



## KUNA PLANNING AND ZONING COMMISSION Agenda for February 12, 2019

Kuna City Hall ▪ Council Chambers ▪ 751 W. 4<sup>th</sup> St. ▪ Kuna, Idaho

### 1. CALL TO ORDER AND ROLL CALL

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

### 2. CONSENT AGENDA: *All Listed Consent Agenda Items are Action Items*

- a. Meeting Minutes for January 22, 2019.
- b. **Findings of Fact and Conclusions of Law** for 18-06-AN (Annexation), 18-08-S (Preliminary Plat) & 18-35-DR (Design Review) – LedgeStone Subdivision.
- c. **Findings of Fact and Conclusions of Law** for 18-07-S (Preliminary Plat) – Arbor Ridge Villas Subdivision.

### 3. PUBLIC HEARING

- a. **18-09-S (Preliminary Plat) & 18-36-DR (Design Review)** – Sapphire Ranch; Victor Clark requests to subdivide approximately 0.508-acres into three (3) single family buildable lots. The subject site is located on West Park Avenue, Kuna, ID 83634, within Section 23, Township 2 North, Range 1 West; (APN# R5070002532). **ACTION ITEM.**
- b. **18-04-ZC (Rezone)** – Caspian Addition Rezone; On behalf of Waters Edge Farm, LLC, B & A Engineers (applicant), requests approval for a rezone of approximately 57.50 acres from A (Agriculture) to R-6, Medium Density Residential (MDR). These lots are known as Lot 17 and Lot 28, Block 1, of Patriot Ridge Estates. This site is located near the northwest corner of Lake Hazel and Linder Roads and are parcel No's R6934730350 and R6934730210, in Section 35, Township 3 North, Range 1 West. **ACTION ITEM.**

### 4. COMMISSION REPORTS

- a. None

### 5. ADJOURNMENT

**CITY OF KUNA  
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**MEETING MINUTES  
Tuesday, January 22, 2019**

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

**6:00 pm – COMMISSION MEETING & PUBLIC HEARING**

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

**Call to Order and Roll Call**

**1. CONSENT AGENDA**

Meeting Minutes for January 8, 2019.

**Findings of Fact and Conclusions of Law** For 18-07-AN (Annexation) & 18-05-ZC (Rezone) – Bodahl-Stiner Annexation and Rezone.

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

**2. PUBLIC HEARING**

**18-06-AN (Annexation), 18-08-S (Preliminary Plat) & 18-35-DR (Design Review)** – Ledgestone Subdivision; On behalf of trilogy development, Inc., Jane Suggs, with WHPacific requests to annex two contiguous parcels comprising of approximately 60.85 acres on East Hubbard Road and North Locust Grove Road into Kuna City Limits with an R-8 zoning designation; and to subdivide the 60.85-acres into 298 total lots, consisting of 253 single family buildable lots, and 45 Common lots. The subject sites are adjacent to the southwest corner of East Hubbard Road and North Locust Grove Road, Kuna, ID 83634, within Section 18, Township 2 North, Range 1 East; (APN’s S1418121126 & S1418123400).

**Jane Suggs:** Jane Suggs, WH Pacific, 2141 Airport Way. I represent Trilogy Development and Ledgestone Subdivision. We agree with all conditions in the staff report. We are asking for an annexation into Kuna of R-8. We have a property just over 60 acres and a density of just over 4 units per acre. We are below the Mason Creek Feeder. This density is approved in the Comprehensive Plan and the future Comprehensive Plan. The preliminary plat drawing shows alley loads. We are on the south portion of this site introducing alley-loaded products. The garages are accessed from the alley and the rear. That kind of design allows us to build lots that are 40 feet wide. The 40-foot-wide lot doesn’t have a garage in the front like you normally see. You’re probably familiar with alley loads in other communities. The lots are typically 4400 square feet. The can provide a garage and a 20-foot apron behind the garage on the property. R-8 is the only type of zoning that allows you to do the alley-load lot. I’ll point out that R-8 seems like a high density, but we’re tying that density right to that plat. Unlike the rezones that you’ve approved recently without a plat, which can be difficult, this one is tied directly to that plat. This home design is very desirable, it promotes a very nice streetscape so when you go down the street, you see the front houses and front porches. There is very little yard maintenance. There will be side yard separation. You will have side yard and a little front yard. The backyard will just be the side and the apron. There is no parking in the alleyways. The alley loaded homes make up 20 percent of all the homes there. The average lot size of the standard lots is 6800 square

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feet. The landscape plan shows that 14 percent of the site is landscaped. This includes some of the buffers that are along the streets. If you take out the streets which are basically landscaped areas, we still have over 10 percent of usable open space. The most prominent feature of our landscaping of course is the regional pathway along the Mason Creek Feeder. The developer is going to build a pathway that's going to be matching the city's recreation and pathways master plan. We will build over 2,000 feet of your master plan pathway along Mason Creek. Once it's completed, it will be dedicated to the City. There are other landscaped areas throughout the subdivision. We have a centrally located park that will have a top lot, a gazebo, and a half-basketball court as well as open areas for playing. There are five other additional green spaces around. They will be passive landscaping areas. When you want to meet a neighbor, there's a place to meet. Stroebel Road will be the main entrance, and there will be open space there. We are extending all utilities to and through the site. We did a traffic impact study and it was reviewed by ACHD and ITD, we agree with all of the conditions they have set. One condition from ITD is to fund a right-turn lane as you're going north on Highway 69 turning right onto Hubbard eventually. We have a phase map that shows it's done in five phases. There will be a four-way stop sign at Hubbard and Locust Grove. There will be a couple letters in your package from neighbors. We are building this development at the low end of the Comprehensive Plan for medium density. This goes up to seven to eight units per acre. We have a true mix of homes and sizes. **C/Laraway:** I noticed on this plat that you're requesting R-8 because of the specialty type construction. You only have six blocks with this alleyway. Will others be R-8 also? **Jane Suggs:** We have a few blocks with the R-8 size lots, the rest will be R-6 and R-4 lots. **C/Laraway:** The whole plat will be rezoned as R-8, correct? **Jane Suggs:** We're not zoning and coming back with a change, we will tie that condition of approval and rezone this with that plat. **C/Laraway:** I noticed the staff report there was discussion about street lights that will be later talked about. Will there be lights in the alley? **Jane Suggs:** There will generally not be lights in the alley. The lights generally stay on the street and on intersections. I've seen this in the past, where sometimes people put lights on the garages so that whenever they drive up, there are some lights. Typically, there are no street lights in the alley. **C/Laraway:** Will there be any driveways in the alley, or will it be a property line garage? **Jane Suggs:** It will be 20 feet. It will be a 20-foot alley, a 20-foot apron, and then a garage. You have not only garage parking but 20 feet in an apron. When you don't have garages on the street, you have a lot of parking. **C/Laraway:** Who will do the snow removal in the alleys? They will be public alleys, and we're building this to public alley standards. **Jace Hellman:** Chairman, Commissioner, for the record, Jace Hellman, Kuna Planning and Zoning Staff 751 W. 4<sup>th</sup> St. The application before you this evening is for an annexation Preliminary Plat and Design Review. The applicant requests to annex two contiguous parcels comprising of approximately 60.85 acres on East Hubbard Road and North Locust Grove Road into Kuna City Limits, with an R-8 zoning designation, and to subdivide the 60.85 acres into 298 total lots consisting of 253 single family buildable lots and 45 common lots. The project is proposed to be completed in five phases. Although the applicant has proposed R-8 as the zoning classification, the proposed density is actually only 4.15 dwelling units per acre. However, the dimensional lot standards of an R-8 designation allow the applicant to provide a new type of home product to the City. 53 buildable lots are proposed as alley loaded homes. These are single family homes, however the driveway and garage access will be available from the rear of the house via a public alley way. Applicant is constructing a new section of Stroebel Road along the east property line, which will serve as the main entrance into the Project. Stroebel Road is listed as a north-south collector according to Kuna's Street Circulation Map. Staff would recommend the applicant work with Staff and Ada County Highway District to ensure the new collector street is constructed to each agency's standards. A secondary access has been proposed onto existing Locust Grove Road. However, this access point is not projected to be constructed until a later phase of site development. In the meantime, the applicant proposes a temporary emergency access point on to Hubbard Road. Several stub streets have been provided as a part of this project, two (2) to the south, including the stub of future collector Stroebel Road, and one (1) to the northeast, across the Mason Creek Feeder. The applicant will be required to install a sign at the terminus of each of the roads stating these roads will continue in the future. Staff will defer the applicant to comments provided by ACHD for preferred language. A design review application for common area landscaping and open space was included as a part of the overall application. Applicant proposes several dedicated landscaping and buffer areas throughout the project.

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Approximately 14%, or 8.51 acres of the project has been dedicated to common area; and 10.2%, or 6.2 acres of the project have been determined as “usable open space”. Staff find the proposed landscaping, buffers and common space to be in compliance with Kuna City Code. However, staff would recommend the applicant be conditioned to place sod wherever the landscape plan identifies “Lawn”, and provide staff an updated landscaping plan accommodating requested change. The Recreation and Pathway Master Plan Map identifies a regional green way corridor pathway along Mason Creek on the South, which would be the applicant’s property. The applicant proposes the construction of over 2,000 linear feet of regional public pathway along the south side of Mason Creek along the northeastern edge of the subject site’s property line, which will connect with the pathway installed by Patagonia to the North. The property was posted and 400-foot notices were sent out to all people within 400 feet of the property. An additional courtesy notice was sent after this was tabled prior. And with that I will stand for any questions you have. **C/Young:** We will open the public testimony at 6:18. **Jane Suggs:** I don’t have anything to rebut, but I want to respectfully request your recommended approval of the annexation, rezone and the design review for the landscaping. **C/Gealy:** Ms. Suggs, can you address the concerns in the letters that were sent in? **Jane Suggs:** Mr. Browning lives across Hubbard Road. He had some questions about landscaping. We are doing our landscaping to meet code. The only difference I see is that for Patagonia, ACHD asked us to put our landscaping in but not put curb and gutter in, because of future widening of Hubbard Road. It looks like Patagonia chose to put curb and gutter in, which will likely have to come out whenever Hubbard is improved. We put in the widened street, a little bit of the shoulder. We will then put in our sidewalk and have a 30-foot buffer like Patagonia has. That is the only difference that I see. He asked for limited access to Hubbard Road and we will only have one temporary access. Our main access is off of Stroebel Road, which is a new road that we will be building. You’ll see there at the top of the project. There is a temporary access, because we will build likely more than 30 buildings with one access. If you go to the park area to Hubbard Road, lot 14 will actually be an emergency access until we get the road connecting to Locust Grove. He was concerned about accesses off of Hubbard Road, and that’s a temporary access. He talked about the walking path matching and we will meet the requirements for the pathway just like Patagonia did. We will not have a pool and clubhouse. When I looked up Patagonia, they have over 400 homes in there. The pool and clubhouse thing is one of those things that depends on how many units that you’re building. The type of HOA fees that you want to homeowners to take to pay. We have found that the walking path and the smaller parks and places where people can gather are more popular. The Garretts live right across the canal from us. They have that nice piece of property right there on the corner of Locust Grove and Hubbard. They are in the southwest corner of Locust Grove and Hubbard. They are right across the canal. They are concerned mostly because we are coming in. They are in the RR zone which is in the county. Patagonia is here, that area is changing. We do have the infrastructure to sustain this. He comments that he has issues with that. We do have the sewer and water irrigation capacity to sustain this. We will be building oversized pipes through the property to deal with expansion east of us. The road coming off of Locust Grove is right on the property boundary. The next person can actually use that road. Those are the forwarding thinking things that the staff asked us to do. We’re very much in keeping with the Comprehensive Plan, yes things are changing a bit. I left a message for Mr. Browning and didn’t have a phone number for the Garrett’s, but I’d be happy to chat with him too. **C/Young:** I will close the public testimony at 6:25. **Jace Hellman:** Regarding the curb and gutter, there is proposed Condition No. 6 that requires that it is installed per Kuna City Code, so if the body would like to try and enforce that. **C/Hennis:** I like the amenities provided in the center along with the path. **C/Young:** For the site, the overall density is closer to an R-4 than R-8, which for the alleyway product is not just a 20-foot little slot. **C/Gealy:** I appreciate the variety of lot sizes and the variety of housing product that can be made available. There are some larger and smaller lots. I appreciate the open space and the pathway along the canal. Another concern I have is transitional lots, but I think with the alley-loaded product where it is, it makes sense to have smaller single family lots around that area on that end of the development and then have the larger lots on the other end. I do have a question regarding the curb and gutter. It is included as a condition of approval that curb, gutter and sidewalk shall be installed in accordance with Kuna City Code. You did say that you were accepting all of the conditions of approval. **Jane Suggs:** Commissioners, when I read that I was thinking about the curb, gutter and sidewalk being inside the property and not that along

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the arterials. Again, because that curb and gutter hasn't been set and designed by ACHD for any kind of specific elevations and things, it often comes out. That's why ACHD doesn't ask us to do the curb, gutter and sidewalk. I can only ask that the condition be adjusted to say interior, but I did not say that at the beginning. We don't do a lot of curb, gutter and sidewalk. We were looking at that as just being in the interior, so we would ask that this condition be changed to curb, gutter and sidewalk inside the subdivision. **C/Hennis:** You said that ACHD has this in the work plan? **Jane Suggs:** I don't know that they do, I haven't looked. The elevations of what the curb and gutter would look like for drainage. You put that in, and then you prevent drainage issues on the corners. They typically don't like to put that in bits and pieces. Once you pick up that drainage, it goes on and there's no system to take care of it. They wait until on arterials, a whole half-mile of improvements. I'm sorry I don't have the five-year work plan in front of me. I don't think that we've got elevations on curb, gutter and sidewalk. ACHD did not require it. **C/Gealy:** You are planning to put curb, gutter and sidewalk along Stroebel, correct? **Jane Suggs:** yes, we are going on Stroebel as a mid-mile collector. **C/Gealy:** The other condition that was requested from staff was that you have sod in all cases. **Jane Suggs:** Absolutely, we'll resubmit a plan showing where it says lawn, we'll put sod in. They're just asking to be sodded instead of seeded, because sod takes a little faster. We agree to that. I would ask that this be changed so that the interior streets and Stroebel will be considered the curb, gutter, and sidewalk. **Wendy Howell:** This very scenario with curb and gutter has come up in the past, where they do not have the elevations yet. ACHD has worked with the City and the developer so that curb and gutter could be put in. Maybe change the condition that developers work with the City and ACHD regarding curb and gutter, so that come to the best solution that we can. Our direction from Council is if it's not in the five-year work plan, they need to put it in as our ordinance states. **Jane Suggs:** I can accept a work-with condition. **C/Young:** As far as the curb and gutter goes, we've not done that when we know that Wendy said the five-year plan is coming and we're not tearing in brand new stuff, knowing what's developing to our west and to our east. It's required for City Code. **C/Hennis:** Well yes, but then again also if you don't have a road section plan as to where to put it, then it's going to be kind of difficult too. The condition to work with the City and ACHD would give a viable solution in the end. **C/Gealy:** We'll know more in five years than we do now since it's phased.

*Commissioner Gealy motions to recommend approval of Case No. 18-06-AN & 18-08-S to the City Council with the conditions as outlined in the staff report; With an modification to Condition No. 6 that the developer will provide curb, gutter and sidewalk on the interior of the development and along Stroebel Road, and the developer will work with ACHD and City staff regarding the curb and gutter along Locust Grove and Hubbard Road; And an additional condition that on the landscaping plan in cases where "lawn" is mentioned, the developer would use sod; Commissioner Hennis seconds, all aye and motion carried 3-0. Commissioner Gealy motions to approve 18-35-DR with the conditions as outlined in the staff report; With an modification to Condition No. 6 that the developer will provide curb, gutter and sidewalk on the interior of the development and along Stroebel Road, and the developer will work with ACHD and City staff regarding the curb and gutter along Locust Grove and Hubbard Road; And an additional condition that on the landscaping plan in cases where "lawn" is mentioned, the developer would use sod. Commissioner Hennis seconds, all aye and motion carried 3-0.*

**18-07-S (Preliminary Plat)** – Arbor Ridge Villas Subdivision; On behalf of Endurance Holdings, LLC., B&A Engineers requests to subdivide approximately 2.1-acres into eleven (11) total lots, consisting of eight (8) buildable multi-family lots, and three (3) common lots and has reserved the name Arbor Ridge Villas Subdivision. The subject site is located on the northwest corner of West Ardell Road and North School Avenue, Kuna, ID 83634, within Section 14, Township 2 North, Range 1 West; (APN# S1314244201).

