuna, ID 83634
KUNA STAFF CONTACT		Jace Hellman, Planner II jhellman@kunaid.gov Phone: 922-5274 Fax: 922-5989
<p>Enclosed is information to assist you with your consideration and response. All comments as to how this action may affect the service(s) your agency provides, is greatly appreciated. Please contact staff with any questions. If your agency needs different or additional information to review and provide comments please notify our office and they will be sent to you. If your agency needs additional time for review, please let our office know as soon as possible. <i>No response within 15 business days will indicate you have no objection or comments for this project.</i></p>		

Thank you,

[Jace Hellman](#)

Planner II

751 W 4th St

Kuna, ID 83634

jhellman@kunaid.gov

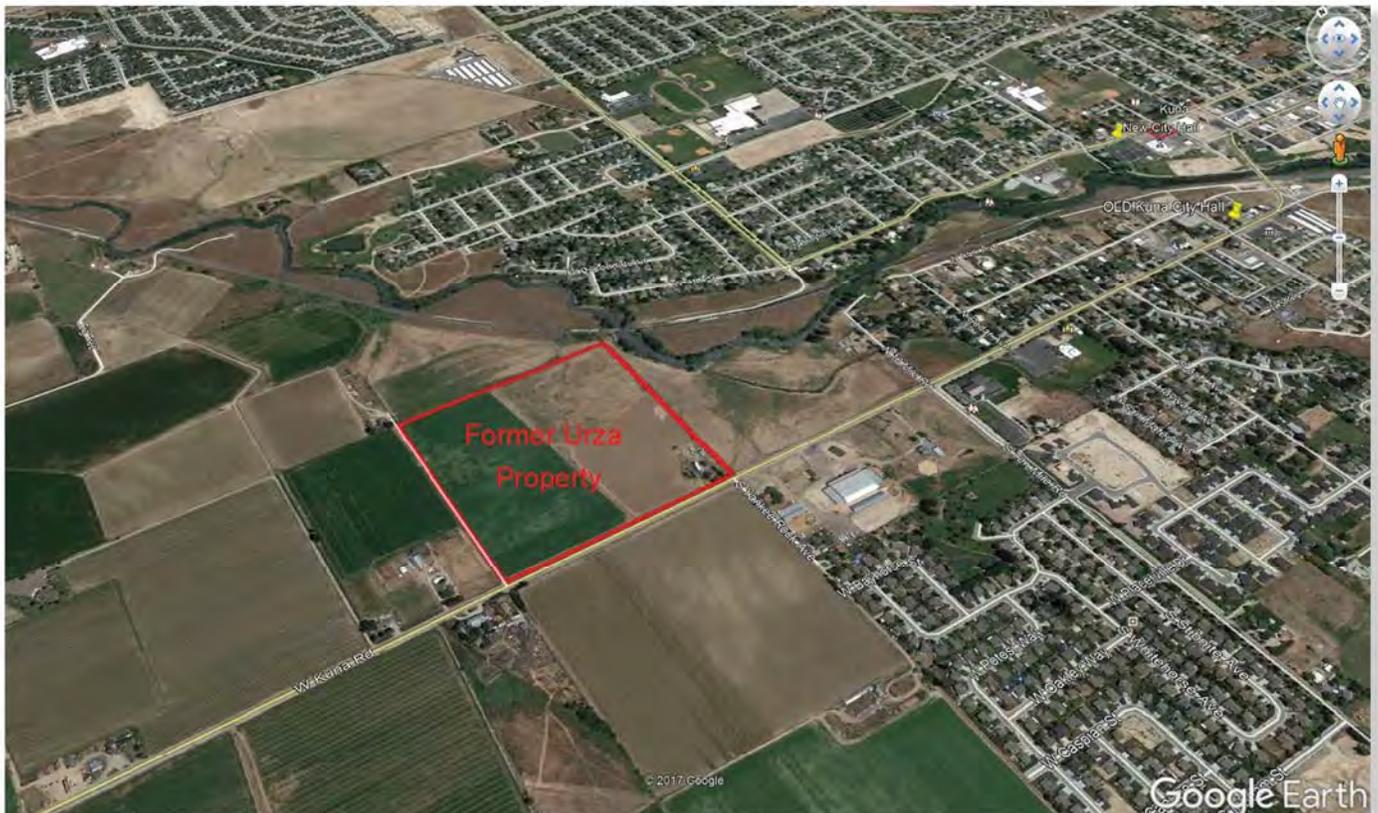
a. Notifications

- | | |
|----------------------------------|---|
| i. Neighborhood Meeting | April 11, 2018 (seven persons attended) |
| ii. Agency Comment Request | June 26, 2018 |
| iii. 375' Property Owners Notice | August 16, 2018 |
| iv. Kuna, Melba Newspaper | August 1, 2018 |
| v. Site Posted | August 8, 2018 |

B. Applicant's Request:

On behalf of N Star Farm, LLC (the applicant), Kirsti Grabo with KM Engineering, requests approval to subdivide approximately 39.50 acres (previously zoned R-6) into 206 single home lots, an additional 27 common lots, and one shared driveway. A Design Review application for the landscaping for the 27 common lots accompanies this application. The address is 2030 W. Kuna Road, Kuna Idaho, and is located near the NWC of Ten Mile and Kuna Roads, in Section 22, T 2N, R 1W, APN #: S1322438400. This project is known as Madrone Heights Subdivision.

C. Aerial Map:



©Copyrighted

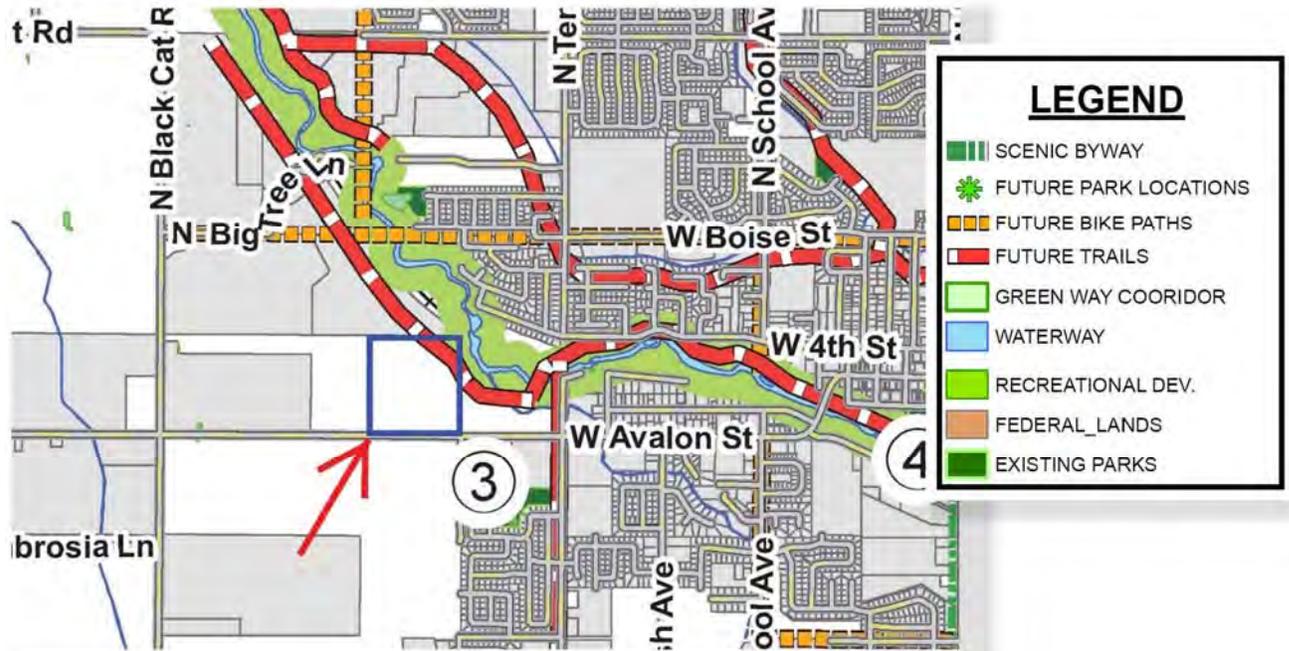
D. Site History:

This parcel is in the City of Kuna limits, with varying historical uses, ranging from residential to farming and is currently zoned R-6 (Medium Density Residential).

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. The Comp Plan Map calls for Medium Density Residential for this parcel.

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



3. **Surrounding Land Uses:**

North	A	Agriculture – Kuna City
South	RUT	Rural Urban Transition – Ada County
East	RUT	Rural Urban Transition – Ada County
West	RR	Rural Residential – Ada County

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

Property Owner	Parcel Size (Approximately)	Current Zone: (R-6) Medium Density Resident	Parcel Number
N Star Farm, LLC	39.48 acres	R-6	S1322438400

5. **Services:**

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

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

The majority of this land is being used for agricultural purposes, a small part of the land was used for residential purposes (Approx. 1.5 ac.) Applicant anticipates that the land will continue the historic agricultural uses on the lands until development occurs. There are no outbuildings on site, or any other structures.

7. **Transportation / Connectivity:**

All access points will need to follow design standards according to City and ACHD (Ada County Highway Dist.) codes. Applicant proposes ingress/egress on Kuna Road near the middle of the site, and a new segment of a mid-mile collector on the west property line. In accordance with City Code, the applicant proposes two (2) additional connection to properties to the east and north for future connection. Current legal points of access being used at this time may remain until development requires a change.

8. **Environmental Issues:**

Beyond being within the nitrate priority area, staff is not aware of any environmental, health or safety conflicts.

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

- Kuna City Engineer (Paul Stevens) – Exhibit B-1 [*This report will be late, due to his recent hiring*].
- Ada County Highway District (ACHD – Austin Miller) – Exhibit B-2
- Boise-Kuna Irrigation District (Lauren Boehlke) – Exhibit B-3
- Cable One TV (Brett Pike) – Exhibit B-4
- Community Planning Association of Southwest Idaho (COMPASS – Carl Miller) – Exhibit B-5

F. **Staff Analysis:**

The applicant previously annexed the land as part of the former Urza property application and now submits an application for preliminary plat and subdivision design review approvals and entitlements.

This parcel was annexed into Kuna City limits last spring with a R-6 (Medium Density) zoning. During the public hearings for said annexation there were certain density conditions approved by the Commission and City Council. Staff finds that this proposal conforms to the condition as outlined in the Findings of Fact and Conclusions of law.

All major public utilities are approximately 1,325 feet east, at Ten Mile and Kuna Roads. Applicant has been made aware that development of this parcel will require extension of, and connection to city services. Connection fees will be required for those utilities at time a building permit is issued. It is anticipated that development will require four phases for complete build-out. Staff concurs with ACHD's recommendation (for the north-south mid-mile collector on the west side of the project) for construction of the proposed mid-mile up to the north property line. Staff concurs that all required improvements shall be installed along with a barricade to be constructed and placed just beyond the W. Park Street intersection; if development has not occurred when phase four begins (ACHD Condition 9 in section D: Site Specific Conditions of Approval).

Staff has reviewed Kuna's Comprehensive Plan (Comp Plan), and found the Comp Plan encourages a variety of housing types for all income levels numerous times throughout the document. Pertinent sections of the Comp Plan that address housing types are included below, in Section K (Comp Plan Analysis) of this report. The City attempts to balance all housing types within the City. Staff would recommend that the applicant work with Kuna City, ACHD, and Kuna Rural Fire District (KRFD) to conform to each agency's requirements.

In the northeast corner of the site is a pocket park on lot 12, block 2. The Kuna Recreation and Pathway Map indicates a trail in this area. Staff recommends that the applicant provide a public easement for a future greenbelt/pathway to be built in the future by the H.O.A. if development occurs on the east or north. While this is a very small pinch point, it could become a pivotal piece in the future. Staff recommends that plantings be arranged so that a blockade is not formed accidentally.

This application includes a request for subdivision landscape design review. In the proposed landscape plans, the buffer on Kuna Road indicates incorrectly that one shade tree is *required every 100'*. Two shade trees are required per 100' (KCC 5-17-15). The plans also state that only 2 evergreen trees are required, however,

three every 100' is the required amount. It appears that the shrub amount is correct. Staff recommends the applicant add two notes to the landscape plan for planting requirements, and submit an 11 X 17 for approval bearing the requested changes that are listed in the Recommended Conditions of Approval. Design Review for a subdivision monument was not applied for the project, however it will be required to place a monument sign at the entry(ies).

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute § 67-6511; and the Kuna Comprehensive Plan document; and forwards a recommendation of approval for Case No's 18-02-S and 18-18-DR subject to any conditions of approval outlined by Kuna's Commission and City Council.

G. Applicable Standards:

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

H. Procedural Background:

On September 11, 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:

This parcel is located near the northwest corners of Ten Mile and Kuna Roads. The project consists of 39.48 (approx.) acres and is in Kuna City limits and zoned R-6 (Medium Density Residential). Applicant requests preliminary plat approval to subdivide said property in 206 homes, 27 common lots and one shared driveway. This parcel is adjacent to Kuna Road; a principle arterial.

J. Findings of Fact:

Based upon the record contained in Case No. 18-02-S, 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 **approval/conditional approval/denial** of the Findings of Fact and Conclusions of Law, and conditions of approval for Case No. 18-02-S, a request for preliminary plat, and hereby **approves/conditionally approves/denies** Case No. 18-18-DR, a request for subdivision design review, by the applicant follows:

The Commission concludes that the applications 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 September 11, 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.*

2. Based on the evidence contained in Case No. 18-02-S and 18-18-DR, this proposal **does/does not** appear to *generally* comply with the Comprehensive Plan.

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

3. The Kuna Commission has the authority to recommend **approval/conditional approval/denial** for the preliminary plat application, and the authority to **approve/deny** the design review application.

Comment: On September 11, 2018, the Commission voted to recommend **approval / conditional approval / denial** for case No. 18-02-S, and voted to approve / conditionally approve / deny case no. 18-18-DR.

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

Comment: As noted in the process and noticing sections, notice requirements were met to hold a public hearing on September 11, 2018.

K. City Commissions Comprehensive Plan Analysis:

Commission determines the proposed preliminary plat and design review requests for the site **are/are not** consistent with the following Comp Plan components:

Housing:

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

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

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

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

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

Economic Development Goals and Objectives - Section 5 - Summary:

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

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

Land Use Goals and Objectives - Section 6 - Summary:

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

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

Housing Goals and Objectives - Section 12 - Summary:

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

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

Community Design Goals and Objectives - Section 13 - Summary:

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

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

L. City Council's Idaho State Code Analysis:

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

M. P & Z 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 39.48 acre (approximate) proposal appears to be suitable for a subdivision, as proposed.*

2. The subdivision request **is/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.*

3. The preliminary plat application **is/is not** likely to cause adverse public health problems.

Comment: *As proposed, the preliminary plat generally complies with the Comp Plan. The project 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 subdivision request appears to avoid detriment to surrounding uses. Commission did consider the subdivision and landscaping and the location of the property with adjacent uses.*

5. The existing and proposed street and utility services in proximity to the site **are/are not** suitable or adequate for future residential purposes.

Comment: *Correspondence from ACHD and Kuna Public Works confirms that the streets and utility services (existing and proposed) are suitable and adequate for this subdivision, or will be as conditioned.*

6. Based on the evidence contained in Case No's 18-02-S and 18-18-DR, Commission finds Case No. 18-02-S and 18-18-DR **do/do not** adequately complies with Kuna City Code.

7. Based on the evidence contained in Case No. 18-02-S and 18-18-DR, Commission finds Case No. 18-02-S and 18-18-DR generally **do/do not** comply with Kuna's Zoning Code.

N. Recommended Conditions of Approval:

18-02-S (Preliminary Plat), *Note: The proposed motion is to recommend approval, conditional approval, or denial for these requests to City Council. If the Commission wishes to approve or deny specific parts of the requests as detailed in this report, those changes must be specified.*

18-18-DR (Design Review), *Note: The proposed motion is to approve or deny the design review request. If the Planning and Zoning Commission wishes to approve or deny specific parts of the requests as detailed in the report, those changes must be specified.*

Based upon the facts outlined in staff's memo, the Comp Plan, City Code, the record before the Commission, the applicant's presentation, public testimony and discussion during the September 11, 2018, public hearing, the Kuna Commission votes to **recommend approval/conditional approval/denial** for Case No. 18-02-S, and votes to approve / conditionally approve/ denies Case No. 18-18-DR, 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:

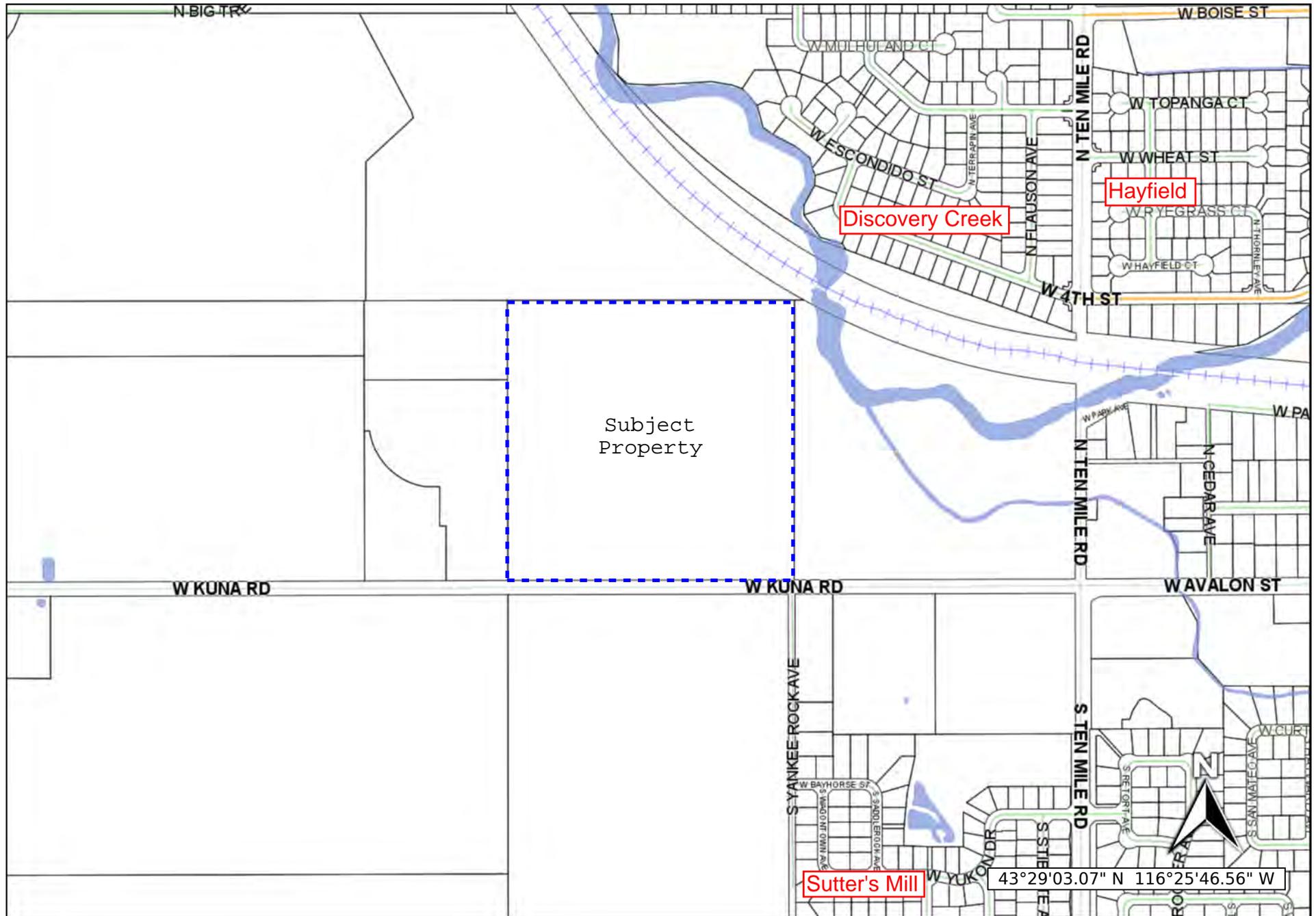
- a. The City Engineer shall approve the sewer hook-ups.
 - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
 - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
 - d. The *Boise-Kuna* Irrigation District shall approval any modifications to the existing irrigation system.
 - e. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to *issuance* of any building permit(s).
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District and Idaho Transportation Department. No public street construction may commence without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
 - 2.1– With development and as necessary, dedicate right-of-way in sufficient amounts to follow City and ACHD standards and widths.
 3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2-W.
 4. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
 5. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation system of the City (KMID).
 6. Street lights and parking lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Skies practices.
 7. Parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
 8. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted). Perimeter fencing (and permit) is required prior to requesting final plat signatures from Kuna City Clerk and Engineer.
 9. All signage/monuments within/for the project shall comply with Kuna City Code and shall be approved through the design review process with all subdivisions.
 10. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
 11. Applicant shall add the following notes to the landscape plans and resubmit a PDF for Planning and Zoning approved plans, bearing the changes.
 - 11.1 – Landscape contractor shall remove *all* twine/ropes and burlap from root balls.
 - 11.2 – Landscape contractor shall remove the wire basket from the top 1/2 (*HALF*) of the root ball.
 12. Applicant shall bring the landscape plans plant count into conformance with KCC 5-17-15 and resubmit a PDF for Planning and Zoning approved plans, bearing the changes.
 13. Developer shall provide an easement for a future greenbelt/pathway to be built in the future by the H.O.A. IF development occurs on the east or north.
 14. 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.

15. Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
16. Developer/owner/applicant shall comply with all local, state and federal laws.

DATED: This _____ day of _____, 2018.

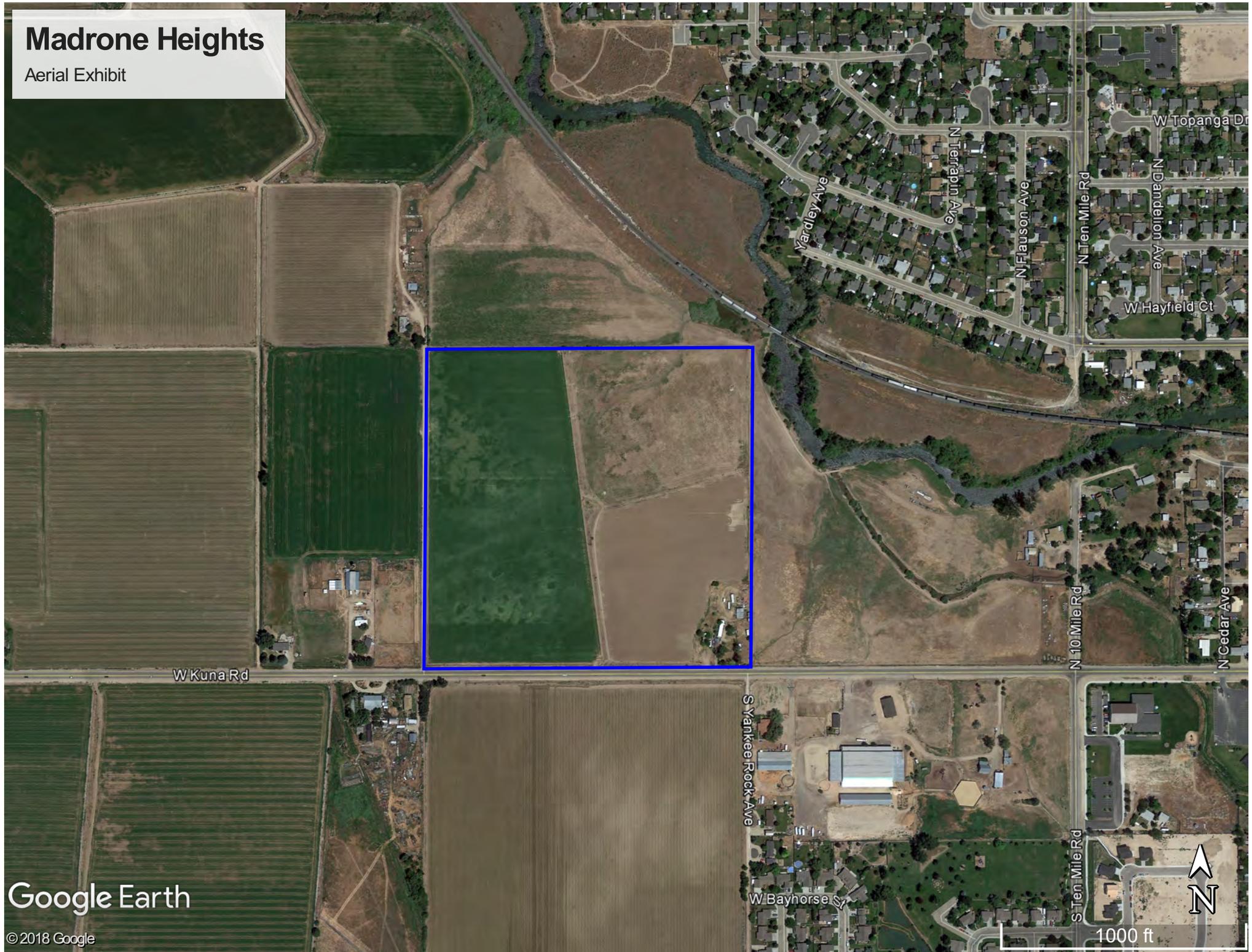
Vicinity Map

2030 West Kuna Road



Madrone Heights

Aerial Exhibit



W Kuna Rd

Yardley Ave

N Terrapin Ave

N Flauson Ave

N Ten Mile Rd

N Dandelion Ave

W Hayfield Ct

W Topanga Dr

N 10 Mile Rd

N Cedar Ave

S Yankee Rock Ave

S Ten Mile Rd

W Bayhorse St



1000 ft

Google Earth

© 2018 Google



May 25, 2018
Project No.: 17-054

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

**RE: Madrone Heights Subdivision – 2030 West Kuna Road – Kuna, ID
Preliminary Plat and Landscape Design Review Applications**

Dear Mr. Behunin:

On behalf of N Star Farm, LLC, and Waters Edge Farm, LLC, we are pleased to submit the attached application and required supplements for preliminary plat and landscape design review for Madrone Heights Subdivision.

As you know, the subject property (formerly known as the Urza property) is approximately 39.4 acres of agricultural ground identified as parcel number S1322438400 and located approximately one quarter mile west of Ten Mile on the north side of Kuna Road. Earlier this year, the site was annexed into the City of Kuna with the R-6 zoning designation (with a max density of 5.2 du/acre) commensurate with the existing Comprehensive Plan designation of Medium Density Residential.

Preliminary Plat

The attached preliminary plat proposes 206 buildable single-family residential lots, 27 common lots and 1 shared driveway lot for a total of 234 lots. The layout reflects a gross density of 5.2 units per acre, which is commensurate with the density allowed by Council as a part of the annexation and zoning approval. The project includes 3.4 acres of landscaped open space, which will include a central park with soccer fields and walking paths to provide pedestrian connectivity throughout the neighborhood. Further, the park's central location within the project creates ease of access for all residents of the subdivision. The open space and shared driveway lot will be owned and maintained by the homeowners' association, and draft CC&Rs including language for maintenance of the common lots are included herewith. The shared driveway lot will also serve as a corridor for extension of utilities into the neighborhood from Kuna Road. As such, it will be covered by the necessary access and utility easements.

A traffic impact study was completed, has been submitted to ACHD, and is provided with this application package for your review. As you can see on the preliminary plat, there are no existing stub streets in the area, so the subdivision proposes one access onto Kuna Road with a second access to the west onto a new mid-mile collector street, a portion of which will be constructed with this project. Per ACHD's annexation staff report, curb and gutter are not required along Kuna Road at this time, so we are proposing to improve Kuna Road with 17' of pavement plus a 3' gravel shoulder and a 5' detached sidewalk.

Mr. Eck has conducted significant due diligence regarding public utilities in the area and has worked with the City Engineer to determine a course of action to extend utilities to this site. We are not aware of any concerns in regards to other public services in the area and don't expect the project to create excessive additional requirements at public expense for public facilities and services because services will be supported by property taxes and/or fees paid directly to the service providers.

At this time, we are unaware of any health, safety, or environmental problems that currently exist or that will be created by this project.

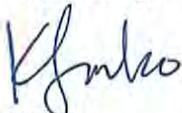
Design Review

Included with this submittal package is the design review application for common area landscaping within the subdivision. There are existing trees onsite, but none are proposed to remain. The new landscaping will consist of a combination of trees, shrubs, and other landscape materials, which are detailed on the attached landscape plans, and we believe that the design complies with the City's Design Review standards.

Conclusion

With the proposals discussed herein, we feel that the new Madrone Heights neighborhood will complement the City's vision for growth and provide additional housing opportunities for this growing area. Should you have questions or require further information in order to process these applications, please feel free to contact me. We look forward to working with staff to accomplish this great addition to the City of Kuna.

Sincerely,
KM Engineering, LLP



Kirsti Gräbo
Development Coordinator

cc: N Star Farm, LLC
Waters Edge Farm, LLC



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

Commission & Council Review Application

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

*Please submit the appropriate checklist (s) with application

Type of Review (check all that apply):

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

For Office Use Only	
File Number (s)	18-02-S & 18-18-DR
Project name	Madrone Heights
Date Received	
Date Accepted/ Complete	
Cross Reference Files	
Commission Hearing Date	9.11.2018
City Council Hearing Date	

Contact/Applicant Information

Owners of Record: <u>N Star Farm, LLC and</u>	Phone Number: <u>Waters Edge Farm, LLC</u>
Address: <u>6152 West Half Moon Lane</u>	E-Mail: _____
City, State, Zip: <u>Eagle, ID 83616</u>	Fax #: _____
Applicant (Developer): <u>same</u>	Phone Number: _____
Address: _____	E-Mail: _____
City, State, Zip: _____	Fax #: _____
Engineer/Representative: <u>KM Engineering, LLP</u>	Phone Number: <u>208.639.6939</u>
Address: <u>9233 West State Street</u>	E-Mail: <u>Kirsti Grabo - kgrabo@kmengllp.com</u>
City, State, Zip: <u>Boise, ID 83714</u>	Fax #: <u>208.639.6930</u>

Subject Property Information

Site Address: <u>2030 West Kuna Road</u>
Site Location (Cross Streets): <u>approx. 1/4 mile west of Ten Mile and Kuna Roads</u>
Parcel Number (s): <u>S1322438400</u>
Section, Township, Range: <u>Section 22, T2N, R1W</u>
Property size : <u>39.4 acres +/-</u>
Current land use: <u>Ag</u> Proposed land use: <u>SFR</u>
Current zoning district: <u>R-6</u> Proposed zoning district: <u>R-6</u>

Project Description

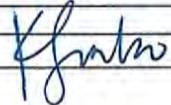
Project / subdivision name: Madrone Heights
 General description of proposed project / request: Preliminary plat for single-family residential subdivision
 Type of use proposed (check all that apply):
 Residential single-family detached
 Commercial _____
 Office _____
 Industrial _____
 Other _____
 Amenities provided with this development (if applicable): open space with soccer fields and walking paths

Residential Project Summary (if applicable)

Are there existing buildings? Yes No
 Please describe the existing buildings: existing residence with ag outbuildings
 Any existing buildings to remain? Yes No
 Number of residential units: 206 Number of building lots: 206
 Number of common and/or other lots: 27 common + 1 shared driveway lot
 Type of dwellings proposed:
 Single-Family _____
 Townhouses _____
 Duplexes _____
 Multi-Family _____
 Other _____
 Minimum Square footage of structure (s): _____
 Gross density (DU/acre-total property): 5.2 Net density (DU/acre-excluding roads): 7.3
 Percentage of open space provided: 8.6 Acreage of open space: 3.4
 Type of open space provided (i.e. landscaping, public, common, etc.): landscaped open space with soccer fields and walking paths

Non-Residential Project Summary (if applicable)

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

Applicant's Signature:  Date: 5.25.18



City of Kuna Design Review Application

P.O. Box 13
Kuna, Idaho 83634
(208) 922.5274
Fax: (208) 922.5989
Website: www.kunacity.id.gov

FILE NO.: _____

CROSS REF.: _____

FILES: _____

The City of Kuna has adopted a Design Review process whose purpose is to make Kuna a pleasant and comfortable place to live and work. This Design Review process is based on standards and guidelines found in the Design Review Ordinance No. 2007-02 and the Architecture and Site Design Booklet. Both of these documents can be found online (www.cityofkuna.com) or are picked up in the City's Planning and zoning department is located at 763 W Avalon, Kuna ID. Staff is glad to assist you with your application form.

The Design Review application applies to the following land use actions:

- ▶ Multi- family dwellings (3 or more)
- ▶ Commercial
- ▶ Industrial
- ▶ Institutional
- ▶ Office
- ▶ Common Area
- ▶ Subdivision Signage
- ▶ Proposed Conversions
- ▶ Proposed changes in land use and/or building use or exterior remodeling
- ▶ Exterior restoration, and enlargement or expansion of existing buildings, signs or sites.

Application Submittal Requirements

Applicant Use		Staff Use
<input checked="" type="checkbox"/>	Date of pre- application meeting : _____ <i>Note: Pre-Applications are valid for a period of three (3) months.</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	A complete Design Review Application form <i>Note: It is the applicant's responsibility to use a current application.</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Detailed letter of explanation or justification for the application, describing the project and design elements, and how the project complies with Design Review standards.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	One (1) Vicinity Map (8 ½" x 11") at 1" = 300' scale (or similar), label the location of the property and adjacent streets.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	One 8 ½" x 11" colored aerial photo depicting proposed site, street names, and surrounding area within five-hundred feet (500').	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Copy of Deed; and, if the applicant is not the owner, an original notarized statement (affidavit of legal interest) from the owner (and all interested parties) stating the applicant is authorized to submit this application.	<input type="checkbox"/>

Detailed site, landscape, drainage plan, elevation and to scale. *(No smaller than 1"=30', unless otherwise approved.)*

One of each plan (site, landscape, drainage plan and elevations) is required to be submitted in the following plan sizes:

(1) 24" X 36" TO SCALE COPIES

(1) 11" X 17" REDUCTIONS

(1) 8 1/2" x 11" REDUCTIONS

Provide a color rendering and material sample board specifically noting where each color and material is to be located on the structure.

Note: Provide photo of the colored rendering and material samples board to City Staff electronically in a JPG or PDF format.

The Applicant is obligated to provide a site plan that graphically portrays the site and includes the following features:

Site Plan

Applicant Use

North Arrow

To scale drawings

Property lines

Name of "Plan Preparer" with contact information

Name of project and date

Existing structures, identify those which are to be relocated or removed

On-site and adjoining streets, alleys, private drives and rights-of-way

Drainage location and method of on-site retention / detention

Location of public restrooms

Existing / proposed utility service and any above-ground utility structures and their location

Location and width of easements, canals and drainage ditches

Location and dimension of off-street parking

Locations and sizes of any loading area, docks, ramps and vehicle storage or service areas

Trash storage areas and exterior mechanical equipment, with proposed method of screening

Sign locations *(a separate sign application must be submitted with this application)*

On-site transportation circulation plan for motor vehicles, pedestrians and bicycles

Locations and uses of ALL open spaces

Locations, types and sizes of sound and visual buffers *(Note: all buffers must be located outside the public right-of-way)*

Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle

Locations of subdivision lines *(if applicable)*

Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles

Location of walls and fences and indication of their height and material of construction

Roofline and foundation plan of building, location on the site

Location and designations of all sidewalks

Location and designation of all rights-of-way and property lines

Staff Use

Landscape and Streetscape Plan

The landscape and streetscape plans need to be drawn by the project architect, professional landscape architect, landscape designer, or qualified nurseryman for development's possessing more than twelve thousand (12,000) square feet of private land. The landscaped and streetscape plans must be colored. The Planning Director or City Forester may require the preparation of a landscape plan for smaller developments by one of the noted individuals if the lot(s) have unique attributes.

Applicant Use	Staff Use
<input checked="" type="checkbox"/> North Arrow	<input type="checkbox"/>
<input checked="" type="checkbox"/> To scale drawings	<input type="checkbox"/>
<input checked="" type="checkbox"/> Boundaries, property lines and dimensions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Name of "Plan Preparer" with contact information	<input type="checkbox"/>
<input checked="" type="checkbox"/> Name of project and date	<input type="checkbox"/>
<input checked="" type="checkbox"/> Type and location of all plant materials and other ground covers. <i>Please review the City's plant list and rely upon it to identify the site's planting strategy. Include botanical and common name, quantity, spacing and sizes of all proposed landscape materials at the time of planting, and at maturity. A list of acceptable trees is available upon request from City Planning Staff. If there are any questions, please contact the City Forester, Natalie Reeder, at 208.880.0953</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Existing vegetation identified by specific size. Identify those which are proposed to be relocated or removed.	<input type="checkbox"/>
<input checked="" type="checkbox"/> Method of irrigation. <i>Note: All plant materials, except existing native plants not damaged during construction or xeriscape species shown not to require regular watering, shall be irrigated by underground sprinkler systems set on a timer in order to obtain proper watering duration and ease of maintenance.</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Location, description, materials, and cross-sections of special features, including berming, retaining walls, hedges, fences, fountains street/pathway furniture (benches, etc.), etc.	<input type="checkbox"/>
<input type="checkbox"/> Sign locations <i>Note: A separate sign application must be submitted with this application</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Locations and uses for open spaces	<input type="checkbox"/>
<input type="checkbox"/> Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle	<input type="checkbox"/>
<input checked="" type="checkbox"/> Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles	<input type="checkbox"/>
<input checked="" type="checkbox"/> Location and designations of all sidewalks	<input type="checkbox"/>
<input checked="" type="checkbox"/> Engineered grading and drainage plans: A generalized drainage plan showing direction drainage with proposed on-site retention. Upon submission of building/construction plans for an approved design review application, a detailed site grading and drainage plan, prepared by a registered professional engineer (PE) shall be submitted to the City for review and approval by the City Engineer.	<input type="checkbox"/>

Building Elevations

Applicant
Use

- Detailed elevation plans of each side of any proposed building(s) or additions(s)
Note: Four (4) elevations to include all sides of development and must be in color
- Identify the elevations as to north, south, east, and west orientation
- Colored copies of all proposed building materials and indication where each material and color application is to be located
Note: Submit as 11"x17" reductions
- Screening/treatment of mechanical equipment
- Provide a cross-section of the building showing any roof top mechanical units and their roof placement
- Detailed elevation plans showing the materials to be used in construction of trash enclosures

Staff
Use

-
-
-
-
-
-

Lighting Plan

Applicant
Use

- Exterior lighting including detained cut sheets and photometric plan (pedestrian, vehicle, security, decoration)
- Types and wattage of all light fixtures
Note: The City encourages use of "dark sky" lighting fixtures
- Placement of all light fixtures shown on elevations and landscaping plans

Staff
Use

-
-
-

Roof Plans

Applicant
Use

- Size and location of all roof top mechanical units

Staff
Use

-

Design Review Application

Applicant: N Star Farm, LLC Phone: c/o KM Engineering
& Waters Edge Farm, LLC Phone: 208.639.6939
 Owner Representative Fax/Email: 208.639.6930

Applicant's Address: 6152 West Half Moon Lane
Eagle, ID Zip: 83616

Owner: same Phone: _____

Owner's Address: _____ Email: _____
Zip: _____

Represented By: *(if different from above)* KM Engineering, LLP Phone: 208.639.6939

Address: 9233 West State Street Email: kgrabokmenqllp.com
Boise, ID Zip: 83714

Address of Property: 2030 West Kuna Road
Kuna, ID Zip: 83634

Distance from Major Street: _____
Cross Street: generally located north of Kuna Road Street Name(s): _____
west of Ten Mile Road

Please check the box that reflects the intent of the application

- BUILDING DESIGN REVIEW
- SUBDIVISION / COMMON AREA LANDSCAPE
- DESIGN REVIEW MODIFICATION
- STAFF LEVEL APPLICATION

This Design Review application is a request to construct, add or change the following: *(Briefly explain the nature of the request.)*

Common area landscaping for Madrone Heights Subdivision

1. Dimension of Property: +/- 39.4 acres

2. Current Land Use(s): ag

3. What are the land uses of the adjoining properties?

North: ag w/residence

South: ag across Kuna Road

East: ag w/residence

West: ag w/residence

4. Is the project intended to be phased, if so what is the phasing time period? yes

Please explain: phasing will be market driven - see conceptual phasing plan for further details

5. The number and use(s) of all structures: few old buildings - all to be removed - current preliminary plat proposes 206 new single-family residences

6. Building heights: _____ Number of stories: _____

The height and width relationship of new structures shall be compatible and consistent with the architectural character of the area and proposed use.

