

OFFICIALS

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



CITY OF KUNA

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

City Council Meeting
MINUTES
Tuesday, January 15, 2019

6:00 P.M. REGULAR CITY COUNCIL

1. Call to Order and Roll Call

COUNCIL MEMBERS PRESENT:

Mayor Joe Stear
Council President Briana Buban-Vonder Haar
Council Member Richard Cardoza - Absent
Council Member Warren Christensen
Council Member Greg McPherson

CITY STAFF PRESENT:

Bob Bachman, Public Works Director
Jared Empey, City Treasurer
Chris Engels, City Clerk
Wendy Howell, Planning & Zoning Director
Bobby Withrow, Parks Director
Paul Stevens, City Engineer
Troy Behunin, Planner III
Jace Hellman, Planner II

2. Invocation: D. Scott Allen, Kuna United Methodist Church

3. Pledge of Allegiance: Mayor Stear

4. Consent Agenda: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS
(Timestamp 00:01:29)

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

A. City Council Meeting Minutes:

I. Regular City Council Minutes, January 2, 2019

NOTICE: Copies of all agenda materials are available for public review in the Office of the City Clerk. Persons who have questions concerning any agenda item may call the City Clerk's Office at 922-5546. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 922-5546 at least forty-eight (48) hours prior to the meeting to allow the City to make reasonable arrangements to ensure accessibility to this meeting.

B. Accounts Payable Dated January 10, 2019 in the Amount of \$886,768.71

C. Resolutions

I. Consideration to approve Resolution No. R02-2019

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO
AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS.

D. Finds of Fact and Conclusions of Law

I. Consideration to approve Findings of Fact and Conclusions of Law for Case No. 18-03-V (Variance) for Desert Hawk No. 4 Subdivision

Council President Buban-Vonder Haar moved to approve the consent agenda. Seconded by Council Member McPherson. Approved by the following roll call vote: Voting Aye: Council Members Christensen, Buban-Vonder Haar, and McPherson Voting No: None Absent: Council Member Cardoza Motion carried 3-0-1.

6. Community Reports or Requests:

None

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

A. Public Hearing and Consideration to approve 18-05-S (Preliminary Plat) – Jace Hellman, Planner II ACTION ITEM
(Timestamp 00:02:10)

The applicant, Inaki Lete, requests to subdivide approximately 12.19-acres into 19 total lots, consisting of 10 commercial buildable lots, and 9 Common lots and has reserved the name Lete Commercial Subdivision. The subject site is located at 1795 West Deer Flat Road, Kuna, ID 83634, within Section 22, Township 2 North, Range 1 West; (APN# S1322111056).

Will Mason from Mason and Associates, representing Inaki Lete, presented the application and stood for questions.

Mayor Stear opened the public hearing.

Planner II Jace Hellman presented the staff report and stood for questions.

Mayor Stear commented it would be nice to have sidewalks in that area. That had been a problem for many years.

Support: None

Against: None

Neutral: None

Rebuttal: None

Council President Buban-Vonder Haar moved to close the evidence presentation and proceed to deliberation. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza was absent.

Council President Buban-Vonder Haar noted staff was recommending approval and agreed this appeared to comply with the comprehensive plan and hit on some of the City's goals regarding economic development and land use and was in compliance with Kuna City Code.

Council President Buban-Vonder Haar moved to approve 18-05-S and directed staff to prepare Findings of Fact, Conclusions of Law and Order of Decision for approval by the Council on the next Council Meeting Consent Agenda. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza was absent.

- B.** Continuation of Public Hearing to receive evidence including but not limited to evidence regarding health and safety issues, sewer capacity and build out of the proposed subdivision, and traffic safety issues and build out of the proposed subdivision and consideration to approve Case No. 18-02-S (Preliminary Plat) Madrone Heights Subdivision – Troy Behunin, Planner III ACTION ITEM
(Timestamp 00:10:49)

Kristi Garbo, KM Engineering, on behalf of applicant Tim Eck, requests approval to subdivide approximately 39.50 ac. into 206 single home lots, an additional 27 common lots, and one shared driveway. 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.

Jeff Bower, KM Engineering, 601 W Bannock Street, Boise, Idaho 83702, was there on behalf of the applicant, Tim Eck. Mr. Eck was there and available for questions but was planning on using their rebuttal time so they could ask him questions then as well. Mr. Bower discussed the project and reviewed the history of the matter. He stood for questions.

Council Member Christensen was thankful for the adjustments and clarified the sidewalks Mr. Bower was talking about would be on Kuna Road in front of the property.

Mr. Bower stated they would be doing all internal sidewalks as well as a separated 5-foot sidewalk along their frontage on Kuna Road as well as their frontage on the collector street; so significant interior and exterior sidewalks.

Mayor Stear reopened the public hearing.

Support:

Tim Gordon, 1206 N Black Cat Road, Kuna, Idaho 83634, reviewed the letter he submitted that was included in the packet regarding his support for this project and concerns that had been expressed.

Mayor Stear noted a letter in the packet from Dick Deutsche and asked Mr. Gordon if he had spoken with Mr. Deutsche in regards to financing.

Mr. Gordon replied he had not.

Mayor Stear said he would ask Tim Eck later.

Planner III Troy Behunin pointed out there were some other letters or emails that were received after the packet was submitted to Council. He passed out copies of those letters and noted that, other than the letters, staff had nothing to add to what they presented at previous hearings for the record.

Against:

Paula Grigg, 1350 W Avalon Street, Kuna, Idaho 83634, lived in Kuna on Avalon for 33 years and worked for the post office on the south side of the track for 26 years so she had dealt with the train issue the whole time. She cited a COMPASS report from 2013 that stated delays of 3.5 minutes at train crossings, the average train speed of 40 - 70 MPH, and guessed the population in 2040 would be 11,306. This was the supposed record that they based the need for an overpass on. As someone who had lived on Avalon for 33 years, not one of those items was correct. They never account for double trains, changing cars, slow trains, crossing malfunctions, and long trains. The results are traffic backups which causes delays to school, work, and appointments and delays for emergency services.

Ms. Grigg shared she was actually late that day for a doctor's appointment. Her doctor's office was only 3 minutes away. She asked who would leave 15 minutes early to go there. Everyday she would get in the car and listen for a train. If she heard one, she would think "oh crap, can I make it before the train gets there". There were 2,100 houses on the south side of the tracks. That translated to 4,000 cars. The backups were horrible. Avalon backed up down to Ten Mile, Ten Mile to Yukon, Ash Street to Armond, School to Recess, Swan Falls up to Stage Coach plus all the other collector streets. After the train they would all head out only to be stopped by stop signs on both sides. Sometimes clearing the congestion would take 15 to 20

minutes not 3 minutes. On the return home the congestion continued. Avalon would back up to Albertsons and Main backed up to the roundabout.

Ms. Griggs stated developers never understood the mess they left the town in. They planned to build and leave. The City Council, Planning & Zoning, and the Mayor did not deal with this on a daily basis. Those on the south side did. They were still part of the Kuna city. She asked that they listen to the residents about this quality of life issue.

City Clerk Chris Engels asked Mayor Stear to read who the letters where from for the record.

Mayor Stear stated the letters were from Kay Albers and Rebecca Ward.

Nancy Simper, 4597 W Deer Flat Road, Kuna, Idaho 83634, thanked Council for the opportunity. She noted her previous testimony opposing Madrone Heights was already on the record. She just wanted to restate her opinion that the traffic and safety issues went against the goals stated in the comprehensive plan as well as City Code and she did not think the applicant presented enough evidence that addressed those traffic and safety issues.

Ms. Simper stated they did estimate an increase of 2,013 vehicle trips per day. As they heard, there was already a lot of congestion, especially with the trains during times when children were being driven or bussed to or from school. By Councilman Cardoza's estimate, the 206-house development could have around 300 children. She called the School District Transportation Department and they estimated a neighborhood with 300 children would need an extra 10 school buses. That would clog traffic even more because the school buses would have to stop and wait before they could cross the tracks. Increased drive times to school meant earlier mornings and lengthening already long bus rides.

Ms. Simper had received an email from the superintendent earlier in the year when they were trying to figure out how to get all the kids, especially those on the south side of the tracks where bus rides were longer, to and from school. They were really long routes. She said part of the problem was they were already short 10 buses in the district and getting 10 buses would cost \$1 million.

Ms. Simper explained the point she really wanted to hammer home was the traffic impact study the applicant submitted only evaluated the 1-mile section they were on and the Kuna Road and Black Cat intersection. That was westbound so that would only be people leaving the Kuna area. She asked about the traffic going east into Kuna. That was what all the discussion about the railroad crossing addressed. She thought it was important to note when ACHD and ITD gave their approval for this they were only basing it on the traffic impact study that did not address these issues with the railroad crossing.

Ms. Simper further stated in the letter from their lawyers, the applicant asked this matter to be reconsidered with all of the relevant evidence before the Council. She was interested to hear any additional evidence they were presenting and, if it didn't include a formal traffic study on the area between the development and the railroad tracks, it should include an impact report from the fire department, police department, and school district. Otherwise she did not feel the applicant was fully representing how the development would impact the city. She knew she was not the only one in the area south of the railroad tracks but she might be the only one ok with coming multiple times. She wished she would have come during the Planning and Zoning time period when all of this was overlooked. They denied this once and she asked that they stand by that vote.

Kelly Simper did not want to testify.

Mayor Stear asked City Attorney Bill Gigray if the letters needed to be read into the record. He was assuming they didn't because they came in late.

Mr. Gigray believed it had been the practice of Planning & Zoning to let them know if they received communications in between the hearings. They were trying be transparent. He thought that was the purpose in which they had been presented. He would have to speak with Mr. Behunin to find out if those persons requested their letters be included in the record.

Mr. Behunin explained both the letters were submitted late. Because of the nature of these letters, they addressed the Council directly, he assumed they wanted the letters to be part of the record.

Neutral: None

Rebuttal:

Tim Eck, the applicant, 6152 W Half Moon Lane, Eagle, Idaho 83616, stated the school and fire districts had no comment on the project. He noted the area or scope of traffic study was defined by ACHD. They were the experts. The study did identify traffic clear out to State Highway 69. ITD's only concern was the impact to Highway 69. Once they read the traffic impact study, they realized there was little to no impact on State Highway 69. He thought it was less than 1%. The study went beyond the 1-mile statement that was referred to.

Mr. Eck reviewed, as presented by Mr. Gordon, the majority of the roadways, sidewalks, sewer, water, and irrigation infrastructure improvements completed in Kuna were the result of subdivision improvement. The resulting tax base generated by the roof tops provided funding and increased fire, safety, and city services. Sidewalks were the result of residential subdivision and commercial improvement. With an almost non-existent exception, all of the sidewalks within Kuna were built as part of subdivision improvements.

Mr. Eck noted Mr. Gordon provided a small sample of road segments without sidewalks. The sample was consistent throughout all of Kuna and Idaho. The sidewalks were constructed across all subdivision boundaries as they were built and, as development filled in, sidewalks became continuous. They would have boundary sidewalks, about a quarter mile of frontage sidewalk on Kuna Road and about a quarter mile of frontage sidewalk on the mid mile connector, plus all of their internal sidewalks. Beyond the subdivision boundaries, deficiencies in offsite sidewalk networks were system improvements under the Idaho Development Impact Fee Act.

Mr. Eck explained every lot in the subdivision made impact fee payments to ACHD to fund system improvements. The right-of-way for Kuna Road was approximately 66 – 68 feet wide, the road width from fog line to fog line was approximately 22 feet thus there was significant gravel shoulder on both sides of Kuna Road from Black Cat to Ten Mile for pedestrian traffic. The Traffic Impact Study, on pages 35 and 36, showed the wide shoulders on Kuna Road. On Ten Mile extending west, right-of-way had been widened and sidewalks had been constructed where development had occurred. At Madrone Heights Kuna Road frontage right-of-way would be widened to 37 feet from center line, eventually resulting in a 74-foot right-of-way. Paving would be widened 17 feet from center line plus a 3-foot gravel shoulder and a 5-foot sidewalk would be constructed across the frontage on top of other improvements they had to make to that road; those right turns, left turns, center lanes.