**David Crawford:** I'm David Crawford with B&A Engineers, here representing the applicant for Arbor Ridge Villas Subdivision. Arbor Ridge has been completing developments over the past few years. We're up to phase four, and we're currently working on Arbor Ridge No. 5 and 6 concurrently. Arbor Ridge Villas will be a re-subdivision of three commercial lots in Arbor Ridge Subdivision No. 5. Arbor Ridge Subdivision No. 5 is currently beginning

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construction and will complete the road improvements for the full widening of School Avenue to the north boundary and Ardell Road clear over to Walnut Creek Subdivision. That will complete the widening of Ardell Road. Ardell Road has been a partial widening for many years. This would complete that widening. Ardell Road has been fully completed east of the site through Ardell Estates Subdivision. Ardell Estates Subdivision No. 3 is going to be approved and going to construction this year. That will complete a full travel width road section all the way to Linder Road. Arbor Ridge Villas contemplates taking the three lots that were created in Arbor Ridge Subdivision No. 5. Placing lots around the buildings that were approved by the Planning and Zoning Commission in October. We're not really expanding the use, we're just allowing the buildings to exist on their own lot rather than having multiple buildings on a total of three lots. It's a little complicated, we're doing work up front and then just platting around what we're doing. It allows for individual ownership of the buildings rather than having multiple buildings on one lot. There was a letter that we received from the Planning Staff dated January 14 from the Ewings. Some of the developments like Mineral Springs that are kind of close and cut through Ardell Road and then on out to Ten Mile. With the completion of Ardell Road and Linder Road we leave a lot of that alleviated. The connection of School Street to the Arbor Ridge first phase of development will also allow traffic to go out to Hubbard Road. I believe that a lot will be alleviated to some regard, but we can't say that nobody is going to go through there. We will allow at least two connection points for the residential then for these developments to occur. Arbor Ridge Subdivision was a Planned Unit Development that was approved several years ago. It dedicated a five-acre park to the City with the first phase of development directly south of Hubbard Road. With that development, we are extremely lucky to also work with the Boise Project Board of Control to allow a twelve-foot pathway to connect all the way from Ardell Road through phases of Arbor Ridge subdivision. Arbor Ridge Phase 6 will complete that pathway system to connect all the way from Ardell Road to Kuna City Park that is located in Arbor Ridge Subdivision No. 1. Arbor Ridge Subdivision No. 5 is a very large lot subdivision. Most of the lots exceed 12-14,000 square feet. It was part of the original PUD. Down at the intersection, on the northwest corner of Ardell and School Street, this was slated for commercial. There was also a few years ago, a development with the re-subdivided Mineral Springs Subdivision. This created Mineral Springs Subdivision No. 2. That was also slated for commercial construction but found not to be viable. They made it into a single-family home development and rezoned that. This is the last portion of commercial land that existed within the approvals. I'll stand for any questions you may have, but we respectfully request your approval for the Arbor Ridge Villas tonight. **C/Gealy:** Is it your intention then to construct the pathway along the canal that runs to the Northwest portion of the commercial piece? **David Crawford:** It was not our intent to install the pathway along there, we are actually creating a fencing boundary that is required to maintain the access from the Boise Project Board of Control. I don't know exactly what the pathway system would look like, that hasn't been discussed as a condition of approval. I do know that currently, the Boise Project Board of Control doesn't allow construction of pathways within the right of way. I think it will be the state lateral. The only thing that we'll be able to do is put a gravel pathway down. It wouldn't allow the construction of asphalt. If that condition were imposed in this development, it would be a condition that we couldn't comply with. This is because they simply wouldn't allow it. It's not that we don't want to do it, it's just that we can't get their permission to do it. **Jace Hellman:** Chairman, Commissioners, for the record, Jace Hellman, Kuna Planning and Zoning Staff 751 W. 4<sup>th</sup> St. The application before you this evening is a request for a preliminary plat recommendation to the City Council of approval or denial. The applicant is proposed to subdivide approximately 2.1-acres into eleven total lots, consisting of 8 buildable multi-family lots and three common lots. The project has reserved the name Arbor Ridge Villas. The site of the project is located on the northwest corner of Ardell Road and School Avenue. The proposed project site was identified in original Arbor Ridge Villas Subdivision Planned Unit Development (PUD), which was approved in 2003. The subject site is currently zoned R-4, and is identified as medium-density residential on the Comprehensive Plan Future Land Use Map. However, following the original approval of the Arbor Ridge PUD, a development agreement was signed, which guaranteed the proposed project site area the zoning designation of C-1 (neighborhood commercial). If approved, the applicant will have to record the separation of the parcel, and staff will provide a rezone ordinance reflecting the approvals laid out in the signed development agreement. Access to the site is proposed via two full access driveways. The first is situated on West Ardell Road and the second is

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situated on North School Avenue. Additionally, the applicant will be constructing the remain half of the street sections of West Ardell Road and North School Avenue that fronts the proposed project site as a part of the required public improvements listed in Kuna City Code. Currently, there is no curb, gutter or sidewalk along the property's frontage. And both Ardell and School Road are unimproved roadways. Staff would note that both West Ardell Road and North School Avenue are listed as Major Collectors according to the City of Kuna's Street Circulation Map. Kuna City Code requires the right-of-way improvements such as street widening, curb, gutter and sidewalk along a property's frontage as a part of the subdivision process. Following email correspondence with the project's engineer on January 16, 2019 (exhibit D3) confirms all required right-of-way improvements will be installed with the installation of Arbor Ridge phases five and six prior to the re-subdivision and development of the proposed project. The Recreation and Pathways Master Plan Map indicates a future trail along the eastern boundary of the proposed project site along the State Lateral. However, the preliminary plat does not identify the location of a trail on site. It is the City's goal and desire to increase the number of trails and pathways in Kuna. Staff highly recommends the developers be conditioned to comply with the Master Plan's goals and design and construct the identified pathway along the State Lateral to the standards set in Kuna City Code 6-4-2 (Required Public Improvements). Notices were sent out to people that were within 400 feet of the property as mandated by state code which requires 300 feet. The property was noticed and an ad was run in the Kuna Melba News. With that I will stand for any questions you may have. **C/Hennis:** With regards to the applicant, he discussed having a pathway along the canal, what's the city's stance on that with being able to allow anywhere along that easement, do you know otherwise a method to where we can provide a pathway along there? **Jace Hellman:** Typically, it's been done in other subdivisions and it's been done on where they've allowed it with it on their own private property rather than not on their property. That might be an option to explore. This is why we could do a condition that they work with staff and the Boise Project to get that goal of getting a pathway in there. **C/Young:** We'll open the public testimony at 6:48. **Tim Donka:** I live at 2332 North Corktree Way. First and foremost, I'd like to thank you for taking the time to hear me out. I did take the time to look at the vision of Kuna. I notice that it's been updated several times throughout the last couple years back in 2003 and as current as 2015. I do understand that there must a balance made between affordable housing and apartment complexes or lower income. The vision I saw that stood out in my mind was building stronger communities. I oppose apartment complexes. I know that these won't be a concern for Planning and Zoning. I live in Arbor Ridge Subdivision and I enjoy the pathway that's mostly completed. The opposition that we've had in the past is people that have come forth and said I don't want an apartment close to my house. Those don't build stronger neighborhoods. I do appreciate the fact that they will finish Ardell all the way through. If you guys do submit this and approve it. Right now, it's a one lane road. Multiple times, I've seen vehicles coming both directions and they've got nowhere to go. That is a plus for that. The only thing concerning with this was that it's two acres and they're dividing it into 11 lots, three of them being open space which I assume is parking. You can't put eight apartments in there and then tell me that there's going to be a park there. There is a park that's fairly close, and it's within maybe five or six blocks. It would be nice to have more green space inside there, besides just the huge asphalt section. I don't have a plat of what they have or what it's going to look like. **Ian Gordon:** I live at 2246 N Citrine, which is on the corner of Ardell and Citrine. I'm opposed to the zoning being changed on that property. I'm opposed to the construction of apartments. It is zoned for multifamily right now rather than single-family, which I had initially thought was the planned use. Was this changed recently? **C/Young:** As staff indicated as a part of the PUD approved in 2002, that parcel would be used as a C-1 commercial property. **Ian Gordon:** I moved here recently like many of the people behind me. Many of us came from high-density cities with a lot of problems and we moved here for a different experience. We moved to support the community. I spent \$500,000 on my house with the expectation that other houses would certainly be built. As you're planning another community, you would take into account keeping comparable property values when you build a new subdivision. The most important thing for new home owners is to build equity in their house. We have a lot of senior citizens up here who brought their retirement. We've got a house that we want to appreciate as much as possible. The construction of our apartment building is going to depreciate our property. We're going right back to where we just left. We left 900 miles away to come here and be faced with the social

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problems that will be brought by having apartments in this area. This town has plenty of area to build apartments. Have an apartment section where all the apartments are. I don't see where there's good planning if you take a low value property, something that's turning people over month after month in our neighborhood. If you look at national statistics by the FBI, we will be faced by not only this traffic problem. The fact that this developer plans to finish Ardell Road is not really finishing it. Until Ardell is completed, there won't be a solution to that. **John Hoit:** I live at 2251 N Citrine Avenue at the corner of Ardell and Citrine. My comments will echo Ian's. I do appreciate the fact that road improvement is part of this development. High density rental housing, rental housing in particular is incongruous with the adjacent properties. As you look around, there are new homes being built across School Ave. Mineral Springs has \$4-500,000 houses popping up. That property would be far better suited to the density that's already there. I don't know if we're talking about fourplexes, eightplexes, I don't know what the ultimate number of people that would be living in these eight buildings. If they're eightplexes, that's 64 families. That's totally incongruous to have 64 families living in two acres across from one guy who lives on half of an acre. I really think that regardless of how this was platted or thought of, in 2002 which is 16 years ago. There's no way that you thought this town was going to look like it does today. You have to change the plan as you go. We're talking about hopscotching two acres at a time. That doesn't make sense. This is not the type of property, not the type of development that needs to go on that property. **Zack Ricketts:** I live at 2597 N Snowbell. My concerns will centralize around safety, there are issues in this area. A lot of this has to do with traffic. This development at this location is putting the cart ahead of the horse. Infrastructure needs to be completed before such development should be considered. All collector roadways to this location. School Avenue from Ardell is not full width. School Avenue north of Ardell is a dead end. Ardell running east and west of School are dead ends. Access to this location from West, North and East requires cutting through subdivisions. Accessing this location via Arbor Ridge Subdivision creates significant concerns with existing driver behaviors. Speeding with the further development of the subdivision, there has been an increase on Quaking Aspen off of Linder and Kelson off of Hubbard. As you heard earlier, the developer plans on using Kelson as one of the cut-throughs for this subdivision or development to go North to Hubbard. That's already a road that's being used significantly to bypass the incomplete roads. This subdivision has a lot of on-street parking. That reduces the visibility to children and animals along the side of the road, significantly increasing the risk of an accident. With the on-street parking, the width of the roadways is reduced and, in some situations, there is not room for two-way traffic. The observation of stop signs near my residence and witnessing other behavior by other stop signs in the subdivision. There are three different behaviors. First, there are drivers that obey the law and stop. Second, there are drivers that roll through the intersection. Third, there are drivers that fail to observe the signs at all. I have personally been almost been involved in three accidents near my house, because people ignore stop signs in the subdivisions. With the addition of eight multifamily units in an area that does not have adequate roads or access, this would add traffic to roads that are not designed or completed as collector roadways as of yet. The Envision Kuna proposed plan does not include this location as a high-density residential area. I ask that you take these into consideration as you make the decision on this. **Tom Matus:** I live at 2164 N Star Garnet Drive, and I am on the Board of Directors of the Mineral Springs HOA and I'm a six-year veteran of the US Navy. I have a number of concerns that the previous opposition has been presented. I have outlined mine here with a few bullet points. Traffic on School Street is a major concern, and my concerns encompass neighborhood safety, increase flow on School Street through Walnut Creek Subdivision as well as Arbor Ridge Subdivisions. I don't mean to exclude the home values with an apartment complex going in. As a vested member of the community, I believe that structure, progress and growth are important. However, I believe that progress and growth should be monitored and thorough impact studies should occur prior to approving this type of project. The future development of other areas in Falcon Crest, which was a subdivision south of the tracks that was approved last week, leads me to believe that we have enough development going on. I think we want the community to stand out as well as a well thought out community with strong leaders and members backing it. We need to protect our community through its growth phase over the next decade and beyond. The area that the development is requesting does not need to be commercial and we do not need multifamily housing going in there. Do we really need to continue urban sprawl, hopscotching small areas

# CITY OF KUNA PLANNING & ZONING COMMISSION

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## MEETING MINUTES Tuesday, January 22, 2019

without good planning and fore thought? The number of multifamily housing within Kuna now is pretty substantial. I believe inserting this project in the middle of three established subdivisions with housing prices between \$250-500,000 is a poor plan and at the least, will have a negative impact on all surrounding subdivisions. I urge you to make detailed observations when generating any changes or approvals to this request. How will this affect our school density. We're already at full capacity. My recommendation is plain and simple. At the very least, make this single-family homes and finish Ardell east and west. Go both directions before we start anything in that area. **Ben Steinbaugh:** I live at 2424 N Sunset Farm Avenue in Walnut Creek Subdivision. The widening of Ardell over to Walnut Creek is going to encourage cut-through traffic. This development is not consistent with all the other homes around it. As I understand it, the previous agreement in 2002 had a stipulation for some commercial lots, this wouldn't even be considered. This is because it's not consistent with everything that's changed and is going on forward. Mineral Springs lost a C-1 status and went to single-family. I believe that this piece of property should be developed as a single-family property and be consistent with Mineral Springs. One of the gentlemen and others up here I'm sure live in Mineral Springs. I don't have an issue with apartments, but an apartment complex should be on an arterial road such as Deer Flat or Ten Mile to support the amount of traffic and the amount of flow as a result of those people living there. This property would not be developed if it were started today. The only reason that's it's in consideration is because 16 years ago, someone thought well maybe we could develop this as a commercial. Maybe we could put something there. This development should be single-family. They wouldn't even consider making this a commercial property. This is dead-center in the middle of three subdivisions, please consider denying this. **John Sanders:** I live at 2217 N Citrine. First of all, the sign that was put up an Ardell, could we get that moved, because that's our passing lane. We can't get through if there's a car coming. I came from a place with apartments, and it brings crime and I don't have the facts to support that. There is no pride of ownership, I bought a house for \$360,000. You put apartments next door with 60-70 families, will they care about how the community looks? Will we have more police and fire to support that. Schools were mentioned, my wife is a school teacher. Are the schools going to be able to handle the additional children coming in? They're striking because they're overcrowded. Has that been considered? **Nicole Corney:** I live at 1340 W Oak Tree Drive in the neighboring Walnut Creek neighborhood. I am hoping that you will hold off this decision and vote no against it today. My first concern is the traffic impact. We have already seen already a giant increase in traffic cutting through our neighborhood in Walnut Creek from Mineral Springs or the southwest area of Arbor Ridge just to get to the Ten Mile area. If you're considering approving these, at least extend Ardell all the way to Ten Mile and all the way to Linder on both directions. Until roads are extended, I don't believe these should be even considered and I'm sure that these units will use our subdivision and Arbor Ridge as a cut-through to neighboring major roadways. These do not fit the characteristics of the surrounding area. Multi-family housing right in the middle of the developed neighborhood is awkward. This type of housing should be done closer to arterial roadways. Mineral Springs has half-acre custom homes right next to this valuing at almost \$500,000. This does not fit with the area, and this will surely bring down home prices close to it. Single-family homes are a much better fit for this specific piece of property in my opinion. Third, I'm very concerned about our already bursting schools. I would assume these would fall under Silver Trail Elementary boundaries. My kids have attended there for the last five years, and every year class sizes seem to get bigger and bigger. This year in particular, my son has been suffering greatly because of it. He is a fifth grader, but because of lack of budget, he is stuck in a class of half fourth and half fifth grade. The school tried to make it look appealing by putting a less kids in it to help with teachers. The principal said there is no money and nothing he can do. Something needs to be done about schools before we keep approving housing developments left and right. I feel that our children are suffering for it. Please consider these issues before approving this. **David Crawford:** I would like to thank everybody for coming out tonight and expressing their concerns with the growing pains. I would like to point out that we had two neighborhood meetings on this project. For the first meeting, two people came and expressed their approval for the project. For the second neighborhood meeting, nobody attended. I didn't get a copy of the letter, but if there was anybody who could get a hold of that, I might be able to address those concerns. Ardell and School Road have been built in bits and pieces. That's because the developer that improves the roads, such as in Mineral Springs Subdivision and in Walnut Creek Subdivision, we

# CITY OF KUNA PLANNING & ZONING COMMISSION

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## MEETING MINUTES Tuesday, January 22, 2019

are the engineers of record. All those were built in pieces and parts as the lands developed. Arbor Ridge was a phased development. It was thought out with the comprehensive plan at the time, a traffic study was done. Part of a planned unit development is that a mix of housing types is brought. Arbor Ridge Subdivision did that. There was a park placed there and a pathway all the way along from Ardell Road to School will be completed and paved with Arbor Ridge Subdivision No. 6. It's interesting that the highway district doesn't fund the overall construction of roads that are adjacent to development. The developer builds these roadways as the phases are required. They are connected up, and eventually they'll connect. Those roads are dedicated to the public at each platted phase of the development. It should be noted that schools were primarily funded through taxes on housing. The more houses that come in and people get to enjoy the great City of Kuna from other states are actually helping to pay for schools. There was talk about high density housing and this not being the right area. This was part of the overall desire and one of the Comprehensive Plan goals from the City of Kuna to bring a mix of housing types. We have half-acre lots, R-4 and R-6 densities within this direct area. Arbor Ridge has a mix of housing types that range from R-4 designations and into Arbor Ridge Subdivision No. 5 where it's huge lots that are more consistent with the Mineral Springs. We always have a mix of housing types, and it's one of the objectives of the Comprehensive Plan. I think this fits it really well. Currently, School Street on-street parking was discussed as it reduces travel ways. There is no on-street parking allowed on any collector or arterial roadways. This project has all of it's on-street parking, and it was approved with the number of parking units that are required for the development. This is part of Arbor Ridge Subdivision No. 5. It's going to create the three lots where these buildings will be built, the Arbor Ridge Villas Subdivision plat is here just to create lots around those buildings. The development has been ongoing for quite some time. It's a test to the developer that's funding the project. He's been able to hang in there during the economic downturn that starved the housing in the community in about 2006. Much of this sat vacant and dormant until about 2013. We subsequently completed a phase of development annually as required, and this year alone we will complete two phases of Arbor Ridge No.5 and 6, to continue to well-planned and thought out community of Arbor Ridge Subdivision. There was enough urban development in the area and we have lots of urban sprawl. Arbor Ridge is pretty close to the city center now. This isn't really urban sprawl, we're filling in the middle. The comprehensive plan, the city's impact area, has grown remarkably over the years. Police, fire, and schools are all funded primarily through taxes that are brought by people who come here to enjoy these communities in our area. We're not putting the cart before the horse, the roadways of Ardell and School will be completed to the extent practical within the boundaries of the development to complete them to where they end. There's another property owner and when that property develops, those will be connected. With Arbor Ridge's Phases No. 5 and 6, that will create the connections through to Hubbard Road, Walnut Creek and over to Linder Road. School Street was slated as being under width, it's actually got full trap lanes all the way from Deer Flat to Ardell Road. It was constructed with more than 24 feet of paving, which allows two vehicles to pass each other. Ardell Road wasn't built quite to that same standard. It will be fully completed with these two projects, Arbor Ridge No. 5 and 6 and Ardell No. 3. All those are slated to be completed this year. I'm also aware of another development that's occurring west of Mineral Springs on the south side of Ardell that will build the rest of it out to Ten Mile. Development is what builds our roads, and those are dedicated to the highway district at the end of it. I've got to talk a little bit about our pathway before we run out of time. We're not opposed to putting in a pathway. The reality of it is, we end up in a situation where I was able to broker a deal with the Boise Project Board of Control with Hubbard where we were allowed to put in a pathway. When the gentleman that allowed to occur at the time is no longer there, and the Bureau of Reclamation Boise Project Board of Control, being the federal entity that it is, changed its mind on what we're allowed to do within the right of way to secure their approval. We can only get their approval to install gravel pathways. We're not opposed to doing that. The minute we start talking about asphalt, it's not going to happen. We had the same discussion with the Mineral Springs development to the state lateral. We created a large open space lot, we piped the thing the whole way through, almost 2,000 feet of piping. We created a large lot, and the only thing we were allowed to do was put grass in it. They absolutely denied having any pathway through there. The Boise Project actually abdicated its responsibility for maintenance to others. It's kind of an interesting scenario, and we're not opposed to putting in a pathway. I'm just concerned