Note: The maximum building height for each zoning district is as follows:

L-O: 35'	C-2: 60'	CBD: 80'	M-2: 60'	P: 60'
C-1: 35'	C-3: 60'	M-1: 60'	M-3: 60'	

7. What is the percentage of building space on the lot when compared to the total lot area? _____

8. Exterior building materials & colors: *(Note: This section must be completed in compliance with the City of Kuna Ordinance No. 2007-21A (as amended); found online at www.cityofkuna.com under the City Code.*

MATERIAL

COLOR

Roof: _____ / _____

Walls: (State percentage of wall coverage for each type of building material below for each frontage wall) If there is not adequate space to identify the various building materials and applications, please list them on the attached sheet of this application. Please attach photos to support application types.

% of Wood application: _____ / _____

% EIFS: _____ / _____
(Exterior Insulation Finish System)

% Masonry: _____ / _____

% Face Block: _____ / _____

% Stucco: _____ / _____

& other material(s): _____ / _____

List all other materials: _____

Windows/Doors: _____ / _____
(Type of window frames & styles / doors & styles, material)

Soffits and fascia material: _____ / _____

Trim, etc.: _____ / _____

Other: _____ / _____

9. Please identify Mechanical Units: _____

Type/Height: _____

Proposed Screening Method: _____

10. Please identify trash enclosure: *(size, location, screening & construction materials)* _____

11. Are there any irrigation ditches/canals on or adjacent to the property? yes

If yes, what is the name of the irrigation or drainage provider? Indian Creek / Boise Project

12. Fencing: *(Please provide information about new fencing material as well as any existing fencing material)*

no existing fencing to remain

Type: subdivision fencing type TBD - will meet City Codes

Size: _____

Location: _____

(Please note that the City has height limitations of fencing material and requires a fence permit to be obtained prior to installation)

13. Proposed method of On-site Drainage Retention/Detention:

to be determined with final design - preliminarily showing seepage beds

14. Percentage of Site Devoted to Building Coverage: _____

% of Site Devoted to Landscaping: _____ Square Footage: _____
(Including landscaped rights-of-way)

% of Site that is Hard Surface: _____ Square Footage: _____
(Paving, driveways, walkways, etc.)

% of Site Devoted to other uses: _____

Describe: _____

% of landscaping within the parking lot (landscaped islands, etc.): _____

15. For details, please provide dimensions of landscaped areas within public rights-of-way: _____

16. Are there any existing trees of 4" or greater in caliper on the property? *(Please provide the information on the site plans.)*

If yes, what type, size and the general location? *(The City's goal is to preserve existing tree with greater than a four inch (4") caliper whenever possible):*

aged trees to be removed

17. Dock Loading Facilities:

Number of docking facilities and their location: _____

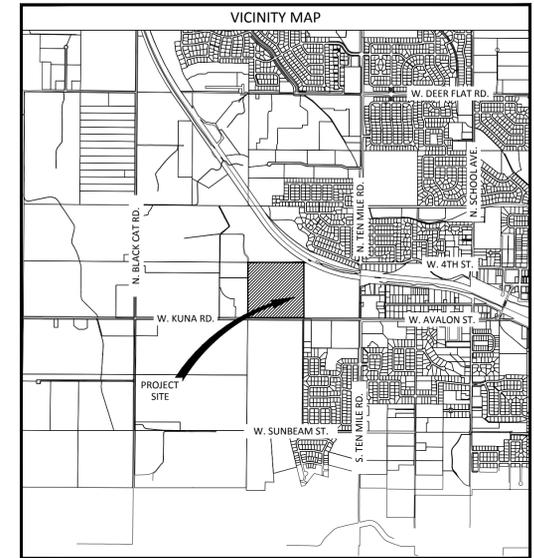
Method of screening: _____

18. Pedestrian Amenities: *(bike racks, receptacles, drinking fountains, benches, etc.)* public sidewalks along streets and pathways in common areas

19. Setbacks of the proposed building from property lines: _____

PRELIMINARY PLAT SHOWING MADRONE HEIGHTS SUBDIVISION MAY 2018

A PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22,
TOWNSHIP 2 NORTH, RANGE 1 WEST, BOISE MERIDIAN,
KUNA, IDAHO



A
GORDON
S1322325610

A
GORDON
S1322325610

RUT
OREGON SHORT LINE RR CO.
S1322449100

RR
MCGREGOR
S1322346627

RR
MCGREGOR
S1322346707

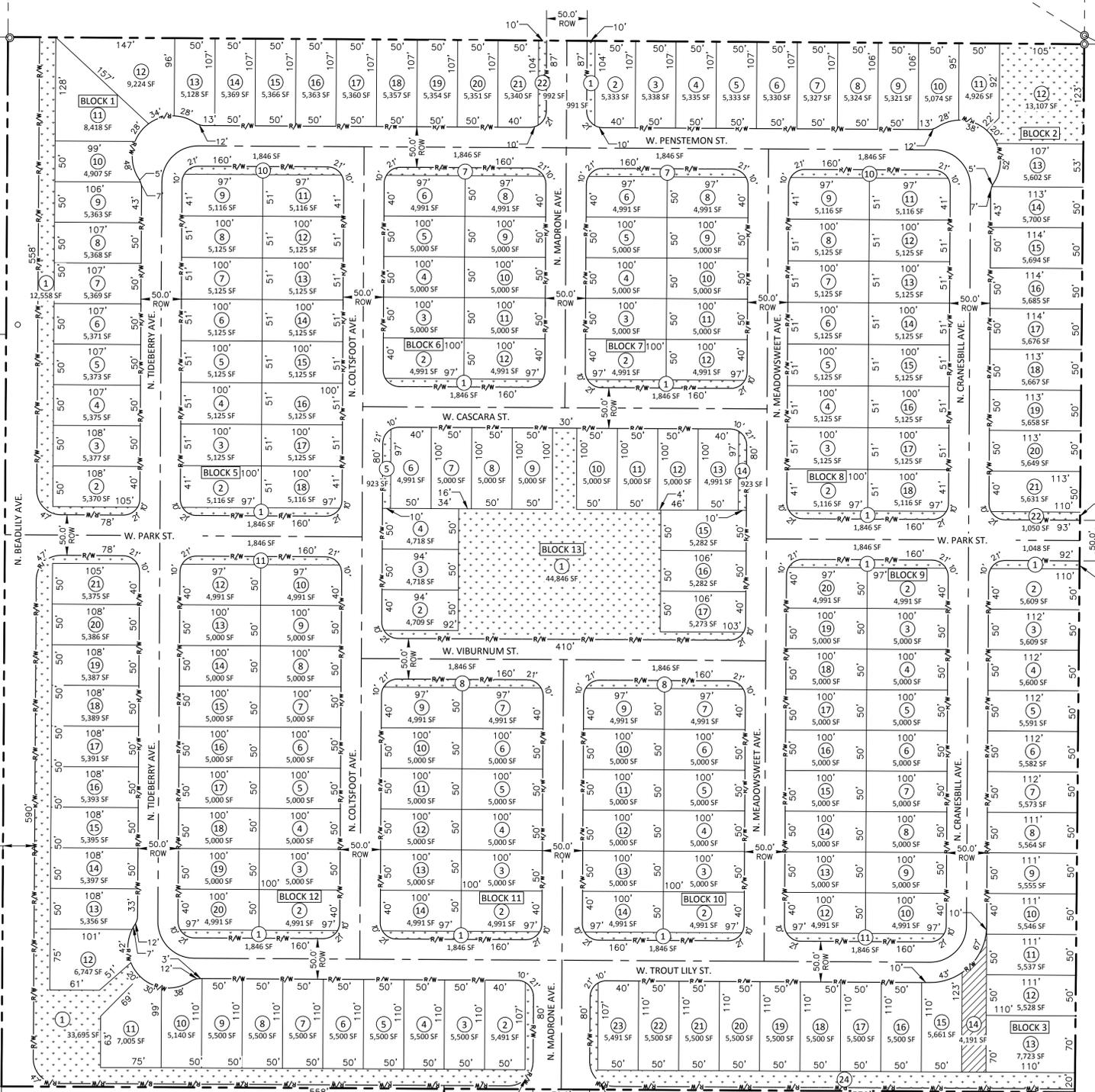
RR
MCGREGOR
S1322347035

RR
MURPHY FRANCIS LEVI LIFE ESTATE
S1327212400

RUT
URZA
R1321001000

R-4
SIGLER
R7321000100

RUT
ROESER
R732100007



LEGEND

- BOUNDARY LINE
- OFFSITE BOUNDARY LINE
- ROAD CENTERLINE
- SECTION LINE
- EASEMENT LINE
- LOT LINE
- R/W --- R/W RIGHT-OF-WAY LINE
- ⊙ FOUND 5/8 INCH REBAR
- ⊙ BRASS CAP
- COMMON OPEN SPACE

INDEX OF DRAWINGS

SHEET NUMBER	SHEET TITLE
PP1.0	COVER SHEET
PP2.0	EXISTING CONDITIONS
PP3.0	ENGINEERING
PPL1.0	LANDSCAPE COVER SHEET

PRELIMINARY PLAT DATA

SITE DATA	
TOTAL AREA OF SITE	39.39± ACRES
CURRENT SITE ZONING	R-6
OVERALL OPEN SPACE AREA	3.4± ACRES
PERCENT OPEN SPACE	8.6%
TOTAL NUMBER OF LOTS	234
NUMBER OF BUILDABLE LOTS	206
NUMBER OF COMMON LOTS	27
SHARED DRIVEWAY LOTS	1
DWELLING UNITS PER GROSS ACRE	5.2
R-6 DIMENSIONAL STANDARDS (NO CHANGES PROPOSED)	
MINIMUM SQUARE FOOTAGE	4,500 SF
MINIMUM FRONTAGE	45'
FRONT SETBACK	25'
REAR SETBACK	15'
INTERIOR SIDE SETBACK	5'
STREET SIDE SETBACK	LOCAL 20'
MAXIMUM BUILDING HEIGHT	35'
UTILITIES	
WATER:	CITY OF KUNA
SEWER:	CITY OF KUNA
POWER:	IDAHO POWER
NATURAL GAS:	INTERMOUNTAIN GAS CO.
TELEPHONE:	CENTURY LINK
IRRIGATION:	BOISE-KUNA IRRIGATION DISTRICT/CITY OF KUNA PI
PRESSURIZED IRRIGATION:	CITY OF KUNA (KIMD)
FIRE PROTECTION:	KUNA RURAL FIRE DISTRICT
POLICE PROTECTION:	KUNA POLICE (ADA COUNTY SHERIFF)
SANITATION:	J&M SANITATION
SCHOOL DISTRICT:	KUNA SCHOOL DISTRICT

SURVEY CONTROL NOTES

- ALL SURVEY DATA IS BASED ON THE US GOVERNMENT HORIZONTAL (NAD83 ADJUSTED TO THE ADA COUNTY H.A.R.N. SURVEY) AND VERTICAL (NAVD 88) BENCHMARK DATUM.

NOTES

- ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE CITY OF KUNA STANDARDS AND SPECIFICATIONS AND THE IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION (LATEST EDITION).
- ALL EASEMENTS AND BUILDING SETBACKS SHALL CONFORM TO THE CITY OF KUNA ZONING ORDINANCE.
- INTERNAL LOT LINES ARE CONCEPTUAL AND MAY CHANGE DURING FINAL PLATTING.
- STREET NAMES AS SHOWN ARE TEMPORARY AND SHALL BE NAMED ACCORDING TO CITY OF KUNA ZONING ORDINANCE PRIOR TO RECORDING OF FINAL PLAT.

CONTACT INFORMATION

ENGINEERING CONSULTANT	OWNER
KM ENGINEERING, LLP 9233 WEST STATE STREET BOISE, IDAHO 83714 PHONE: (208) 639-6939 FAX: (208) 639-6930 CONTACT: KEVIN P. MCCARTHY, P.E. EMAIL: kevin@kmenllp.com	NORTH STAR FARM, LLC & WATERS EDGE FARM LLC 6152 WEST HALF MOON LANE EAGLE, IDAHO 83616 CONTACT: TIM ECKE

PRELIMINARY NOT FOR CONSTRUCTION

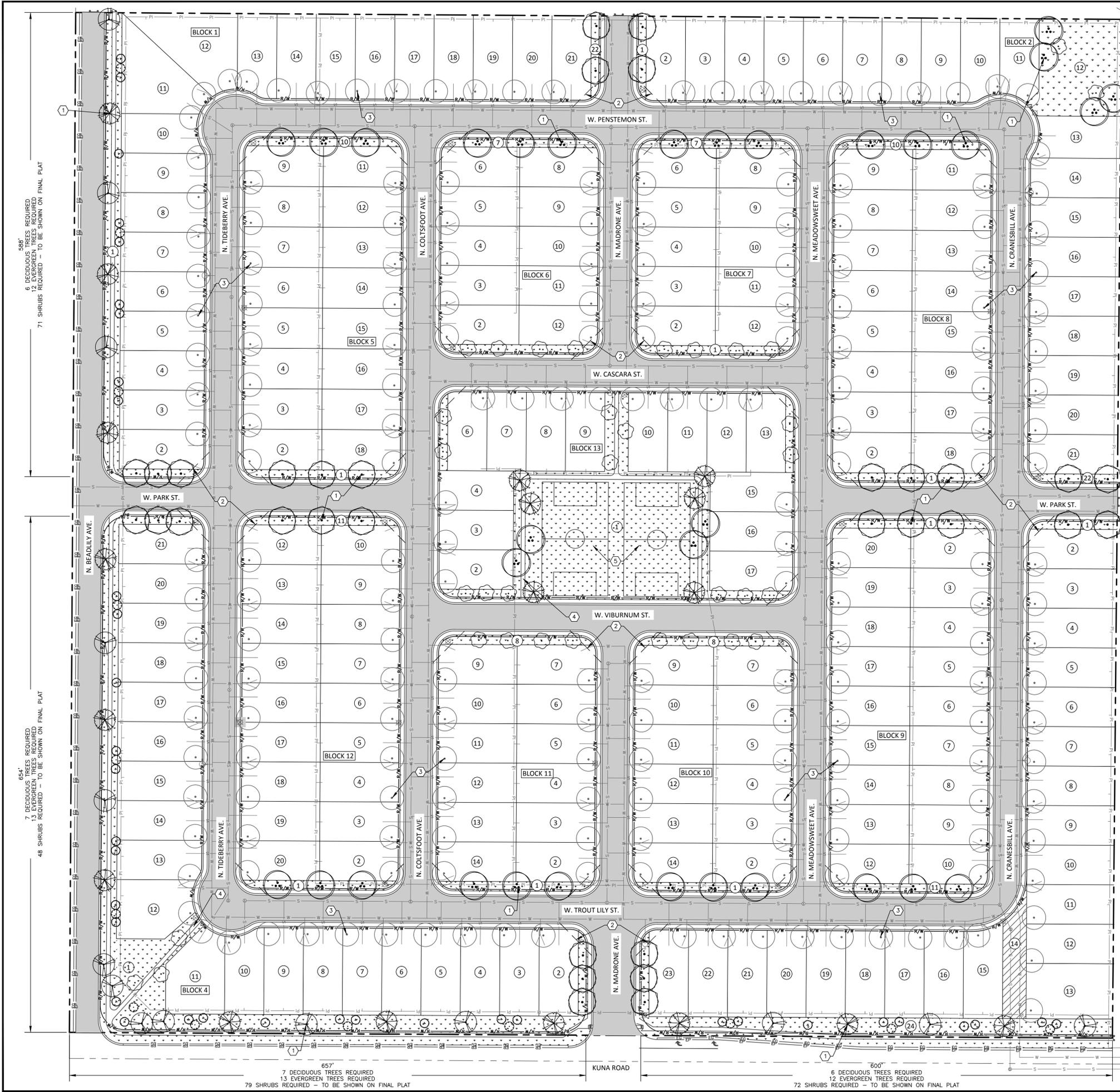
MADRONE HEIGHTS SUBDIVISION COVER SHEET KUNA, IDAHO

REVISIONS		
NO.	ITEM	DATE



PROFESSIONAL ENGINEER
10821
06/25/2018
KEVIN P. MCCARTHY
DATE: 5/25/18
PROJECT: 17-054
SHEET NO.
PP1.0

PRELIMINARY - NOT FOR CONSTRUCTION



PLANT SCHEDULE

DECIDUOUS TREES	QTY	BOTANICAL NAME	SIZE	MATURE HWX	CLASS
	18	ACER PLATANOIDES 'CRIMSON KING' CRIMSON KING MAPLE	2" CAL. B&B	35'X30'	CLASS II
	32	FRAXINUS AMERICANA 'AUTUMN PURPLE' AUTUMN PURPLE ASH	2" CAL. B&B	45'X45'	CLASS II
	14	GLEDITSIA TRIACANTHOS 'SKYLINE' SKYLINE HONEY LOCUST	2" CAL. B&B	35'X30'	CLASS II
	32	LIQUIDAMBAR STYRACIFLUA 'MORAINÉ' MORAINÉ SWEET GUM	2" CAL. B&B	55'X45'	CLASS II
	34	PYRUS CALLERYANA 'GLEN'S FORM'™ CHANTICLEER FLOWING PEAR	2" CAL. B&B	35'X20'	CLASS I
EVERGREEN TREES	QTY	BOTANICAL NAME	SIZE	MATURE HWX	CLASS
	37	PICEA PUNGENS 'HOOPSII' HOOPSII BLUE SPRUCE	6"-8" B&B	35'X15'	
	13	PINUS FLEXILIS 'VANDERWOLF'S PYRAMID' VANDERWOLF'S PYRAMID PINE	10"-12" B&B	25'X15'	
OTHER SYMBOLS	QTY	BOTANICAL NAME	SIZE	MATURE HWX	CLASS
	206	INDIVIDUAL LOT TREE SCHEMATIC LOCATION PER KUNA CITY CODE 6-4-2V INSTALL ONE TREE PER LOT. INDIVIDUAL LOT TREES SHALL BE INSTALLED BY THE INDIVIDUAL HOME BUILDER IN CONJUNCTION WITH THE INDIVIDUAL LOT DEVELOPMENT. THESE TREES ARE NOT THE RESPONSIBILITY OF THE DEVELOPER.	2" CAL. B&B		CLASS II
GROUND COVERS	QTY	BOTANICAL NAME	CONT		
	154,043 SF	TURF SOD RHIZOMATOUS RHIZOMATOUS TALL FESCUE	SOD		

GENERAL LANDSCAPE NOTES

- CONTRACTOR SHALL LOCATE AND IDENTIFY EXISTING UNDERGROUND AND OVERHEAD UTILITIES WITHIN CONTRACT WORK AREAS PRIOR TO CONSTRUCTION. CONTACT D.C. LINE, INC. @ 1.800.542.1885. PROVIDE ADEQUATE MEANS OF PROTECTION OF UTILITIES AND SERVICES DESIGNATED TO REMAIN. REPAIR UTILITIES DAMAGED DURING SITE WORK OPERATIONS AT CONTRACTOR'S EXPENSE.
- ALL PLANT MATERIAL SHALL CONFORM TO THE AMERICAN NURSERYMAN STANDARDS FOR TYPE AND SIZE SHOWN.
- ALL PLANTED BEDS TO RECEIVE A MIN. 3" DEPTH ORGANIC MULCH, SUCH AS BARK, SOIL AID, PERMABARK, OR SIMILAR PRODUCTS. USE OF MULCH OR ROCK AS THE ONLY GROUND COVER IN REQUIRED PLANTING AREAS IS PROHIBITED. IF ROCK MULCH IS USED, INSTALL A PERMEABLE FABRIC WEED BARRIER UNDER ROCK MULCH. IMPERMEABLE PLASTIC WEED BARRIERS ARE PROHIBITED.
- FENCING WITHIN SUBDIVISION, ALONG SIDE AND REAR LOT LINES SHALL BE INSTALLED BY BUILDER/HOMEOWNER IN CONJUNCTION WITH INDIVIDUAL LOT DEVELOPMENT AND SHALL COMPLY WITH THE STANDARDS ESTABLISHED IN THE SUBDIVISION'S CC&RS.
- REQUIRED SUBDIVISION LOT TREES SHALL BE INSTALLED BY THE BUILDER/ HOMEOWNER IN CONJUNCTION WITH INDIVIDUAL LOT DEVELOPMENT.
- INSTALL 3" RING WITH BARE EARTH SURFACE AT ALL TREES WITHIN TURF AREAS
- TREES SHALL NOT BE PLANTED WITHIN THE 10' CLEAR ZONE OF ALL 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.