Mr. Eck reviewed Public Works had assessed and would provide a well-served letter for 5.2 dwelling units per gross acre which was what they applied for. He noted Kuna had previously presold sewer connections in an effort to kick start funding of major sewer system improvements including the Kuna North Waste Water Treatment Plant. A large block of prepaid connections was sold by Kuna for \$2,000, \$2 million conditioned on guaranteed connections to the Kuna South Waste Water Treatment System. Subsequently, through purchase agreements, it was ratified by Kuna as Resolution No. R53-2015 that they acquired ownership of the majority of these prepaid Kuna South Waste Water Treatment Connections. He noted the history of the LID and LID assessment. Ultimately, the payment of the EDU assessments guaranteed the property owner capacity in the waste water treatment facilities. Currently, they still owned 182 south plant connections and approximately 1,600 north plant connections. Denial of development south of the tracks deprived them of their right to use those south plant connections they owned. In addition, it made all of the south plant EDUs valueless including those owned by Key Bank.

Mr. Eck stated traffic safety had been addressed. Upon review of the Traffic Impact Study, ITD withdrew any concerns or objections they had about the project. The Traffic Impact Study identified any and all areas of concern and proposed mitigation. ACHD reviewed the Traffic Impact Study, accepted it, and rendered their staff report. The staff report identified all mitigation required by the applicant in order to maintain all acceptable levels of service and safety. The property was approximately 1.8 miles from Station 1 and EMS services so the property met average response times in the city limits which was 4 – 6 minutes. He referred to a

crossing study done by Kuna and reviewed the data relating to railroad crossings in Kuna. He explained how the railroad crossings affected response time for emergency services. They were well within the first responder response time and they met all the conditions, ACHD policies and conditions of approval and City Code and conditions of approval. They were not a one and done. They were there and they spent a lot of money improving the road infrastructure. He stood for questions.

Mayor Stear noted Mr. Dick Deutsche's letter and his concerns regarding cattle and fencing that he had discussed with Mr. Eck. He asked if they had come to a resolution.

Mr. Eck explained the agreement they reached and stated Mr. Deutsche was thrilled with it. He noted the same solution would be applied for another neighbor as well.

Council Member Christensen noted everything they saw in the Traffic Impact Study talked about Kuna Road west bound of Black Cat and Mr. Eck referenced Highway 69 but nowhere in the study did it reference any streets or corridors in between. He asked what the study had to say about east bound traffic.

Mr. Eck reiterated ACHD established the study area. Kittleson would come back in with a scope of work of all of the travel lanes and intersections in a very broad area around the planned development. ACHD would then come back and amend the scope of work and tell them exactly what they needed to study. This was based on their years of expertise and all of their traffic personnel at the highway district already had a good feeling of what things would be like in the areas that had to be studied. They focused the study on the areas they knew would be impacted. Areas beyond the impact study were believed to be of insignificant impact. Then they address everything they need to study and, when the study came in, ACHD would go over the results and, based on the information, decide if more areas needed to be studied. If they did, they would kick out a supplement instruction to study a few more intersections and road segments. In this case they were satisfied with the original study and did not feel any further areas needed to be studied.

Mayor Stear asked Planning & Zoning Director Wendy Howell about Police and Fire coming to meetings.

Ms. Howell explained they came to pre-app meetings to look at the developer's concept plan so they could make suggestions of changes at that point that would be needed for their agencies.

Council President Buban-Vonder Haar noted Council Member Christensen had voted no last time and had some specific concerns. She asked if they had been addressed to his liking.

Council Member Christensen replied they did ease some of those concerns but he still had questions, especially concerning east bound traffic. He asked the ACHD

representative present how they determined an area did not need to be studied in a traffic study.

David Corcoran from ACHD, 3775 N Adams Street, Garden City, Idaho 83714, explained they looked at the broader COMPASS models and the projected traffic volumes within an area. When a developer came in with a Traffic Impact Study, they looked at the extent to which they forecast those traffic impacts would occur. In this case what was proposed was what was determined to be necessary by their traffic engineers. He was not a traffic engineer so he couldn't get to much into why that was their determination but the broader transportation models they were working off of was kind of the basis of why.

Council Member Christensen had no further questions but he still had concerns so if questions arose from those, he would answer them. He was still concerned about the east bound traffic and the shoulder expansion. Mr. Eck had mentioned 22-foot gravel and extended gravel shoulders that went all the way down. He drove that route that morning and there was only about a foot of shoulder and then it was dirt and it went from 35 to 50 right there. He acknowledged it was a small percentage of kids that would be attending the school there but there was also an open field park that the neighborhood took care of. Kids would still be up and down the street. People did not slow down to 35 at that 35-mph mark. This neighborhood did extend into that 50-mph mark and there was no requirement to lower that speed limit. He still had a strong safety concern. A lot of his sidewalk concerns were taken care of but not his and Council Member Cardoza's concern regarding the kids walking to the school on 50-mph roads. The shoulders were only about 18 inches at most and then extended with just dirt. So, he was still worried about that safety stand point. From the safety stand point of how often the railroad crossing arms were down, he was on the south side of the traffics for only an hour but still had to wait for 2 trains back to back for 10 minutes and had to wait 5 minutes just to pull out on Kuna Road. There were still traffic and safety concerns there.

Council President Buban-Vonder Haar asked what he thought the applicant could specifically do to remediate those issues. She thought the answer for one of them might be working with ACHD to get the speed limit changed to 35 mph for a specific section of road.

Council Member Christensen stated they had to look at the bigger picture. He reiterated concerns regarding wait times at the railroad crossings and stated there was nothing they could do to satisfy that concern.

Mr. Gigray reminded Council that any deliberation and decision they made had to be based on testimony and evidence presented during the public hearings. They could use personal knowledge to assist them in understanding evidence that was produced but they could not rely on their own inspections as a basis for decision.

Council Member Christensen noted in the record it was stated there would be 2,013 trips per day that came out of this but there was no traffic impact study done for east bound traffic. Some traffic would go west and some would go east. From a traffic stand point, those added trips would add a dilemma when it came to those train crossings. The speed limit was on record as stating there was no warranted reason to lower the speed limit based on the studies. It did hit 50 mph at that subdivision from 35 mph. That was asking people to slow down coming east bound but they didn't hit that until after the subdivision.

Council President Buban-Vonder Haar understood what he was saying but the developer had no control over people following the law. The reason this was continued and reopened was, in order for the prior decision to be legally defensible, they needed to be able to provide specific remedial actions the applicant could take that would make the application acceptable. That was what she was trying to flush out; specific things they could add as conditions of approval.

Council Member Christensen stated he had voted no since the first initial vote on this for concerns like this due to City Code and Ordinance 6.2.3 section F. He didn't feel that the accommodation of these 2,013 trips would suffice from a public standpoint when it came to schooling, from the added buses that Ms. Simper brought up, it did put a strain on the school system. There was nothing he could tell the developer right then that said "please satisfy these conditions" based on how he had felt about this development from the beginning.

Council President Buban-Vonder Haar understood that but she was trying to explain what they needed to provide from a legally defensible point of view. They continued the first hearing so they could get more information so they could address some concerns. Her concern was they couldn't just say or, maybe he was just saying, he wouldn't approve any subdivisions moving forward.

Council Member Christensen replied he was saying this subdivision specifically. He clarified the issue was the location and the traffic issue and the strain on the school system. He would talk about this development but not others.

Mayor Stear stated the only problem he had with that was the school district didn't comment even though the City asked them to make comment. When ITD denied it, it was because they hadn't seen something and when they did see it, they reversed their opinion. Before the schools went to bond the City provided them with what growth they thought would occur with the number of people and homes. The school district based their bond on those numbers and they did not seem concerned. It was their issue, same as fire and police. Council may have those concerns but if they don't comment it makes it hard to say there is problem.

Council Member Christensen wanted to know who asked for them to comment on this specific development.

Planner III Troy Behunin explained the agency notification process and comment period for development applications. They followed that procedure for this project and did not receive anything from the school district.

Mayor Stear added that the problem for Council was they could not deny something because they wanted to or because someone told them too. They had to have some kind of legal basis for that and certainly safety concerns could provide for a legal basis but they had to give a developer the chance to mediate and some direction on what they could do to make the project move forward. That was why this came back. Council didn't do that last time and the developer asked that they do that. They deserved a chance to mitigate whatever problems needed to be mitigated as long as they were reasonable.

Council Member Christensen noted reasonable was a little different than what they could actually do and they stated time and time again what their restrictions were. He reiterated his concerns regarding the shoulders, speed limits, and sidewalks.

Council Member McPherson replied the road was what it was. He drove that way the other day too. When the developer went down the side of the road or down the middle of the road or however they have to get their utilities to this project, if approved, they would have to reconstruct back to a wider standard than what it was now. The developer stated that and said what the gravel impact would be versus what it was now. It was going to be wider than what it was now. He was concerned about the kids walking up and down the road too. Like Mr. Gordon said in his letter, there were sections like that all over where kids were walking down the side of the road where it was 50 mph. Hubbard between Linder and Ten Mile was a prime example. He didn't approve of that and he wished there was something they could do but, until growth punched a sidewalk through, what could they do.

Mayor Stear explained something they had done to mediate that in the past, and they were just coming up on it now, was through the 5-year plan with ACHD. The City listed projects on there that needed to happen. A good project to go on there was to put sidewalks in where development would not likely occur. A lot of the houses along Avalon had been there for a lot of years and, chances were, they wouldn't be torn out to do something different with them. They could go through things like that in the 5-year plan. Like Mr. Eck mentioned, they pay impact fees and that was where those dollars went, projects like that to help mediate safety concerns. There were things they could do about it but maybe not that day. The one point to mention was these projects didn't build out immediately so that gave them some time to work on other projects to help mediate the safety issues.

Council Member Christensen saw the reasonable things they could do and the things they couldn't do but he was still concerned and didn't have anything he could add to what he had already said.

Council President Buban-Vonder Haar asked if it would be helpful to delay this one more time for specific feed back from ACHD on why they determined they didn't need to look at traffic outside of the area that was looked at.

Council Member Christensen said that would help answer one of the questions he had that night but that was just one of the few concerns he had from the beginning. He did not think there was anything else they could do to push forward with this.

Mr. Corcoran shared ACHD was currently working on sidewalk plans for Avalon east of Ten Mile. He also clarified why the traffic study seemed to focus mainly on the west. If you looked at the Exhibit of Influence Map it showed pretty well how the trips would be shifted. It showed a lot of them going west and north on Black Cat. The remainder, while 2,013 trips seemed like a lot, really wasn't that many. Traffic counts of residential collectors tended to be in the four figures already. The sudden percentage of 2,013 was not a huge number.

Mayor Stear asked, if someone came and said why ACHD didn't go further, would that really change anything.

Council Member Christensen said it would not change anything. He just wanted to see what if they went further. He truly thought the east bound concern going over the tracks was what people wanted to see.

Mayor Stear clarified he wanted to see a larger Traffic Impact Study.

Council Member Christensen replied that would have been helpful.

Council President Buban-Vonder Haar asked, if traffic engineers came in and explained why, from their expert perspective, additional study was not necessary, would he still vote no until that study was done.

Council Member Christensen explained that was not the only reason he was looking at a no vote. That data might have helped if he had seen it but he didn't know because he didn't know what that data would have said.

Mayor Stear suggested they could look at level of service maps from ACHD for future developments. They wouldn't help with this one but it could help him get a broader picture of what ACHD was looking at.

Council Member Christensen thought that could be important.

Mayor Stear said they would need to decide if they were going to move forward that night or where they were at.

Jeff Bower stated, as ACHD indicated, there was a study in the Traffic Impact Study as an appendix that he did not believe was in the packet but he did attach it to his

letter. It showed the traffic impacts going east. It did not do a full study or analysis of level of service or safety but it analyzed the percentage of traffic that would increase based on their project.

Mayor Stear found the letter on page 287 of the overall packet.

Council reviewed the study.