# CITY OF KUNA PLANNING & ZONING COMMISSION

## MEETING MINUTES Tuesday, January 22, 2019

about what that pathway needs to look like. I'll stand for any questions you may have. **C/Hennis:** You're applying for eight buildable lots and three common lots, but to my understanding, this will be overseen by an HOA that has all that common area taken care of. This will not be up to each individual ownership to maintain their landscaping and common areas, correct? **David Crawford:** The developer that's doing this is very savvy and well-known. He does a lot of these, and he is very concerned about how his developments look. CC&Rs are being prepared so that these will be managed and the landscaping will be professionally maintained. **C/Laraway:** Here's a follow-up question, these apartment complexes are going to be for rent and not for sale, correct? **David Crawford:** Commissioner, Chairman, they are not condos, so there are eight buildings that are proposed on three lots in Arbor Ridge Subdivision No. 5. We are allowing ownership of those buildings to be determined. The developer will own them, but it's possible that he could sell those to other people. They'll have to tie it on to the HOA and CC&R's as well. **C/Laraway:** Could there be eight different owners running an HOA? **David Crawford:** It's possible. The CC&Rs will dictate how that operates. The CC&Rs dictate the maintenance obligations and the controls for building, maintenance and all that kind of thing. That will be handled by a professional management company. Somebody else could own a particular lot within there. **C/Hennis:** You'll have eight buildings, each which will have multiple units, which you have not determined at this point. That building will have an owner, but not each individual unit. Those will be a rental, but you'll have eight ownerships that are still tied to a common CC&R and HOA. **David Crawford:** Absolutely. **C/Laraway:** You mentioned that your development will have access to Hubbard Road, is that going to be through School Street, that they will extend up past the PI Stem school, or are you talking about running it back to the subdivision? **David Crawford:** Arbor Ridge Subdivision No. 5 and 6 are going to complete School up to the project's northerly most boundary. Where it will connect with another road that I think is Pin Cherry Street, which goes east and ends up over at Kelson up to Hubbard Road through Arbor Ridge Subdivision. **C/Young:** I'll close the public testimony at 7:28. Now is the Commission discussion. The police department, fire department and school district have all been noticed and received copies of the application and have had their chance to review and comment on that? **Jace Hellman:** Correct. The police department and fire department typically attend pre-ap meetings. That's usually when they provide comments. No comments were provided on this project. **C/Young:** Has ACHD also received application and had no comment on the application as well. I was trying to address some of the other points addressed in public testimony. **C/Hennis:** The multi-family housing currently is in coordination with that. The applicant tried to clarify it to, with respect to the streets being fixed and widened prior to the development going in, it's kind of hard for a developer to put that in until he's putting the development. My understanding from the applicant is that those roads will be put in as this is developed. You can't just go in and build the streets without the development going in. You can't build streets on something the applicant doesn't own. **C/Hennis:** He can only take it up as far as he can go. Concerns have been heard yes. **C/Young:** We did the design review on this not too long ago, which is why we have the preliminary plat before us today. **C/Hennis:** The audience has seen a lot of the preliminary plat. It doesn't appear. The one's that we've seen lately for this multi-family housing, I think it's laid out well with open space. We're not going to have a line of apartment buildings, it will be separated into little building pods with a lot of open space and green in between it. Internal parking will exist. Based on the sentiment that the audience has brought forth, you look at the actual plat, the applicant and the owner has tried to keep a lot of your concerns in mind. It's not by any means a boxy development. **C/Young:** We can't just change the zoning. It's an allowed use in this zone. **C/Laraway:** I think that we've asked for this in other multifamily complexes is that they have the open space. It would be nice if they had the amenities to put in those spaces to keep the kids in these areas. I'm assuming the park is a part of this, but that is still five blocks away. I don't think parents will want their kids running off down that far if they have some amenities in the complex itself. There seem to be a couple of larger areas that would easily hold something that would keep the kids there to entertain them. I don't know if that's unreasonable. **C/Young:** No, it's something we've discussed in the past. The canal along the side will really help as well. **C/Laraway:** I think that once these arteries are completed on North School and Ardell to the west, traffic will most likely funnel out three different ways rather than straight through the subdivision. I understand that this is probably a short-term problem, but I think the end result is that the traffic will disperse three other directions. **C/Gealy:** I do think that affordable

**CITY OF KUNA  
PLANNING & ZONING COMMISSION**

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**MEETING MINUTES  
Tuesday, January 22, 2019**

housing is important and that we provide a variety of housing type and product. We need to mix it and not have whole areas that are one kind of house. It's important to have diversity in our housing areas. I do think these corners tend to get busier and busier, and because of that they lend themselves more to commercial or multifamily units. They've done a nice job with the two access points, so it's not like a dead end. I do think it would be nice if there were some amenities and some of that green space there. I'd like for them to work on a pathway along that canal.

*Commissioner Hennis motions to recommend approval to the City Council of Case Nos. 18-07-S with the conditions as outlined in the staff report; with an additional condition that the applicant work with the City to arrive at an amicable solution for the pathway that the City has in its Comprehensive Plan; and an additional condition to work with the City to provide at least an amenity for a gathering place for children like a tot lot or gazebo; Commissioner Gealy seconds, all aye and motion carried 3-0.*

**3. COMMISSION REPORTS**

**C/Young:** We have the Planning and Zoning Elections for Chairman and Vice Chairman for the year of 2019.

*Commissioner Gealy nominates Chairman Young and Commissioner Hennis to serve as Chairman and Vice Chairman of the Planning and Zoning Commission for the year of 2019. Commissioner Laraway seconds, all aye and motion carried 3-0.*

**Wendy Howell:** I hope you all are looking at the new Comprehensive Plan. **C/Laraway:** Do you know when our changes that we talked about last meeting will go before the City Council? **Wendy Howell:** They will go February 5<sup>th</sup>.

**4. ADJOURNMENT**

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

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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



# City of Kuna

Planning and Zoning Commission  
Findings of Fact and Conclusions of Law

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

**To:** Planning and Zoning Commission

**Case Numbers:** 18-06-AN (Annexation), 18-08-S (Preliminary Plat) & 18-35-DR (Design Review) **Ledgestone Subdivision**

**Site Location:** East Hubbard Road and North Locust Grove Road, Kuna, ID 83634

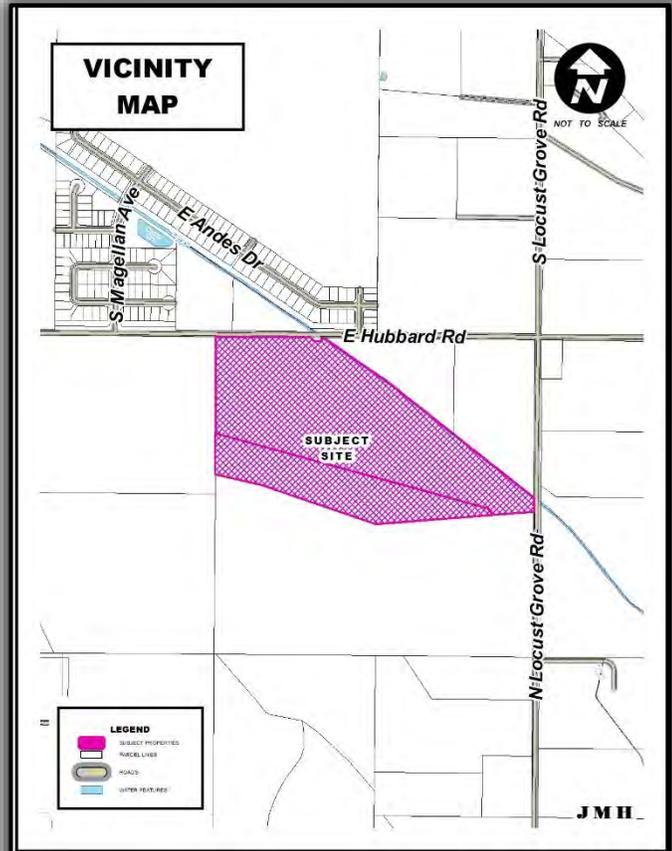
**Planner:** Jace Hellman, Planner II

**Hearing Date:** January 22, 2019  
**Findings:** **February 12, 2019**

**Owner:** TJ Johnson  
2425 N Locust Grove Road  
Kuna, ID 83634

**Applicant:** Trilog Development, Inc.  
9839 Cable Car Street, Suite 101  
Boise, ID 83709  
208.895.8858

**Representative:** Jane Suggs, WHPacific  
2141 W. Airport Way, Suite 104  
Boise, ID 83705  
208.275.8729  
[jsuggs@whpacific.com](mailto:jsuggs@whpacific.com)



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**A. Process and Noticing:**

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

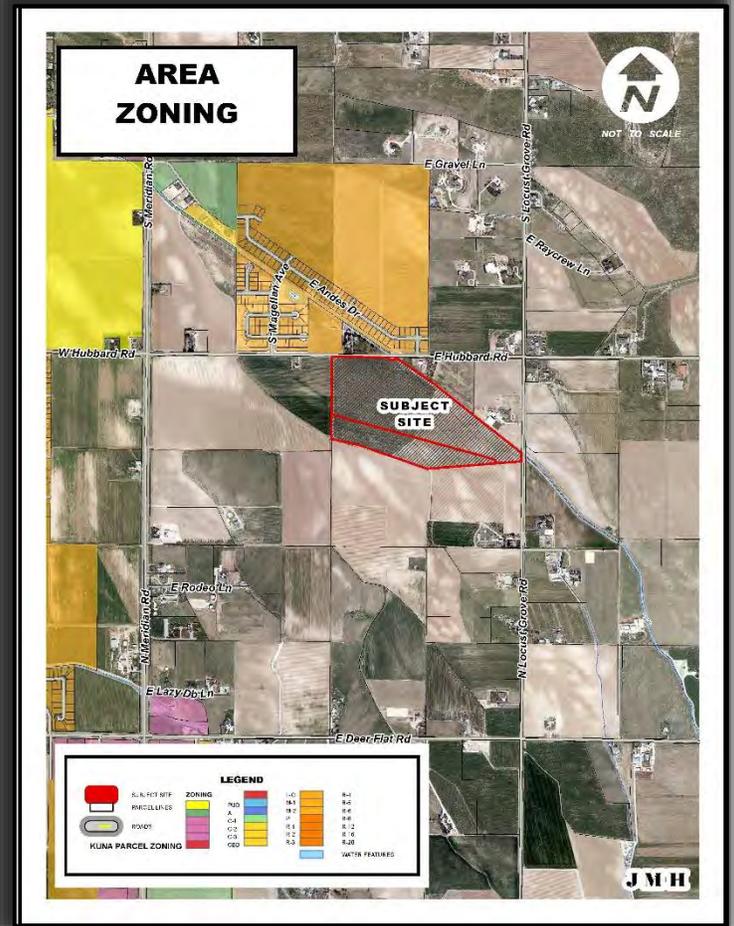
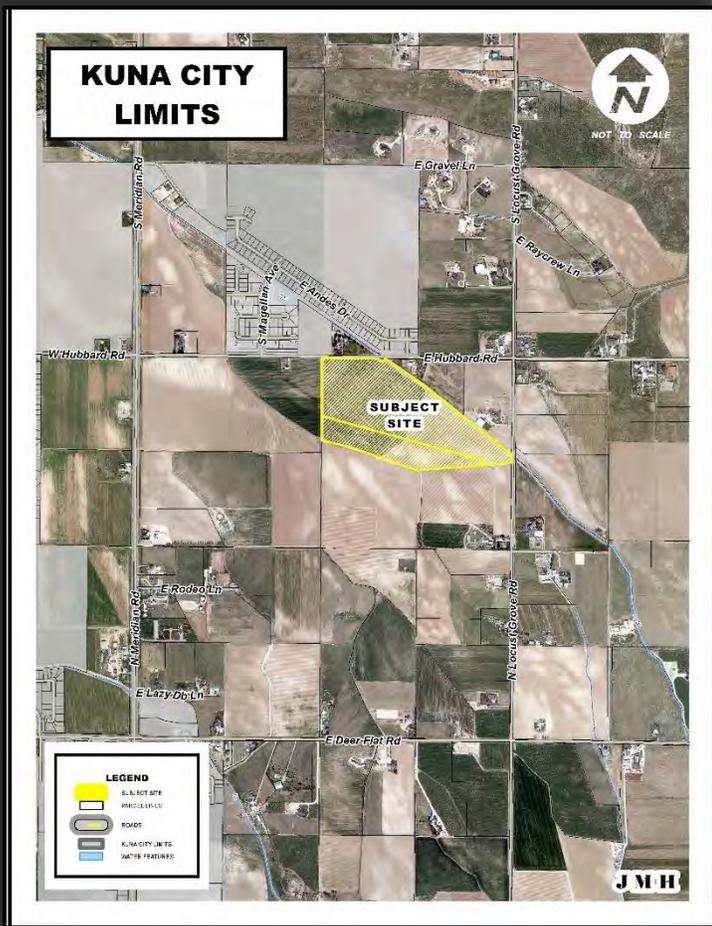
**a. Notifications**

- |                                  |                                  |
|----------------------------------|----------------------------------|
| i. Neighborhood Meeting          | July 9, 2018 (6 people attended) |
| ii. Agency Comment Request       | October 22, 2018                 |
| iii. 400' Property Owners Notice | November 21, 2018                |
| iv. Kuna Melba Newspaper         | November 21, 2018                |
| v. Site Posted                   | November 29, 2018                |

**B. Applicant's Request:**

On behalf of Trilogy Development, Inc., Jane Suggs, with WHPacific requests to annex two contiguous parcels comprising of approximately 60.85 acres on East Hubbard Road and North Locust Grove Road into Kuna City Limits with an R-8 zoning designation; and to subdivide the 60.85-acres into 298 total lots, consisting of 253 single family buildable lots, and 45 Common lots. The subject sites are adjacent to the southwest corner of East Hubbard Road and North Locust Grove Road, Kuna, ID 83634, within Section 18, Township 2 North, Range 1 East; (APN's S1418121126 & S1418123400).

**C. Exhibit Maps:**

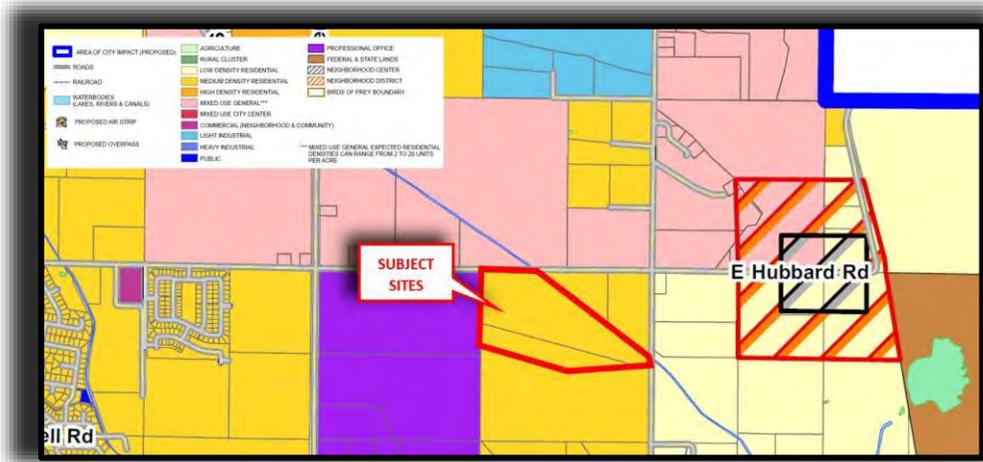


**D. Site History:**

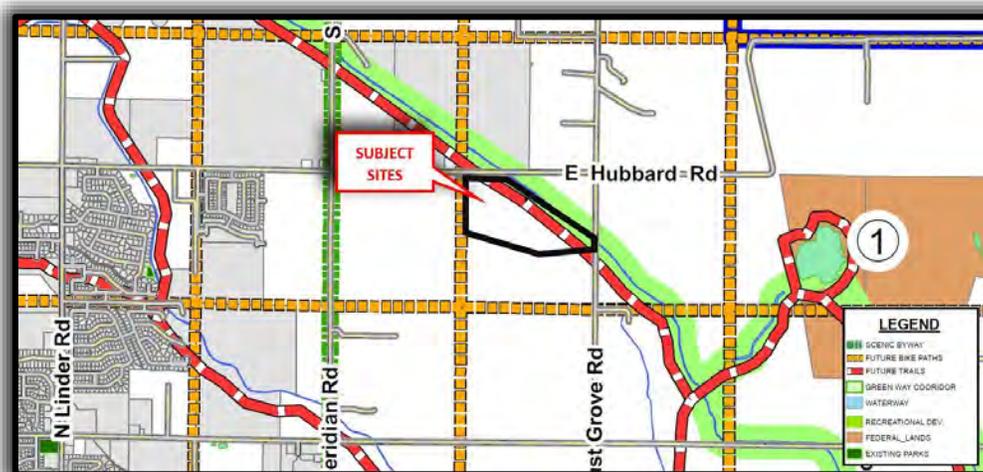
Both parcels are currently zoned Rural Residential (RR) within unincorporated Ada County. Historically these parcels have served as farmland.