GENERAL IRRIGATION NOTES

- ALL PLANT MATERIALS TO BE WATERED BY THE DEVELOPER OR SUBDIVISION PRESSURIZED IRRIGATION SYSTEM. IRRIGATION OF COMMON AREAS SHALL BE VIA THE SUBDIVISION'S PRESSURIZED IRRIGATION SYSTEM. IRRIGATION OF INDIVIDUAL LOTS AND LANDSCAPING ALONG THE FRONTAGE OF PRIVATE LOTS SHALL BE VIA METERED, POTABLE WATER AND THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNERS.
- COVERAGE: THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ONE HUNDRED PERCENT (100%) COVERAGE WITH HEAD TO HEAD SPACING OR TRIANGULAR SPACING AS APPROPRIATE.
- MATCHED PRECIPITATION RATES: SPRINKLER HEADS SHALL HAVE MATCHED PRECIPITATION RATES WITHIN EACH CONTROL VALVE.
- IRRIGATION DISTRICTS: SPRINKLER HEADS IRRIGATING LAWN OR OTHER HIGH WATER DEMAND AREAS SHALL BE CIRCUITED SO THAT THEY ARE ON THE SEPARATE ZONE OR DISTRICT FROM THOSE IRRIGATING TREES, SHRUBS, OR OTHER REDUCED WATER DEMAND AREAS.
- OVERSPRAY: SPRINKLER HEADS SHALL BE ADJUSTED TO REDUCE OVERSPRAY ONTO IMPERVIOUS SURFACES SUCH AS STREETS, SIDEWALKS, DRIVEWAYS, AND PARKING AREAS.

KEY NOTES (#)

- INSTALL 3" TREE RING, WITH BARE EARTH SURFACE AT ALL TREES WITHIN TURF AREAS.
- 40' CLEAR VISION TRIANGLE. NO TREES SHALL BE PLANTED WITHIN A CLEAR VISION TRIANGLE. THE MAXIMUM HEIGHT OF ANY VEGETATIVE GROUND COVER AT MATURITY SHALL BE 3' FROM THE ADJACENT STREET GRADE.
- SCHEMATIC LOCATION OF INDIVIDUAL LOT TREES. SEE SYMBOL LEGEND. TREES TO BE PLANTED IN CONJUNCTION WITH INDIVIDUAL LOT LANDSCAPING BY THE HOME BUILDER AND IN CONJUNCTION WITH THE INDIVIDUAL LOT DEVELOPMENT. THESE TREES ARE NOT THE RESPONSIBILITY OF THE DEVELOPER.
- PEDESTRIAN PATHWAY
- SCHEMATIC SOCCER FIELDS

REQUIRED LANDSCAPE CALCULATIONS

REQUIREMENTS	CALCULATION	PROVIDED
LOT REQUIREMENTS		
1 TREE PER LOT	206 BUILDABLE LOTS = 206 TREES REQUIRED	206
1 TREE PER 1000 SF OF OPEN SPACE	2.4 ACRES = +/- 104390 SF/1000= 104 TREES	104
FRONTAGE LANDSCAPE REQUIREMENTS		
1 DECIDUOUS TREES PER 100 LF OF FRONTAGE	26 DECIDUOUS TREES REQUIRED	26
2 EVERGREEN TREES PER 100 LF OF FRONTAGE	50 EVERGREEN TREES REQUIRED	50
12 SHRUBS PER 100 LF OF FRONTAGE		
TOTALS	386 TREES REQUIRED	386

CONTACT INFORMATION

ENGINEERING CONSULTANT
 KM ENGINEERING, LLP
 9233 WEST STATE STREET
 BOISE, IDAHO 83714
 PHONE: (208) 639-6939
 FAX: (208) 639-6930
 CONTACT: KEVIN P. MCCARTHY, P.E.
 EMAIL: kevin@kmenllp.com

OWNER
 NORTH STAR FARM, LLC &
 WATERS EDGE FARM LLC
 6152 WEST HALF MOON LANE
 EAGLE, IDAHO 83516
 CONTACT: TIM ECK

PRELIMINARY NOT FOR CONSTRUCTION

**MADRONE HEIGHTS SUBDIVISION
LANDSCAPE COVER SHEET
KUNA, IDAHO**

REVISIONS		
NO.	ITEM	DATE

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

DATE: 5/25/18
PROJECT: 17-054
SHEET NO. PPL1.0

588' 6 DECIDUOUS TREES REQUIRED
 12 EVERGREEN TREES REQUIRED
 71 SHRUBS REQUIRED - TO BE SHOWN ON FINAL PLAT

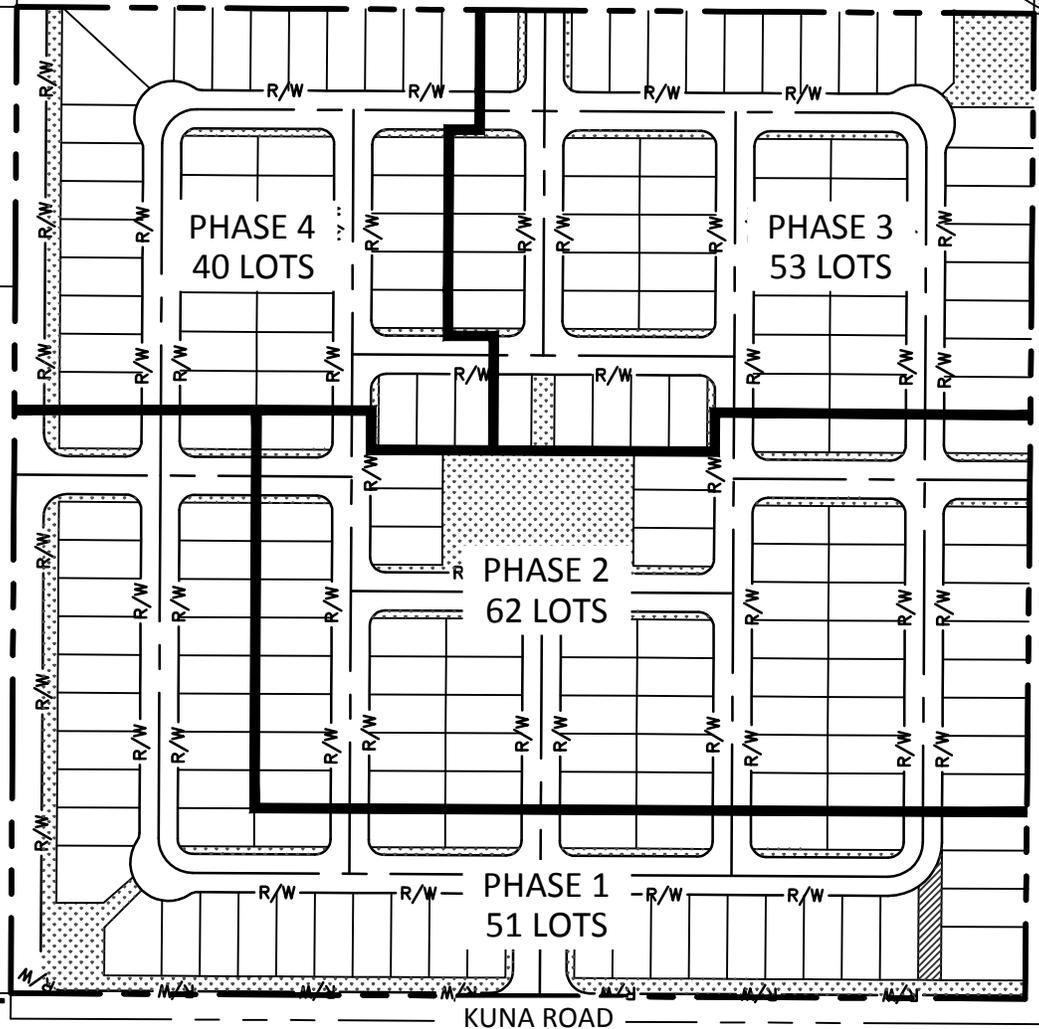
654' 7 DECIDUOUS TREES REQUIRED
 13 EVERGREEN TREES REQUIRED
 48 SHRUBS REQUIRED - TO BE SHOWN ON FINAL PLAT

657' 7 DECIDUOUS TREES REQUIRED
 13 EVERGREEN TREES REQUIRED
 79 SHRUBS REQUIRED - TO BE SHOWN ON FINAL PLAT

600' 6 DECIDUOUS TREES REQUIRED
 12 EVERGREEN TREES REQUIRED
 72 SHRUBS REQUIRED - TO BE SHOWN ON FINAL PLAT

PRELIMINARY - NOT FOR CONSTRUCTION

P:\17-054\CAD\PLAT\PRELIMINARY\17-054 PREPLAT COVER.DWG, ALYSSA YENSEN, 5/25/2018, DWG TO PDF.PC3, 08.5X11 P [PDF]



ENGINEERS . SURVEYORS . PLANNERS

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

DATE: 04/25/18
PROJECT: 17-054

SHEET:
1 OF 1



Plan Scale

MADRONE HEIGHTS SUBDIVISION
KUNA, IDAHO

CONCEPTUAL PHASING PLAN
SUBJECT TO CHANGE



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

MICHAEL L. BORZICK
GIS MAPPING

Telephone (208) 208-287-1726; Fax (208) 287-1731
Email: mborzick@kunaID.gov

MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Bob Bachman ~ Public Works Director
Paul Stevens ~ City Engineer
Michael L. Borzick ~ GIS Manager/Plan Review

RE: The Urza 40 Subdivision

DATE: January 4, 2018

We have reviewed the request of the above applicant. It is noted that specific development plans are not provided except those implied as allowed or permitted in a residential subdivision. Our recommendation is to proceed with this Project and address any issues and conditions raised below in connection with this application during plan review. Accordingly, we have provided the following comments:

1. Sanitary Sewer Needs

- a) The City requires connection to all city utilities.
- b) Wastewater from the applicant's property will be treated at the South Treatment Plant, which has sufficient capacity to serve this site at this time. The nearest point of connection for the Urza Subdivision property is located ½ mile to the East of said property within a 15" sewer main that discharges into the Ten Mile Lift Station. When connecting to the sewer system, the applicant shall abide by all relevant inspection, sewer reimbursement policies and agreements and all relevant connection fees. One (1) unit is responsible for one (1) sewer connection fee. 90 units – 90 connection fees.
- c) The Ten Mile Lift Station is "over-committed" for future sewer connections. At this time, the City opines that this project *will* over-burden the Lift Station and there may be a delay in the connections to the City sewer while we are working on a solution.
- d) Applicant must conform to City of Kuna Sewer Master Plan.
- e) For assistance in locating existing facilities and understanding issues associated with connection, please contact the GIS Manager at 208-287-1726.

2. Potable Water Needs

- a) The applicant's property is currently vacant and it is required that the applicant connect to City facilities at the commencement of development even though water is greater than 300' away.
- b) The nearest point of connection for this property is in a 12-inch water main 1/4 mile to the east of said property. When connecting to the water system, the applicant will need to abide by any relevant water reimbursement policies and agreements and any relevant connection fees.
- c) Improvements necessary to provide adequate fire protection as required by Kuna Fire District will be required of the development.
- d) Applicant must conform to City of Kuna Water Master Plan.
- e) For assistance in locating existing facilities, please contact the GIS Manager at 208-287-1726.

3. Pressure and Gravity Irrigation

- a) There is no pressurized irrigation available to this property however the applicant would be responsible for the "to and through" policy and must conform to City of Kuna Irrigation Master Plan which entails extending a 12" PI main along the section line road of Avalon St and along the mid mile alignment on the western boundary.
- b) Provide adequate request(s) and legal descriptions for annexing and pooling the irrigation water in a phased approach.
- c) For assistance in locating existing facilities, please contact the GIS Manager at 208-287-1726.

4. Grading and Storm Drainage

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

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

5. General

- a) Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties.
- b) What is the intent for the existing buildings, well(s) and septic tank(s)
- c) State the vertical datum used for elevations on all drawings.
- d) Provide engineering certification on all final engineering drawings.

e) Inspection Fees

An inspection fee will be required for City inspection of the construction of any **public** water, sewer and irrigation facility associated with this development. The developer will still require a qualified responsible engineer to do sufficient inspection to justly certify to DEQ the project was completed in accordance with approved plans and specifications and to provide accurate as-built drawings to the City. The developer's engineer and the City's inspector are permitted to coordinate inspections as much as

possible. The current inspection fee is \$1.00 per lineal foot of sewer, water and pressure irrigation pipe and payment is due and payable prior to City's approval of final construction plans.

f) Right-of-Way

The following conditions are related to these classified streets and future quarter line classified streets and apply at the time of additional development:

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

g) 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.

h) Property Description

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

i) Recommendation

Public Works recommends this property be zoned no more than R-4 or less due to the real capacity issues at the Ten Mile Lift Station. We are working on several solutions to increase the capacity issues within the Ten Mile LS, however these solutions can only be slowly implemented due to budget restraints/cycles and one of the "easiest" options may require putting an older outdated force main into service which is not recommended by staff because of the issues that are associated with that force main.

We look forward to working with you on this project. If we may be of further assistance, feel free to contact me at 208-287-1726.

Sincerely,

Michael L Borzick

Michael L Borzick
GIS Manager



Project/File: **Madrone Heights/ KPP18-0008/ 18-02-S**
This is a preliminary plat application to allow for the development of 206 single family building lots and 27 common lots on approximately 39 acres.

Lead Agency: City of Kuna

Site address: 2030 W. Kuna Road

Staff Approval: September 6, 2018

Applicant: Tim Eck
 Star Farm, LLC
 6152 W. Half Moon Lane
 Eagle, ID 83616

Representative: Kirsti Grabo
 KM Engineering
 9233 W. State Street
 Boise, ID 83714

Staff Contact: Mindy Wallace, AICP
 Phone: 387-6178
 E-mail: mwallace@achdidaho.org

A. Findings of Fact

- Description of Application:** This is a preliminary plat application to allow for the development of 206 single family building lots and 27 common lots on approximately 39 acres.

The applicant's proposal is consistent with the R-6 residential zoning of the site.

- Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Agricultural	A
South	Rural urban transitional	RUT
East	Rural urban transitional	RUT
West	Rural residential	RR

- Site History:** ACHD has not previously reviewed this site for a development application.
- Transit:** Transit services are not available to serve this site.
- New Center Lane Miles:** The proposed development includes 0.8 centerline miles of new public road.

6. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.

7. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**

There are no roadways, bridges or intersections in the general vicinity of the project that are in the Integrated Five Year Work Plan (IFYWP) or the District's Capital Improvement Plan (CIP).

B. Traffic Findings for Consideration

1. **Trip Generation:** This development is estimated to generate 2,013 vehicle trips per day; 202 additional vehicle trips per hour in the PM peak hour, based on the traffic impact study.

2. **Traffic Impact Study**

Kittelson & Associates prepared a traffic impact study for the proposed Madrone Heights Subdivision. The executive summary of the findings as presented by Consulting Firm can be found as attachment 3. ACHD has reviewed the submitted traffic impact study for consistency with ACHD policies and practices, and may have additional requirements beyond what is noted in the summary.

Staff Comments/Recommendations: The traffic study notes that all study intersections and roadway segments will operate at an acceptable level of service under existing conditions and under total traffic conditions in 2022.

The traffic impact study recommends a posted speed reduction for Kuna Road between Yankee Rock Avenue and Black Cat Road as a potential mitigation alternative to constructing right turn lanes on Kuna Road at Black Cat Road and at the south site access (Madrone Avenue).

ACHD collected radar speed data for this segment on August 9, 2018 and found that the existing 85th percentile speed is 56 mph. The construction of the proposed development is not likely to decrease vehicle speeds enough to warrant a reduction of the posted speed limit to 35 or 40 mph, as recommend in the study. Additional development may lead to reduced speeds and an extension to the west of the 35 mph speed zone that currently begins at Yankee Rock Avenue, but right turn lanes will be warranted due to an increase in volume on Kuna Road associated with the additional development. Therefore, staff recommends the construction of a westbound right turn at the Kuna Road/Black Cat Road intersection and the construction of a right turn lane on Kuna Road at Madrone Avenue.

The turn lane analysis worksheets show that that the warrant is met for an eastbound left-turn lane under total traffic conditions in 2022 in the PM Peak hour at the South Access (Madrone Avenue) and Kuna Road intersection, however, the TIS states that the left-turn warrant is not met for either peak hour. Based on staff's evaluation, an eastbound left turn lane is warranted at this location.

The TIS also lists potential four-way stop control at the intersection of Kuna Road and Black Cat Road as a potential mitigation alternative to constructing a westbound right turn lane at the intersection. The existing crash data and anticipated future volumes at the intersection do not meet warrants for four-way stop control.