Council Member Christensen said it made sense. It was a percentage base of overall traffic headed that way if he read it right. He added furthering detail going forward to include east bound traffic studies would be important to get the detailed figures on things because, ultimately, that was where a lot of people's concerns were.

Council President Buban-Vonder Haar clarified he was talking about other future applications.

Council Member Christensen affirmed that was correct.

Council President Buban-Vonder Haar asked legal counsel if this was still a normal vote where they only needed a majority vote.

Mr. Gigray said that was correct.

Council President Buban-Vonder Haar asked Council Member Christensen if there was additional information that would be helpful to him.

Council Member Christensen's response was inaudible.

Council President Buban-Vonder Haar asked if they needed to close the evidence presentation before they started deliberating.

Mr. Gigray confirmed they would need to close the evidence presentation prior to moving on to deliberation and then reopen it if necessary.

Council President Buban-Vonder Haar moved to close the evidence presentation. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza was absent.

Council President Buban-Vonder Haar stated the only open question in her mind was whether it would be beneficial to get a definitive answer from ACHD engineers on why they chose the scope of study they did. However, she also acknowledged they were they experts and the traffic engineers so whether they explained to her why they chose to do that or not would not make a huge difference in the sense that Council had to differ to them in terms of traffic. She asked Council for their thoughts.

Council Member McPherson agreed. He was not a traffic engineer and, from what they presented to Council and Planning & Zoning staff, they were in approval of it. He was set where he was at now.

Council Member Christensen stated the only reason to move on was to allow Council Member Cardoza back into the mix and there was no purpose for that.

Mayor Stear didn't think there would be any difference in testimony and they would be in the same position they were in. He thought continuing it was just continuing it and they wouldn't get anywhere by dragging it out.

Council President Buban-Vonder Haar stated over all she understood the concerns that were raised. The challenging part for Council was they had to look to their partner agencies whose jobs it was, literally, to figure out some of these concerns. In terms of traffic studies and their scope and what sort of impacts would need to be looked at they had to defer to ACHD. In terms of safety they had to defer to the fire department and police department. In terms of busing and schools and things of that nature they had to defer to the school district. They continued this initially because ITD had raised an objection and they wanted to find out from that agency, because traffic was their bailiwick, what those concerns were and how they could be mitigated. When ITD responded they withdrew their objection. She did not feel like it was legally defensible for her to second guess agencies whose entire responsibility it was to make these decisions and considerations and provide feedback. She heard the concerns and did not want folks to think they were not listening to them. Council Member Christensen had been particularly concerned and they have tried to figure out if there were specific remedial actions that could be taken and they were not able to uncover any. Legally they would need to be able to do that if they were going to say no. The Planning & Zoning Commission did review this and also forwarded a recommendation of approval. That made a difference to her in terms of yet another entity that was tasked with specific functions weighing in and educating their deliberation. It appeared to her that the request was in compliance with the comp plan. It did not appear to violate Idaho State Code or Kuna City Code. Her preference or suggestion was to move ahead with having staff prepare Findings of Fact, Conclusions of Law and Order of Decision for approval for the proposal.

Council Member McPherson agreed.

Council President Buban-Vonder Haar moved to direct staff to prepare Findings of Fact, Conclusions of Law and an Order of Decision for approval by the Council on the next Council Meeting that supports approving Case No. 18-02-S. Seconded by Council Member McPherson. Motion carried 2-1-1. Council Member Christensen voted no. Council Member Cardoza was absent.

- C. Continuation of Public Hearing to accept testimony regarding the final draft of the Development Agreement and the additional emails entered into evidence at the public hearing held January 2, 2019 and consideration to approve 18-03-AN (Annexation), 18-01-CPM (Comp Map Change), 18-04-ZC (rezone), 18-02-PUD (Planned Unit Develop), 18-04-S (Preliminary Plat) and DA (Development Agreement) for Falcon Crest Subdivision – Troy Behunin, Planner III ACTION ITEM
(Timestamp 01:28:29)

Mark Tate, with M3 Companies (Owner), requests approval to Annex approximately 990 acres into Kuna City limits, change the Comprehensive Plan Map (CPM) from Agriculture to Mixed-Use for approximately 163 acres, for a Planned Unit Development (PUD) for approx. 1,028 acres (net), to rezone approx. 20 acres and subdivide approx. 132 acres into 409 residential lots, 51 common lots, four common driveway lots, two well lots and private roads. This site is located at the NEC of Cloverdale and Kuna Roads, Kuna, Idaho.

Mark Tate, with M3 Companies, summarized the conclusion of the previous public hearing. He did not have a lot to add regarding the development agreement but would be able answer any questions on it. Regarding the letters, it looked like a lot of the same comments and concerns that were brought up during the public hearing that they discussed at great length, namely the question of density and traffic and ruralness of the area. In his mind that was all kind of combined into one issue of density and change to the neighborhood. The last item in front of Council was a 40-acre subdivision at 5 units per acre. That was a suburban density development of single-family houses. He reminded Council their project was 2.25 units per acre, less than half of the density of that project they just had in front of them. It was a low-density project. The total number of units on the project with the maximum of about 2,300 sounded enormous but it was going to be built out in phases over many years.

Mr. Tate explained their project was going to be master planned and thoughtfully designed. It was contiguous development to each other which was a wonderful aspect of master plan development where you don't have these gaps in sidewalks and transportation concerns that you run into with hopscotch type development where there are smaller pieces developing over time. That was why they loved the idea of this site as a master plan community. It was one large contiguous ownership. The golf courses were already there, 36 holes of golf. It really was the perfect setting for an upscale community. He reminded Council their first phase plat was part of an age restricted portion. There were other parts that would not be age restricted.

Mr. Tate noted they had been approved by ACHD. The other theme that was addressed in the letters that they discussed at length in the last hearing was the issue of water. He really appreciated the City's consultant being at the last meeting. He thought that added a lot of valuable expert testimony on the issue of water and reviewed some of his comments and testimony. He noted the plan B called for in the development agreement and stood for questions.

Planner III Troy Behunin noted Council's packet was reformatted to give them the requested information from the January 2, 2019 meeting and reviewed the updated information in the development agreement. Staff had nothing more to add to the discussion and stood by the presentation made last time. He stood for questions.

Mayor Stear reopened the public hearing.

Support: None

Neutral:

Scott Erickson, 653 Reining Horse Drive, Kuna, Idaho 83634, had been living on the corner of Reining Horse Drive and Cloverdale Road for 23 years very happily. He had really grown quite fond of the sunrises out there. He brought up lighting.

Mayor Stear reminded Mr. Erickson some of these things were already discussed and closed out on. They were down to the development agreement and the letters that came.

Mr. Erickson felt all those involved deserved some credit for building incredible golf courses in three phases. There was the small course he and kids of all ages enjoyed playing. There was a championship course and he felt if they really thought about it long term, they could consider high rise hotels and competing PGA tournaments in that part of the valley. He encouraged some comments and very careful thought about whether they were thinking big enough about what they might consider part of the valley, were they calling it east Kuna or South Kuna or South Urban Center, and what do they prepare for. Right now, he was really enjoying the raptors and the bees. His neighbor grew the best honey on the planet. Things that they as people want should get voiced. He asked what were they doing for their kids and the generations to come. There was a reason Kuna was the second fastest growing town in the nation. He struggled to wrap his head around that. He loved Falcon Crest and he loved living there. He loved this town but he was not sure they were thinking big enough. Every single day everywhere he needed a service, a doctor appointment, a school, groceries, a six pack of beer, gasoline, anything he needed he had to drive to get it. Everybody had to drive. Whether it was 50 homes, 1000, or 2,500, it was irrelevant to him. Everybody had to drive everywhere for everything. They should think very carefully and develop out the services in line with any kind of development.

Mayor Stear commented that was one reason the City had hired on an economic development director. A lot of those things came to a community based on population. That was why Kuna did not have a lot of those things. They were looking to the future for that type of thing.

Against:

Bill Terry, 6169 Reining Horse Drive, Kuna, Idaho 83634, as part of the Cloverdale Ridge Water Corporation and the residents around there, had a presentation but it was longer than 3 minutes so they had divided it up between three of them. He had submitted a letter and that was part of this. He passed out copies of a slide show to Council. He explained this was for the Cloverdale Ridge Water Corporation and Affected Residents of the Proposed Falcon Crest Subdivision.

Mayor Stear stopped the testimony and the clock. He noted this went way deeper than what they were going to hear that night. He was not opposed to that but he wanted to ask Council's blessing if they were going to go this deep again. If they did that they would have to accept rebuttals in the same format.

Mr. Terry responded that may be. He thought they already got some rebuttal from him at the start to the letters and what was said last time so he thought that door was already open. He also noticed Council Member Cardoza, who golfs out there, was visibly absent for surgery. All that said they would like to speak their minds. If that was available at another time, they would be happy to be there then or do it now. However they would like to do it.

Council President Buban-Vonder Haar stated having not seen the presentation yet she was not sure what all it included.

Mr. Terry replied it was all right there. They were going to do an overhead projector but there were all sorts of requirements they didn't meet for that so they were doing it that way and were all sticking to 3 minutes.

Council President Buban-Vonder Haar said leafing through and looking at some of the headings, assuming the headings were accurate, it appeared to largely, if not totally, she couldn't say for sure because she hadn't looked at every page, meet with what she thought they said. The trouble with having a really clearly defined scope of what tonight's hearing was to encompass was one of the things they said they would accept additional testimony on was the emails but, having not read the emails yet because they were ex parte, they didn't know what was all in there and they weren't read into the record at that point. It wasn't clearly defined if they were just talking about the fact that they were received or the content. Given that lack of clarity she felt they should err on side of allowing more and then deciding if anything should be excluded after they heard it. You don't know if its relevant until you hear it.

Council agreed to hear more.

Mr. Terry started the presentation. The Cloverdale Ridge Water Corporation and the residents around there urged the Council to create an opportunity for the City to work with the affected community and to hear their request to ensure that this subdivision would not use the ground water that affected them as neighbors. They

asked that they set up a ground water trust fund to ensure that the wells of Falcon Crest neighbors were not negatively impacted. They had done some research and found that the City of Kuna had done a ground water trust fund before. He knew, according to the expert that came in, there had been these existing wells out there for years and years but after living out there for 25 years he had never seen Cloverdale Nursery water year-round, it was strictly during in season, same as them. They urged Council to slow this down and not approve the R-12 rezoning development. On Channel 7 that night he heard the developer say 2.2 per was what they wanted. He asked why have an R-12 in there then. Why not pull that down to an R-4 or, if they don't do that, an R-6. They didn't need that many people in there. It was to many. They urged the Council to study the impacts before approving the development. There had been nothing done to determine impacts. Their subdivision drilled a new well 8 years ago and ran into a high sulfur content. When they irrigated, they could smell that sulfur. They also ran into geothermal and it was too hot to use. He asked what they were going to run into. He stood for questions and passed it on to the next person.

John Lawson, 1357 Cow Horse Drive, Kuna, Idaho 83634, continued the Cloverdale Ridge Water Corporation presentation. He explained they did not see the development agreement until the 7th which was a little over a week ago. They had received no information on what was changed so none of them had seen the development agreement at all except for what they saw online. A key thing for them in the development agreement was the Council was handing the allocation of residential densities to M3 and they could change the master plan at any time. There was no reduction in maximum density so if they approved something that was less the developer could come in and increase it. The key thing was what Council approved with this lasted forever. It was not just a date and time and we will see how it goes. The City Council totally advocated their rights to change the density to this to R-12 densities and they did not think R-12 densities fit in rural settings. R-12 would bring 10,000 to 15,000 people, cars, and water use in their area. It was 5 miles from Kuna and not in the City. It was the definition of Urban Sprawl. The development agreement did not preclude them from changing anything from senior housing to 4-plexes. As soon as they signed it the door was open for M3 to do what they needed to and along the way the City would absorb the cost to do this water development. There were 2 municipal wells planned for this and they really wanted to work with the City and the developer to see if they could come up with a reasonable solution to address their well issues. He stood for questions and passed the presentation off to the next person.