**E. General Projects Facts:**

1. **Comprehensive Plan Map:** The Future Land Use Map (Comp Plan Map) is intended to serve as a *guide* for the decision-making body for the City. The Comp Plan map indicates land use designations generally speaking, it is not the actual zone. The Future Land Use Map identifies the 60.85-acre site as Medium Density Residential.



2. **Recreation and Pathways Map:** The Recreation and Pathways Master Plan Map indicates a future trail through the northeast edge of the site situated along the Mason Creek Feeder. Accordingly, it is the City's goal and desire to increase the number of trails and pathways in Kuna. Staff highly recommends that developers design and construct trails and pathways along frontages of their canals and ditches to comply with the Master Plan's goals by either starting a pathway, or extending current ones at time of development.



**3. Surrounding Land Uses:**

<b>North</b>	R-6	Medium Density Residential – Kuna City
	RR	Rural Residential – Ada County
<b>South</b>	RR	Rural Residential – Ada County
<b>East</b>	RR	Rural Residential – Ada County
<b>West</b>	RR	Rural Residential – Ada County

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

Property Owner	Parcel Size	Current Zone:	Parcel Numbers
TJ Johnson	60.85 acres	RR (Rural Residential)	S1418121126 & S1418123400

5. **Services:**

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

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

The proposed project sites are generally vacant of any structures with the exception of a few outbuildings. vegetation on-site is consistent with that of crop fields. The site is relatively flat with an estimated average slope of 0% to 2%. Bedrock depth is estimated to be greater than sixty inches according to the USDA Soil Survey for Ada County.

7. **Transportation / Connectivity:**

The applicant proposes connections to public streets in two locations, which includes a new section of the mid mile collector Stroebel Road and existing Locust Grove Road. Additionally, a temporary access onto Hubbard Road has been proposed, which will be relinquished upon a later phase of development. A continuation of the regional pathway along the Mason Creek Feeder has been proposed along the northeastern property line of the proposed project site.

8. **Environmental Issues:**

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

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

- Department of Environmental Quality ..... Exhibit C-2
- Central District Health Department ..... Exhibit C-3
- Community Planning Association of Southwest Idaho (Compass) ..... Exhibit C-4
- Nampa & Meridian Irrigation District ..... Exhibit C-5
- Boise Project Board of Control ..... Exhibit C-6
- Kuna City Engineer ..... Exhibit C-7
- Idaho Transportation Department ..... Exhibit C-8
- Ada County Highway District ..... Exhibit C-9

**F. Staff Analysis:**

The applicant proposes to annex two contiguous parcels comprising of approximately 60.85 acres on East Hubbard Road and North Locust Grove Road into Kuna City Limits with an R-8 zoning designation; and to subdivide the 60.85-acres into 298 total lots, consisting of 253 single family buildable lots, and 45 Common lots.

The applicant has proposed a zoning designation of R-8, which falls under the classification of Medium Density Residential. However, the applicant proposed an actual density of 4.15 dwelling units per acre. Lots are proposed to be significantly larger than the minimum of 3,300 square feet listed in Kuna City Code 5-3-3, with lot sizes ranging from approximately 5,400 square feet to 10,600 square feet. However, the dimensional lot standards of an R-8 designation allow the applicant to provide a new type of home product to the City of Kuna. 53 buildable

lots are proposed as alley loaded homes. These single-family homes will face the street; however, driveway and garage access will be available from the rear of the house via a public alley way. This product will fit into the current dimensional lot standards of an R-8 zone except for a proposed lot coverage of 52%. Kuna City Code 5-3-3 allows for a maximum lot coverage of 40%. However, the City of Kuna encourages creativity in the design of its subdivisions and Kuna City Code 5-3-3-B allows for the Planning and Zoning director to modify some dimensional standards with the Planning and Zoning Commissions concurrence. The remaining 200 buildable lots will be standard single-family home lots.

Applicant is constructing a new section of Stroebel Road along the east property line, which will serve as the main entrance into the Project. Stroebel Road is listed as a north-south collector according to Kuna's Street Circulation Map. Staff would recommend the applicant work with Staff and Ada County Highway District to ensure the new collector street is constructed to each agency's standards. A secondary access has been proposed onto existing Locust Grove Road. However, this access point is not projected to be constructed until a later phase of site development. In the meantime, the applicant proposes a temporary emergency access point on to Hubbard Road. Several stub streets have been provided as a part of this project, two (2) to the south, including the stub of future collector Stroebel Road, and one (1) to the northeast, across the Mason Creek Feeder. The applicant will be required to install a sign at the terminus of each of the roads stating these roads will continue in the future. Staff will defer the applicant to comments provided by ACHD for preferred language.

The installation of streetlights are a required public improvement listed under Kuna City Code 6-4-2. The applicant has not identified streetlight locations on the preliminary plat. Applicant will be required to work with staff in order to comply with Kuna City code and install street lights a maximum spacing of two hundred fifty (250) feet along the site's frontage. The locations of street lights will be approved at the time of construction document review. Staff would note that these street lights must be designed and installed according to "Dark skies" standards.

Applicant proposes to install an eight (8) foot sidewalk within the proposed buffer areas along Hubbard, Stroebel and Locust Grove Roads. Road sections of Hubbard Road and Locust Grove Road that abut the site are designated as arterials, while the newly proposed section of Stroebel Road is designated as a collector. Kuna City Code 5-17 requires the construction of detached eight (8) foot sidewalks along classified roadways. This sidewalk needs to be located within the public right-of-way and separated from public vertical curb by a four to eight-foot-wide irrigated and landscaped planter strip, which is in addition to the required landscape buffers. Staff will require the applicant install curb and gutter along all roadways. Furthermore, the applicant is required to conform to Kuna City Code and install the proposed sidewalk within the right-of-way separated from the public vertical curb by a four to eight-foot-wide irrigated and landscaped planter strip.

Kuna's Comprehensive Plan (Comp Plan), encourages a variety of housing types for all income levels numerous times throughout the document. Pertinent sections of the Comp Plan that address housing types are included below, in Section K (Comp Plan Analysis) of this report. The City attempts to balance all housing types within the City. Staff has reviewed the proposed preliminary plat for technical compliance with Kuna City Code (KCC), and finds the pre-plat and landscape plan are in compliance with applicable codes. Staff would recommend that the applicant work with Kuna's staff, ACHD, and Kuna Rural Fire District (KRFD) to conform to each agency's requirements.

A design review application for common area landscaping and open space was included as a part of the overall application. Applicant proposes several dedicated landscaping and buffer areas throughout the project. Approximately 14%, or 8.51 acres of the project has been dedicated to common area; and 10.2%, or 6.2 acres of the project have been determined as "usable open space". Staff find the proposed landscaping, buffers and common space to be in compliance with Kuna City Code. However, staff would recommend the applicant be conditioned to place sod wherever the landscape plan identifies "Lawn", and provide staff an updated landscaping plan accommodating requested change.

The Recreation and Pathway Master Plan Map identifies a regional green way corridor pathway along Mason Creek on the South The applicant proposes the construction of over 2,000 linear feet of regional public pathway along the south side of Mason Creek along the northeastern edge of the subject site's property line. As a proposed green way corridor pathway, Kuna City Code 5-17-14 requires pathway of a minimum of ten (10) feet wide and it must be located within a thirty-foot wide public easement. Staff has determined that the proposed pathway complies with Kuna City Code. Additionally, several internal pathways have been proposed throughout to promote pedestrian connectivity throughout the project.

All monument signage shall go to the Commission for review and approval. No application for signage was submitted with this application, and shall be approved through the design review process prior to installation.

Applicant is hereby notified that this project is subject to design review inspection fees. Required inspections (post construction), are to verify landscaping compliance prior to signature on the final plat.

Staff has determined the preliminary plat and design review complies with the goals and policies for Kuna City, Title 5 and Title 6 of the Kuna City Code; Idaho Statute § 67-6511; and the Kuna Comprehensive Plan; and forwards a recommendation for a recommendation of approval for Case Nos. 18-06-AN (Annexation) and 18-08-S (Preliminary Plat); and forwards a recommendation of approval for 18-35-DR (Design Review), subject to any conditions of approval outlined by Kuna's Planning and Zoning Commission and City Council.

**G. Applicable Standards:**

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

**H. Factual Summary:**

The proposed project sites are adjacent to the southwest corner of East Hubbard Road and North Locust Grove Road. The applicant proposes to annex two contiguous parcels comprising of approximately 60.85 acres on East Hubbard Road and North Locust Grove Road into Kuna City Limits with an R-8 zoning designation; and to subdivide the 60.85-acres into 298 total lots, consisting of 253 single family buildable lots, and 45 Common lots. The applicant proposes to complete this project in five phases.

**I. Comprehensive Plan Analysis:**

The Kuna Planning and Zoning Commission has accepted the Comprehensive Plan components, and has determined the proposed annexation and preliminary plat requests for the site are consistent with the following Comprehensive Plan components as described below:

**2.0 – Property Rights**

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

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

**6.0 – Land Use**

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

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

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

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

**9.0 – Transportation**

**Goal 1: Promote and encourage bicycling and walking as transportation modes.**

**10.0 – Recreation**

**Goal 2: Integrate trails, pathways, bike lanes and greenway corridor systems into community life and development patterns.**

*Objective 2.1: Ensure that neighborhoods have easy access to open green space, pathways, trails and bike lanes.*

**12.0 – Housing**

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

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

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

**Goal 3: Encourage high-quality residential development.**

**J. Kuna City Code Analysis:**

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

**Comment:** *The proposed applications adhere to the applicable requirements of Title 5 and Title 6 of KCC.*

2. The Planning and Zoning Commission feels the site is physically suitable for the proposed development.

**Comment:** *The 60.85-acre (approximate) site does appear to be suitable for the proposed development.*

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

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

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

**Comment:** *The project would connect to public sewer and potable water systems, therefore eliminating the occurrence of adverse public health problems.*

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

**Comment:** *The preliminary plat request considers the location of the property and adjacent uses. The adjacent uses are medium density residential (Kuna City) and rural residential (Ada County).*

6. The existing and proposed street and utility services in proximity to the site are suitable or adequate for a commercial development.

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

**K. Commission's Recommendation:**

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

Based on the facts outlined in staff's report and public testimony as presented, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval* of Case Nos. 18-06-AN (Annexation) and 18-08-S (Preliminary Plat), a subdivision request from Jane Suggs with WHPacific, on behalf to Trilogy Development to annex and subdivide approximately 60.85 acres into 298 total lots (253 buildable commercial lots and 45 common lots), and *approves* Case No. 18-35-DR (Design Review), subject to the following conditions of approval listed in section L of this staff report.

**L. Recommended Conditions of Approval:**

- Applicant shall work with Ada County Highway District and City Staff regarding curb, gutter and sidewalk along Hubbard Road and Locust Grove Road.
  - Applicant shall place sod wherever the landscape plan identifies "Lawn". Additionally, the applicant shall provide staff with an updated landscaping plan accommodating the required change.
1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
    - a. The City Engineer shall approve the sewer hook-ups.
    - b. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
    - c. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties".
    - d. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District are required.
    - e. The Kuna Municipal Irrigation District and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
    - f. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to *issuance* of any building permit(s).
    - g. All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.

2. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see **KCC 6-4-2-W**.
3. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
4. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation system of the City (KMID).
5. Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The applicant shall conform all corresponding Master Plans.
6. Curb, gutter and sidewalk (attached and detached) shall be installed along Stroebel Road and within the interior of the development in accordance with Kuna City Code Title 5 Chapter 17.
7. Applicant shall work with staff in order to provide locations of street lights as required by Kuna City Code.
8. Street lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Skies practices.
9. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted).
10. All signage within/for the project shall comply with Kuna City Code and shall be approved through the design review process.
11. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
12. If any revisions are made, the applicant shall provide the Planning and Zoning Staff with a revised copy of the preliminary plat.
13. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
14. Developer/owner/applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
15. Developer/owner/applicant shall comply with all local, state and federal laws.

**DATED** this 12<sup>th</sup> day of February, 2019.



*City of Kuna*  
Planning and Zoning Commission  
Proposed Findings of Fact and Conclusions of Law

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

Based upon the record contained in Case Nos. 18-06-AN, 18-08-S and 18-35-DR including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, including the exhibits, and the testimony during the public hearing, the Kuna Commission hereby approves Case No. 18-35-DR and recommends *approval of the Findings of Fact and Conclusions of Law*, and conditions of approval for Case No's 18-06-AN and 18-08-S, a request from WHPacific to annex two contiguous parcels comprising of approximately 60.85 acres on East Hubbard Road and North Locust Grove Road into Kuna City Limits with an R-8 zoning designation; and to subdivide the 60.85-acres into 298 total lots, consisting of 253 single family buildable lots, and 45 Common lots.

1. *Based on the evidence contained in Case Nos. 18-06-AN, 18-08-S and 18-35-DR, this proposal does generally comply with the City Code.*

**Finding:** *The applicant has submitted a complete application, and following staff review for technical compliance the application appears to be in general compliance with the design requirements, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6.*

2. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**Finding:** *Neighborhood Notices were mailed out to residents within 400-FT of the proposed project site on November 21, 2018 and a legal notice was published in the Kuna Melba Newspaper on November 21, 2018. The applicant posted sign on the property on November 29, 2018.*

3. *Based on the evidence contained in Case Nos. 18-06-AN, 18-08-S and 18-35-DR, this proposal does generally comply with the Comprehensive Plan.*

**Finding:** *The Comp Plan has listed numerous goals for providing a variety of housing densities and types to accommodate various lifestyles, ages and economic group in Kuna. The proposed zoning designation is R-8 (Medium Density Residential). The Comp Plan Map designates this property as Medium Density.*

4. The contents of the proposed preliminary plat application *does* contain all of the necessary requirements as listed in Kuna City Code 6-2-3: - Preliminary Plat.

**Finding:** *Review by Staff of the proposed preliminary plat confirms all technical requirements listed in KCC 6-2-3 were provided.*

5. The availability of existing and proposed public services and streets *can* accommodate the proposed development.

**Finding:** *Correspondence from ACHD and Kuna Public Works confirms that the streets and utility services and suitable and adequate to accommodate the proposed project.*

6. The proposed development *is* continuous with Master Utility Plans (Sewer/Water/Pressurized Irrigation).

**Finding:** *Correspondence from Kuna Public Works recommends the applicant be required to conform to the Master Sewer Plan, Master Water Plan and Master Pressurized Irrigation Plan, therefore satisfying this requirement.*

7. The public *does* have the financial capability to provide supporting services to the proposed development.

**Finding:** Throughout the development of the project and beyond, connection fees, impact fees (Fire, Park and Ada County Highway District), and property taxes will be collected, therefore satisfying the financial capability to provide supporting services.

8. The proposed project *does* consider health and safety of the public and the surrounding area's environment.

**Finding:** Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, bike lanes, etc. are required to be implemented as a part of this project. No major wildlife habitats will be impacted by the proposed development.

9. All private landowners *have* consented to annexation.

**Finding:** An affidavit of legal interest was signed by TJ and Elaine Johnson allowing WHPacific to act on their behalf of this project, therefore consenting to the annexation of the proposed project site.

10. The proposed project lands *are* contiguous or adjacent to property within Kuna City Limits.

**Finding:** The parcel is contiguous with City limits to the north.

11. The site landscaping *does* minimize the impact on adjacent properties through the use of screening.

**Finding:** Per the submitted landscape Plan, the applicant is proposing a 38-foot landscape buffer along Hubbard Road, a 25-foot landscape buffer along the proposed road section of Stroebel Road, and 25-foot landscape buffer along Locust Grove Road. Additionally, the applicant has proposed several landscaped areas throughout the development. A six-foot vinyl fence is proposed around the entire project.