3. Condition of Area Roadways

Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Kuna Road	1,320-feet	Minor Arterial	291	Better than "E"

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

4. Average Daily Traffic Count (VDT)

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

- The average daily traffic count for Kuna Road west of Ten Mile Road was 5,240 on 3/21/2018.

C. Findings for Consideration

1. Kuna Road

a. **Existing Conditions:** Kuna Road is improved with 2-travel lanes, and no curb, gutter or sidewalk abutting the site. There is 66-feet of right-of-way for Kuna Road (33-feet from centerline).

b. **Policy:**

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

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

Street Section and Right-of Way Width Policy: District 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.

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

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

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

Sidewalk Policy: District Policy 7205.5.7 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all arterial streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

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

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

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

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Arterial Road is designated in the MSM as a Residential Arterial with 3-lanes and on-street bike lanes, a 46-foot street section within 74-feet of right-of-way.

- c. **Applicant Proposal:** The applicant has proposed to dedicate right-of-way to total 37-feet from the centerline of Kuna Road abutting the site. The applicant has proposed to widen the pavement on Kuna Road to 17-feet from centerline with 3-foot wide gravel shoulders and 5-foot wide detached concrete sidewalks.
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy and should be approved, as proposed. The applicant should be required to provide a permanent right-of-way easement for detached sidewalk located outside of the dedicated right-of-way.

No compensation will be provided for right-of-way on Kuna Road, as the roadway is not listed as impact fee eligible in the Capital Improvements Plan.

As recommended in the traffic impact study, construct a dedicated right turn lane and a center left turn lane on Kuna Road at the Madrone Avenue intersection when Madrone Avenue is constructed.

2. Mid-Mile Collector

- a. **Existing Conditions:** There are no mid-mile collector roadways adjacent to or within the site.
- b. **Policy:**
 - Collector Street Policy:** District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.
 - Master Street Map and Typologies Policy:** District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.
 - Street Section and Right-of-Way Policy:** District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

Residential Collector Policy: District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and

taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

Sidewalk Policy: District policy 7206.5.6 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all collector streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

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

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

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. A new collector roadway was identified on the MSM with the street typology of Residential Collector. The new collector roadway should be located at the half mile between Black Cat and Ten Mile Roads and should extend from Kuna Road north stubbing to the north property line. The Residential Collector typology as depicted in the Livable Street Design Guide recommends a 36-lane roadway with bike lanes, a 36-foot street section within 54-feet of right-of-way.

- c. **Applicant Proposal:** The applicant has proposed to construct ½ of a mid-mile collector, Beadlily Avenue, abutting the site's west property line. The roadway is proposed to be constructed as a ½ of a 36-foot collector roadway, plus 12-additional feet of pavement to total 30-feet, with vertical curb, gutter, an 8-foot wide planter strip, and 5-foot wide detached concrete sidewalks abutting the site with a gravel shoulder and barrow ditch on the west side of the roadway.

These improvements are proposed to be constructed within 38-feet of right-of-way, with the planter strip and detached sidewalk located outside of the right-of-way in an easement.

- d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy and should be approved, as proposed. If the sidewalks are detached then the right-of-way may extend from the barrow ditch to 2-feet behind the back of curb on the south side of the roadway. Provide a permanent right-of-way easement for detached sidewalks located outside of the dedicated right-of-way.

The construction of Beadlily Avenue north of Park Street will be evaluated with the final plat necessitating the improvements. If neighboring parcels have developed, or will likely develop, then the road should be constructed to the north property line, as proposed. If development hasn't occurred then Staff recommends that the right-of-way for Beadlily Avenue extend to the site's north property line, but that the improvements terminate at the Park Street intersection and that the applicant provide a road trust deposit for the future construction of the roadway.

The applicant should be required to install a sign at the terminus of Beadlily Avenue Street which states that, "*THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS STREET WILL BE EXTENDED AND WIDENED IN THE FUTURE.*"

If Beadlily Avenue is constructed to the north property line, staff recommends that lieu of constructing a temporary turnaround at the terminus of the Beadlily Avenue, that a barricade be installed on the north side of Park Street with a sign that states that, "*THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS STREET WILL BE EXTENDED AND*

WIDENED IN THE FUTURE.” Staff’s recommendation is due to the fact that Beadlily is a collector roadway with no front-on housing and no direct lot access, there will be fencing and a 20-foot wide landscape buffer between the roadway and the building lots, and because there is no direct lot access emergency services will not need to turnaround at the terminus of the stub street, as the homes will be access from local streets within the development.

3. Internal Local Street

a. **Existing Conditions:** There are no local streets within the site.

b. **Policy:**

Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Street Section and Right-of-Way Policy: District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).

Standard Urban Local Street—33-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 33-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 47-feet of right-of-way.

For the City of Kuna and City of Star: Unless otherwise approved by Kuna or Star, the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 50-feet of right-of-way.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District’s Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

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

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

c. **Applicant’s Proposal:** The applicant has proposed to construct the internal local streets as 36-foot wide street sections with rolled curb, gutter, and 5-foot wide attached concrete sidewalks within 50-feet of right-of-way.

d. **Staff Comments/Recommendations:** The applicant’s proposal meets District policy and should be approved, as proposed.

4. Roadway Offsets

a. **Existing Conditions:** There are no roadways within the site.

b. **Policy:**

Local Street Intersection Spacing on Minor Arterials: District policy 7205.4.3 states that new local streets should not typically intersect arterials. Local streets should typically intersect collectors. If it is necessary, as determined by ACHD, for a local street to intersect an arterial, the minimum allowable offset shall be 660-feet as measured from all other existing roadways as identified in Table 1a (7205.4.6).

Collector Offset Policy: District policy 7205.4.2 states that the optimum spacing for new signalized collector roadways intersecting minor arterials is one half-mile.

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

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

c. **Applicant's Proposal:** The applicant has proposed to construct 2 roadways to intersect Kuna Road. Madrone Avenue, located approximately 640-feet west of the east property line and Beadlily Avenue, located at the half mile between Ten Mile and Black Cat Roads.

d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy is consistent with the MSM and should be approved, as proposed.

5. Stub Streets

a. **Existing Conditions:** There are no stub streets to or from the site.

b. **Policy:**

Stub Street Policy: District policies 7206.2.4 and 7207.2.4 state that stub streets will be required to provide circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7206.2.5.4 and 7207.2.5.4, except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE." or "THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS STREET WILL BE EXTENDED AND WIDENED IN THE FUTURE."

In addition, stub streets must meet the following conditions:

- A stub street shall be designed to slope towards the nearest street intersection within the proposed development and drain surface water towards that intersection; unless an alternative storm drain system is approved by the District.
- The District may require appropriate covenants guaranteeing that the stub street will remain free of obstructions.

Temporary Dead End Streets Policy: District policies 7206.2.4 and 7207.2.4 requires that the design and construction for cul-de-sac streets shall apply to temporary dead end streets. The temporary cul-de-sac shall be paved and shall be the dimensional requirements of a standard cul-de-sac. The developer shall grant a temporary turnaround easement to the District for those portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends onto a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.

c. **Applicant Proposal:** The applicant has proposed to construct 1 stub street to the north, Madrone Avenue, located approximately 640-feet west of the east property line.

The applicant has proposed to construct 1 stub street to the east, Park Street, located approximately 670-feet north of the south property line.

- d. Staff Comments/Recommendations:** The applicant's proposal meets District policy and should be approved, as proposed. The applicant should be required to install a sign at the terminus of each stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

6. Tree Planters

Tree Planter Policy: Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

7. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

8. Other Access

Kuna Road is classified as a minor arterial roadway. Beadlily Avenue is classified as a collector roadway. Direct lot access is prohibited to these roadways and should be noted on the final plat.

D. Site Specific Conditions of Approval

1. Construct a westbound right turn on Kuna Road at the Kuna Road/Black Cat Road intersection.
2. Dedicate right-of-way to total 37-feet from the centerline of Kuna Road abutting the site. No compensation will be provided for right-of-way dedication.
3. Widen the pavement on Kuna Road to 17-feet from centerline with 3-foot wide gravel shoulders and 5-foot wide detached concrete sidewalks, as proposed. Provide a permanent right-of-way easement for detached sidewalk located outside of the dedicated right-of-way.
4. Construct a dedicated right turn lane and a center left turn lane on Kuna Road at the Madrone Avenue intersection when Madrone Avenue is constructed.
5. Construct Beadlily Avenue to intersect Kuna Road at the half mile between Black Cat and Ten Mile Road, as proposed.
6. Construct Beadlily Avenue as a ½ of a 36-foot collector roadway, plus 12-additional feet of pavement to total 30-feet, with vertical curb, gutter, an 8-foot wide planter strip, and 5-foot wide detached concrete sidewalks abutting the site with a gravel shoulder and barrow ditch on the west side of the roadway, as proposed. The right-of-way shall extend a minimum of 2-feet behind the back curb and encompass the barrow ditch. Provide a permanent right-of-way easement for detached sidewalk located outside of the dedicated right-of-way.
7. The construction of Beadlily Avenue north of Park Street will be evaluated with the final plat necessitating the improvements. If Beadlily isn't constructed north of Park Street, then right-of-way dedication and a road trust deposit for that segment of the roadway will be required.

8. Install a sign at the terminus of Beadlily Avenue Street which states that, *"THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS STREET WILL BE EXTENDED AND WIDENED IN THE FUTURE."*
9. If Beadlily Avenue is constructed to the north property line, install a barricade on the north side of Park Street with a sign that states that, *"THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS STREET WILL BE EXTENDED AND WIDENED IN THE FUTURE."*
10. Construct Madrone Avenue to intersect Kuna Road, located 640-feet west of the east property line, as proposed.
11. Construct the internal local streets as 36-foot wide street sections with rolled curb, gutter, and 5-foot wide attached concrete sidewalks within 50-feet of right-of-way.
12. Construct 1 stub street to the north, Madrone Avenue, located 640-feet west of the east property line, as proposed. Install a sign at the terminus the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
13. Construct 1 stub street to the east, Park Street, located 670-feet north of the south property line. Install a sign at the terminus of the street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
14. Other than the access specifically approved with this application, direct lot access is prohibited to Kuna Road and Beadlily Avenue and shall be noted on the final plat.
15. Payment of impact fees is due prior to issuance of a building permit.
16. 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.

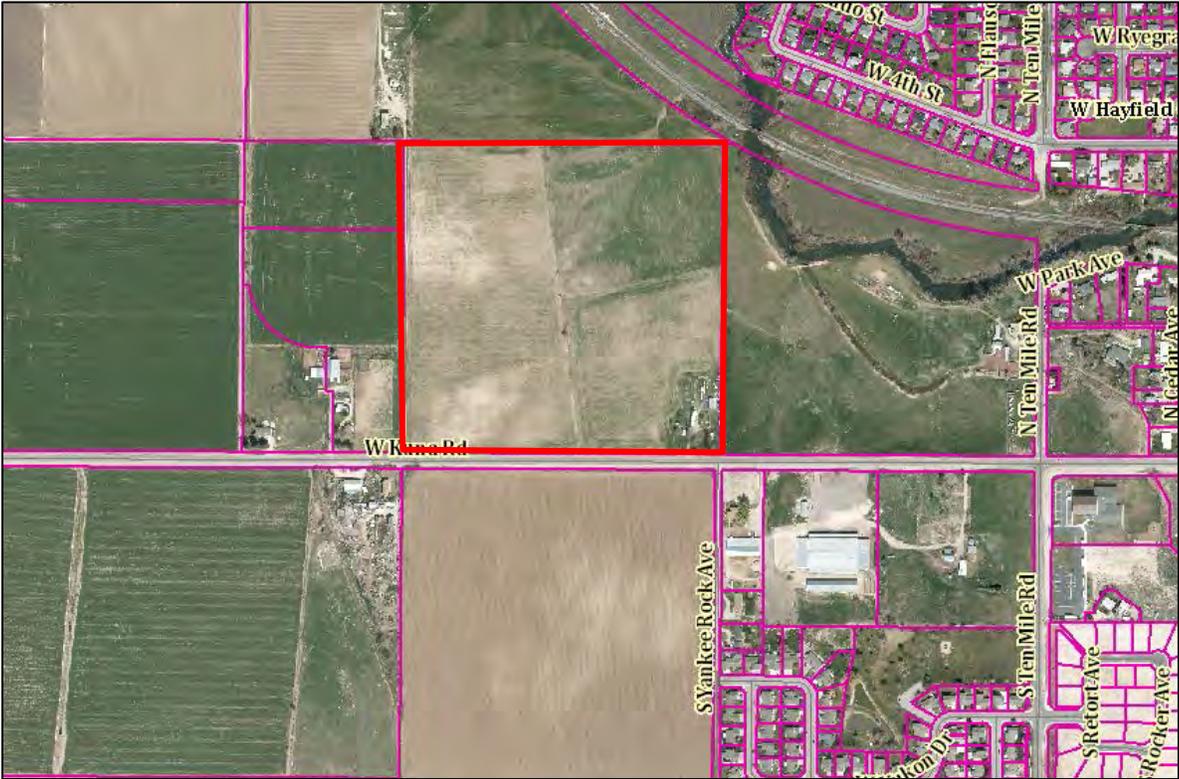
F. Conclusions of Law

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. Traffic Study - Summary
4. Utility Coordinating Council
5. Development Process Checklist
6. Request for Reconsideration Guidelines

VICINITY MAP



EXECUTIVE SUMMARY

N Star Farms, LLC is in the process of entitling the Madrone Heights Property, previously known as the Urza Farms Property. The entitlement includes the plan for 205 single-family detached housing unit, situated on approximately 39 acres of land in Kuna, Idaho. The property is located on the east side of the proposed mid-mile collector street between Black Cat Road and Ten Mile Road with Kuna Road serving as its southern boundary.

The parcels of land included in the property's site are identified as Rural Urban Transition (RUT) by the City of Kuna's *City Zoning Map*. The parcels in the immediate vicinity of the site are also zoned as RUT, as well as Agriculture (A), Rural Residential (RR) and Low Density Residential (R4) by the City of Kuna. The land has recently been annexed by the City of Kuna and rezoned to Medium Density Residential (R8).

Access to the Madrone Heights Property is proposed via one new mid-mile collector street on the north side of Kuna Road between Black Cat Road and Ten Mile Road, as well as a new local street connection to Kuna Road, approximately 2,640 feet west of Ten Mile Road and 700 feet east of the new collector. The new collector street is identified on the ACHD Master Street Map. Additionally, the preliminary site plan proposes two stub street connections, one to the east and one to north for potential connections to future developments. The timeframe for the development of parcels bordering the site is unknown, however, development is not anticipated to occur until after full build-out of the Madrone Heights Property.

Currently, the proposed site is undeveloped, but consists of one single-family home which would be removed if the site is built-out. The build-out of the site would be completed in four phases, with a projected full build-out in year 2022. This TIS addresses the existing (2018) and background (2022) traffic conditions, as well as the property's impact in the build-out year 2022. Lastly, the TIS provides the approximate number of homes that can be built before proposed mitigations are necessary at any impacted study intersection, roadway and/or driveway.

FINDINGS

Existing Conditions

- The study evaluated the off-site intersection at Black Cat Road & Kuna Road during the a.m. and p.m. peak period of a typical weekday (Tuesday – Thursday).
- The study intersection was found to operate at acceptable operating standards during the existing weekday a.m. and p.m. peak hours.
- The ACHD study roadway segment of Kuna Road between Ten Mile Road and Black Cat Road operates at an acceptable level of service.



- Crash data at the study intersection for the most recent five years (2012-2016) was analyzed for any existing crash trends, below are the findings:
 - The Black Cat Road & Kuna Road intersection averaged 1.6 reported crashes per year, with 75% of crashes involving a turning vehicle onto or from Kuna Road.
 - There were eight reported crashes on the Kuna Road between Black Cat Road and Ten Mile Road. Seven of the crashes involved a single vehicle leaving the roadway.

Year 2022 Background Traffic Conditions

- Year 2022 background traffic volumes were forecasted using a 3% annual growth rate. There were no identified in-process developments within the vicinity of the site that were included in the analysis.
- Year 2022 background traffic analysis (without inclusion of site-generated traffic) found that the study intersection is expected to continue to operate at acceptable operating standards during the weekday a.m. and p.m. peak hours.
- The ACHD study roadway segment of Kuna Road between Ten Mile Road and Black Cat Road is projected to continue operating at acceptable levels of service.

Trip Generation and Distribution

- The *ITE Trip Generation Manual, 10th Edition* was used to estimate the trip generation for the proposed Madrone Heights Property.
- The proposed Madrone Heights Property, with 205 single-family homes in the build-out year of 2022, is estimated to generate a total of 2,013 daily net new trips, 150 weekday a.m. peak hour net new trips (38 inbound / 112 outbound) and 202 weekday p.m. peak hour net new trips (127 inbound / 75 outbound).
- The distribution pattern for site-generated trips was developed by evaluating existing traffic patterns and major trip origins and destinations within the study area, as well as a select zone analysis from COMPASS' regional travel demand model.

Year 2022 Total Traffic Conditions

- Year 2022 total traffic conditions found that the site-generated trips do not impact the study intersection and that the study intersection will continue to operate at acceptable levels of service during the weekday a.m. and p.m. peak hours.
- The site accessed operate acceptably during the weekday a.m. and p.m. peak hours.
- The ACHD study roadway segment of Kuna Road, between Time Mile Road and Black Cat Road is projected to continue operating at acceptable levels of service.



Turn Lane Warrant Evaluation

- The turn lane analysis using ACHD procedures resulted in turn lane warrants at the following site access street:
 - Kuna Road & Black Cat Road: A westbound right-turn lane is warranted under existing conditions, 2022 background conditions, and 2022 total traffic conditions. Following are considerations with respect to this location:
 - The intersection could be converted to an all-way-stop controlled intersection which would operate at LOS A and LOS B without turn lanes and potentially reduce the number of angle crashes at the intersection.
 - A reduction in the posted speed is likely to occur in the future as development occurs around the intersection. If the posted speed were to be reduced in the future to 35 mph (currently posted 1 mile to the east) or 40 mph, a westbound right turn lane would not be warranted at the intersection under existing, 2022 background or total traffic conditions.
 - Site traffic is projected to be approximately 11 percent of the westbound traffic movement during the weekday p.m. peak hour. Note that warrants would not be met if the posted speed limit was 40 mph.
 - South Access & Kuna Road (Site Access B): Westbound right-turn lane is warranted. A sensitivity analysis found that a westbound right-turn lane is warranted in approximately year 2021 with the build-out of approximately 161 Madrone Heights housing units. Following are considerations with respect to this location:
 - A reduction in the posted speed is likely to occur in the future as development occurs around the intersection. If the posted speed were to be reduced in the future to 35 mph (currently posted 1 mile to the east) or 40 mph, a westbound right turn lane would not be warranted at the intersection under existing, 2022 background or total traffic conditions.