Elise Daniel, 10781 S Cloverdale Road, Kuna, Idaho 83634, urged the Council to limit this development. She believed the 2.25 units per acre was a misnomer because the current development plan included 807 acres of R-6 and 189 acres of R-12 densities. That could mean up to 7,000 homes if they made use of all that was in the development plan. Their development, the Cloverdale Ridge Estates, had 1 home for every 7 acres so it was a pretty dramatic difference. They urged Council to stop Urban Sprawl and reconsider the plan and do the necessary testing for water and the

roads to support the plan. They understood it was going to be developed but they wanted it to be developed in a way that worked for everybody in the area. They were not saying they wanted to choose their neighbors but they would be sharing limited resources out there. Water and traffic were 2 of their biggest concerns. From what she understood there was no substantive plan to expand Cloverdale Road and the amount of cars that would be going up and down Cloverdale Road was unsustainable with this development.

Ms. Daniel stated the development looked like it was going to be a town of its own so she did not know what they were bringing to Kuna. Adjacent homes, farms, and families had supported Kuna for decades. They worked in Kuna and supported the schools and businesses. They were really the roots of this town. They could not vote for City Council and yet their vote affected their lives. She felt it was really unacceptable to have someone come from Arizona, out of town people, that had a lot more influence over Council than they did when they were the ones living in the community and supporting the community. They were the friends. They were the neighbors. They wanted to work with people. They just didn't want to see Council hand the keys to the kingdom to some people from Arizona. She asked that they consider the real cost to the city of Kuna as they decided whether or not they were going to pass this and support the current development agreement. They urged Council to conduct a full well test and evaluate all impacts before approving the annexation of the town. They wanted them to have a really full picture before making a decision.

Mike Apostulou, 5783 E Barrel Horse Lane, Kuna, Idaho 83634, still had the same concerns he had at the previous hearing and shared the concerns Ms. Daniel expressed regarding the influence of out of town people with money had versus local folks. He reiterated they understood development was going to happen whether they wanted it to or not. It was telling how animated Council got when a development was closer to their own homes. They didn't have very many questions when it was not near theirs. They spent about an hour when it seemed to be impacting others. He asked for the same consideration. He knew it was hard because it wasn't impacting them. This was being portrayed as a retirement community with 2.2 homes per acre so why did they need an R-6 or an R-12. He asked if it was a safety valve in case it didn't work out so they could build more. He wanted the developer to address that at rebuttal. He asked that if Council approved this, they not approve those zoning classifications. For perspective, if there was a 2.5 home per acre restriction on his piece of land, at 14.5 acres he could build 30 homes on his property. He only had 1 house on it. He did not know if that rang true with everyone there but it did for them because they were in the direct line of sight of this. He thanked Council for their time and consideration.

Tyler Dibbal, 1425 Cow Horse Drive, Kuna, Idaho 83634, stated just listening to Council that night it seemed that Council pushed back, as with the City, with R-6. It was heard that R-8 was trying to be pushed on the other development and they had R-12 trying to be pushed on this one. Same thing as a lot of other people, R-6 and R-

12 seemed really dense. When the developer said 2.2 homes per acre that included all 36 holes of that golf course and the driving range. They included all that open space in the development agreement. He would really consider how dense it was without the golf course and driving range included in it. As with the other subdivision up that night, City Council demanded a traffic study. He really stressed a good one was requested for this development as it was putting a lot of cars on Cloverdale and Kuna Road. Also, just to touch on the water again, they at Cloverdale Ridge Water Corporation urged Council to create a bond or a trust fund as a provision of the development agreement so any impact to the wells could be studied and for mitigation if surrounding wells were impacted.

Mayor Stear stated they would ask that they address the R-6 and the R-12.

Rex Hiatt, 10699 S Cloverdale Road, Kuna, Idaho 83634, right across from the golf course, presented an article from the Statesman that stated there would 18,000 vehicle trips per day and at least half of that would be down Cloverdale. That was a lot without any adjustment to that road beforehand. He knew it wasn't going to hit all at once but it was a big deal to those who lived there. They also stated that with 2 people per household this development alone would boost the population by 20%. That was a huge burden on those that lived out there.

Quincy Holton, 6000 E Deer Flat Road, Kuna, Idaho 83634, did not have any credentials. He was just a kid born and raised in Idaho that grew up on a farm. He was continuing the farm life with his family on a small farm. He commented Council had a lot of concerns and deliberation on the previous issue with 200 single lots being built in Kuna. He asked that they take a proportionate amount of consideration for a 2000 home development or more going in their area. He thanked Council.

Meg Lawson, 1357 Cow Horse Drive, Kuna, Idaho 83634, had some concerns with the Falcon Crest Development mostly related to the schools. She was a school nurse for 13 years in Kuna and saw the problems they had with the incredible number of students in each school; more than each school was designed for. With this development they were saying thousands more homes which they all knew meant more than 2 people. That would be a huge number of students. She had not read in the development agreement that they had addressed the impact on the school system. Previously they had discussed the problem of 10 school buses costing about \$1 million dollars. They would need at least 10 buses out there for that many students. She thought it was incredible that a development of this magnitude wasn't addressing the schools. To say they would address it in the future wasn't realistic. It would happen now. The students were there when the homes were built and the students came. It put a burden on every teacher, nurse, counselor, and employee in the district. She thought that was a really important thing to take into consideration. Personally, she thought there was a problem with the water issue. When the developer said they would drill wells after the approval she thought they should be drilled before this plat was given a huge approval because what if they couldn't find the right amount of water and truly what if it did impact their wells. She asked who

would pay for that, them. They did not want this huge development so should they as land owners be responsible for that kind of development and interruption in their water supply. Lastly, the amount of traffic that would be on Cloverdale Road would be unbelievable. They just heard someone say 18,000 trips. They were really concerned about 2,000 trips a day when they were talking about the other subdivision. She thought this would be a big concern for everyone.

Dean McWeilly, 1220 Cow Horse Drive, Kuna, Idaho 83634, had left.

Council President Buban-Vonder Haar commented on the Statesman article provided during testimony. She had an article from the Statesman and saw where it mentioned the potential 20% population boost but she did not see a mention of 18,000 road trips or road trips in general mentioned.

Rex Hiatt provided a copy of the article to Council and the City Clerk to be added to the record and pointed out where vehicle trips was mentioned.

Planner III Troy Behunin reconfirmed staff had been through the development agreement with the developer, their attorney, and the City Attorney multiple times and the allocations of density were not loosey goosey. They were well defined. There was a definition section, 1.30 and 1.31, which talked about and defined what reallocation of densities meant. The densities would never exceed R-6 or R-12, whatever the underlying zoning was. Even with a planned unit development they didn't have that ability, it wasn't what they were proposing, and they wouldn't be able to do that anyways. There were some safe guards in place. There was a density maximum which he mentioned was in 1.30 and was also in 4.42. It talked about no change to the existing uses or changes to the development plan as proposed which was included in the packet which was submitted. In addition to that, the first safe guard was they had to file a planning and development application that defined everything, which they already did. Then they had to file a subdivision application for each of their plats and staff would review it to see if it exceeded the R-6 or R-12. Then they would have to go through design review for those subdivisions so the densities would never increase over what they were requesting unless they filed a separate application and did this all over again to ask for an increase in that density.

Mayor Stear asked Mr. Behunin to clarify if the overall project with 2.2 would not change.

Mr. Behunin replied they had submitted an application for 2,322 homes. That number would not be able to be increased unless they went through the public hearing process again. That was the maximum they would be allowed.

Mayor Stear explained the concern was where there was R-6 and R-12 they could expand that and do that throughout the whole project.

Mr. Behunin responded they could not. They had defined the areas where they wanted the R-6 and R-12 throughout the development fulfilling one of the development agreement requirements. In order for them to change that and expand on an R-6 and R-12 they would have to go through this process all over again. What they asked for they were stuck with.

Council Member Christensen was a little confused still. He understood they were stuck at the 2,322 lots but he was also saying they were stuck at the R-6 or R-12. Their concern was the R-12 said they could build 12 homes per acre. Sure, they couldn't expand beyond that but the concern was expanding beyond the 2.2 homes per acre he had said was in it. He believed that was their concern and it was a question he was going to bring up. He got that they couldn't expand on the R-6 and R-12 zone designation but that allowed for many more homes in that designation than the 2.2 they committed to. He clarified Mr. Behunin was saying they could go above the 2.2 homes per acre but they had to stick to the R-6 and the total amount of 2,322.

Mr. Behunin explained they weren't limited to 2.25 units per acre. That was just an overall project average. It was what the 2,322 came out to with their development application acreage. In the R-12 zones they could develop up to 12 units per acre but they could not exceed the 2,322. They could not exceed the R-12. That was the maximum they could develop. Same with the R-6. Unless they came back and went through the public hearing process all over again. It was defined many times throughout the development agreement that that was how it was. They had decided R-6 was what they wanted to do in that area and gave staff a legal description signed by a licensed land surveyor that defined the R-6 and R-12 areas. The underlying zoning for those areas would always be R-6 or R-12.

Mayor Stear stated the gist was they could not go beyond the 2,322 residential units. There was no way they would build 100 acres of R-12. The development agreement would not allow it.

Mr. Behunin added if they had 800 acres of R-6 that didn't mean it would be 800 acres of R-6 because there were roads, open space, trails, the golf course, ACHD retention ponds, and things like that. All of that was built into the 860 acres. All of that was built into the R-12. It did not mean you were getting that many homes on that much acreage because they had to meet the requirements of ACHD and the City and the City required sidewalks and streets and all of the necessary things to make a subdivision work and function. The other thing he wanted to touch on when it came to roads, in 5.1 and 5.1.1.1 they were required to get a master plan road map approved and the City had a number of items and subsections in the private roads and public streets section which was in 5.1. They would have a lot of requirements placed on them in order to design to the necessary standards from ACHD and the City and that was in the development agreement. There were 11 or 12 subsections. He also noted the Kuna School District was given a request for comment and did not

provide any for this subdivision either. However, Kuna School District was aware of this project and was making adjustments to their own plan. He stood for questions.

Rebuttal:

(Timestamp 02:15:20)

Mark Tate, with M3 Companies, 1087 W River Street, Suite 310 Boise, Idaho 83702, started with the comments on water. He reiterated an additional well in this location would be no different than all of the other wells in the city of Kuna that have been developed over the years. There were private and public wells throughout the city and the valley. Idaho Department of Water Resources (IDWR) and the Department of Environmental Quality (DEQ) had processes to deal with this across the valley. It was not a unique thing to Kuna. He did understand as neighbors it was very personal. He felt Ed Squires was very clear and knowledgeable at the last hearing. He would not go through that again but the impact probability was very, very low and the City had the best monitoring and testing available which was key.

Mr. Tate stated, in regards to the density, he appreciated Mr. Behunin clarifying that. In the development agreement there was a term defined called maximum density, that was in 1.3.1. It was clearly defined as that 2,322 units across the entire project which came out to 2.25 units per acre. There were sections of the property that would be zoned R-12, there was some commercial on the corner, and everything else would be zoned R-6. The reason they did that was because, as they developed along the golf course, they had no density planned for those golf courses. On their master plan there was a table in the corner divided into villages with little boundaries on them and each of those villages, which were also defined in the development agreement, had units of density allocated to them. When the development agreement talked about the reallocation of units it was within those villages that they would develop. For instance, the first villages included their preliminary plat, if they were under that number, they could move some units to another village. They could never go over that 2,322 units for the entire project. While they might have some high-density stuff at R-12 which was right around their village areas, where they were going to have a mix of uses, entertainment and all those sorts of things, they wanted that R-12 designation for the product type, for attached product. They were looking at retirees. Not everybody wanted yards at all. Their amenities would be part of the community. That was what that zone allowed them to do. They were not going to build 12 units per acre across that entire thing. When you looked at the densities allocated to those villages in their master plan it was much lower.