**DATED** this 12<sup>th</sup> day of February, 2019.

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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Jace Hellman, Planner II  
Kuna Planning and Zoning Department



# City of Kuna

Planning and Zoning Commission  
Findings of Fact and Conclusions of Law

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

**To:** Planning and Zoning Commission

**Case Numbers:** 18-07-S (Preliminary Plat) -  
**Arbor Ridge Villas Subdivision**

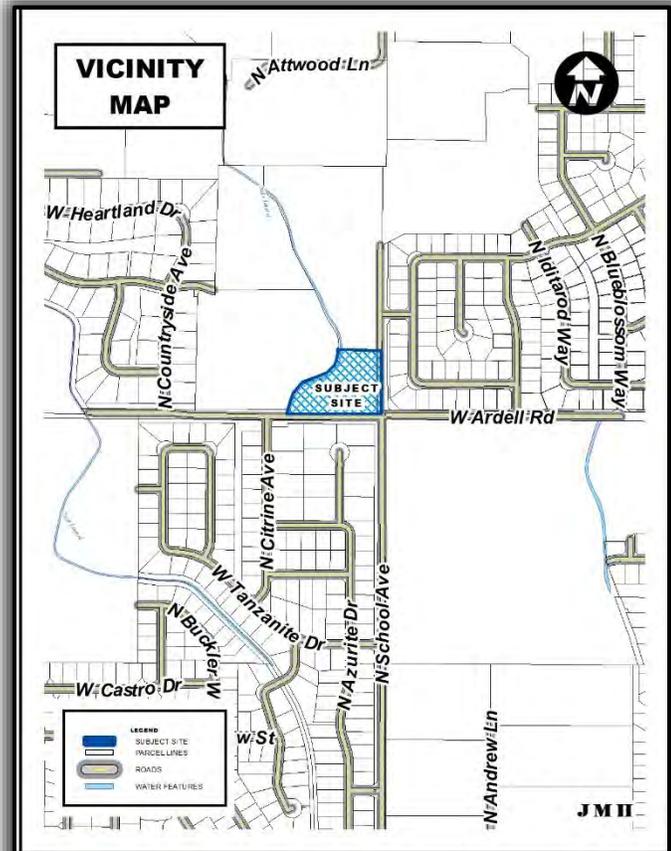
**Site Location:** Northwest corner of West Ardell Road and North School Avenue, Kuna, ID 83634.

**Planner:** Jace Hellman, Planner II

**Hearing Date:** January 22, 2019  
**Findings:** **February 12, 2019**

**Owner:** Endurance Holdings, LLC.  
1977 E. Overland Road  
Meridian, ID 83642

**Applicant:** David Crawford,  
B&A Engineers, Inc  
5505 W. Franklin Road  
Boise, ID 83705  
208.343.3381  
[dawcrawford@baengineers.com](mailto:dawcrawford@baengineers.com)



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**A. Process and Noticing:**

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

**a. Notifications**

- |                                  |                              |
|----------------------------------|------------------------------|
| i. Neighborhood Meeting          | July 30, 2018 (no attendees) |
| ii. Agency Comment Request       | November 30, 2018            |
| iii. 400' Property Owners Notice | January 2, 2019              |
| iv. Kuna Melba Newspaper         | January 2, 2019              |
| v. Site Posted                   | January 11, 2019             |

**B. Applicant's Request:**

On behalf of Endurance Holdings, LLC., B&A Engineers requests to subdivide approximately 2.1-acres into eleven (11) total lots, consisting of eight (8) buildable multi-family lots, and three (3) common lots and has reserved the name Arbor Ridge Villas Subdivision. The subject site is located on the northwest corner of West Ardell Road and North School Avenue, Kuna, ID 83634, within Section 14, Township 2 North, Range 1 West; (APN# S1314244201).

**C. Aerial Map:**



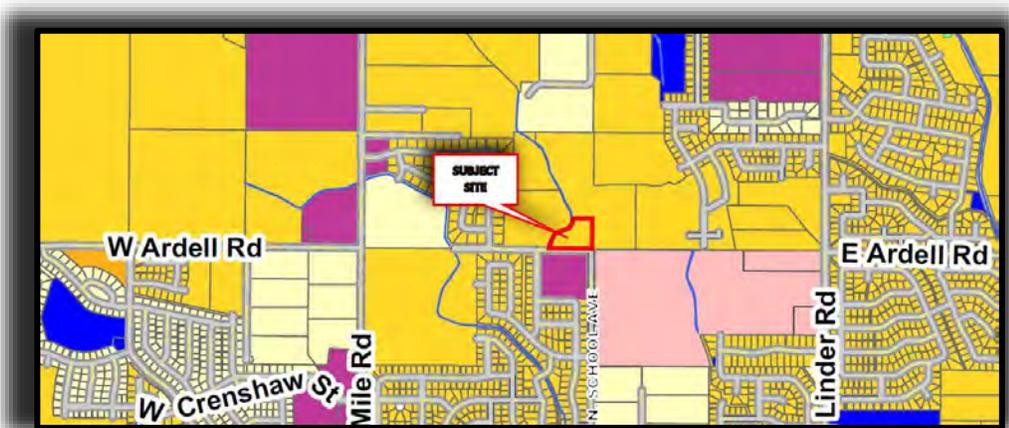
**D. Site History:**

This parcel is currently zoned R-4 within Kuna City Limits. However, a development agreement (DA) was signed as a part of the overall Arbor Ridge Preliminary Plat approval on April 28<sup>th</sup>, 2003. This development agreement guarantees the proposed project area a designation of C-1 (Neighborhood Commercial).

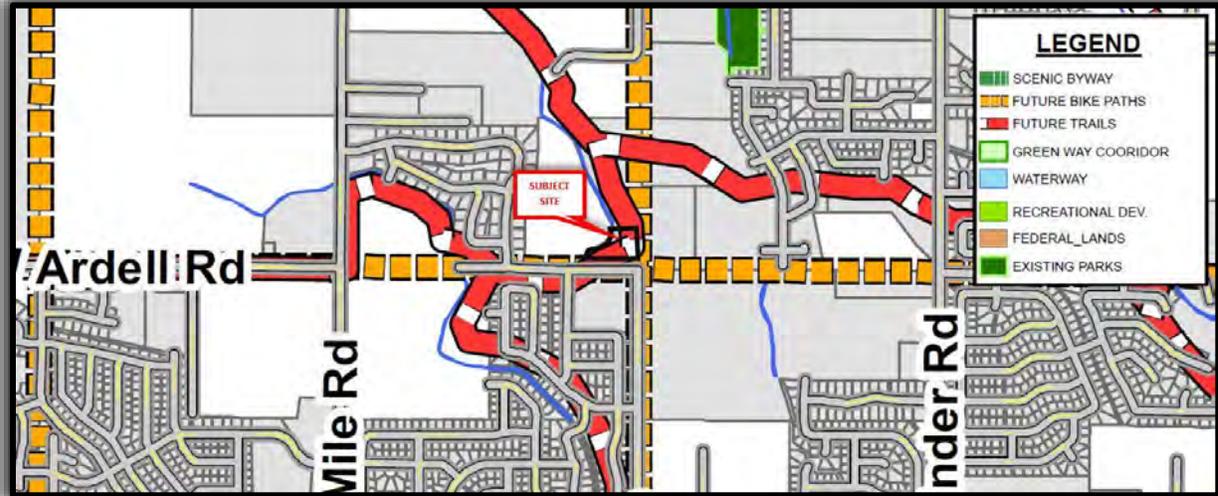
**E. General Projects Facts:**

**1. Comprehensive Plan Map:**

The Future Land Use Map (Comp Plan Map) is intended to serve as a *guide* for the decision-making body for the City. The Comp Plan map indicates land use designations generally speaking, it is not the actual zone. The Future Land Use Map identifies the 2.1-acre site as medium-density residential.



2. **Recreation and Pathways Map:** The Recreation and Pathways Master Plan Map indicates a future trail along the eastern boundary of the proposed project site along the State Lateral. Accordingly, it is the City’s goal and desire to increase the number of trails and pathways in Kuna. Staff highly recommends the developers design and construct trails and pathways along frontages of their canals and ditches to comply with the Master Plan’s goals by either starting a pathway, or extending current ones at time of development.



3. **Surrounding Land Uses:**

<b>North</b>	RR	Rural Residential – Ada County
<b>South</b>	R-4	Medium Density Residential – Kuna City
<b>East</b>	R-4	Medium Density Residential – Kuna City
<b>West</b>	RR	Rural Residential – Ada County

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

Property Owner	Parcel Size	Current Zone:	Parcel Number
Endurance Holdings, LLC	2.1 acres	R-4 (Guaranteed C-1 per Development Agreement)	S1314244201

5. **Services:**

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

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

The proposed project site is generally vacant of any structures and vegetation on-site include natural grasses and shrubbery associated with an ungraded, unimproved building lot. The site is relatively flat with an estimated average slope of 0% to 6%. Bedrock depth is estimated to be between 20 to 40 inches according to the USDA Soil Survey for Ada County.

**7. Transportation / Connectivity:**

Access to the site is proposed via two full access driveways. The first is on North School Avenue and the second is on West Ardell Road. Curb, gutter and sidewalk do not abut the site.

**8. Environmental Issues:**

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

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

- Boise Project Board of Control ..... Exhibit B-2
- Nampa & Meridian Irrigation District ..... Exhibit B-3
- Idaho Transportation Department ..... Exhibit B-4
- J&M Sanitation ..... Exhibit B-5
- Department of Environmental Quality ..... Exhibit B-6
- Central District Health Department ..... Exhibit B-7
- Ada County Highway District ..... Exhibit B-8
- Kuna City Engineer ..... Exhibit B-9

**F. Staff Analysis:**

The proposed project site was identified in original Arbor Ridge Villas Subdivision Planned Unit Development (PUD), which was approved in 2003. The subject site is currently zoned R-4, and is identified as medium-density residential on the Comprehensive Plan Future Land Use Map. However, following the original approval of the Arbor Ridge PUD, a development agreement was signed, which guaranteed the proposed project site area the zoning designation of C-1 (neighborhood commercial). If approved, the applicant will have to record the separation of the parcel, and staff will provide a rezone ordinance reflecting the approvals laid out in the signed development agreement.

The proposed preliminary plat includes the request to subdivide an approximately 2.1-acre site into eleven (11) total lots, consisting of eight (8) buildable multi-family lots, and three (3) common lots. Additionally, the applicant has proposed that approximately one (1) acre of the entire 2.1-acre site is dedicated to open space and landscaping.

This project lies on the northwest corner of West Ardell Road and North School Avenue. All major public utilities located approximately within 300 feet of the subject site. Applicant is aware that development of these parcels will require connection to all city services and associated connection fees at time of building permit submittal.

Access to the site is proposed via two full access driveways. The first is situated on West Ardell Road and the second is situated on North School Avenue. Additionally, the applicant will be constructing the remain half of the street sections of West Ardell Road and North School Avenue that fronts the proposed project site as a part of the required public improvements listed in Kuna City Code.

Currently, there is no curb, gutter or sidewalk along the property’s frontage. Staff would note that both West Ardell Road and North School Avenue are listed as Major Collectors according to the City of Kuna’s Street Circulation Map. Kuna City Code requires the right-of-way improvements such as curb, gutter and sidewalk along a property’s frontage as a part of the subdivision process. Following email correspondence with the project’s engineer on January 16, 2019 (exhibit D3) confirms all right-of-way improvements will be installed with the installation of Arbor Ridge phases five and six prior to the re-subdivision and development of the proposed project.

The installation of streetlights are a required public improvement listed under Kuna City Code 6-4-2. The applicant has not identified streetlight locations on the preliminary plat. Applicant will be required to work with staff in order to comply with Kuna City code and install street lights a maximum spacing of two hundred fifty (250) feet along the site's frontage. Street Lights as well as other public improvements shall be shown on construction plans to be submitted to verified by staff and approved by the Public Works Department. Staff would note that these street lights must be designed and installed according to "Dark skies" standards.

The Recreation and Pathways Master Plan Map indicates a future trail along the eastern boundary of the proposed project site along the State Lateral. However, the preliminary plat does not identify the location of a trail on site. It is the City's goal and desire to increase the number of trails and pathways in Kuna. Staff highly recommends the developers be conditioned to comply with the Master Plan's goals and design and construct the identified pathway along the State Lateral to the standards set in Kuna City Code 6-4-2 (Required Public Improvements).

All monument signage shall go to the Commission for review and approval. No application for signage was submitted with this application, and shall be approved through the design review process prior to installation.

Staff has determined the preliminary plat and design review complies with the goals and policies for Kuna City, Title 5 and Title 6 of the Kuna City Code; Idaho Statute § 67-6511; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case Nos. 18-05-S (Preliminary Plat) and 18-26-DR (Design Review), subject to any conditions of approval outlined by Kuna's Planning and Zoning Commission and City Council.

Staff would note that the design review for the landscaping, parking lot and the eight (8) multi-family buildings was approved by the Planning and Zoning Commission on October 23, 2018.

#### **G. Applicable Standards:**

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

#### **H. Factual Summary:**

The proposed project site is located on the northwest corner of W. Ardell Road and N. School Avenue. The applicant proposes to subdivide approximately 2.1-acres into eleven (11) total lots, consisting of eight (8) buildable multi-family lots, and three (3) common lots and has reserved the name Arbor Ridge Villas Subdivision. The property is currently zoned R-4. However, due to a development agreement signed in 2003, the proposed project site is guaranteed the zoning designation of C-1 (Neighborhood Commercial).

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

The Kuna Planning and Zoning Commission has accepted the Comprehensive Plan components, and has determined the proposed combination preliminary plat request for the site *is* consistent with the following Comprehensive Plan components as described below:

##### **2.0 – Property Rights**

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

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

## **6.0 – Land Use**

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

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

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

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

## **9.0 – Transportation**

**Goal 1: Promote and encourage bicycling and walking as transportation modes.**

## **10.0 – Recreation**

**Goal 2: Integrate trails, pathways, bike lanes and greenway corridor systems into community life and development patterns.**

*Objective 2.1: Ensure that neighborhoods have easy access to open green space, pathways, trails and bike lanes.*

## **12.0 – Housing**

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

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

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

## **J. Kuna City Code Analysis:**

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

**Comment:** *The proposed applications adhere to the applicable requirements of Title 5 and Title 6 of KCC.*

2. The Planning and Zoning Commission feels the site is physically suitable for the proposed development.

**Comment:** *The 2.1-acre (approximate) site does appear to be suitable for the proposed development.*

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

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

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

**Comment:** *The project would connect to public sewer and potable water systems, therefore eliminating the occurrence of adverse public health problems.*

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

**Comment:** *The preliminary plat request considers the location of the property and adjacent uses. The adjacent uses are residential.*

6. The existing and proposed street and utility services in proximity to the site are suitable or adequate for a commercial development.

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

**K. Commission's Order of Decision:**

*Note: The motion is for the recommendation of approval or denial of the preliminary plat application. However, if the planning and Zoning Commission wishes to approve or deny specific parts of these requests as detailed in the report, those changes must be specified.*

Based on the facts outlined in staff's report and public testimony as presented, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval* of Case No. 18-07-S (Preliminary Plat), a subdivision request from B&A Engineers to subdivide approximately 2.1 acres into eleven (11) total lots (eight (8) buildable multi-family lots, and three (3) common lots) subject to the following conditions of approval listed in section L of this staff report.

**L. Recommended Conditions of Approval:**

- Applicant shall work with staff regarding the installation of a pathway as identified on City of Kuna's Pathways Master Plan Map.
  - Applicant shall work with staff regarding the installation an amenity within a common area on the proposed project site.
1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
    - a. The City Engineer shall approve the sewer hook-ups.
    - b. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
    - c. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties".
    - d. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District are required.
    - e. The Kuna Municipal Irrigation District and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
    - f. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to *issuance* of any building permit(s).

- g. All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
2. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see **KCC 6-4-2-W**.
3. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
4. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressurized Irrigation system of the City (KMID).
5. Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The applicant shall conform all corresponding Master Plans.
6. Curb, gutter and sidewalk shall be installed along the proposed project sites frontages on West Ardell Road and North School Avenue.
7. Applicant shall work with staff in order to provide locations of street lights as required by Kuna City Code.
8. Street lights and parking lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Skies practices.
9. Parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
10. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted).
11. All signage within/for the project shall comply with Kuna City Code and shall be approved through the design review process.
12. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
13. If any revisions are made, the applicant shall provide the Planning and Zoning Staff with a revised copy of the preliminary plat.
14. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
15. Developer/owner/applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
16. Developer/owner/applicant shall comply with all local, state and federal laws.

**DATED** this 12<sup>th</sup> day of February, 2019.



*City of Kuna*  
Planning and Zoning Commission  
Proposed Findings of Fact and Conclusions of Law

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

Based upon the record contained in Case No. 18-07-S including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, including the exhibits, and the testimony during the public hearing, the Kuna Commission hereby recommends *approval of the Findings of Fact and Conclusions of Law*, and conditions of approval for Case No. 18-07-S (Preliminary Plat), a subdivision request from B&A Engineers to subdivide approximately 2.1 acres into eleven (11) total lots (eight (8) buildable multi-family lots, and three (3) common lots).

1. *Based on the evidence contained in Case No. 18-07-S, this proposal does generally comply with the City Code.*

**Finding:** *The applicant has submitted a complete application, and following staff review for technical compliance the application appears to be in general compliance with the design requirements, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6.*

2. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**Finding:** *Neighborhood Notices were mailed out to residents within 400-FT of the proposed project site on January 2, 2019 and a legal notice was run in the Kuna Melba Newspaper on January 2, 2019. The applicant posted a sign on the property on January 11, 2019.*

3. *Based on the evidence contained in Case no. 18-07-S, this proposal does generally comply with the Comprehensive Plan.*

**Finding:** *The Comp Plan has listed numerous goals for providing a variety of housing densities and types to accommodate various lifestyles, ages and economic group in Kuna. The Comp Plan Map designates this property as Medium Density. However, following the original approval of the Arbor Ridge PUD, a development agreement was signed, which guaranteed the proposed project site area the zoning designation of C-1 (neighborhood commercial). If approved, the applicant will have to record the separation of the parcel, and staff will provide a rezone ordinance reflecting the approvals laid out in the signed development agreement.*

4. The contents of the proposed preliminary plat application *does* contain all of the necessary requirements as listed in Kuna City Code 6-2-3: - Preliminary Plat.

**Finding:** *Review by Staff and the Planning and Zoning Commission of the proposed preliminary plat confirms all technical requirements listed in KCC 6-2-3 were provided.*

5. The availability of existing and proposed public services *can* accommodate the proposed development.

**Finding:** *Correspondence from Kuna Public Works confirms that utility services are suitable and adequate to accommodate the proposed project.*

6. The proposed development *is* continuous with Master Utility Plans (Sewer/Water/Pressurized Irrigation).

**Finding:** *Correspondence from Kuna Public Works recommends the applicant be required to conform to the Master Sewer Plan, Master Water Plan and Master Pressurized Irrigation Plan, therefore satisfying this requirement.*

7. The public *does* have the financial capability to provide supporting services to the proposed development.

**Finding:** Throughout the development of the project and beyond, connection fees, impact fees (Fire, Park and Ada County Highway District), and property taxes will be collected, therefore satisfying the financial capability to provide supporting services.