Site Access Evaluation

- The results from the queuing analysis found that the 95th percentile queue lengths can be accommodated.
 - Each site accesses provides at least 100 feet of roadway length without a property driveway and/or internal street interference.
- The intersection sight distance evaluation identified that intersection sight distance can be achieved at all the site access intersections with the following actions:



- Remove miscellaneous vegetation and shrubbery, and potential obstructions along Kuna Road as necessary to obtain and maintain adequate intersection sight distance.
 - Site access along Kuna Road should match the existing grade of Kuna Road at the intersection.
 - Shrubby, weeds and landscaping near the internal intersections and site access points should be maintained to ensure adequate sight distance.
 - If future widening occurs along Kuna Road, care should be taken to ensure adequate intersection sight distance is maintained.
- There are two proposed local street access points to the Madrone Heights Property, as well as a new collector street at the mid-mile along Kuna Road between Black Cat Road and Ten Mile Road. Additionally, there are two proposed stub street for connections to future developments. Following is a summary of each access with respect to ACHD Policy:
- **New Collector Street & Kuna Road (Site Access A):** This access, a proposed collector, is located on Kuna Road approximately 2,660 feet, or approximately one-half mile, east of Black Cat Road and 2,640 feet west of Ten Mile Road. While the collector meets the spacing requirements between public streets, it does not meet spacing requirements with respect to existing driveways on Kuna Road. The access should be considered by ACHD for the following reasons:
 - The proposed collector is on the ACHD Master Street Map.
 - The proposed collector meets ACHD spacing requirements for a collector street, except for two existing driveways to residential homes on the north and south side of Kuna Road approximately 300 feet west of the collector street. Given the location of the driveways it is assumed that neither of the driveways could be moved to the mid-mile collector.
 - Without the collector street access, site-generated trips would increase the ADT at the south access on Kuna Road to over the ACHD 2,000 ADT threshold for a local street.
 - This access is proposed as a collector street and will only serve residential trips, as well as provide increased accessibility for emergency response vehicles and public services vehicles.
 - **South Access & Kuna Road (Site Access B):** This access, a proposed local street, accesses Kuna Road approximately 700 feet east of the proposed mid-mile collector and approximately 620 feet west of Yankee Rock Avenue. Therefore, the proposed



access does not meet the spacing requirement for Kuna Road. The access should be considered by ACHD for the following reasons:

- Without this access, the site would only have the collector street access, located on a minor arterial street, servicing 205 residential units, which is against ACHD requirements for a development of that size. The volume would remain under the ACHD policy of 3,000 ADT for a single access on a collector, but future development could increase the ADT above 3,000.
 - This access is proposed as a local street and will only serve residential trips, as well as provide increased accessibility for emergency response vehicles and public services vehicles.
 - The access will function acceptably as a full access with a westbound right-turn lane.
- **West Access & New Collector Street (Site Access C):** This access, a proposed local street, accesses the new collector street approximately 710 feet north Kuna Road. This access is proposed to be full access; however, most movements will consist of right-in and left-out movements because of its connection to Kuna Road via the new collector street. The access should be considered by ACHD for the following reasons:
 - The access meets ACHD local street spacing requirements for collector streets.
 - Without this access, the site would only have one access, located on a minor arterial street, servicing 205 residential units, which is against ACHD requirements for a development of that size.
 - This access is proposed as a local street and will only serve residential trips, as well as provide increased accessibility for emergency response vehicles and public services vehicles.
 - The access will function acceptably as a full access without turn lanes.
- **Stub Streets:** The two proposed stub streets access would connect to a future development north and east of the site. These proposed stub streets are based on the *ACHD Policy Manual, Section 7207.2.4.3*, “a stub street will be required to provide circulation or to provide access to adjoining properties.” Presently, the timing of a future development tying into this stub street is unknown and is not anticipated to occur until sometime after full build-out of the Madrone Heights Property. The stub streets have the following benefits:
 - The stub street would provide future access to an adjoining property east of the site and therefore reduce the need for additional access routes to Kuna Road.



- The streets adhere to ACHD stub street requirements.
- The stub streets are not the primary access to the site, with limited trips into and out of the site.
- The stub streets would only serve residential trips, reducing vehicle miles traveled and increasing access for emergency response and city services.

RECOMMENDATIONS

Based on the report’s analyses and evaluation findings, recommendations were developed accordingly. There were no recommended mitigations for existing year and background year conditions.

Existing Conditions

The following mitigation is recommended under existing traffic conditions.

Kuna Road & Black Cat Road

- Consider the following options based on warrants being met for the westbound right-turn lane under existing, background, and total traffic conditions:
 - Install a westbound right-turn lane if right-of-way is available.
 - Conduct a speed study for the westbound approach after completion of the build-out of the property to evaluate whether the posted speed should be reduced to 40 mph or 35 mph. This would alleviate the need for a westbound right-turn lane.
 - Consider conversion to and all-way-stop-controlled intersection from a two-way-stop-controlled intersection.
- The site’s traffic is projected to be approximately 11 percent of the westbound traffic movement under year 2022 (full build-out) p.m. peak hour (most critical time period for the right-turn lane) traffic conditions.

Mitigations Needed for Madrone Heights Property

The following mitigations are recommended due to the inclusion of Madrone Heights Property’s site generated trips.

Collector Road & Kuna Road

- Construct the new collector as proposed.



South Access & Kuna Road

- Construct a westbound right-turn lane with approximately 100 feet of vehicle storage. A sensitivity analysis found that a westbound right-turn lane would be warranted in approximately year 2021 with the build-out of 161 Madrone Heights units.
 - Alternatively, a speed limit reduction in front of the site from 50 mph to 40 mph or 35 mph (consistent with the Kuna Road corridor to the east) would result in the westbound right-turn lane warrant not being met.

Site Accesses

- With approval from ACHD, construct all accesses to the property to allow full access on the public street approaches with the following designations:
 - All local streets within the property should be constructed with one travel lane in each direction.
 - Site driveways with access to public streets should provide sufficient stacking distance for four vehicles (100 feet) to ensure acceptable operation and accommodate larger vehicles, including utility service and delivery vehicles.
 - Site accesses along Kuna Road should match the existing grade of Kuna Road at the intersection to ensure the best possible sight distance.
 - All accesses and internal streets should be designed to provide adequate intersection site distance. Shrubbery, weeds and landscaping near the intersection and site access point should be maintained to ensure adequate sight distance is maintained.

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.

Request for Reconsideration of Commission Action

1. **Request for Reconsideration of Commission Action:** A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.

- a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.

- b. The request must be in writing and delivered to the Secretary of the Highway District no later than 11:00 a.m. 2 days prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.
- c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.
- d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.
- e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.
- f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.

Troy Behunin

From: Lauren Boehlke <laurenboehlke@yahoo.com>
Sent: Monday, December 04, 2017 8:40 AM
To: Troy Behunin
Subject: Re: Former Urza Property Annexation

Categories: Agency Comments

Good Morning Troy,
Just to let you know that this property does have a valid water right of 39.24 acres through Boise-Kuna Irrigation District. Our 2017 Fall/2018 Spring assessments have been mailed out and the Fall assessment is due by 12/20/17, with Spring Toll due by 4/1/17. Boise Project Board of Control, our delivery entity, will need to be contacted as to where water delivery is on this property and making sure that no other water user is deterred from receiving water do to any development of this property.

Thank you,
Lauren

Lauren S Boehlke
Sec.-Treasurer
Boise-Kuna Irrigation District
Phone# 922-5608
Fax# 922-5659

On Friday, 1 December 2017, 16:24, Troy Behunin <tbehunin@kunaid.gov> wrote:

Good afternoon everyone,
Please review the packet for a new request for annexation into Kuna City Limits. Please send relevant comments to our office within the 15 business days as requested. If your agency needs additional time, please let our office know as soon as possible.
If your agency needs hard copies, please let us know and we will be happy to send them.
Thanks and have a great weekend.
Troy

Troy Behunin
Planner III
City of Kuna
751 W. 4th Street
Kuna, ID 83634
TBehunin@Kunald.Gov

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CENTRAL DISTRICT HEALTH DEPARTMENT

Environmental Health Division

Return to:

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

RECEIVED

JUL 16 2018

CITY OF KUNA

Madrone Heights

Rezone # _____

Conditional Use # _____

Preliminary / Final / Short Plat 18-02-S

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

14. _____

Reviewed By: Rowan Bandy
 Date: 7/6/18



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: July 6, 2018
Agency Requesting Comments: City of Kuna: Planning & Zoning Department
Date Request Received: June 27, 2018
Applicant/Description: 18-02-S (Pre-Plat) Madrone Heights – Residential Subdivision

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 Conservations 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 2018AEK84



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 8028 • Boise, ID 83707-2028

(208) 334-8300 • itd.idaho.gov

July 6, 2018

Troy Behunin
City of Kuna, Planning and Zoning Department
P.O. Box 13
Kuna, ID 83634

VIA EMAIL

Development Application	18-02-S
Project Name	MADRONE HEIGHTS SUBDIVISION
Project Location	2030 West Kuna Road, west of SH-69 milepost 2.22
Project Description	Construct a subdivision consisting of 206 single family lots, 27 common lots, and 1 shared driveway
Applicant	Kirsti Grabo of KM Engineering

The Idaho Transportation Department (ITD) reviewed the referenced preliminary plat application and has the following comments:

1. This project does not abut the State highway system.
 2. Applicant has indicated that a Traffic Impact Study has been completed. ITD requests a copy of the study to review before submitting comments. ITD reserves the right to make further comments upon review of any submitted traffic generation data or other documents.
 3. The City is reminded that the SH-69 corridor is already congested. This project will increase the number of vehicle trips in the corridor. As the City continues to add additional trips to the corridor through development, the congestion will worsen until the roadway system is ultimately overloaded and fails. ITD has no current funding assigned to mitigate traffic congestion in the SH-69 corridor in this area.
-



**Your Safety • Your Mobility
Your Economic Opportunity**

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P.O. Box 8028 • Boise, ID 83707-2028

(208) 334-8300 • itd.idaho.gov

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.
5. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
6. ITD objects to the proposed application due to traffic concerns. ITD will withdraw any objection to the proposed application once all traffic concerns have been addressed with ITD Staff.

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: Preliminary Plat

Date and time of neighborhood meeting: April 11, 2018 at 6:00pm

Location of neighborhood meeting: Kuna Public Library

SITE INFORMATION:

Location: Quarter: SE Section: 22 Township: 2N Range: 1W Total Acres: 39.48

Subdivision Name: Urza Preliminary Plat Lot: _____ Block: _____

Site Address: 2030 W Kuna Road Tax Parcel Number(s): S1322438400

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

CURRENT PROPERTY OWNER:

Name: N Star Farm, LLC & Waters Edge Farm, LLC - Tim Eck

Address: 6152 W Half Moon Lane City: Eagle State: Idaho Zip: 83616

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

Name: Kirsti Grabo Business (if applicable): KM Engineering, LLP

Address: 9233 W State Street City: Boise State: Idaho Zip: 83714

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

Subdivision - Preliminary Plat located at 2030 W Kuna Rd

Re-zone

Subdivision (Sketch Plat and/or Prelim. Plat)

Special Use

Variance

Expansion of Extension of a Nonconforming Use

Zoning Ordinance Map Amendment

APPLICANT:

Name: N Star Farm, LLC & Waters Edge Farm, LLC

Address: 6152 West Half Moon Lane

City: Eagle State: Idaho Zip: 83616

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 4.11.18

Applicants Representative

Neighborhood Meeting Notes
Urza Property Preliminary Plat
4.11.18 – 6:00 pm – Kuna Public Library

Discussion Topics

- Will this project change the zoning of the surrounding properties?
- Will there be a road on the east side of the project?
- Why is there a stub street to the east?
- Can that stub street be fenced off so people can't drive into field?
- Is there sewer capacity for more development?
- Where will the water extension run?
- What type of fencing will the subdivision install?
- Why do people want such small lots? Isn't there a market for larger lots?
- What is the City going to do about the traffic?
- Are there any plans for a fire station?
- What style of housing will be built?
- How big will the houses be?
- Will the utility extensions require Kuna Road to be torn up?
- When will building begin? Who is building?
- Will we install a berm along Kuna Road?
- What is the plan for a crossing on Ten Mile?
- When will the application go in?

PRIMOWNER
CITY OF KUNA
DEUTSCHE RICHARD & CAROL FAMILY TRUST
DISCOVERY CREEK HOA INC
GORDON TIMOTHY W
MATHEWSON CHLOE D
MCGREGOR DANIEL
MCGREGOR DANIEL A
MURPHEY FRANCIS LEVI LIFE ESTATE
N STAR FARM LLC
OREGON SHORT LINE R R CO
ROESER JON
SIGLER VYCKEE L
THORNTON LAYNE
URZA MARCOS
VUITTONET ALEX

SECOWNER
DEUTSCHE RICHARD H TRUSTEE
GORDON BELINDA S
MCGREGOR EDITH ANN
MCGREGOR EDITH ANN
MURPHEY VELETTA JEAN LIFE ESTATE
WATERS EDGE FARM LLC
ROESER TANYA
THORNTON LORI
URZA ESTEFANIA

ADDCONCAT
PO BOX 13
135 N TEN MILE RD
PO BOX 1246
PO BOX 236
1881 W 4TH ST
2430 S MERIDIAN RD
2430 S MERIDIAN RD
2417 W KUNA RD
6152 W HALF MOON LN
1400 DOUGLAS ST
1857 W KUNA RD
1629 W KUNA RD
3224 S SWAN FALLS RD
1923 167TH AVE SE
569 N YARDLEY AVE

STATCONCAT
KUNA, ID 83634-0013
KUNA, ID 83634-0000
MERIDIAN, ID 83680-0000
KUNA, ID 83634-0000
EAGLE, ID 83616-0000
OMAHA, NE 68179-1640
KUNA, ID 83634-0000
KUNA, ID 83634-0000
KUNA, ID 83634-1732
BELLEVUE, WA 98008-5327
KUNA, ID 83634-0000

DATE: April 2, 2018
TO: Neighbors
FROM: N. Star Farm, LLC
RE: Property at 2030 West Kuna Road – Kuna, ID

Dear Neighbor:

As you know, we are currently working on a new subdivision project for our property located at 2030 West Kuna Road, which is depicted on the enclosed vicinity map. Last year we held a meeting to discuss the annexation of the property into Kuna City Limits, which has occurred, and we have now begun preparation of the preliminary plat application for submittal to the City. This letter is notice of an opportunity to review and discuss the subdivision as required by City Code; however, this is not a public hearing and public officials will not be present.

The neighborhood meeting will be held on Wednesday, April 11, 2018, at 6:00 p.m., in the small conference room at the Kuna Public Library, which is located at 457 North Locust Avenue, Kuna, ID 83634.

We look forward to seeing you there.



May 1, 2018
Project No.: 17-054
Urza Subdivision
Legal Description

A parcel of land being the Southwest 1/4 of the Southeast 1/4 of Section 22, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho and being more particularly described as follows:

Commencing at a found brass cap marking the south 1/4 corner of said Section 22, which bears N89°41'25"W a distance of 2,654.34 feet from a found brass cap marking the southeast corner of said Section 22, thence following the westerly line of said Southwest 1/4 of the Southeast 1/4, N00°21'13"E a distance of 33.00 feet to the **POINT OF BEGINNING**.

Thence following said westerly line, N00°21'13"E a distance of 1,291.70 feet to the Northwest corner of said Southwest 1/4 of the Southeast 1/4;

Thence leaving said westerly line and following the northerly line of said Southwest 1/4 of the Southeast 1/4, S89°37'26"E a distance of 1,330.95 feet to a found 5/8-inch rebar marking the Northeast corner of said Southwest 1/4 of the Southeast 1/4;

Thence leaving said northerly line and following the easterly line of said Southwest 1/4 of the Southeast 1/4, S00°31'02"W a distance of 1,290.16 feet to a point on the northerly right-of-way line of Kuna Road;

Thence leaving said easterly line and following said northerly right-of-way line, N89°41'25"W a distance of 1,327.27 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 39.389 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.



Kirsti Grabo

From: Sub Name Mail <subnamemail@adaweb.net>
Sent: Thursday, May 10, 2018 6:05 PM
To: Aaron Ballard; Kirsti Grabo
Subject: Madrone Heights Sub Name Reservation

May 10, 2018

Aaron Ballard, KM Engineering
Kirsti Grabo. KM Engineering

RE: Subdivision Name Reservation: **MADRONE HEIGHTS SUBDIVISION**

At your request, I will reserve the name **Madrone Heights Subdivision** for your project. I can honor this reservation only as long as your project is in the approval process. Final approval can only take place when the final plat is recorded.

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

Sincerely,



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

From: Kirsti Grabo [mailto:KGrabo@kmengllp.com]
Sent: Tuesday, May 08, 2018 10:23 AM
To: Sub Name Mail
Subject: Madrone Heights Sub Name Reservation

Hi Glen –

How about Madrone Heights?

Thanks,
Kirsti

From: Sub Name Mail <subnamemail@adaweb.net>
Sent: Tuesday, April 24, 2018 8:50 AM
To: Kirsti Grabo <KGrabo@kmengllp.com>
Subject: RE: Sub Name Request

Kristi;

Both of the names you have selected have been used.
Please select another name. A link to the online subdivision name search is included below.

**DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
MADRONE HEIGHTS SUBDIVISION**

THIS DECLARATION is made effective as of Madrone Heights Subdivision, by _____, an Idaho _____ (“Declarant” or “Owner” or “Grantor”).

ARTICLE I: RECITALS

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

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

ARTICLE II: DECLARATION

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

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

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

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

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

ARTICLE III: DEFINITIONS

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

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

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

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

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

3.6 “Association Rules” shall mean those rules and regulations promulgated by the Association governing conduct upon and use of the Property under the jurisdiction or control of an Association, the imposition of fines and forfeitures for violation of such rules and regulations, and procedural matters for use in the conduct of business of the Association.

3.7 “Board” shall mean the Board of Directors or other governing board or individual, if applicable, of the Association.

3.8 “Building Lot” shall mean one or more lots within the Property as specified or shown on any Plat and/or by Supplemental Declaration, upon which Improvements may be constructed.

3.9 “Bylaws” shall mean the Bylaws of the Association.

3.10 “Common Area” shall mean all real property in which the Association holds an interest or which is held or maintained, permanently or temporarily, for the common use, enjoyment, and benefit of the entire Subdivision and each Owner therein, and shall include, without limitation, all such parcels that are designated as private streets or drives, common open spaces, common landscaped areas, and Waterways. The Common Area may be established from time to time by Grantor on any portion of the Property by describing it on a Plat, by granting or reserving it in a deed or other instrument, or by designating it pursuant to this Declaration or any Supplemental Declaration. The Common Area may include easement and/or license rights.

3.11 “Declaration” shall mean this Declaration as it may be amended from time to time.

3.12 “Madrone Heights Subdivision” and the “Subdivision” shall each mean the Property.

3.13 “Design Guidelines” shall mean the construction guidelines approved by the Architectural Committee.

3.14 “Grantor” shall mean, _____, an Idaho _____ and its successors-in-interest, and Affiliates (collectively, “_____”), and any person or entity to whom _____ expressly transfers its Grantor rights, which transfer must be made in writing and must include a specific reference to the transfer being of _____’s “Grantor rights” or “rights as Grantor” or other similar specific reference.

3.15 “Improvement” shall mean any structure, facility, or system, or other improvement or object (and any portion of the foregoing), whether permanent or temporary, which is erected, constructed, or placed upon, under, or in, any portion of the Property, including but not limited to buildings, fences, streets, drives, driveways,

sidewalks, bicycle paths, curbs, landscaping, signs, lights, mail boxes, electrical lines, pipes, pumps, ditches, waterways, and fixtures of any kind whatsoever.

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

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

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

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

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

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

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

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

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

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

ARTICLE IV: GENERAL AND SPECIFIC RESTRICTIONS

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

4.1.1 Use and Size of Dwelling Structure. All Building Lots shall be used exclusively for single-family residential purposes. No Building Lot shall be improved except with a single-family dwelling unit or structure.

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

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

Conditions or by any applicable zoning restriction or by decision of the Architectural Committee, whichever is more restrictive.