Mr. Tate did understand their concern. It was sort of a difficult concept to explain and maybe a little bit different than they were used to. Certainly, when someone came in with a preliminary plat for an entire thing it was a lot less to wrap your head around. They were trying to master plan it and build in flexibility to make the community nice, to adapt to changing market conditions, but it did give neighbors and Council certainty. The limit was 2,322 with 2.25 units per acre over the entire project. If they were developing at 12 units per acre in one part of the project, they

would have to be way, way, way lower or at zero on big portions of the project in other areas. That was how the allocation concept worked. There couldn't be 6,000 houses out there. He reviewed the public process they would have to follow to change the number of houses they could have.

Mr. Tate reviewed there were some concerns about whether they would be part of Kuna and he had his Idaho credentials questioned a little bit. He was a native Idahoan, 6th generation, and quite proud of it. Their office was located here so he did not feel like he needed to defend that. As far as the project goes, they would be a big part of Kuna. The shopping, the dining, all of that made the most sense to be a part of Kuna. Kuna Road was the main corridor to get to downtown and they would have mixed uses inside the project including a restaurant and shopping which would take trips off the road. Instead of driving out, as part of the project, they would build the restaurant as part of the golf course. He stood for questions.

Mayor Stear stated they addressed in the last meeting the reason they did not want the developers drilling their own wells was because the City of Kuna needed to own those. The City had really tight restrictions on what was done with the water systems and was well ahead of any other cities in the area as far as what was done with wells and water because of the City's concerns with that and wanting to have quality water.

Council President Buban-Vonder Haar asked Public Works Director Bob Bachman if he knew of the City ever entering into a water trust fund at some point in the past with an entity.

Mr. Bachman replied he did not know but he and City Engineer Paul Stevens had been chatting during the hearing and Mr. Stevens believed IDWR had safe guards in place for that.

Mayor Stear explained what he believed they were referring to was the well mitigation fund and the need for that went away when IDWR implemented their system for that. The City had since phased out the well mitigation fund and did not have it anymore. He also believed they never used a penny out of that fund.

Council Member McPherson said it was a lot of development and he saw the neighbors concern. In relation to the last one, if they built out to 5.2 that would be 5,000 homes minus of course parks and trails like Mr. Behunin discussed. At 2.25, it was a lot better in his eyes. He hoped it was clear to the crowd what Mr. Behunin was stating about it being sections that were a certain zoning; it was only a small section not 800 acres worth. He understood their concern on the water issue. Specifically, some had already had to re-drill wells in recent years and the cost of that was tremendous. His biggest concern was the well issue. He did not know the best solution at that point.

Council President Buban-Vonder Haar asked Mr. Bachman if they had any more information about the program or resources that IDWR would have that replaced the need for a well mitigation fund.

Mr. Bachman responded they would have to research that a little bit to answer accurately.

Council Member Christensen stated it sounded like the main thing everyone talked about was water. He did find comfort in IDWR. Without that added detail there was not that full confidence but in the same respect it was there to protect things moving forward if this development were to go through. There was brief discussion again on the traffic but he believed last time it was squared away that ACHD had that in their 5-year plan to work up and down Cloverdale to make sure that traffic was mitigated. Then it just went to the overall growth and development. It was no secret, sitting up there, it was hard to look at this growth and the change it brought to Kuna and the strain it put on Kuna's schools and roads but each development was unique and they had to look at the bigger picture. Things were squared away with having the roads taken care of and the water was protected moving forward. He did not have any added questions in that respect.

Mayor Stear noted, because Kuna was the one to put in the wells and would drill a test well, if those test wells did not pan out IDWR would not allow a well to be drilled out there. They would have to hook into another source. They were pretty well assured when they did their test wells as to what water was out there.

Mr. Bachman had just looked at IDWR's website and found something that might help. He read, "The priority date is the date when the water right was established and it determines who gets water when there is a shortage. If there is not enough water available to satisfy all of the water rights, then the oldest (or senior) water rights are satisfied first and so on (in order) until there is no water left. When there is not enough water to satisfy all the water rights, new (or junior) water rights holders do not get water." He found that on the Idaho Department of Water Resources Website under the subsection titled Priority Dates. That permitting process was why they developed a plan B. If the permitting didn't get approved because of the priority dates, that was where plan B came in.

City Attorney Bill Gigray stood for any questions about the development agreement.

Council had no further questions.

City Clerk Chris Engels reminded Council they had not closed the evidence presentation yet.

Council President Buban-Vonder Haar moved to close the evidence presentation and proceed to deliberation. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza was absent.

Council President Buban-Vonder Haar stated in speaking to some of the concerns that were brought up that evening, some sort of consideration for the schools and any impact this would have on the schools, under Idaho Code schools could not charge impact fees and the City could not charge them for schools because they were separate taxing entities. It was something a lot of people found frustrating including her. The only remedy for that would be talking to their legislators to see if they were interested in changing Idaho Code on that point. To provide extra clarity she explained the reason they could not do test wells. The City had to pull the permits for doing any drilling and with the City being the permit holder the City had to do the drilling but they couldn't pull permits until the land was annexed into the city. She believed Mr. Bachman had testified about the exacting specifications for the wells so they also would not want anyone else to do them for that reason as well.

Mr. Bachman verified Council President Buban-Vonder Haar's recollection of his testimony and added that, if they were to pull the permits and allow them to drill on their behalf, the City became liable for their work that the City would not be overseeing because they were not within City limits. It created a lot of potential problems for the City to deal with.

Council President Buban-Vonder Haar also recalled that they were doing a 24- or 48-hour test run of continuous pumping and that was how they were going to establish whether there was sufficient water. If there wasn't, at that point they would abandon the well plan and move forward with just extending water lines. She also recalled reading in one of the letters someone suggested, since they were already running sewer out there, why not run potable water at the same time. She explained sewer lines and potable water could not be run through the same trench or hole. They had to have separate trenches dug so the cost would still be double. She also noted something important to be aware of was this whole proposal was not just coming forward on the heels of the big housing boom in the valley and because so many people want to move here. As it was noted in the Statesmen article in the packet, a development was conceived to adjoin the golf course since before the golf course opened 17 years ago. It was part of a greater, long-term plan and was not necessarily just to capitalize on the boom they were experiencing.

Council Member McPherson stated Council President Buban-Vonder Haar already touched on the schools. He did not know how many people there had kids in school still but he hoped they went to school board meetings and addressed some of the concerns with them that they addressed with the Council. He knew it was tough with meeting schedules and dates for meetings if they did have kids in sports and whatever else but it really did help when people showed up and showed that they cared about the area they lived in. He thanked everyone for coming and for the testimony given. Their input did not go unheard. It was tough to make these decisions based on a personal feeling when they had guidelines they had to follow. It was nice to see such an audience. They usually got 5 people for a meeting and 1 of them was always the paper girl. He felt their pain in this situation, if not to this magnitude. He had a development come through that was right out his backyard. He

didn't want to see it go in because now it was what he saw out his back window but it met the provisions so he was part of the approving Council on that. He thanked everyone again for coming and participating. It didn't make the decision any easier but it was nice to see.

Council Member Christensen felt Council Member McPherson was spot on. He hoped some of their concerns were answered. He reiterated they did not go unheard and they never did, even if some people felt that way. He thanked everyone as well for showing up and discussing this with them.

Council President Buban-Vonder Haar wanted to make sure it was clear and on the record the water expert from the last time explained, based on the way Kuna drilled their wells, they were solid columns so they extracted water from the very bottom and would not pull in water from the side which should impact the cone of depression. Based on that, it sounded like there was a pretty low chance that existing wells would be impacted. She understood that was not the way individual land owners' wells were drilled. She understood they were permeable sides. She found that testimony helpful and hoped that it allayed some concerns in that regard.

Mayor Stear also thought the distance from where these wells would be to the nearest well beyond them was notable. He couldn't remember for sure what that was but he thought it was something like 1,000 feet.

Council President Buban-Vonder Haar requested sub-bookmarks for the packet. She stated the proposed development and the whole packet appeared to comply with Kuna's comprehensive plan. It included the variety of housing densities and that sort of thing that they expressed they would like to see. It also touched on some of their economic development goals with respect to getting some more commercial, especially mixed in with various types of housing. She did appreciate that overall the density of this project was lower and included a variety of interesting options in terms of larger or smaller homes and not having to have a yard or having yard. It did seem to be an interesting development with the resort style community which she thought would be a unique addition to the area. It appeared to be consistent with Kuna City Code. The Planning & Zoning Commission recommended approval. None of the agencies contacted regarding the application raised any concerns.

Council President Buban-Vonder Haar moved to direct staff to prepare Findings of Fact, Conclusions of Law and Order of Decision for approval by the Council on the next Council Meeting Consent Agenda to approve 18-03-AN, 18-01-CPM, 18-04-ZC, 18-02-PUD, 18-04-S and the Development Agreement for Falcon Crest Subdivision. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza was absent.

8. Business Items:

None

9. Ordinances:

None

10. Mayor/Council Announcements:

(Timestamp 02:46:40)

Council Member McPherson reminded everyone to send cards to Council Member Cardoza.

11. Executive Session:

None

12. Adjournment: 8:49 P.M.



Joe L. Stear, Mayor

ATTEST:


Chris Engels, City Clerk

Minutes prepared by Ariana Welker, Deputy City Clerk
Date Approved: CCM 02.05.2019





CITY OF KUNA

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

SIGN-UP SHEET

January 15, 2019 – City Council Public Hearing

Case Name: **18-05-S (Preliminary Plat) – Lete Commercial Subdivision**

Case Type: The applicant, Inaki Lete, requests to subdivide approximately 12.19-acres into 19 total lots, consisting of 10 commercial buildable lots, and 9 Common lots and has reserved the name Lete Commercial Subdivision. A Design Review application for site landscaping, and an addition to an existing on-site mini storage facility, which features eight (8) additional storage buildings on approximately 4.93-acres, accompanies this application. The subject site is located at 1795 West Deer Flat Road, Kuna, ID 83634, within Section 22, Township 2 North, Range 1 West; (APN# S1322111056).

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

IN FAVOR	NEUTRAL	IN OPPOSITION
<input checked="" type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> <u>William Mason - Mason & Associates</u> Print Name <u>924 3rd St. So, Suite B</u> Print Address <u>Nampa ID 83651</u> City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip
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SIGN-UP SHEET

Tues. January 15, 2019 – Council, Public Hearing

Case Name: Pre Plat – Madrone Heights Sub; Request by Kevin McCarthy, KM Eng.

Case Type: Applicant 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.

Case No.: 18-02-S – Preliminary Plat for 206 new Home lots in an R-6 zone.

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

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✓ <u>TIM GORDON</u>				✓ <u>Paula Grigg</u>	
Print Name		Print Name		Print Name	
<u>1206 N. Black CAT</u>		Print Address		<u>1350 W. Avalon ST</u>	
Print Address		Print Address		Print Address	
<u>KUNA ID. 83634</u>		City	State, Zip	<u>Kuna ID 83634</u>	
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				<u>Meg LAWSON</u>	
Print Name		Print Name		Print Name	
Print Address		Print Address		<u>1357 Cow Horse</u>	
City	State, Zip	City	State, Zip	Print Address	
				<u>Kuna Id 83634</u>	
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				<u>DEAN MCWELLY</u>	
Print Name		Print Name		Print Name	
Print Address		Print Address		<u>1220 Cow Horse DR</u>	
City	State, Zip	City	State, Zip	Print Address	
				<u>KUNA ID 83634</u>	
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				<u>Nancy Simper</u>	
Print Name		Print Name		Print Name	
Print Address		Print Address		<u>4597 W. Deer Flat Rd.</u>	
City	State, Zip	City	State, Zip	Print Address	
				<u>Kuna ID 83634</u>	
City	State, Zip	City	State, Zip	City	State, Zip

Falcon Crest

Falcon Crest

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Falcon Crest

Matthew Taplin
1142 Cow Horse Dr
Kuna, ID 83634

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Kelly Simer
4597 W. Deer Flak
Kuna ID 83634

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Kuna City Council - Planning & Zoning,
Madrone Heights subdivision -
(2030 W. Kuna Rd)

I have been in large RV parks that offer more for children (of all ages), safety, and traffic patterns than the lay out of this subdivision. With 5 $\frac{1}{2}$ houses on an acre there is no place for young children to play outside - play catch, ride bikes safely, - 206 houses means over 400 cars/trucks entering on and off Kuna road daily.