8. The proposed project *does* consider health and safety of the public and the surrounding area's environment.

**Staff Finding:** Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, bike lanes, etc. are required to be implemented as a part of this project. Additionally, the Planning and Zoning Commission has recommended a condition that the applicant work with Staff in order to provide a pathway as identified on the City of Kuna's Master Pathway Map. No major wildlife habitats will be impacted by the proposed development.

**DATED** this 12<sup>th</sup> day of February, 2019.

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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Jace Hellman, Planner II  
Kuna Planning and Zoning Department



# City of Kuna

## Planning and Zoning Commission

### Staff Report

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

**To:** Planning and Zoning Commission

**Case Numbers:** 18-09-S (Preliminary Plat) &  
18-36-DR (Design Review) -  
**Sapphire Ranch Subdivision**

**Site Location:** 1394 W. Park Avenue, Kuna, ID  
83634.

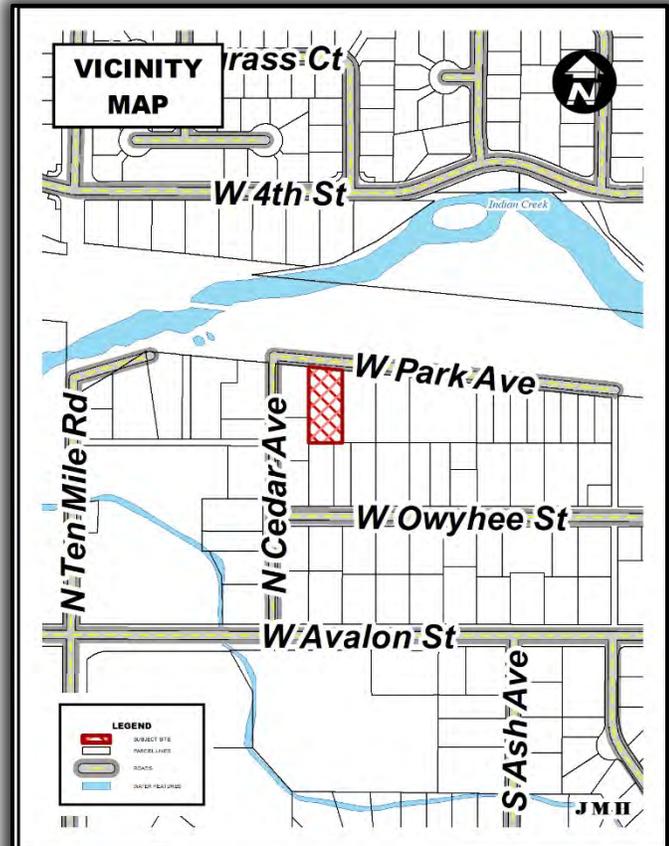
**Planner:** Jace Hellman, Planner II

**Hearing Date:** February 12, 2019

**Owner/Applicant:** Victor Clark  
214 South Cole Road  
Boise, ID 83709  
208.922.6460  
[victor@brightstarps.com](mailto:victor@brightstarps.com)

**Representative:** ALC Architecture  
1119 East State Street, Suite 120  
Eagle, ID 83616  
208.514.2713  
[dougn@alcarchitecture.com](mailto:dougn@alcarchitecture.com)

**Representative:** Corinne Graham  
921 S. Orchard St, Suite 200  
Boise, ID 83705  
208.946.3874  
[cgraham@cswengineering.com](mailto:cgraham@cswengineering.com)



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#### A. Process and Noticing:

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

**a. Notifications**

- i. Neighborhood Meeting July 12, 2018 (six people attended)
- ii. Agency Comment Request November 5, 2018
- iii. 400' Property Owners Notice January 23, 2019
- iv. Kuna Melba Newspaper January 23, 2019
- v. Site Posted February 1, 2019

**B. Applicant's Request:**

Victor Clark requests to subdivide approximately 0.508-acres into three (3) single family buildable lots. The subject site is located on West Park Avenue, Kuna, ID 83634, within Section 23, Township 2 North, Range 1 West; (APN# R5070002532).

**C. Aerial Map:**



**D. Site History:**

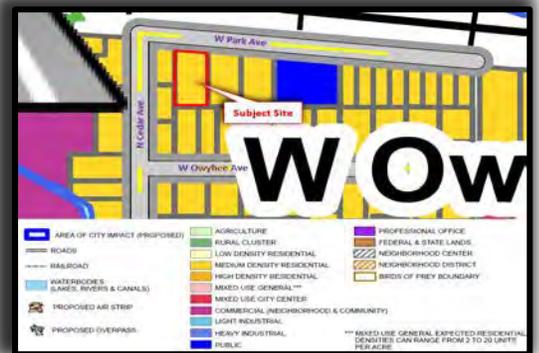
This parcel is currently zoned R-6 within Kuna City Limits. A special use permit for one tri-plex was approved by the Planning and Zoning Commission on February 13, 2018. The property remains vacant.

**E. General Projects Facts:**

**1. Comprehensive Plan Map:**

The Future Land Use Map (Comp Plan Map) is intended to serve as a *guide* for the decision-making body for the City. The Comp Plan map indicates land use designations generally speaking, it is not the actual zone. The Future Land Use Map identifies the 0.508-acre site as medium-density residential.

**2. Recreation and Pathways Map:** The Recreation and Pathways Master Plan Map indicates there are no future trails proposed through the subject site.



3. **Surrounding Land Uses:**

<b>North</b>	P	Public – Kuna City
<b>South</b>	R-6	Medium Density Residential – Kuna City
<b>East</b>	R-6	Medium Density Residential – Kuna City
<b>West</b>	R-6	Medium Density Residential – Kuna City

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

<b>Property Owner</b>	<b>Parcel Size</b>	<b>Current Zone:</b>	<b>Parcel Number</b>
Victor Clark	0.508	R-6 (Medium Density Residential)	R5070002532

5. **Services:**

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

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

The proposed project site is generally vacant of any structures and vegetation on-site includes natural grasses and shrubbery associated with an ungraded, unimproved building lot. The site is relatively flat with an estimated average slope of 0% to 10%. Bedrock depth is estimated to be between 10 to 20 inches according to the USDA Soil Survey for Ada County.

7. **Transportation / Connectivity:**

Current access to site exists via an approximately 14-foot wide unimproved driveway onto West Park Avenue. The applicant has proposed a 24-foot wide shared driveway onto West Park Avenue from the site, located approximately 114-feet east of Cedar Avenue. The proposed shared driveway will accommodate all three residential homes. The project fronts West Park Avenue, which is improved with 2-travel lanes, 23-feet of pavement, and currently has no curb, gutter and sidewalk abutting the site. The only access to West Park Avenue is available via Cedar Avenue which exists as an improved 17-foot wide street section within 20-feet of right-of-way.

8. **Environmental Issues:**

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

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

- Boise Project Board of Control ..... Exhibit C-2
- Department of Environmental Quality ..... Exhibit C-3
- Idaho Transportation Department ..... Exhibit C-4
- Central District Health Department ..... Exhibit C-5
- Ada County Highway District ..... Exhibit C-6
- Kuna City Engineer/Public Works ..... Exhibit C-7

F. **Staff Analysis:**

The proposed project site was recently granted special use permit approval for a triplex to be located within an R-6 zone. Despite having approvals granted for the tri-plex, the applicant has made the determination to bring a different project forward that they feel, based on conversation with neighbors and testimony given at

the public hearing regarding the overall size of the triplex, will satisfy the neighbors within the area. The proposed project now includes subdividing approximately 0.508-acres into three (3) single family buildable lots. The applicant has reserved the name Sapphire Ranch Subdivision.

The proposed shared driveway will not be included in the subdivision as its own separate lot. Rather, it will be placed within an easement that will stretch across all proposed lots. Staff would note that Kuna City Code and Ada County Highway District's Local Roadway Policy requires the applicant to construct the section of West Park Ave that is adjacent to the proposed project site as half of a 36-foot street section, which includes pavement widening, curb, gutter and a minimum of a 5-foot sidewalk.

The installation of streetlights is a required public improvement listed under Kuna City Code 6-4-2. The applicant has not identified streetlight locations on the preliminary plat. Applicant will be required to work with staff in order to comply with Kuna City code and install street lights with a maximum spacing of two hundred fifty (250) feet along the site's frontage. Street Lights as well as other public improvements required by Kuna City Code shall be shown on construction plans to be submitted and verified by staff and approved by the Public Works Department. These street lights must be LED and designed and installed according to "Dark skies" standards.

City services and facilities are within 300-feet of the subject site. The applicant will be required to make the connection to all city utilities. Additionally, the applicant will be required to conform to the City of Kuna's Master plan for water, sewer and irrigation.

All monument signage shall go to the Commission for review and approval. No application for signage was submitted with this application, and shall be approved through the design review process prior to installation.

A design review application was included with this application for the landscaping for the proposed preliminary plat. The sites frontage along West Park Avenue is classified as a local street. Kuna City Code 5-17 requires a four to eight-foot landscape planter strip along the property's frontage. The applicant has proposed a 15-foot landscape buffer along the property's frontage on West Park Avenue, and an additional five-foot buffer along the parcel's west property line. Staff finds the proposed landscaping is exponentially in conformance with Kuna City Code.

Staff has determined the preliminary plat and design review complies with Kuna City Code, Title 5 and Title 6; Idaho Statute § 67-6511; and the Kuna Comprehensive Plan; Staff would recommend that if the proposed project is approved, the applicant be subject to the conditions of approval listed in section "L" of this report and any additional conditions requested by the Planning and Zoning Commission.

**G. Applicable Standards:**

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

**H. Factual Summary:**

The proposed project site is located on West Park Avenue. The applicant proposes to subdivide approximately 0.508-acres into three (3) buildable lots. The site is to be access via a shared common drive that will exist within an easement across all three parcels.

**I. Proposed Comprehensive Plan Analysis:**

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

## **2.0 – Property Rights**

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

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

## **6.0 – Land Use**

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

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

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

## **12.0 – Housing**

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

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

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

### **J. Proposed Kuna City Code Analysis:**

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

**Comment:** *The proposed applications adhere/do not adhere to the applicable requirements of Title 5 and Title 6 of KCC.*

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

**Comment:** *The 0.508-acre (approximate) site does/does not appear to be suitable for the proposed development.*

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

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

4. This application *is/is not* likely to cause adverse public health problems.

**Comment:** *The project would connect to public sewer and potable water systems, therefore eliminating the occurrence of adverse public health problems.*

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

**Comment:** *The preliminary plat request considers the location of the property and adjacent uses. The adjacent uses are residential.*

6. The existing and proposed street and utility services in proximity to the site are suitable or adequate for a commercial development.

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

**K. Commission's Order of Decision:**

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

Based on the facts outlined in staff's report and public testimony as presented, the Planning and Zoning Commission of Kuna, Idaho, hereby approves/conditionally approves/denies Case No. 18-36-DR (Design Review) AND recommends approval/conditionally approves/denial of Case No. 18-09-S (Preliminary Plat), a subdivision request from Victor Clark to subdivide approximately 0.508 acres into three (3) single family buildable lots subject to the following conditions of approval listed in section L of this staff report.

**L. Recommended Conditions of Approval:**

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

4. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation system of the City (KMID).
5. Connection to City Services (sewer, water and irrigation) is required. The applicant shall conform to all corresponding Master Plans.
6. Curb, gutter and detached sidewalk shall be installed in accordance with Kuna City Code Title 5 Chapter 17 along the proposed project sites frontages.
7. Applicant shall work with staff in order to provide locations of street lights as required by Kuna City Code.
8. Street lights and parking lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Skies practices.
9. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted).
10. All signage within/for the project shall comply with Kuna City Code and shall be approved through the design review process.
11. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within three (3) days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
12. If any revisions are made, the applicant shall provide the Planning and Zoning Staff with a revised copy of the preliminary plat for approval.
13. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
14. Developer/owner/applicant shall follow staff, City engineers and other agency recommended requirements.
15. Developer/owner/applicant shall comply with all local, state and federal laws.



*City of Kuna*  
Planning and Zoning Commission  
Proposed Findings of Fact and Conclusions of Law

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

Based upon the record contained in Case Nos. 18-09-S and 18-36-DR including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, including the exhibits, and the testimony during the public hearing, the Kuna Commission hereby recommends *approval/denial of* the Findings of Fact and Conclusions of Law, and conditions of approval for Case Nos. 18-09-S (Preliminary Plat) and 18-36-DR (Design Review), a subdivision request from Victor Clark to subdivide approximately 0.508 acres into three (3) single-family lots.

*If the Planning and Zoning Commission wishes to approve, deny or modify specific parts of the Findings of Facts and Conclusions of Law as detailed below, those changes must be specified.*

1. Based on the evidence contained in Case Nos. 18-09-S and 18-36-DR, this proposal does generally comply with the City Code.

**Staff Finding:** *The applicant has submitted a complete application, and following staff review for technical compliance the application appears to be in general compliance with the design requirements, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6.*

2. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**Staff Finding:** *Neighborhood Notices were mailed out to residents within 400-FT of the proposed project site on January 23, 2019 and a legal notice was run in the Kuna Melba Newspaper on January 23, 2019. The property was posted on February 1, 2019.*

3. Based on the evidence contained in Case nos. 18-09-S and 18-36-DR, this proposal does generally comply with the Comprehensive Plan.

**Staff Finding:** *The Comp Plan has listed numerous goals for providing a variety of housing densities and types to accommodate various lifestyles, ages and economic group in Kuna. The Comp Plan Map designates this property as Medium Density.*

4. The contents of the proposed preliminary plat application *does* contain all of the necessary requirements as listed in Kuna City Code 6-2-3: - Preliminary Plat.

**Staff Finding:** *Review by Staff of the proposed preliminary plat confirms all requirements listed in KCC 6-2-3 were provided.*

5. The availability of existing and proposed public services and streets *can* accommodate the proposed development.

**Staff Finding:** *Correspondence from Kuna Public Works and Ada County Highway District (exhibits C6 and C7) confirms that the streets and utility services are suitable and adequate to accommodate the proposed project.*

6. The proposed development *is* continuous with Master Utility Plans (Sewer/Water/Pressurized Irrigation).

**Staff Finding:** *Correspondence from Kuna Public Works recommends the applicant be required to conform to the Master Sewer, Master Water and Master Irrigation Plans, therefore satisfying this requirement.*

7. The public *does* have the financial capability to provide supporting services to the proposed development.

**Staff Finding:** *Throughout the development of the project and beyond, connection fees, impact fees (Fire, Park and Ada County Highway District), and property taxes will be collected, therefore satisfying the financial capability to provide supporting services.*

8. The proposed project *does* consider health and safety of the public and the surrounding area's environment.

**Staff Finding:** *Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. are required to be implemented as a part of this project. However, there are no sidewalks and few streetlights leading to the site. No major wildlife habitats will be impacted by the proposed development.*

**DATED** this 12<sup>th</sup> day of February, 2019.

**received**  
9/10/18



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

## Preliminary Plat Checklist

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

<b>Project name:</b>	<b>Applicant:</b>
----------------------	-------------------

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

Applicant (✓)	Description	Staff (✓)
✓	Completed and signed Commission & Council Review Application.	✓
✓	Vicinity map showing relationship of the proposed plat to the surrounding area with a 2-mile radius.	✓
N/A	Homeowner's maintenance agreement for the care of landscaped common areas.	✓
✓	Legal description of the preliminary plat area: Include a metes & bounds description to the section line of all adjacent roadways stamped & signed by a registered professional land surveyor with a calculated closure sheet & a map showing the boundaries of the legal description.	✓
✓	Proof of ownership—A copy of your deed <u>and</u> Affidavit of Legal Interest (for all interested parties involved).	✓
✓	Letter of Intent indicating reasons and details for preliminary plat.	✓
✓	Commitment of Property Posting form signed by the applicant/agent.	✓
N/A	If preliminary plat includes 100 lots or more, please submit a traffic impact study. If preliminary plat includes 50 lots or more, please submit an estimate of tax revenue generation and an estimate of the public service costs to provide adequate service to the development.	N/A
	A letter from Ada County Engineer with the Subdivision Name reservation. <b>ANY</b> name change(s) needs to be submitted and approved by the Planning & Zoning Director and Ada County Engineer.	✓
N/A	Phasing Plan	N/A
N/A	Include Large Scale Development Requirements. KCC 6-5-4	N/A
✓	Landscape Plan— (in color)	✓
✓	Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application).	✓
✓	8 1/2 x 11 proposed preliminary plat.	✓
✓	Preliminary plat drawing on 24x36 quality paper drawn to scale of 1 to 100' or more. The following information shall be contained on the preliminary plat: ✓ Topography at two foot (2') intervals ✓ Land uses (location, layout, types & dimensions): residential, commercial & industrial land uses. ✓ Street right-of-ways: dimensions of right-of-way dedication for all roadways, street sections, improvements, etc. ✓ Easements/common space: utility easements, parks, community spaces ✓ Lots: layout and dimensions of lots ✓ Preliminary improvement drawing: show water, sewer, drainage, electricity, irrigation, telephone, natural gas, proposed street lighting, proposed street names, proposed subdivision name, fire hydrant placement, storm water disposal, underground utilities, and sidewalks..	✓

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

Exhibit  
**A2**



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

## Commission & Council Review Application

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

\*Please submit the appropriate checklist (s) with application

For Office Use Only	
File Number (s)	19-04-5 18-36-DR
Project name	Sapphire Ranch sub
Date Received	9/10/18
Date Accepted/Complete	11/1/18
Cross Reference Files	
Commission Hearing Date	1/22/19
City Council Hearing Date	