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

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

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

- A. Hardboard or cement fiber siding. Vinyl siding is prohibited.
- B. Sixteen-inch (16") eaves and twelve-inch (12") gables are required.
- C. Boxed or returned soffits are recommended.

D. Windows, at siding locations, must have relief or trim materials to give definition.

E. Stone, brick or stucco is required, provided, however, if the home to be constructed has architectural appeal the Architectural Committee may provide written waiver of the stone, brick or stucco requirement.

F. No vinyl or metal siding except soffit and fascia boards.

G. Minimum of 36" stucco, brick, stone or other masonry accents are required on front elevation, or as otherwise approved by the Architectural Committee.

H. No split entry homes will be approved.

4.1.7 Driveways/Sidewalks. All access driveways and sidewalks shall have concrete or other hard surface along its full width as approved by the Architectural Committee and shall be graded to assure proper drainage. Asphalt driveways will not be allowed. Driveways shall have a maximum width compliant with and as approved pursuant to ACHD driveway approach permit and shall continue until connecting to the garage floor.

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

4.1.9 Fencing. Fence designs shall not extend into any common green space within the Subdivision. All fencing and boundary walls constructed on any Building Lot shall be permanent in nature, maintenance free and be constructed of materials specified by the Architectural Committee and shall be compliant with applicable code. If fencing is used in combination with a landscape berm, the fence shall be placed behind the berm and under no circumstances, placed on the

berm. The material, style, texture and design shall match the existing Grantor installed fencing and shall be approved by the Architectural Committee. Fencing shall not extend higher than six (6) feet measured from the crest of the adjacent road or extend past the front setback of the home and shall meet any more stringent requirements established by the Architectural Committee. All fencing must meet the setback requirements of City ordinance.

4.1.10 Lighting. Fixtures, standards, and all exposed accessories shall be harmonious with building design, and shall be as approved by the Architectural Committee. Lighting shall be restrained in design, and excessive brightness shall Landscape lighting is encouraged. Building designs shall seek to minimize lighting impacts on adjoining properties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.8 Exterior Maintenance: Owner's Obligations. No Improvement shall be permitted to fall into disrepair, and each Improvement shall at all times be kept in good condition and repair. In the event that any Owner shall permit any Improvement, including, without limitation, trees and landscaping, which is the responsibility of such Owner to maintain, to fall into disrepair so as to create a dangerous, unsafe, unsightly, or unattractive condition, or to damage property or facilities on or adjoining their Building Lot which would otherwise be the Association's responsibility to maintain, the Board, upon fifteen (15) days prior written notice to the Owner, shall have the right to correct such condition, and to enter upon such Owner's Building Lot for the purpose of doing so, and such Owner shall promptly reimburse the Association for the cost thereof, plus all other costs associated with such action including, without limitation, legal fees, and plus interest at eighteen percent (18%) per annum on all costs incurred by the Association. All such costs and interest shall be a Limited Assessment and shall create a lien enforceable in the same manner as other Assessments set forth in Article VII of this Declaration. The Owner of the offending property shall be personally liable, and such Owner's property may be subject to a mechanic's lien, in addition to the lien for the Limited Assessment, for all costs and expenses incurred by the Association in taking such corrective acts, plus all costs incurred in collecting the amounts due, including attorney's fees and costs. Each Owner shall pay all amounts due for such work within ten (10) days after receipt of written demand therefore, or the amounts may, at the option of the Board, be added to the amounts payable by such Owner as Regular Assessments. Each Owner shall have the remedial rights set forth herein if the Association fails to exercise its rights within a reasonable time following written notice by such Owner.

4.9 Drainage. There shall be no interference with the established drainage pattern over any portion of the Property, unless an adequate alternative provision is made for proper drainage and is first approved in writing by the Architectural Committee. For the purposes hereof, "established" drainage is defined as the system of drainage, whether natural or otherwise, which exists at the time the overall grading of any portion of the

Property is completed by Grantor, or that drainage which is shown on any plans approved by the Architectural Committee, which may include drainage from the Common Area over any Building Lot in the Property. Drainage which is without the purview of Ada County Highway District shall be governed by The Association shall maintain the drainage and roadway swales (to the extent roadway swales exist) pursuant to any requirements of ACHD.

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

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

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

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

4.14 No Temporary Structures. No house trailer, mobile home, tent (other than for short term individual use which shall not exceed one (1) week unless approved by the Association), shack or other temporary building, improvement, or structure shall be placed upon any portion of the Property, except temporarily as may be required by

construction activity undertaken on the Property. Also excepted from this requirement is any sales office established by the Grantor or the Association for the Property.

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

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

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

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

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

4.20 Animals/Pets. No animals, birds, insects, pigeons, poultry or livestock shall be kept on the Property. This Section 4.20 does not apply to the keeping of up to two (2) domesticated dogs, up to two (2) domesticated cats, and other household pets, which do not unreasonably bother or constitute a nuisance to others. Without limiting the generality of the foregoing, consistent and/or chronic barking by dogs shall be considered a nuisance. Each dog in the Subdivision shall be kept on a leash, curbed, and otherwise

controlled at all times when such animal is off the Building Lot of its owner. Such owner shall clean up any animal defecation immediately from the Common Area or public right-of-way. Failure to do so may result, at the Board's discretion, with a Limited Assessment levied against such animal owner or the Owner of the Building Lot in which such animal is being kept. No dog or cat shall be allowed in any Waterway. The construction of dog runs or other pet enclosures shall be subject to Architectural Committee approval, shall be appropriately screened, and shall be maintained in a sanitary condition. Dog runs or other pet enclosures shall be placed a minimum of ten (10) feet from the side and twenty-five (25) feet from the rear Building Lot line, shall not be placed in any front yard of a Building Lot, shall be screened from view so as not to be visible from the Common Area or an adjacent Building Lot, and must be approved by the Architectural Committee.

4.21 Landscaping. The Owner of any Building Lot shall sod and landscape such Building Lot in conformance with the landscape plan approved by the Architectural Committee. The Owner must submit a landscaping plan for approval by the Architectural Committee.

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

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

All landscaping is to be completed within thirty (30) days from actual occupancy;

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

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

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

An Automatic Sprinkler System (covering all of the yards) must be completed within thirty (30) days of occupancy.

- B. Back Yard and Side Yard Landscaping: All back and side yard landscaping must be completed within six (6) months of occupancy unless it is not fenced with approved fencing and in that case shall comply with Front Yard Landscaping completion date requirements.

4.22 Water Rights Appurtenant to Subdivision Lands. Following the date of the recording of this Declaration, Declarant may transfer from the Property subject to this Declaration, and within the boundaries of an irrigation entity, as defined in Section

31-3805, Idaho Code, all water rights and assessment obligations appurtenant to the Property to the Association or the appropriate district providing pressurized irrigation and domestic water to Madrone Heights Subdivision.

4.23 Commencement of Construction. Any owner of a Building Lot shall, within a period of one (1) year following the date of purchase of a Building Lot from Grantor, commence the construction of a dwelling structure in compliance with the restrictions herein, and such construction shall be completed within six (6) months thereafter. The term “commence the construction,” as used in this Section 4.23, shall require beginning and ongoing physical construction of the dwelling structure upon such Building Lot. In the event any Owner shall fail or refuse to commence the construction of a dwelling structure within said one (1) year period, Grantor may, at Grantor’s option, following the expiration of said one (1) year period, repurchase said Building Lot from such Owner or the then Owner of such Building Lot at a repurchase price equivalent to the money actually paid to Grantor, less an amount equivalent to ten (10) percent thereof. In the event Grantor shall exercise Grantor’s option to repurchase such Building Lot, upon tender of said repurchase price, Owner or the then Owner of such Building Lot shall make, execute, and deliver to Grantor a deed re-conveying said Building Lot, free and clear of all liens and encumbrances, which deed shall, by virtue of the notice provided hereby, be binding upon all persons who may, at any time hereafter, own or claim any right, title, or interest in such Building Lot, and the successors in title thereto, whether acquired by voluntary act or through operation of law.

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

development and disposal of the Property. Grantor may use any structures owned by Grantor on the Property as model homes or home complexes or real estate sales or leasing offices for lots and homes within or outside the Subdivision. Grantor need not seek or obtain Architectural Committee approval of any Improvement constructed or placed by Grantor on any portion of the Property owned by Grantor. All of the rights of Grantor, including, without limitation, those set forth in this Section 4.24 may be assigned by Grantor as set forth in Section 3.14 of this Declaration.

**ARTICLE V: MADRONE HEIGHTS SUBDIVISION HOMEOWNERS
ASSOCIATION**

5.1 Organization of the Madrone Heights Subdivision Homeowners Association. The Association shall be initially organized by Grantor as an Idaho nonprofit corporation under the provisions of the Idaho Code relating to general nonprofit corporations and shall be charged with the duties and invested with the powers prescribed by law and set forth in the Articles, Bylaws, and this Declaration. Neither the Articles nor the Bylaws shall be amended or otherwise changed or interpreted so as to be inconsistent with this Declaration or with any Supplemental Declaration which Grantor might adopt pertaining to the Subdivision. Conflicting terms between any of these three documents shall be resolved with the following priority: CC&Rs shall prevail over the Articles and the Bylaws and the Articles shall prevail over the Bylaws.

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

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

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

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

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

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

5.5 Power and Duties of the Association.

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

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

5.5.1.2 Right of Enforcement. The power and authority from time to time in its own name, on its own behalf or on behalf of any Owner who consents thereto, to commence and maintain actions and suits to restrain and enjoin any breach or threatened breach of this Declaration or the Article or the Bylaws, including the Association Rules adopted pursuant to this Declaration, and to enforce by injunction or otherwise, all provisions hereof.

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

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

forth in and were a part of this Declaration. In the event of any conflict between such Association Rules and any other provisions of this Declaration, or the Articles or the Bylaws, the provisions of the Association Rules shall be deemed to be superseded by provisions of this Declaration, the Articles, or the Bylaws to the extent of any such inconsistency.

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

5.5.1.6 Licenses, Easements, and Rights-of-Way. The power to grant and convey to any third party such licenses, easements, and rights-of-way in, on, or under the Common Area as may be necessary or appropriate for the orderly maintenance, preservation, and enjoyment of the Common Area, and for the preservation of the health, safety, convenience, and welfare of the Owners, for the purpose of constructing, erecting, operating, or maintaining:

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

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

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

5.5.1.7 Conveyances to and from Municipalities. The power to convey any portion of the Common Area and any portion of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

time a building permit is acquired to commence construction on any Improvements on such Building Lot. In the event the Grantor or Association has paid any such fees, the Association or Grantor, whichever is applicable, shall be entitled to reimbursement of the same and such reimbursement shall be a Limited Assessment.

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

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

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

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

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

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

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

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

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

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

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

5.5.2.12 Enforcement of Restrictions and Rules. Perform such other acts, whether or not expressly authorized by this Declaration, as may be reasonably advisable or necessary to enforce any of the provisions of the Declaration, or of the Articles or the Bylaws, including, without limitation, the recordation of any claim of lien with the County Recorder, as more fully provided herein.

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

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

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

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

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

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

ARTICLE VI: RIGHTS TO COMMON AREAS

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

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

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

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

6.1.4 The right of the Association to protect wildlife habitat.

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

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

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

6.4 Damages. Each Owner shall be fully liable for any damage to any Common Area which may be sustained by reason of the negligence or willful misconduct of the Owner, such Owner's resident tenant or contract purchaser, or such Owner's family and guests, both minor and adult. In the case of joint ownership of a Building Lot, the liability of such Owners shall be joint and several. The cost of correcting such damage shall be a Limited Assessment against the Building Lot and may be collected as provided herein for the collection of other Assessments.

ARTICLE VII: ASSESSMENTS

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

7.1.1 Assessment Constitutes Lien. Such Assessments and charges, together with interest, costs, and reasonable attorney's fees which may be

incurred in collecting the same, shall be a charge on the land and shall be a continuing lien upon the property against which each such Assessment or charge is made.

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

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

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

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

of the next fiscal year shall be reduced by an amount, which fairly reflects the fact that such period was less than one (1) year.

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

7.2.3.1 An initial assessment set up fee of \$200.00 shall be paid to the Association at the closing of the acquisition by any Owner, aside from the Grantor, of a Building Lot. This fee shall (i) be paid by the purchaser, (ii) only apply to the initial sale from Grantor to a non-Grantor Owner, (iii) be in addition to and not a credit towards the Regular Assessments owed by an Owner and (iv) be used to pay back Grantor Loans. On all subsequent transfers of Building Lots, at the closing of the acquisition, the purchaser shall pay to the Association a transfer fee of \$150.00.

7.2.3.2 As to the Association's Regular Assessment, initially, each Owner shall be assessed and shall pay an amount computed by multiplying the Association's total Anticipated Expenses by 1.5 and then multiplying that total by the fraction produced by dividing the Building Lots attributable to the Owner by the total number of Building Lots that are part of the Property at the time such calculation is made. Regular Assessments shall be calculated in this manner until such time as all Grantor Loans have been repaid in full and, thereafter, each Owner shall be assessed and shall pay an amount computed by multiplying the Association's total Anticipated Expenses by the fraction produced by dividing the Building Lots attributable to the Owner by the total number of Building Lots not owned by Grantor that are part of the Property at the time such calculation is made. As of the date of this Declaration the estimated initial amount of the regular assessment is \$450.00 per year, per Building Lot.

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

7.3 Special Assessments.

7.3.1 Purpose and Procedure. In the event that the Board shall determine that its respective Regular Assessment for a given calendar year is or will be inadequate to meet the Expenses of the Association for any reason, including but not limited to costs of construction, reconstruction, unexpected

repairs or replacement of capital improvements upon the Common Area, attorney's fees and/or litigation costs, other professional fees, or for any other reason, the Board shall determine the approximate amount necessary to defray such Expenses and levy a Special Assessment against the Owners and the Building Lots, pursuant to the terms of this Article VII and which shall be computed in the same manner as Regular Assessments. No Special Assessment shall be levied which exceeds twenty percent (20%) of the Anticipated Expenses of such Association for that fiscal year, without the vote or written assent of the Owners representing a majority of the votes of the Members of such Association. The Board shall, in its discretion, determine the schedule under which such Special Assessment will be paid.

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

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

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

7.6 Assessment Period. Unless otherwise provided in this Declaration or otherwise determined by the Board, the Assessment period shall commence on January 1st of each year and terminate December 31st of such year. The first Assessment shall be pro-rated according to the number of months remaining in the fiscal year and shall be payable by the Owner of a Building Lot at the closing of the Owner's acquisition of such Building Lot.

7.7 Notice and Assessment Due Date. Ten (10) days' prior written notice of any change in the amount or due date of Regular and Special Assessments shall be sent to the Owner of every Building Lot subject thereto, and to any person in possession of such Building Lot. The due dates for the semi-annual payment of Regular Assessments and Special Assessments shall be the first day of January and the first day of July, unless some other due date is established by the Board. Each installment of the Regular Assessment or Special Assessment shall become delinquent if not paid within ten (10) days after the due date thereof. All Limited Assessments shall be delinquent if not paid

within ten (10) days after notice of such Limited Assessment is provided to Owner. There shall accrue with each delinquent payment a late charge equal to ten percent (10%) of the delinquent charge and installment. In addition, each payment which is delinquent for more than twenty (20) days shall accrue interest at eighteen percent (18%) per annum calculated from the date of delinquency to and including the date full payment is received by the Association. The Association may bring an action against the delinquent Owner and may foreclose the lien against such Owner's Building Lot, or Building Lots if Owner owns more than one, as more fully provided herein. Each Owner is personally liable for Assessments, together with all interest, costs and attorney's fees, and no Owner may exempt themselves from such liability by a waiver of the use and enjoyment of the Common Areas, by lease or abandonment of such Owner's Building Lot, or by virtue of the fact that their voting and/or Common Area use rights have been restricted pursuant to the terms of this Declaration.

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

ARTICLE VIII: ENFORCEMENT OF ASSESSMENT; LIENS

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

8.2 Assessment Liens.

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

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

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

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

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

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

ARTICLE IX: INSPECTION OF ASSOCIATION'S BOOKS AND RECORDS

9.1 Member's Right of Inspection. The membership register, books of account and minutes of meetings of the Board and any committees of the Association shall be made available at the office of the Association or at such other place as the Board of such Association shall prescribe, for inspection and copying by any Member of the Association or by such Member's duly appointed representatives, upon reasonable notice, at any reasonable time and for a purpose reasonably related to such Member's interest as a Member. No Member or any other person shall copy the membership register for the purposes of solicitation of or direct mailing to any Member of the Association.

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

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

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

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

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

ARTICLE X: ARCHITECTURAL COMMITTEE

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

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

10.3 Review of Proposed Construction. The Architectural Committee shall consider and act upon any and all proposals or plans and specifications submitted for its approval pursuant to this Declaration, and perform such other duties as from time to time shall be assigned to it by the Board, including, without limitation, the inspection of construction in progress to assure its conformance with plans and specifications approved by the Architectural Committee. The Board shall have the power to determine, by rule or other written designation consistent with this Declaration, which types of Improvements shall be submitted for Architectural Committee review and approval. The Architectural Committee shall have the power to hire an architect, licensed with the State of Idaho, to assist the Architectural Committee in its review of proposals or plans and specifications submitted to the Architectural Committee. The Architectural Committee shall approve proposals or plans and specifications submitted for its approval only if it deems that the construction, alterations or additions or other Improvements contemplated thereby in the locations indicated will not be detrimental to the habitat of the Common Areas, or appearance of the Property as a whole, that the appearance of any structure affected thereby will be in harmony with the surrounding structures, and that the upkeep and maintenance thereof will not become a burden on the Association.

10.3.1 Conditions on Approval. The Architectural Committee may condition its approval of proposals or plans and specifications upon such changes thereto as it deems appropriate, and/or upon the agreement of the Owner to

reimburse the Association for the cost of maintenance, and may require submission of additional plans and specifications or other information before approving or disapproving material submitted.

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

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

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

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

10.4 Meetings of the Architectural Committee. The Architectural Committee shall meet from time to time as necessary to perform its duties hereunder. The Architectural Committee may from time to time by resolution unanimously adopted in writing, designate an Architectural Committee representative (who may, but need not be,

one of its members) to take any action or perform any duties for and on behalf of the Architectural Committee, except the granting of variances pursuant to Section 10.9. In the absence of such designation, the vote of any two (2) members of the Architectural Committee, or the written consent of any two (2) members of the Architectural Committee taken without a meeting, shall constitute an act of the Architectural Committee.

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

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

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

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

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

10.7.3 If upon the expiration of thirty (30) days from the date of such notification, or any longer time the Architectural Committee determines to be reasonable, the Owner shall have failed to remedy such noncompliance, the Architectural Committee shall notify the Board in writing of such failure. Upon receipt of such notice, the Board shall call a Special Meeting, as provided in the

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

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

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

10.9 Variances. With respect to the approval and construction of Improvements, the Architectural Committee may authorize variances from provisions of this Declaration and any other rules and guidelines created by the Architectural Committee, including restrictions upon height, size, floor area, or placement of structures, or similar restrictions, when circumstances such as topography, natural obstructions, hardship, aesthetic, or environmental considerations may require. However, no variances will be granted allowing for construction of structures or Improvements by Owners in the Common Areas. All authorized variances must be evidenced in writing and must be signed by at least two (2) members of the Architectural Committee. If such variances are granted, no violation of the covenants, conditions or restrictions contained in this

Declaration shall be deemed to have occurred with respect to the matter for which the variance was granted. The granting of such a variance shall not operate to waive any of the terms and provisions of this Declaration for any purpose except as to the particular Building Lot and particular provision hereof covered by the variance, nor shall it affect any way the Owners obligation to comply with all governmental laws and regulations affecting such Owners use of the Building Lot, including but not limited to zoning ordinances or requirements imposed by any governmental or municipal authority.