No fire or first responders south side of tracks.

Family and friends already notice traffic and waiting to get onto Kuna road from School and Ash streets - especially when a train blocks both crossings.

Schools are already at capacity, children are on buses longer as more subdivisions mean longer rides.

A survey months ago to Kuna people, wanted to preserve our ag ground - my concern is water - if a low water year, who and how will there be enough water. We have lived here 30 years and already had to put in a deeper well.

Why 206 houses on 39.48 acres? Half would be more reasonable for our rural area, even

four to an acre & offer $\frac{1}{3}$ acres if
people want abit of country.

Safety, traffic, schools, our youth, children,
water, roads - all concerns.

Kay Albers
8165 Mc Dermott
Kuna

No, we are not in city limits, but Kuna is
our town, our children all graduated from Kuna.
I coached youth soccer, was a boy scout mom
and active with the club. Two of our children and
families live in Kuna. Yes, I miss our small town,
and realize there is growth - but lets pet our
town and community first and take care of what
we have now.

Exhibit C-12

Troy Behunin

To: Wendy Howell
Subject: Madrone Heights letter of concern

From: Rebecca Ward <welove2laugh3@yahoo.com>
Sent: Monday, January 14, 2019 8:55 PM
To: Wendy Howell <whowell@kunaid.gov>
Subject: Madrone Heights letter of concern

To whom it may concern,

I am writing in regards to the potential development of Madrone Heights subdivision.

As a citizen of Kuna I have several concerns when discussing a development this large and in this location. There have been numerous subdivisions, housing tracks, developments, whatever you'd like to call them, popping up all around Kuna in the last several years and many are in progress of being built now. Some might say the growth is 'good for our community', 'it bring in revenue', 'it's nice to see out little town flourish.' But if you happen to drive around our 'growing town' during the busiest times of the day, you'll see we are ill prepared for the growth and it would see that our town leaders are more concerned with how to grow in numbers than the well being of the community as a whole and how it can endure and maintain the rapid growth it is under going.

On the weekday mornings, there are several areas of congestion on the north side of the rail road tracks, a couple of them are Deer Flat and Ten Mile and the worst is Linder and Deer Flat at the traffic light. These two intersections are extremely backed up without the addition of yet another subdivision added to it (especially since there are 2 large subdivision being built just up Deer Flat at the Meridian light). The vehicles from the Madrone Heights sub. may or may not impact these intersections but they will impact all the commuters attempting to pull out onto Avalon St. from the adjacent streets on the south side of the tracks. I drive down School St and need to turn right onto Avalon towards town around 7:30am and at times it can take four to five minutes to do this. An even gibber feat is when, not if, there is a train and the traffic is backed up from the tracks, around the curve, passed the irrigation office and continues down the street. My only hope in getting out onto Avalon, getting my son to school on time and myself to work, is the act of a kind driver letting me into the everlasting parade of vehicles. A bigger challenge yet is if there is a train stopped and blocking the Swan Falls Rd. tracks and all those commuters are now attempting to travel the same road all me and my regulars are, the congestion continues to worsen...now add the vehicles of 209 homes and their commuters from Madrone Heights sub.

Speaking of trains, the two main entrances/exits to town are train crossings. These crossings are very busy and more then the 'south siders' would like, there are trains that move very slowly and even stop on the tracks completely blocking off the Swan Falls crossing and occasionally the Avalon crossing. Not only is this extremely inconvenient but dangerous due to the fact that the only Emergency 1st Respondents are on the north side of the tracks. With no emergency facility/1st respondents on the south side or an overpass over the busy rail road tracks the citizens of Kuna are at risk of having 0 emergency services. With a subdivision going in of 209 more homes that number of 'at risk citizens' increases greatly.

Another large concern of mine is one that seems to be forgotten when our city leaders speak of 'how lovely our growing community is', 'how it's become such a beautiful bedroom community', how 'business opportunities are flourishing' and how the growth is bringing in 'so many great choices for the citizens of Kuna'. What about our schools? Are they equipped and ready for the surge of children all the subdivisions will bring? NO. They aren't equipped and are struggling to handle the students that are enrolled now. The teachers and staff are doing their very best but classrooms are over crowded with children, schools are under

staffed, there aren't enough text books for each student to have one, there is a shortage of bus drivers and buses and because of this the transportation dept. has had to get creative with scheduling, leaving students waiting at schools 30+ minutes after school is dismissed for their bus to arrive and riding on the bus for 1+ hour before and/or after school. The elementary school my daughter attends and I have ties to, alone had 6 new students start the Monday after Christmas break, 6+ more calls regarding enrollments before 9am that same day, new students starting each day all week long and a couple new students began today, Jan. 14th.

I understand that a city/town doesn't have or can't cap the population that it has, but how far does its leaders look into the capacity that their town has to withstand fast growing numbers. How much research goes into what the schools are prepared to do to be able to properly educate? What effect will Madrone Heights have on Indian Creek Elementary, Ross Elementary and Kuna Middle, their zone schools? Are those schools prepared for the impact and increase of students that will more then likely be enrolled there?

I am a creature of habit and change comes difficult for me but I also know that it is inevitable. I know that change can be good when dealt with properly, researched and prepared for. I feel that Kuna isn't prepared for the fast paced growth that is upon it. From the outside things look great and the growth appears exciting. When you're on the inside and fully involved in an aspect that is completely affected by the growth and you have no say, it takes on a whole different view, one of frustration, sometimes impatience, and disorientation and confusion when changes are made that aren't best for your part of the community. I really hope that this subdivision is being considered seriously and the negative impact it could have on the community as a whole, regarding the traffic and schools. I hope that the changes this subdivision will make will be seen for what it realistically is and not just for a sun shiny vision of a growing community.

thank you for your time,
Rebecca P.
a concerned Kuna resident



CITY OF KUNA

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SIGN-UP SHEET

January 15, 2019 – Council, Public Hearing Continued

NOTE: Testimony will only be accepted for the two items of the Development Agreement not previously available, as requested by Council; and testimony on Exhibits G-7 and G-8 (Emails and late letters for the 1.2.19 Council Meeting).

Case Name: Falcon Crest Master Planned Community: Request by Mark Tate, M3 Companies
Case Type: Applicant requests to Annex approximately 996 acres into Kuna City limits, Change the Comprehensive Plan Map (CPM) from Agriculture to Mixed-Use for approximately 163 acres, a Planned Unit Development (PUD) for approx. 1,028 acres, to rezone approx. 20 acres and subdivide approx. 132 acres into 409 residential lots, 51 common lots, four common driveway lots, two well lots and one private road. This site is located at the NEC of Cloverdale and Kuna Roads, Kuna, Idaho.

Case No's: 18-03-AN, 18-01-CPM, 18-04-S, 18-02-ZC, 18-02-PUD, D.A. – Annexation, Comp. Plan Map Change, Preliminary Plat, Rezone, Planned Unit Develop & Develop Agreement.

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

IN FAVOR NEUTRAL IN OPPOSITION

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Form with Testify/Not Testify checkboxes and fields for Name, Address, City, State, Zip. Includes handwritten 'Scott Erickson' and '6350 Reinwald Horse'.

Form with Testify/Not Testify checkboxes and fields for Name, Address, City, State, Zip. Includes handwritten 'BILL TERRY', 'John Lawson', and 'Elise Daniel'.

IN FAVOR

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Richard S. Vick
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11457 S. Cloverdale Rd
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KUNA ID 83634
City State, Zip

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Liane Kerting-Vick
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11457 S. Cloverdale Rd.
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KUNA ID 83634
City State, Zip

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Bruce Collier
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9545 KUNA Rd
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KUNA ID 83634
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Testify **Not Testify**

Patricia Collier
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Jennifer Erickson
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Kuna ID 83634
City State, Zip

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MIKE APO STULAN
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5783 E. BARCEL HORSE C.M.
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KUMA ID 83634
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Tyler Dibble
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1425 Cow Horse Dr
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Kuna ID 83634
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REX HIATT
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Quincy Holton
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6000 E. Deer Flat Rd
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Meg Lawson
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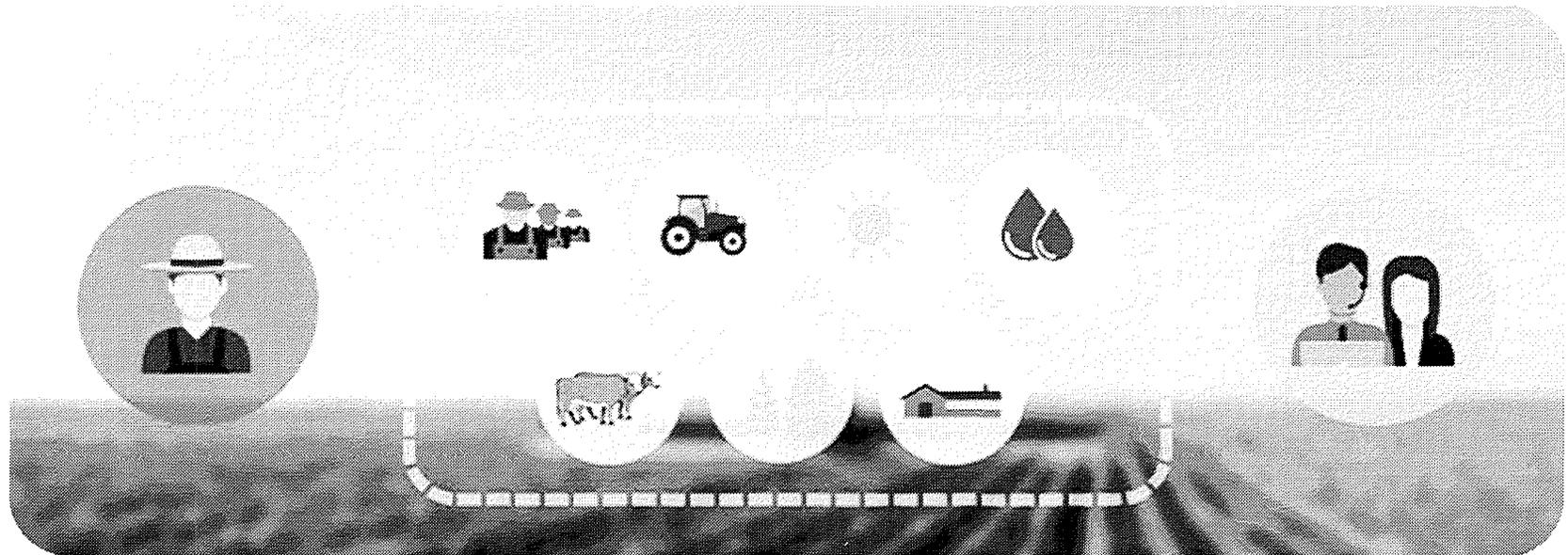
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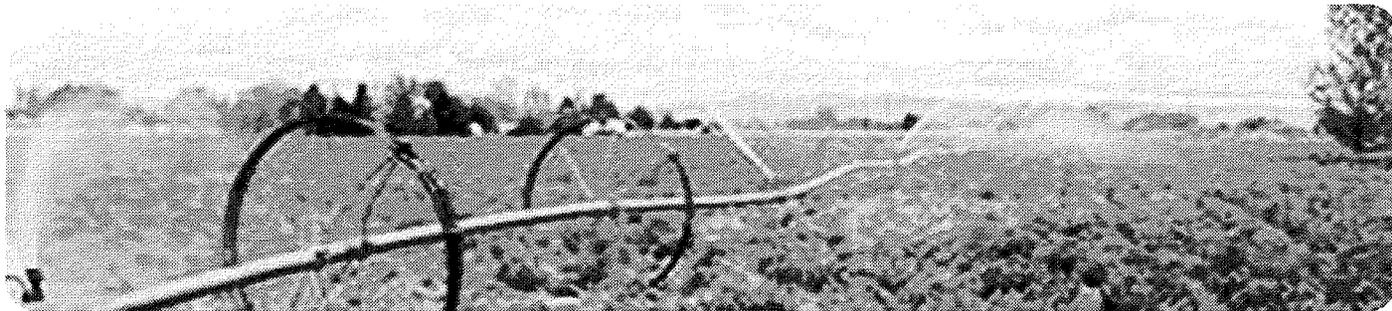
Cloverdale Ridge
Water Corporation
and Affected
Residents of the
Proposed Falcon
Crest Subdivision