### Type of Review (check all that apply):

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

### Contact/Applicant Information

Owners of Record: <u>Victor Clark</u>	Phone Number: <u>(208) 922-6460</u>
Address: <u>214 S Cole Road</u>	E-Mail: <u>victorc@brightstars.com</u>
City, State, Zip: <u>Boise, ID 83709</u>	Fax #: _____
Applicant (Developer): <u>Same as Owner</u>	Phone Number: _____
Address: _____	E-Mail: _____
City, State, Zip: _____	Fax #: _____
Engineer/Representative: <u>Corinne Graham</u>	Phone Number: <u>(208) 946-3874</u>
Address: <u>921 S. Orchard St, Suite 200</u>	E-Mail: <u>cgraham@cswengineering.com</u>
City, State, Zip: <u>Boise, ID 83705</u>	Fax #: _____

### Subject Property Information

Site Address: <u>1394 W Park Avenue, Kuna, ID 83634</u>
Site Location (Cross Streets): <u>W Park Avenue / N Cedar Avenue</u>
Parcel Number (s): <u>R5070002532</u>
Section, Township, Range: <u>23, 2N, 1W</u>
Property size: <u>0.508 acres</u>
Current land use: <u>Vacant</u> Proposed land use: <u>SF Residential</u>
Current zoning district: <u>R-6</u> Proposed zoning district: <u>R-6</u>

**Project Description**

Project / subdivision name: Kuna Park Subdivision  
General description of proposed project / request: Subdivision for 3 single family residential lots served by a common driveway  
Type of use proposed (check all that apply):  
 Residential Single family  
 Commercial \_\_\_\_\_  
 Office \_\_\_\_\_  
 Industrial \_\_\_\_\_  
 Other \_\_\_\_\_  
Amenities provided with this development (if applicable): N/A

**Residential Project Summary (if applicable)**

Are there existing buildings?  Yes  No  
Please describe the existing buildings: Accessory structures  
Any existing buildings to remain?  Yes  No  
Number of residential units: 3 Number of building lots: 3  
Number of common and/or other lots: 0  
Type of dwellings proposed:  
 Single-Family \_\_\_\_\_  
 Townhouses \_\_\_\_\_  
 Duplexes \_\_\_\_\_  
 Multi-Family \_\_\_\_\_  
 Other \_\_\_\_\_  
Minimum Square footage of structure (s): 2,060 SF  
Gross density (DU/acre-total property): 5.91 Net density (DU/acre-excluding roads): 7.08  
Percentage of open space provided: 10.2% Acreage of open space: 0.05 acres  
Type of open space provided (i.e. landscaping, public, common, etc.): Landscape screening/buffer

**Non-Residential Project Summary (if applicable)**

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

Applicant's Signature: Couin m 8 Date: 9/11/18



September 11, 2018

City of Kuna Planning & Zoning Department  
751 W. 4<sup>th</sup> Street  
Kuna, ID 83634

**RE: Preliminary Plat Narrative for Kuna Park Subdivision**

To Whom It May Concern:

This narrative accompanies an application for a preliminary plat for a proposed 0.51-acre single-family residential subdivision located near the SE corner of N. Park Avenue and N. Cedar Avenue. The proposed development consists of three single-family residential lots served by a common driveway. The applicant for this project is Bright Star Property Services represented by Civil Site Works.

The project site is annexed into Kuna limits with a zoning designation of R-6. The proposed density of the project is 5.9 dwelling units per acre.

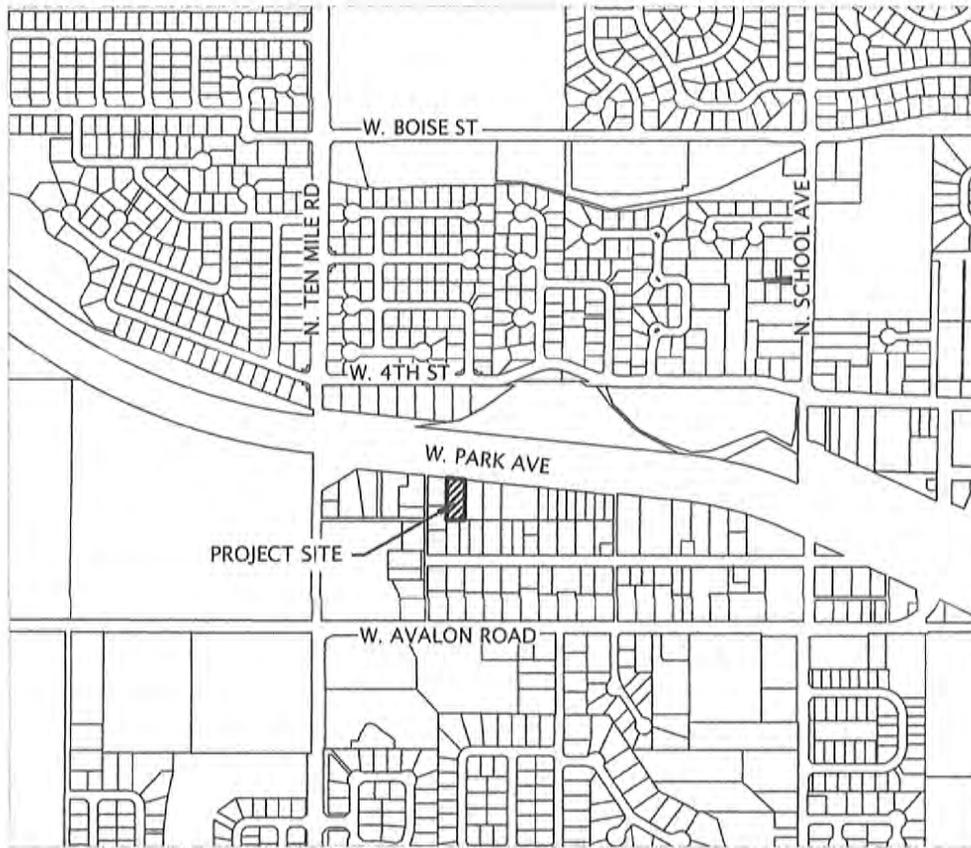
On behalf of the applicant, Bright Star Property Services, we appreciate your consideration and respectfully request approval of this planning application. Please contact me at (208) 946-3874 or [cgraham@csengineering.com](mailto:cgraham@csengineering.com) with any questions regarding this application.

Respectfully,

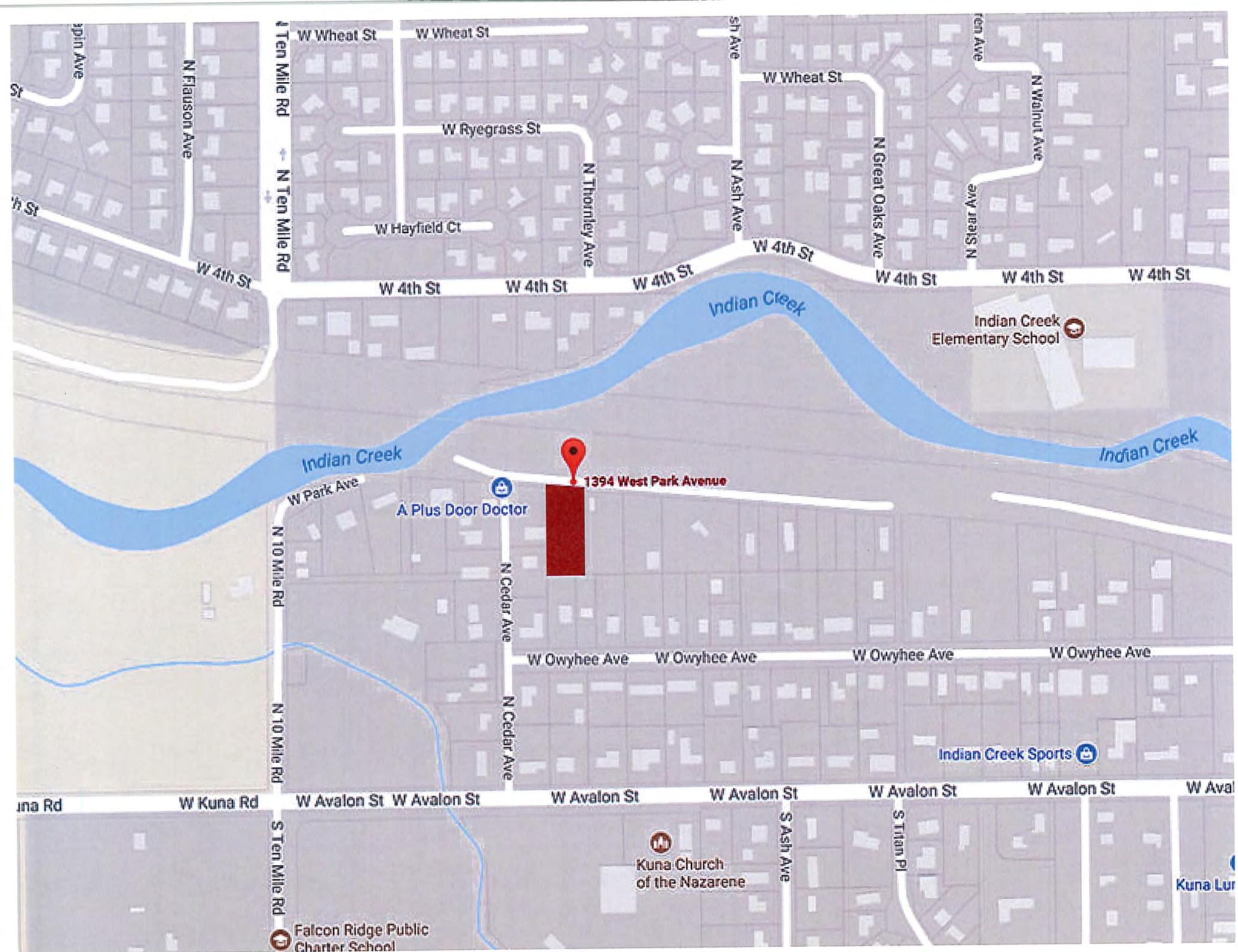
A handwritten signature in blue ink that reads 'Corinne M. Graham'.

Corinne M. Graham, PE  
Principal  
Civil Site Works LLC





VICINITY MAP  
SCALE: 1"=1000'



1394 West Park Avenue

A Plus Door Doctor

Indian Creek Elementary School

Indian Creek Sports

Kuna Church of the Nazarene

Falcon Ridge Public Charter School

Kuna Lu

UNION PACIFIC

W Park Ave

N Cedar Ave

W Owyhee St

238

259

235

215

191

210

240

1000

1399

1343

1330

1340

1318

1310

1290

1290

1252

1230

1230

022

DECLARATION  
OF  
COVENANTS, CONDITIONS, EASEMENTS AND  
RESTRICTIONS FOR  
SAPPHIRE RANCH  
SUBDIVISION



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**DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS  
AND RESTRICTIONS FOR  
SAPPHIRE RANCH SUBDIVISION**

THIS DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR Sapphire Ranch SUBDIVISION is made this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by Sapphire Ranch Neighborhood Association, Inc an Idaho non-profit corporation, herein after referred to as "Declarant".

**ARTICLE 1 RECITALS**

1.1 Property Covered. The property subject to this Declaration is more particularly described in *Exhibit A* attached hereto and incorporated by reference herein ("Property") which Property consists of approximately 0.51 acres approved by the City of Kuna, Idaho as a residential development consisting of three (3) buildable Lots, identified on *Exhibit B*. (herein the "Project").

1.2 Description of Project. The Project is a residential development which Declarant currently intends to develop in the City of Boise, Idaho in accordance with existing development approvals obtained by Declarant, or any other development plan(s) for which Declarant may from time to time obtain approval and as may be amended or changed from time to time at the sole discretion of Declarant without approval from any Owner (collectively the "Development Plan").

1.3 Purpose of Declaration. The purpose of this Declaration is to set forth the basic restrictions, covenants, limitations, easements, conditions and equitable servitudes (collectively "Restrictions") that will apply to the Property and the use of any and all portions of the Property. The Restrictions are designed to protect, enhance and preserve the value, amenities, desirability, and attractiveness of the Property; to ensure a well-integrated, high quality development; and to guarantee adequate maintenance of the Common Areas, including any Improvements located thereon, in a cost effective and administratively efficient manner

**ARTICLE 2 DECLARATION**

2.1 Declaration. Declarant hereby declares that the Property, and each Lot, parcel or portion thereof, is and/or shall be held, sold, conveyed, encumbered, hypothecated, leased, used, occupied and improved *subject to* the following terms and Restrictions, all of which are declared and agreed to be in furtherance of a general plan for the protection, maintenance, subdivision, improvement and sale of the Property, and to enhance the value, desirability and attractiveness of the Property. The terms and Restrictions set forth herein shall run with the land constituting the Property, and with each estate therein, and shall be binding upon any Person having or acquiring any right, title or interest in the Property or any Lot, parcel or portion thereof; shall inure to the benefit of every other Lot, parcel or portion of the Property and any interest therein; and shall inure to the benefit of and be binding upon Declarant, each Person or Owner having or holding an interest in the Property and such Person's or Owner's successors in interest, and may be enforced by Declarant, any Owner or Owner's successors in interest, any Person having or holding an interest in the Property or such Person's successors in interest, or by the Association. In the event of any conflict between this Declaration and any other of the Project Documents, this Declaration shall control.

2.2 Other Restrictions. The covenants, conditions and restrictions contained in this Declaration are IN ADDITION TO any other land use restrictions, zoning ordinances, laws, rules, and decisions of other governmental authorities and governmental and judicial authorities including Ada County, Idaho. This Declaration does not supplant any such land use restrictions which are enforced, and must be satisfied, independent of this Declaration.

### **ARTICLE 3 DEFINITIONS**

Unless the context requires otherwise, the following words and phrases when used in these Restrictions shall have the meanings hereinafter specified:

3.1 Articles shall mean the Articles of Incorporation of the Association which have been filed in the office of the Secretary of the State of Idaho, as amended from time to time.

3.2 Assessments shall mean those payments required of the Sapphire Ranch Neighborhood Association, Inc. members, including Regular, Special and Limited Assessments as further defined in this Declaration.

3.3 Association shall mean the Sapphire Ranch Neighborhood Association, Inc., the nonprofit Idaho corporation described in this Declaration, its successors and assigns.

3.4 "Common Lots" or "Common Areas" shall mean any or all parcels of Common Area and may include, without limitation, all such parcels that are designated as private streets or drives, common open space, pastures, wildlife habitat, common landscaped areas, storage facilities, recreational facilities, other amenities and facilities, and waterways. Common Areas may be established from time to time by Grantor on any portion of the Property by describing such area on a recorded plat, by granting or reserving Common Area in a deed or other instrument, or by designating Common Area as such in this Declaration or in any Supplemental Declaration. The Common Area may include easement and/or license rights, and may include Neighborhood Common Area, as used herein. Common Areas or Lots are owned by the Association for the common benefit and enjoyment of the Owners who are members of the Association.

3.5 Association Rules shall mean the rules and regulations of the Association as amended from time to time.

3.6 Beneficiary shall mean a mortgagee under a mortgage or a beneficiary or holder of a deed of Mist, which mortgage or deed of trust encumbers any portion of the Property

3.7 Board shall mean the Board of Directors of the Association.

3.8 Bylaws shall mean the Bylaws of the Association which have been or shall be adopted by the Board, as such Bylaws may be amended from time to time.

3.9 "Declarant" shall mean and refer to "Declarant" shall also include the successors and assigns of Yellowjacket Development Inc., to the extent the Declarant's rights are specifically and expressly granted to such successors and assigns.

3.10 Declaration shall mean this instrument as it may be amended and supplemented from time to time.

3.11 Deed of Trust shall have the same meaning as "Mortgage", as set forth herein.

3.12 Design Guidelines shall mean the guidelines and rules adopted by the Association to guide the design review process for Improvements.

3.13 "Design Review Committee" or "DRC" shall mean the committee established pursuant to Article 9 herein to review all plans and approve all Improvements on the Property.

3.14 Improvement shall mean all things constructed upon, above, or below the Property and appurtenances thereto of every type and kind, including, but not limited to, buildings, outbuildings, garages, roads, driveways, parking areas, fences, screening walls, retaining walls, stairs, decks, landscaping, hedges, windbreaks, plantings, planted trees and shrubs, poles, signs, exterior air conditioning, irrigation devices, antennae, sport courts, satellite dishes, and water softener fixtures or equipment, whether temporary or permanent, fixed or removable. Improvement shall also mean any excavation or fill for any purpose and any diversion dam, ditch, fill, or other device which affects or alters the natural or existing flow of water.

3.15 "Limited Assessment" shall mean and refer to an Assessment levied by the Association in accordance with Article 6 hereof upon one or more Lots, but not upon all Lots within the Property for the purpose of securing payment by the Owner(s) thereof amounts expended by the Association to correct a condition or violation which the Owner has failed to cure or for the purpose of paying costs and expenses benefitting less than all Owners.

3.16 Lot shall mean and refer to any portion of the Property subdivided pursuant to any recorded plat(s) or otherwise legally created for separate use and/or ownership, upon which Improvements may be constructed. For voting, membership and Assessment purposes herein, "Lot" shall not include any portion of the Property designated on a survey, plat, in this Declaration or other recorded instrument as common area or Association Easement.

3.17 Member shall mean any person who is a member of the Association.

3.18 Mortgage shall mean any mortgage or deed of trust or other conveyance of a Lot to secure the performance of an obligation which will be void and reconveyed upon the completion of such performance.

3.19 Owner shall mean the person or persons or other legal entity or entities, including Declarant, holding a fee simple interest in a Lot, or, as the case may be, the purchaser of a Lot under an executory contract of sale (but excluding those having such interest merely as security for the performance of an obligation). For the purposes of Articles 4 and 5 only, unless the context otherwise requires, Owner shall also include the family, invitees, licensees and lessees of any Owner.