ARTICLE XI: ANNEXATION OF ADDITIONAL PROPERTIES

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

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

11.3 Method of Annexation. The addition of an Annexed Tract to the Property authorized under sections 11.1 and 11.2 shall be made by filing of record a Supplemental Declaration or other similar instrument with respect to the Annexed Tract, which shall be executed by Grantor or the owner of the Annexed Tract, and which shall cause the annexation of the Annexed Tract into the Subdivision. Thereupon each Annexed Tract shall be part of the Property, shall be subject to this Declaration and encompassed within the general plan and scheme hereof as modified by such Supplemental Declaration, and

shall be subject to the functions, powers, and jurisdiction of the Association, or, at the election of the Grantor, of a new Association established for the area encompassing the Annexed Tract. Such Supplemental Declaration or other appropriate document may contain such additions, modifications or deletions as may be deemed by Grantor or the owner of the Annexed Tract desirable to reflect the different character, if any, of the Annexed Tract, or as Grantor or such owner may deem appropriate in the development of the Annexed Tract. If any Annexed Tract is created, the Association shall have the authority to levy Assessments against the Owners located within such Annexed Tract, and the Association shall have the duty to maintain additional Common Area located within the Annexed Tract if so specified in any Supplemental Declaration.

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

ARTICLE XII: EASEMENTS

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

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

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

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

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

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

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

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

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

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

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

12.10 Waterway Easements. Grantor hereby reserves for the benefit of the Association an easement for all Waterways and related pipes, pumps and other equipment over, across and under all Building Lots and Common Areas, to the extent reasonably required to maintain any water system installed by Grantor or the Association on the Property or pursuant to plans and specifications approved by the Architectural Committee. Any relocation of the water lines installed as a part of such system shall not

be undertaken in any way which interrupts the flow of water through the system or damages the system in any other fashion. Grantor reserves the right for Grantor and for the Association, to make any reconfiguration of any Waterway which it determines, in its own discretion, to be necessary, expedient or desirable, provided, however, that nothing herein shall reserve unto Grantor the right to take any action which would disturb, encroach upon, or endanger the foundation of any building, nor shall Grantor take any action which would materially alter any Waterway's proximity to improved property abutting such Waterways.

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

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

ARTICLE XIII: MISCELLANEOUS

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

13.2 Amendment.

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

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

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

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

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

13.5 Enforcement and Non-Waiver.

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

13.5.2 Violations and Nuisances. The failure of any Owner to comply with any provision hereof, or with any provision of the Articles or Bylaws

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XIV: ACHD STORMWATER DRAINAGE

14.1 Operation and maintenance of the storm water facilities at the Subdivision shall be governed by the operation and maintenance manual of storm drainage system for the Subdivision (the O&M Manual"), if any, which manual may only be modified at the direction of the Board of the Association, with written approval by ACHD.

14.2 ACHD Storm Water Drainage System. Lots ____ of Block ____, Lots ____ of Block __ and Lots ____ of Block __ are servient to and contain the Ada County Highway District ("ACHD") storm water drainage system. These Lots are encumbered by that certain First Amended Master Perpetual Storm Water Drainage Easement recorded on November 10, 2015 as Instrument No. 2015-103256 official records of Ada County, and incorporated herein by this reference as if set forth in full (the "Master Easement"). The Master Easement

and the storm water drainage system are dedicated to ACHD pursuant to Section 40-2302 Idaho Code. The Master Easement is for the operation and maintenance of the storm water drainage system. Said easement shall remain free of all encroachments and obstructions (including fences and trees) which may adversely affect the operation and maintenance of the storm drainage facilities.

14.3 ACHD Right to Inspect and Maintain. ACHD shall have the right at all times to inspect the storm water drainage system, and perform any required maintenance and repairs.

14.4 ACHD Approval of Amendments. Any amendment of this Declaration, the covenants, conditions and restrictions contained herein, having any direct impact or affect on the ACHD storm water drainage system shall be subject to prior review and approval by ACHD.

14.5 ACHD Assessment of Costs. ACHD shall be entitled to pursue reimbursement for the reasonable costs of all required maintenance and repairs to the storm water drainage system that are a result of failure by the HOA or dues paying organization to properly perform the light maintenance duties as defined in the referenced O & M Manual.

14.6 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 be perpetual.

ARTICLE XV: PROVISIONS RELATED TO FINES

- 15.1 The Board shall have the right to adopt provisions for the imposition of fines for a violation of the provisions set forth herein and/or the violation of rules promulgated by the Board in accordance with its Articles, Bylaws, and this Declaration.

In accordance with Idaho Code Section 55-115:

- No fine may be imposed for a violation of the covenants and restrictions pursuant to the rules or regulations of the homeowner's association unless:
- (a) A majority vote by the board shall be required prior to imposing any fine on a member for a violation of any covenants and restrictions pursuant to the rules and regulations of the homeowner's association.

- (b) Written notice by personal service or certified mail of the meeting during which such vote is to be taken shall be made to the member at least thirty (30) days prior to the meeting.
- (c) In the event the member begins resolving the violation prior to the meeting, no fine shall be imposed so long as the member continues to address the violation in good faith until fully resolved.
- (d) No portion of any fine may be used to increase the remuneration of any board member or agent of the board.

The Association shall be entitled to assess its attorney fees against an Owner who fails to comply with the provisions of this Article but attorney's fees and costs shall not accrue and shall not be assessed or collected by the homeowner's association until the Association has complied with the requirements set forth above and the Owner has failed to address the violation as prescribed in subsection in the time and manner set forth above. A court of competent jurisdiction may determine the reasonableness of attorney's fees and costs assessed against an Owner. In an action to determine the reasonableness of attorney's fees and costs assessed by the Association against a member, the court may award reasonable attorney's fees and costs to the prevailing party.

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

_____, an Idaho corporation

By: _____

Its: President

ACKNOWLEDGEMENT

State of Idaho)
)ss.
County of _____)

On this the ___ day of _____, 2017, before me, the undersigned Notary Public in and for said state, personally appeared _____, known by me to be the President of _____, an Idaho corporation, whose name is subscribed to the within and foregoing instrument and he acknowledged to me that he executed the same on its behalf.

Notary Public
Residing At:
My Commission Expires:

Exhibit A

The Property

Madrone Heights Subdivision

According to the plat recorded in records of Ada County, Idaho, as Instrument Number _____ in Book _____, Pages _____ - _____ on _____

DRAFT

Transportation Impact Study

Madrone Heights Property

Kuna, Idaho
May 2018

PREPARED FOR:
N Star Farm, LLC
Mr. Tim Eck
6152 W Half Moon Lane
Eagle, Idaho 83616

PREPARED BY:
KITTELSON & ASSOCIATES, INC.
101 S Capitol Boulevard, Suite 301
Boise, ID 83706
208.338.2683

Transportation Impact Study

Madrone Heights Property

Kuna, Idaho

Prepared For:
N Star Farms, LLC
6152 W Half Moon Lane
Eagle, Idaho 83616

Prepared By:
Kittelson & Associates, Inc.
101 South Capitol Boulevard, Suite 301
Boise, Idaho 83702
(208) 338-2683

Project Principal: John Ringert, PE
Project Manager: Brett Korporaal

Project No. 22609

May 2018



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APPENDICES

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Appendix G – Site Access Evaluation Worksheets

Appendix H – Off-Site Mitigation Threshold Worksheets

Note: Madrone Heights Property was originally referred to as the Urza Farms Property. Some appendices reflect the previous Urza Farms Property name.

Section 1
Executive Summary

EXECUTIVE SUMMARY

N Star Farms, LLC is in the process of entitling the Madrone Heights Property, previously known as the Urza Farms Property. The entitlement includes the plan for 205 single-family detached housing unit, situated on approximately 39 acres of land in Kuna, Idaho. The property is located on the east side of the proposed mid-mile collector street between Black Cat Road and Ten Mile Road with Kuna Road serving as its southern boundary.

The parcels of land included in the property's site are identified as Rural Urban Transition (RUT) by the City of Kuna's *City Zoning Map*. The parcels in the immediate vicinity of the site are also zoned as RUT, as well as Agriculture (A), Rural Residential (RR) and Low Density Residential (R4) by the City of Kuna. The land has recently been annexed by the City of Kuna and rezoned to Medium Density Residential (R8).

Access to the Madrone Heights Property is proposed via one new mid-mile collector street on the north side of Kuna Road between Black Cat Road and Ten Mile Road, as well as a new local street connection to Kuna Road, approximately 2,640 feet west of Ten Mile Road and 700 feet east of the new collector. The new collector street is identified on the ACHD Master Street Map. Additionally, the preliminary site plan proposes two stub street connections, one to the east and one to north for potential connections to future developments. The timeframe for the development of parcels bordering the site is unknown, however, development is not anticipated to occur until after full build-out of the Madrone Heights Property.

Currently, the proposed site is undeveloped, but consists of one single-family home which would be removed if the site is built-out. The build-out of the site would be completed in four phases, with a projected full build-out in year 2022. This TIS addresses the existing (2018) and background (2022) traffic conditions, as well as the property's impact in the build-out year 2022. Lastly, the TIS provides the approximate number of homes that can be built before proposed mitigations are necessary at any impacted study intersection, roadway and/or driveway.

FINDINGS

Existing Conditions

- The study evaluated the off-site intersection at Black Cat Road & Kuna Road during the a.m. and p.m. peak period of a typical weekday (Tuesday – Thursday).
- The study intersection was found to operate at acceptable operating standards during the existing weekday a.m. and p.m. peak hours.
- The ACHD study roadway segment of Kuna Road between Ten Mile Road and Black Cat Road operates at an acceptable level of service.

- Crash data at the study intersection for the most recent five years (2012-2016) was analyzed for any existing crash trends, below are the findings:
 - The Black Cat Road & Kuna Road intersection averaged 1.6 reported crashes per year, with 75% of crashes involving a turning vehicle onto or from Kuna Road.
 - There were eight reported crashes on the Kuna Road between Black Cat Road and Ten Mile Road. Seven of the crashes involved a single vehicle leaving the roadway.

Year 2022 Background Traffic Conditions

- Year 2022 background traffic volumes were forecasted using a 3% annual growth rate. There were no identified in-process developments within the vicinity of the site that were included in the analysis.
- Year 2022 background traffic analysis (without inclusion of site-generated traffic) found that the study intersection is expected to continue to operate at acceptable operating standards during the weekday a.m. and p.m. peak hours.
- The ACHD study roadway segment of Kuna Road between Ten Mile Road and Black Cat Road is projected to continue operating at acceptable levels of service.

Trip Generation and Distribution

- The *ITE Trip Generation Manual, 10th Edition* was used to estimate the trip generation for the proposed Madrone Heights Property.
- The proposed Madrone Heights Property, with 205 single-family homes in the build-out year of 2022, is estimated to generate a total of 2,013 daily net new trips, 150 weekday a.m. peak hour net new trips (38 inbound / 112 outbound) and 202 weekday p.m. peak hour net new trips (127 inbound / 75 outbound).
- The distribution pattern for site-generated trips was developed by evaluating existing traffic patterns and major trip origins and destinations within the study area, as well as a select zone analysis from COMPASS' regional travel demand model.

Year 2022 Total Traffic Conditions

- Year 2022 total traffic conditions found that the site-generated trips do not impact the study intersection and that the study intersection will continue to operate at acceptable levels of service during the weekday a.m. and p.m. peak hours.
- The site accessed operate acceptably during the weekday a.m. and p.m. peak hours.
- The ACHD study roadway segment of Kuna Road, between Time Mile Road and Black Cat Road is projected to continue operating at acceptable levels of service.

Turn Lane Warrant Evaluation

- The turn lane analysis using ACHD procedures resulted in turn lane warrants at the following site access street:
 - Kuna Road & Black Cat Road: A westbound right-turn lane is warranted under existing conditions, 2022 background conditions, and 2022 total traffic conditions. Following are considerations with respect to this location:
 - The intersection could be converted to an all-way-stop controlled intersection which would operate at LOS A and LOS B without turn lanes and potentially reduce the number of angle crashes at the intersection.
 - A reduction in the posted speed is likely to occur in the future as development occurs around the intersection. If the posted speed were to be reduced in the future to 35 mph (currently posted 1 mile to the east) or 40 mph, a westbound right turn lane would not be warranted at the intersection under existing, 2022 background or total traffic conditions.
 - Site traffic is projected to be approximately 11 percent of the westbound traffic movement during the weekday p.m. peak hour. Note that warrants would not be met if the posted speed limit was 40 mph.
 - South Access & Kuna Road (Site Access B): Westbound right-turn lane is warranted. A sensitivity analysis found that a westbound right-turn lane is warranted in approximately year 2021 with the build-out of approximately 161 Madrone Heights housing units. Following are considerations with respect to this location:
 - A reduction in the posted speed is likely to occur in the future as development occurs around the intersection. If the posted speed were to be reduced in the future to 35 mph (currently posted 1 mile to the east) or 40 mph, a westbound right turn lane would not be warranted at the intersection under existing, 2022 background or total traffic conditions.

Site Access Evaluation

- The results from the queuing analysis found that the 95th percentile queue lengths can be accommodated.
 - Each site accesses provides at least 100 feet of roadway length without a property driveway and/or internal street interference.
- The intersection sight distance evaluation identified that intersection sight distance can be achieved at all the site access intersections with the following actions:

- Remove miscellaneous vegetation and shrubbery, and potential obstructions along Kuna Road as necessary to obtain and maintain adequate intersection sight distance.
 - Site access along Kuna Road should match the existing grade of Kuna Road at the intersection.
 - Shrubby, weeds and landscaping near the internal intersections and site access points should be maintained to ensure adequate sight distance.
 - If future widening occurs along Kuna Road, care should be taken to ensure adequate intersection sight distance is maintained.
- There are two proposed local street access points to the Madrone Heights Property, as well as a new collector street at the mid-mile along Kuna Road between Black Cat Road and Ten Mile Road. Additionally, there are two proposed stub street for connections to future developments. Following is a summary of each access with respect to ACHD Policy:
 - **New Collector Street & Kuna Road (Site Access A):** This access, a proposed collector, is located on Kuna Road approximately 2,660 feet, or approximately one-half mile, east of Black Cat Road and 2,640 feet west of Ten Mile Road. While the collector meets the spacing requirements between public streets, it does not meet spacing requirements with respect to existing driveways on Kuna Road. The access should be considered by ACHD for the following reasons:
 - The proposed collector is on the ACHD Master Street Map.
 - The proposed collector meets ACHD spacing requirements for a collector street, except for two existing driveways to residential homes on the north and south side of Kuna Road approximately 300 feet west of the collector street. Given the location of the driveways it is assumed that neither of the driveways could be moved to the mid-mile collector.
 - Without the collector street access, site-generated trips would increase the ADT at the south access on Kuna Road to over the ACHD 2,000 ADT threshold for a local street.
 - This access is proposed as a collector street and will only serve residential trips, as well as provide increased accessibility for emergency response vehicles and public services vehicles.
 - **South Access & Kuna Road (Site Access B):** This access, a proposed local street, accesses Kuna Road approximately 700 feet east of the proposed mid-mile collector and approximately 620 feet west of Yankee Rock Avenue. Therefore, the proposed

access does not meet the spacing requirement for Kuna Road. The access should be considered by ACHD for the following reasons:

- Without this access, the site would only have the collector street access, located on a minor arterial street, servicing 205 residential units, which is against ACHD requirements for a development of that size. The volume would remain under the ACHD policy of 3,000 ADT for a single access on a collector, but future development could increase the ADT above 3,000.
 - This access is proposed as a local street and will only serve residential trips, as well as provide increased accessibility for emergency response vehicles and public services vehicles.
 - The access will function acceptably as a full access with a westbound right-turn lane.
- **West Access & New Collector Street (Site Access C):** This access, a proposed local street, accesses the new collector street approximately 710 feet north Kuna Road. This access is proposed to be full access; however, most movements will consist of right-in and left-out movements because of its connection to Kuna Road via the new collector street. The access should be considered by ACHD for the following reasons:
 - The access meets ACHD local street spacing requirements for collector streets.
 - Without this access, the site would only have one access, located on a minor arterial street, servicing 205 residential units, which is against ACHD requirements for a development of that size.
 - This access is proposed as a local street and will only serve residential trips, as well as provide increased accessibility for emergency response vehicles and public services vehicles.
 - The access will function acceptably as a full access without turn lanes.
- **Stub Streets:** The two proposed stub streets access would connect to a future development north and east of the site. These proposed stub streets are based on the *ACHD Policy Manual, Section 7207.2.4.3*, “a stub street will be required to provide circulation or to provide access to adjoining properties.” Presently, the timing of a future development tying into this stub street is unknown and is not anticipated to occur until sometime after full build-out of the Madrone Heights Property. The stub streets have the following benefits:
 - The stub street would provide future access to an adjoining property east of the site and therefore reduce the need for additional access routes to Kuna Road.

- The streets adhere to ACHD stub street requirements.
- The stub streets are not the primary access to the site, with limited trips into and out of the site.
- The stub streets would only serve residential trips, reducing vehicle miles traveled and increasing access for emergency response and city services.

RECOMMENDATIONS

Based on the report's analyses and evaluation findings, recommendations were developed accordingly. There were no recommended mitigations for existing year and background year conditions.

Existing Conditions

The following mitigation is recommended under existing traffic conditions.

Kuna Road & Black Cat Road

- Consider the following options based on warrants being met for the westbound right-turn lane under existing, background, and total traffic conditions:
 - Install a westbound right-turn lane if right-of-way is available.
 - Conduct a speed study for the westbound approach after completion of the build-out of the property to evaluate whether the posted speed should be reduced to 40 mph or 35 mph. This would alleviate the need for a westbound right-turn lane.
 - Consider conversion to and all-way-stop-controlled intersection from a two-way-stop-controlled intersection.
- The site's traffic is projected to be approximately 11 percent of the westbound traffic movement under year 2022 (full build-out) p.m. peak hour (most critical time period for the right-turn lane) traffic conditions.

Mitigations Needed for Madrone Heights Property

The following mitigations are recommended due to the inclusion of Madrone Heights Property's site generated trips.

Collector Road & Kuna Road

- Construct the new collector as proposed.

South Access & Kuna Road

- Construct a westbound right-turn lane with approximately 100 feet of vehicle storage. A sensitivity analysis found that a westbound right-turn lane would be warranted in approximately year 2021 with the build-out of 161 Madrone Heights units.
 - Alternatively, a speed limit reduction in front of the site from 50 mph to 40 mph or 35 mph (consistent with the Kuna Road corridor to the east) would result in the westbound right-turn lane warrant not being met.

Site Accesses

- With approval from ACHD, construct all accesses to the property to allow full access on the public street approaches with the following designations:
 - All local streets within the property should be constructed with one travel lane in each direction.
 - Site driveways with access to public streets should provide sufficient stacking distance for four vehicles (100 feet) to ensure acceptable operation and accommodate larger vehicles, including utility service and delivery vehicles.
 - Site accesses along Kuna Road should match the existing grade of Kuna Road at the intersection to ensure the best possible sight distance.
 - All accesses and internal streets should be designed to provide adequate intersection site distance. Shrubbery, weeds and landscaping near the intersection and site access point should be maintained to ensure adequate sight distance is maintained.