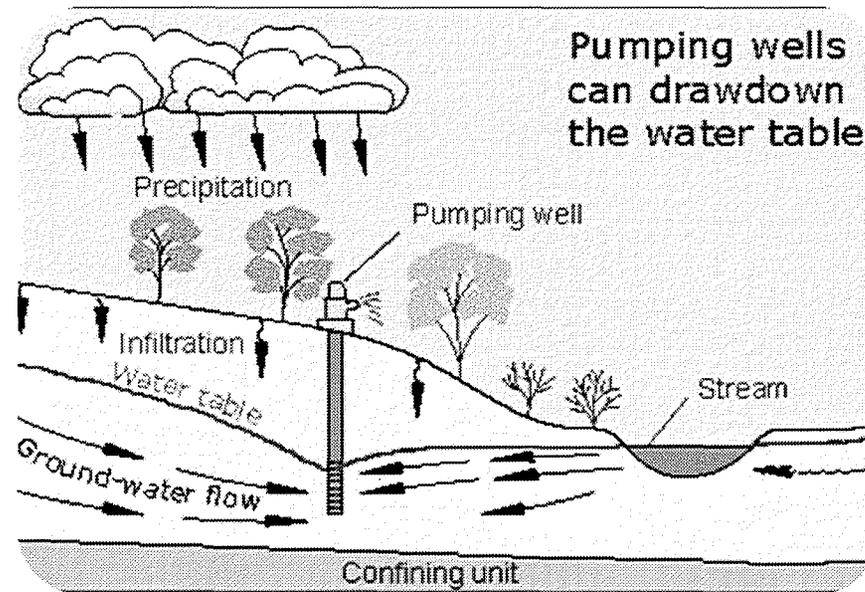
**We urge the Council to
create an opportunity for
the City to work with the
Affected Community.**



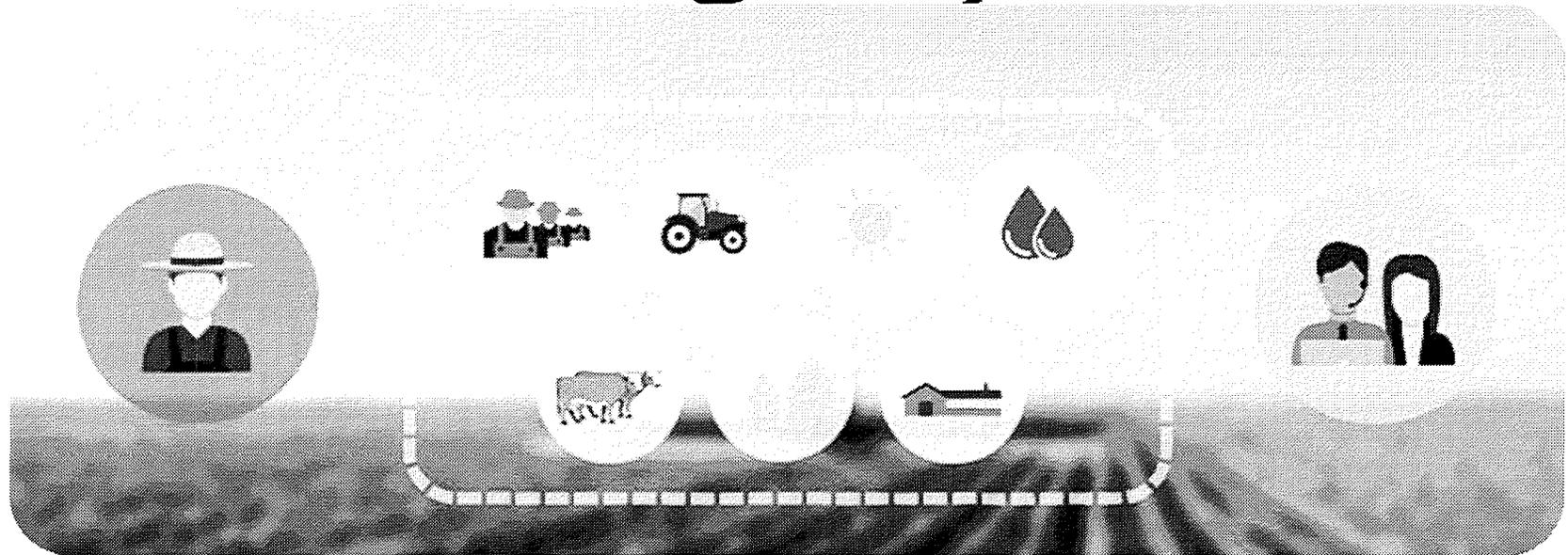
**We urge the City of Kuna
to hear our request to
ensure that this
subdivision's use of
ground water WILL NOT
affect us as neighbors.**



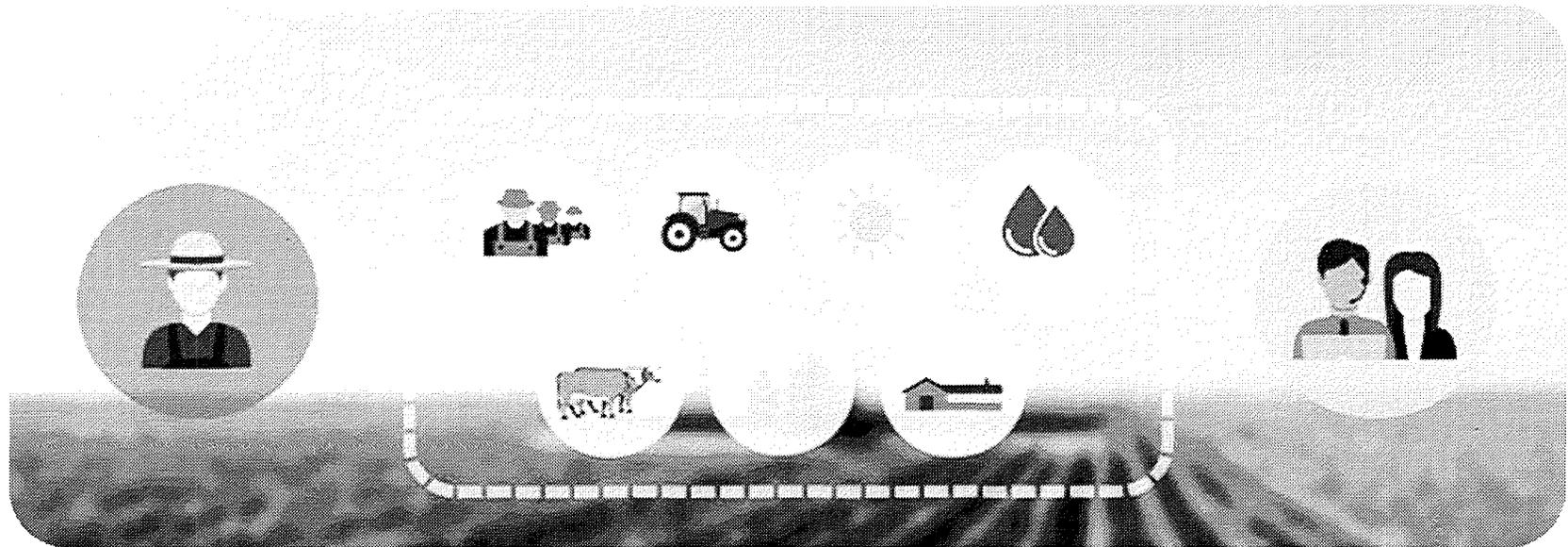
Set up a Ground Water Trust Fund to Ensure that wells of Falcon Crest Neighbors are not Negatively Impacted



**We urge the Council to
slow down this
development. Do NOT
approve the R-12
rezoning request.**



**We urge the Council to study
the impacts before approving
the development. There has
been NOTHING done to
determine impacts**



DEVELOPMENT AGREEMENT

- ✿ M3 BUILDERS FROM PHOENIX, ARIZONA
- ✿ CITY OF KUNA
- ✿ FALCON CREST LLC – BOISE

- ✿ RELEASED TO THE PUBLIC ON 1/7/2019
 - ✿ AFTER THE LAST CITY COUNCIL MEETING
 - ✿ NO REPORT OR NOTICE FROM THE CITY ABOUT THE DEVELOPMENT AGREEMENT

DEVELOPMENT AGREEMENT

- ❁ Allocation of Density.
 - ❁ Developer shall have the right to allocate residential density, and the Development Rights associated with such residential density, from Parcels or Villages as shown on the Master Plan to other Villages as shown on the Master Plan at any time,
 - ❁ No Reduction of Maximum Density. The approval of any Village that contains less density than is allocated to that area on the Master Plan shall not have the effect of reducing the Project's overall Maximum Density.

DEVELOPMENT AGREEMENT

CITY ABDICATES THEIR RIGHTS TO
M3
FOR FUTURE DENSITIES

4.5.1 Allocation of Density. **Developer shall have the right to allocate residential density, and the Development Rights associated with such residential density, from Parcels or Villages as shown on the Master Plan to other Villages as shown on the Master Plan at any time, and Developer may reallocate any unused residential density originally allocated to a Village in the event that the preliminary or final platting of a Village results in unused residential density, provided such allocation:**



**R-12 = 10,000-15,000 more
people, cars & water use.
The Developer has not proposed
ANY mitigation to actions to
relieve the impacts of SPRAWL
over FIVE Miles from Kuna.**



City of Kuna

THE DEVELOPMENT AGREEMENT

- ✓ DOES NOT PRECLUDE THE DEVELOPER FROM PUTTING IN MULTI UNIT HOUSING
- ✓ DOES NOT PUT THE BURDEN OF SUPPLYING INFRASTRUCTURE AND WATER TO THE 2300 HOMES - THE CITY OF KUNA MUST ABSORB ALL THE COSTS.



DEVELOPMENT AGREEMENT

- ❁ Potable Water Supply
 - ❁ It is anticipated that two (2) municipal wells will be needed to serve the Project. One or two well(s) will be constructed with the first phase of development (“Phase One Wells”),
 - ❁ Neither the City nor the Developer have talked to any of the adjacent neighbors about mitigation of groundwater impacts
 - ❁ The City does not have the appropriate water rights to use water at this location

DEVELOPMENT AGREEMENT

- ❁ City Responsibilities
 - ❁ Provide all Potable Water Rights
 - ❁ Reimburse the Developer for: any portion of the cost of the Project Potable Water System Improvements and Offsite Potable Water System constructed by the Developer
 - ❁ Developer shall be eligible for reimbursement of the portion of the cost of the Offsite Sewerage in excess of the capacity needed to serve the Developed Project.

**We the residents
adjacent to this
subdivision urge the city
to slow this down
development.**



URBAN HOMES IN AG AREAS

We understand that we can't choose our neighbors, but we will have to share our limited water resources and roads with 10,000 homes that should be in town.



**The City's plan
includes 807
acres of R-6 and
189 acres of R-12
densities.**

**Currently the
Cloverdale Ridge
Estates has a
density of 1 home
per every 7 acres**



**STOP URBAN SPRAWL IN SW ADA
COUNTY...Reconsider the
Development Agreement.
Set Limits ! TEST the PLAN**



STOP URBAN SPRAWL IN KUNA, IDAHO



**Adjacent homes,
farms and families
have supported Kuna
for decades. We work
in Kuna, support the
schools, businesses.
We are the roots of
the community.**

But we can't vote
the City Council in or
out. Your vote
affects our lives.

M3 from Arizona has
more influence than
loyal Kuna families.



**We are your
fiends and
neighbors and
we urge you to
not be swayed
by outside
influences.**

Consider the real costs to the City of Kuna to support the Development Agreement.

We urge you to conduct a full well test and evaluate all impacts before you approve this annexation. The Council must have a full idea of what the full costs will be – for the city and associated residences. 2 meetings can not give you enough information to make this monumental decision





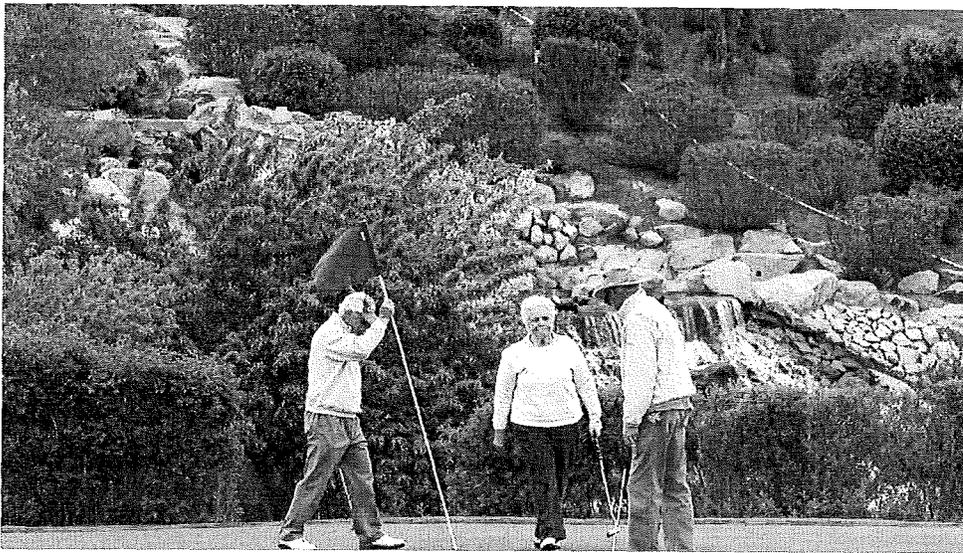
LOCAL

This development may bring more than 2,000 homes to Kuna

BY BRANDON RASMUSSEN



OCTOBER 22, 2018 06:31 PM, UPDATED OCTOBER 23, 2018 01:17 PM



The Falcon Crest Golf Club is the main attraction for the proposed Falcon Crest Subdivision north of Kuna Road and east of Cloverdale Road.

DARIN OSWALD *DARIN OSWALD/IDAHO STATESMAN*

Kuna could soon get a giant development of golf-course homes.

Falcon Crest Golf Course could have more than 2,000 homes added under a proposal made by M3 Companies, a developer, on behalf of the owners of the 17-year-old golf course and its adjoining land. The development would cover 1,025 acres immediately north of Kuna Road and east of File Mile Road.

The development, dubbed the Falcon Crest Subdivision, would include lots for single families, homes targeted at people ages 55 or older, and golf villages. It would include almost 19 acres for commercial use. The proposal also includes a public city park and public pathways, as well as private parks and a private swimming pool.

Drivers would access the subdivision at multiple points on Kuna Road and South Cloverdale Road. The proposal relies on a central road within the development for residents to navigate quickly rather than creating much more access to main roads.

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#READLOCAL

The proposed land and golf course are owned by Terry Cook and Hansgeorge Borbonus, who also own Cloverdale Nursery at 2528 N Cloverdale Road in Kuna. Construction and management would be executed by M3 Companies, a housing developer based in Idaho and Arizona.

M3 has built several other developments in the Treasure Valley, including Red Hawk Ridge, another golf community in Nampa and Hillsdale Park in Meridian. It was a partner in the failed Spring Valley Ranch development north of Eagle until the other partner, the Dallas Police and Fire Pension System, bought out M3's interest in 2016.

"They want an active recreation-type housing development," said Troy Behunin, senior planner with the City of Kuna Planning Department. "I'm not sure if there's anything (in the area) that rivals a golf course community on this scale."

Falcon Crest's application does not say how many housing units would be built, but an analysis by the Ada County Highway District estimates more than 2,300, including about 1,700 detached houses aimed at 55-and-up residents and 600 for families. With two persons per household, the development would boost the 19,700-population city by more than 20 percent.

Mike Rapp, Falcon Crest's general manager, said plans to build this community have been in the works since Falcon Crest was conceived. The recession in 2008 was a factor in its delay.

"This has always been a part of the deal," Rapp said. "(A golf course community) means you have a built-in customer base."

Falcon Crest and M3 will make their proposal to the Kuna Planning and Zoning Commission on Tuesday, Nov. 27. The proposal had been scheduled to be heard Oct. 9 but was tabled at the city staff's request until Oct. 23, and then tabled again.

The development would require annexation by Kuna, meaning the proposal will need to pass the Kuna City Council. The annexed land would be rezoned from rural residential to medium- and high-density residential.

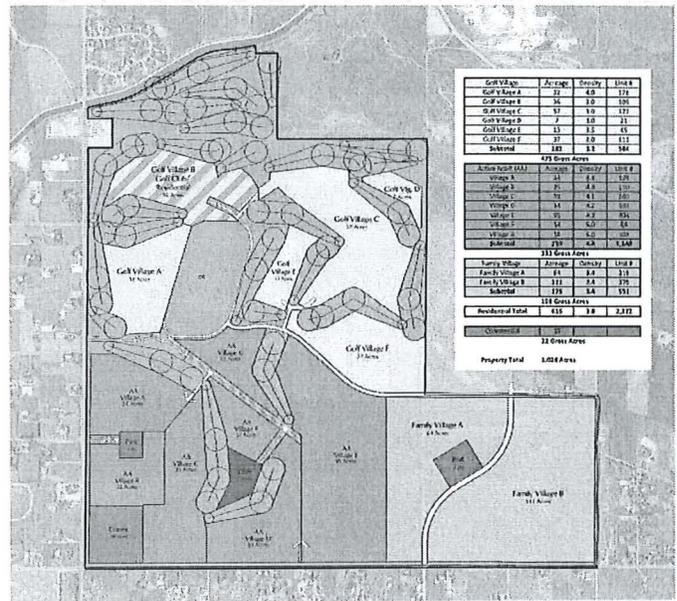
Development would begin immediately after approval, according to documents submitted to the city.

A report by ACHD said the development would generate nearly 18,000 vehicle trips per day, more than half of which would be on Cloverdale Road north of Kuna Road. Both roads would be expanded. Road construction would begin in 2023, with most of the Cloverdale expansion taking place between 2031 and 2035. Roundabouts would be added on Cloverdale Road's intersections with Kuna, Columbia and Amity roads.

Construction of the first plat would consist of nine phases, starting with the age-restricted living and commercial developments, and the phases completed within five to 10 years. The entire development could take 20 years, depending on market conditions.

The golf course itself would get a new clubhouse. Houses in the golf villages would be built between the golf courses themselves, meaning for those residents, a round of golf is just outside the front door.

The development was first reported by the Kuna Melba News.



PRELIMINARY DEVELOPMENT PLAN

This map appears in the Ada County Highway District's analysis of the proposal for the Falcon Crest golf community in Kuna. More than 2,000 homes could be built on more than 1,000 acres. Provided by Ada County Highway District



Mike Rapp, Falcon Crest's general manager, said plans to build this community have been in the works since Falcon Crest was conceived. The recession in 2008 was a factor in its delay.

Provided by Ada
County Highway
District

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Water Rights

[Overview](#)

[FAQs](#)

[Research](#)

[Forms](#)

[Transfers](#)

[Contacts](#)

OVERVIEW

A water right is authorization to use water in a prescribed manner, not to own the water itself. Without *diversion* and *beneficial use*, there is no water right.

Listed below are terms frequently used in the water right process. For a complete list, visit the [Terminology](#) page.

[Water Right](#)

A water right is the right to divert public waters and put them to a beneficial use in accordance with one's priority date. See Idaho Code § [42-230](#).

[Public Waters](#)

Idaho's constitution and statutes declare all waters of the state when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the state and groundwaters of the state, to be public waters. Idaho's constitution and statutes also guarantee the right to appropriate those public waters. When a private right for the use of public waters is established by appropriation, a water right is established that is a real property right (much like property rights in land), and Idaho law protects real property rights. See Idaho Constitution [Article XV](#) and Idaho Code § [42 et al.](#)

[Priority Date](#)

The priority date is the date when the water right was established and it determines who gets water when there is a shortage. If there is not enough water available to satisfy all of the water rights, then the oldest (or senior) water rights are satisfied first and so on (in order) until there is no water left. When there is not enough water to satisfy all the water rights, new (or junior) water rights holders do not get water.

Beneficial Use

Beneficial uses include domestic use, irrigation, stock-watering, manufacturing, mining, hydropower, municipal, aquaculture, recreation, as well as fish and wildlife. The amount of the water right is the amount of water put to beneficial use. Because of the beneficial use requirement, a water right (or a portion of a water right) might be lost if it is not used for a continuous five-year period.

Diversion

A diversion is a structure used to divert the water from its natural source. Typical diversion structures include pumps, headgates, ditches, pipelines, and dams—or some combination. A diversion is generally required to establish a water right. The Idaho Water Resource Board is authorized to acquire water rights without diversions. These water rights are called "instream flow" water rights and are typically authorized for purposes of protecting some public interest in a natural stream or lake such as recreation, wildlife, or natural beauty. A water right may also be acquired to water livestock directly from the stream which is called an "instream livestock" water right.

Appropriated Water

Idaho water law is based on the appropriation doctrine because water rights in Idaho are based upon diversion and beneficial use of water. The appropriation doctrine has also been called "first in time is first in right" because the priority date determines who gets water when there is a shortage. A water right under Idaho law can be established only by appropriation, and once established, it can be lost if it is not used. See Idaho Code § 42-1502.

Domestic Right

A domestic right is a right to the use of water for homes, organization camps, public campgrounds, livestock, and for any other purpose in connection with these uses including irrigation of up to one-half acre of land. See Idaho Code § 42-111.

Instream Flow Water Right

An instream flow water right is a water right typically authorized for the purposes of protecting some public interest in a natural stream or lake such as recreation, wildlife, or natural beauty.

Instream Livestock Water Right

An instream livestock water right is a water right acquired to water livestock directly from the stream.

Riparian Rights

In some states, a land owner has the right to make "reasonable use" of groundwater beneath his or her land, or water naturally flowing on, through, or along the borders of his or her land. A riparian right to make use of that water is not limited by priority date and it cannot be lost by non-use. Idaho law does not recognize a "riparian right" to divert and use water. A water right under Idaho law can be established only by appropriation, and once established, it can be lost if it is not used.

Groundwater

Groundwater is water that is located beneath the ground surface in soil pore spaces and in the fractures of lithologic formations. A unit of rock or an unconsolidated deposit is called an aquifer when it can yield a usable quantity of water. Groundwater is recharged from, and eventually flows to, the surface naturally; natural discharge often occurs at springs and seeps, and can form oases or wetlands. Groundwater is also often withdrawn for agricultural, municipal, and industrial use by constructing and operating extraction wells. The study of the distribution and movement of groundwater is hydrogeology (or groundwater hydrology). See Idaho Code § 42-230.

Surface Water

Water collecting on the ground or in a stream, river, lake, wetland, or ocean is surface water, and is related to water collecting as groundwater or atmospheric water. Surface water is naturally replenished by precipitation and naturally lost through discharge to evaporation and subsurface seepage into the groundwater.

Additional Information

Water Use Information - Standards used by IDWR to evaluate water right applications and claims.

Water Rights Overview - Printable brochure about water rights in Idaho.

Water Supply Bank - Water rights holders who are not using all or a portion of their water rights in a given year can place their rights into the bank and make water available to others.

Statutes & Rules

Idaho Code § 42-226 - Groundwaters are Public Waters

Idaho Code § 42-201(2) - When a Water Right is Required

Idaho Code § 42-229 - Methods of Appropriation

IDAPA 37.01.01 - Rules of Procedure

IDAPA 37.03.02 - Beneficial Use Examination Rules

IDAPA 37.03.08 - Water Appropriation Rules

IDAPA 37.03.11 - Conjunctive Management Rules