3.20 Person shall mean a natural individual or any other entity with the legal right to hold title to real property.

3.21 "Property" shall mean and refer to the real property legally described on the attached *Exhibit A*.

3.22 "Project Documents" shall mean the basic documents creating and governing the Property and the Project including, without limitation, this Declaration, any supplemental Declaration, Articles and Bylaws of the Association, any Association Rules and any other manuals, procedures, rules regulations or policies adopted pursuant to such documents by the Association.

3.23 "Regular Assessment" shall mean and refer to an Assessment levied by the Association in accordance with Article 6 against each Lot for the payment of the regular expenses incurred by the Association for the cost of maintenance and operation of the Association Easement and the business expenses of such Association.

3.24 Restrictions shall mean and refer to all restrictions, covenants, limitations, easements, conditions and equitable servitude that encumber or otherwise apply to the Property or use thereof as set forth in this Declaration, as amended and/or supplemented from time to time.

3.25 "Special Assessment" shall mean and refer to an Assessment levied by the Association in accordance with Article 6 hereof upon the Lots to defray the cost of construction, repair or reconstruction of Common Area(s), or improvements therein or to cure a deficit in Regular Assessments.

#### ARTICLE 4 GENERAL AND SPECIFIC RESTRICTIONS

4.1 Uses—Generally. All Lots shall be used exclusively for residential purposes and other appropriate uses permitted under any zoning ordinances applicable to the Property, provided such other appropriate uses are in compliance with the Project Documents. No Lot shall be improved except with residential structures and accessory structures as permitted under the Design Guidelines. This Declaration is not intended to serve as authority for the DRC to control the interior layout or interior design of residential structures except to the extent incidentally necessitated by use, size and height restrictions. This Declaration is intended to serve as authority for the DRC to use its judgment to see that all Improvements conform and harmonize as to external design, quality and type of construction, architectural character, materials, color, location on the Lot, height, grade and finished ground elevation, natural conditions, landscaping, and all aesthetic considerations as set forth in this Declaration and the Design Guidelines.

4.2 Improvements—Generally. All Improvements shall be designed, constructed and used in such a manner as to promote compatibility between the types of uses contemplated by this Declaration. Specific design and construction guidelines are contained in the Design Guidelines. The Design Guidelines and the general instructions set forth in this Declaration shall govern the right of a Person or Owner, excluding the Declarant, to construct, reconstruct, refinish, remove, add, alter or maintain any Improvements upon, under or above the Property, and to make or create any excavation or fill on any Lot, or make any change in the natural or existing surface contour or drainage, or install any utility line or conduit on, under or over any Lot. All Improvements by any Owner, excluding Declarant, must be pre-approved in writing by the DRC prior to their construction or reconstruction, as set forth in this Declaration. In the event any Improvements are damaged or completely destroyed, the Owner shall repair or reconstruct such Improvements in accordance with the Design Guidelines governing such repair or reconstruction. No Lots, other than those owned by Declarant, shall be permitted to remain in an unimproved condition, unless the Owner has received prior written approval from the DRC for a landscape plan. The Association, after reasonable notice to the offender and/or to the Owner, may remove any Improvements constructed, reconstructed, refinished, removed, added, altered or maintained in violation of this Declaration and/or in a manner inconsistent with the plans approved by the DRC and the Owner of the Improvements shall immediately reimburse the Association for all expenses incurred with such removal. Each violation of this Declaration and the Design Guidelines is hereby declared to be and to constitute a nuisance, and every public or private remedy allowed for such violation by law or equity against an Owner and/or Member shall be applicable.

43 Approval of Use and Plans. No Improvements shall be built, constructed, erected, placed or materially altered within the Property unless and until the plans, specifications and site plan therefor have been reviewed in advance and approved in writing by the DRC in accordance with the provisions of Article 9 below.

44 Prohibited Buildings/Uses. No trailer or other vehicle, tent, shack, garage, accessory building or out building shall be used as a temporary or permanent residence. No noxious or offensive activities shall be conducted on any Lot nor shall anything be done thereon which may become an unreasonable annoyance or nuisance to the Occupant(s) or Owners of the other Lots within the Property by reason of unsightliness or the excessive emission of fumes, odors, glare, vibration, gases, radiation, dust, liquid, waste, smoke or noise.

45 Antennae. All exterior antenna or satellite dish or other antennae or dishes transmitting and/or receiving a signal of any type shall be located on the home or accessory structures so as not to be visible from the street or shall be screened, so as not to be visible from the street, by a fence, landscaping or similar structure, or as otherwise required to ensure the safety of the residents of the Property and the appearance of the Property. However, if placement on the home or accessory building out of sight from the street is not possible to receive an acceptable signal and if screening would preclude the reception of an acceptable quality signal then screening is not required. The DCR may grant flexibility on the timing of the placement of screening if completing screening prior to installation of the dish or antenna would unreasonably delay said installation. No antennae may be installed until after an Owner has constructed a Building on such Lot.

46 Lighting. Exterior lighting and interior lights reflecting outside shall not be placed in any manner which shall cause excessive glare or excessive light spillage on a neighboring Lot or Lots and shall be in accordance with the Design Guidelines.

47 Animals. No animals (including chickens), nor any livestock of any kind shall be raised, bred or kept on any Lot except that dogs, cats or other household pets for the Owner's personal use may be kept, provided that such animals are not kept, bred or maintained for any commercial purpose. Any such animal or animals shall be properly restrained and controlled at any time that they are within the Property and outside the boundaries of the Owner's Lot. It shall be the obligation of each Owner to control such Owner's animals in accordance with the rules and regulations which may be promulgated from time to time by the Association. In the event that an Owner constructs or maintains a kennel upon his or her Lot, such kennel shall:

4.7.1 Be located out of sight or view of any adjacent Lot Owner or Owners as determined by the DRC in its sole discretion.

4.7.2 Be located on the Lot in the manner to avoid any endangerment of or nuisance to any adjacent Lot or Lot Owner; and,

4.7.3 Be kept in a clean manner such that odors are not detectible from any other Lot within the Property.

48 Grading and Drainage. A site plan indicating the proposed grading and drainage of a Lot must be approved by the DRC before any construction is initiated. Lot grading should be kept to a minimum and Buildings are to be located to preserve the existing grade(s) and any grade(s), berms or swales should be an integral part of the grading design. Subject to the requirements of any governmental entity having jurisdiction thereof, water may drain or flow into the adjacent common driveway easement but shall not be allowed to drain or flow outside the common driveway easement or onto adjoining Lots or easements without an express written easement or consent.

4.9 Oil and Mineral Rights. There is hereby reserved to the Declarant, together with the right of the Declarant to grant and transfer the same, the following: (i) all oil, oil rights, minerals, mineral rights, natural gas rights and other hydrocarbons by whatever name known, and the rights in connection therewith; (ii) geothermal steam and all products derived from any of the foregoing that may be within or under the property; (iii) the perpetual right of drilling, mining, exploring and operating therefore and scoring in and removing the same from said land or any other land, including the right to whipstock or directionally drill and mine from land other than land within the Property, oil and gas wells, tunnels and shafts into, through or across the subsurface of land within the Property and to bottom such whipstock or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells or mines without, however, the right to drill, mine, store, explore, and operate through the surface or the upper fifty feet (50') of the subsurface of the land within the Property.

4.10 Water Rights. Declarant hereby reserves unto itself any and all water rights appurtenant to the Property, and Owners of any and all Lots shall have no right, title or interest in any of said water or water rights. Declarant shall deed to the Association all water rights necessary for the approval of the development of the Property as set forth herein.

4.11 Commercial Use Prohibited. No Lot shall be used at any time for commercial or business activity, provided, however, that the Declarant or persons authorized by the Declarant may use a Lot or Lots for development and sales activities relating to the Property, model homes or real estate sales. Notwithstanding the foregoing, a home business or occupation is permitted provided such home business or occupation complies with local laws and ordinances.

4.12 Maintenance. The following provisions shall govern the maintenance of Lots and all Improvements thereon:

4.12.1 Each Owner of a Lot shall maintain all Improvements located thereon in good and sufficient repair and shall keep the Improvements thereon painted or stained, lawns cut, shrubbery trimmed, windows glazed, rubbish and debris removed, weeds cut and otherwise maintain the same in a neat and aesthetically pleasing condition.

4.12.2 All damage to any Improvements shall be repaired as promptly as is reasonably possible. To the extent that the Owner of such Lot elects not to restore the damaged or destroyed Improvements, such Owner shall promptly raze such damaged Improvements and shall forthwith grade, pave and/or landscape the area on which such Improvement was located in a safe, sightly and attractive condition.

4.12.3 A Building which is vacant for any reason shall be kept locked and the windows glazed in order to prevent entrance by vandals. Vacant Buildings and unimproved Lots shall not be exempt from the provisions of this Declaration.

4.12.4 All facilities, machinery, equipment, objects and conditions shall be enclosed within an approved structure or appropriately screened from public view unless such requirement is waived by the DRC. All trash, debris, garbage and refuse shall be kept at all times in a covered container and all such containers shall be kept on a Lot within an enclosed structure or screened from public view.

4.12.5 No articles, goods, machinery, materials or similar items shall be stored, kept or maintained on a Lot in the required set-back area along a public or private right-of-way or otherwise kept in the open or exposed to public view.

4.12.6 In the event that any Owner shall permit any Improvement, including any landscaping which is the responsibility of such Owner to maintain, to fall into disrepair so as to create a dangerous, unsafe, unsightly or unattractive condition, the Board, upon fifteen (15) days prior written notice to the Owner of such Lot, shall have the right to correct such condition, and to enter upon said Lot and into any building or structure thereon, if necessary, for the purpose of correcting or repairing the same, and such Owner shall promptly reimburse the Association for the cost thereof. The Owner of the offending Lot shall be personally liable, and such Owner's Lot may be subject to a lien for all costs and expenses incurred by the Association in taking such corrective action, plus all costs incurred in collecting the amounts due. Each Owner shall pay all amounts due for such work within ten (10) days after receipt of written demand therefor, or the amounts may, at the option of the Board, be levied as a Limited Assessment against said Lot and shall be enforceable in the same manner as other Assessments set forth in Article 6 of this Declaration.

4.13 Mining and Drilling. No Lot shall be used for the purpose of mining, quarrying, drilling, boring or exploring for or removing water, steam, oil, gas or other hydrocarbons, minerals, rocks, stones, gravel or earth; provided that the Declarant or the Association may, by permit, grant, license or easement, allow the drilling for and the extraction of water for use on the Lot.

4.14 Boats, Campers and Other Vehicles. Trailers, mobile homes, large commercial or industrial type trucks, boats, tractors, campers, garden or maintenance equipment and vehicles other than automobiles, when not in actual use, shall be kept at all times in an enclosed structure or screened from public view and at no time shall any of said vehicles or equipment be parked or stored on a public or private right-of-way within the Property. No inoperative vehicle shall be parked or stored at any time on a Lot unless wholly within an enclosed structure. No inoperative vehicle shall be parked on any public or private right of way within the Property.

4.15 Garage Doors. Garage doors shall be closed except when open for a temporary purpose.

4.16 Exterior Materials and Colors. After completion of the initial construction and in the event of the reconstruction, remodeling, repainting or refinishing of a Building within the Property, in whole or in part, exterior materials and colors shall be selected and used which are approved by the DRC and which are compatible with other Buildings on the Lot and on neighboring Lots to the end that all such Buildings will present a unified and coordinated appearance. Extremely bright or dark paint colors are not to be used.

4.17 Vehicles. The use of all vehicles, including but not limited to automobiles, trucks, bicycles and motorcycles, shall be subject to the Association Rules, which may prohibit or limit the use thereof within the Property. The Association may from time to time provide parking regulations and other rules regulating the same.

4.18 Exterior Energy Devices. No energy production device, including but not limited to generators of any kind and solar energy devices, shall be constructed or maintained on any Lot without the prior written approval of the DRC, except for heat pumps or similar appliances shown on the plans approved by the DRC or subsequently approved by the DRC prior to installation.

4.19 Signs. No commercial billboard or commercial advertising shall be displayed to the public view on or from any Lot. Signs advertising the name of the builder and the name of the institution providing financing therefore may be displayed on a Lot during construction of the Improvements. Lighted, moving or flashing signs for any purpose are prohibited. Directional signs may be used to give directions to traffic or pedestrians or give special instructions. Any directional or identification sign in the Property shall be permitted provided the same is approved by the DRC prior to installation.

4.20 Subdividing. No Lot may be further subdivided, nor may any easement or other interest therein less than the whole be conveyed by the Owner thereof without the prior written consent of the Association; provided, however, that nothing herein shall be deemed to prevent an Owner from transferring or selling any Lot to more than one person to be held by them as tenants in common, joint tenants, tenants by the entirety, or as community property, or require the approval of the Association therefor. In addition, the conveyance of an insignificant portion(s) of a Lot to the Owner of the Lot which abuts said conveyed portion for the purpose of correcting a common boundary or other similar purpose, shall not be deemed to be a subdividing of a Lot within the prohibition contained herein.

4.21 Fences. No fence of any kind shall be constructed on a Lot unless the plans and specifications therefor, including the location, design, material and color thereof, meet the requirements of the Design Guidelines and have been approved in writing by the DRC prior to the construction or installation. All fences shall be subject to the following restrictions:

4.21.1 Fences may be constructed only on the outer perimeter of the Property. Fences shall not be greater than six (6) feet tall.

4.21.2 All fences shall be constructed and installed and maintained in good appearance and condition at the expense of the Owner of the Lot on which they are located and all damaged fencing and walls shall be repaired or replaced to original design, materials and color within a reasonable time after said damage occurs.

4.21.3 No fence shall interfere with the use and enjoyment of any easement reserved in this Declaration or shown on the Property.

4.22 Landscaping. The following provisions shall govern the landscaping of Lots within the Property:

4.22.1 The Owner shall prepare a landscape plan and shall submit the same to the DRC as provided in Article 9, below. It is highly recommended that the Owner obtain a copy of the landscaping design review guidelines before commencing preparation of their landscape plan. The DRC shall review said landscape plan and the Owner must receive DCR approval before the Owner may commence the installation and/or construction of landscaping on a Lot. Landscaping of a Lot shall be in accordance with the approved plan.

4.22.2 All landscaping of a Lot shall be installed prior to occupancy of the Building on the Lot, with a reasonable extension allowed for weather. All other landscaping shall be installed within six (6) months after the date of occupancy.

4.22.3 Sod shall be used as part of the landscaping for front yards and side yards adjacent to any street or public right of way. The DRC shall have the right to require the installation of sod in the backyard on a Lot as a part of the initial landscaping. No gravel shall be used adjacent to driveways for the parking of vehicles.

4.22.4 All landscaping installed by the Declarant, on a Lot or Lots located in the Property shall not be substantially disturbed, altered or removed without prior approval of the DRC.

4.23 Adoption of Design Guidelines. The Declarant, or in the event of the Declarant's failure to do so, the DRC, shall have the power to promulgate Design Guidelines relating to the planning, construction, alteration, modification, removal or destruction of Improvements within the Property deemed necessary or desirable by the Declarant, or the DRC, as the case may be, to

carry out the purposes of this Declaration. All Design Guidelines shall be consistent with the provisions of this Declaration.

4.24 Exemption of Declarant. Nothing herein contained shall limit the right of the Declarant to subdivide or re-subdivide any Lot or portion of the Property or to grant licenses, reservations, rights-of-way or easements with respect to Common Areas to utility companies, public agencies, or others; or to complete excavation, grading and development to or on any Lot or other portion of the Property owned or controlled by the Declarant, or to alter the foregoing and its development plans and designs, or construct additional Improvements as the Declarant deems advisable in the course of development of the Property. This Declaration shall not limit the right of the Declarant at any time prior to acquisition of title to a Lot by an Owner to establish on that Lot additional licenses, restrictions, reservations, rights-of-way and easements to itself, to utility companies and to others, as may from time to time be reasonably necessary. The Declarant need not seek or obtain DRC approval of any Improvements constructed or placed within the Property by the Declarant in connection with the development of the Property, but this exemption shall not apply to a Building or Buildings constructed by the Declarant on a Lot owned by the Declarant.

## ARTICLE 5 SAPPHIRE RANCH NEIGHBORHOOD ASSOCIATION INC

5.1 Association. The Association shall be organized as a nonprofit Idaho corporation and shall be charged with the duties and vested with the powers prescribed by law and set forth in its Articles, Bylaws, and this Declaration. Neither the Articles nor the Bylaws shall, for any reason be amended or otherwise changed or interpreted so as to be inconsistent with this Declaration.

### 5.2 Membership.

5.2.1 Qualifications. Each Owner, by virtue of being an Owner and for so long as such ownership is maintained, shall be deemed a member of the Association.

5.2.2 Transfer of Membership. The Association membership of each Owner shall be appurtenant to said Lot and shall not be transferred, pledged, or alienated in any way except upon the transfer of legal and equitable title to said Lot, and then only to the transferee of such title. Any attempt to make a prohibited transfer shall be void. Any transfer of legal and equitable title to said Lot shall operate automatically to transfer said membership to the new Owner thereof.

### 5.3 Voting. The Association shall have two (2) classes of membership.

5.3.1 Class A Members. The Class A Members shall be all Owners, with the exception of the Declarant for so long as the Class B Member exists. Class A Members shall be entitled to one (1) vote for each Lot owned by such Class A Member on all matters upon which the members are entitled to vote in the Association. Upon termination of the Class B Member as set forth in Subsection 5.3.2, Declarant shall become a Class A Member to the extent Declarant remains an Owner after the Class B Member Termination Date.

5.3.2 Class B Member. Declarant, by and through Declarant's designated representative (hereinafter "Declarant's Delegate"), shall be the Class B Member, and shall be entitled to seven (7) votes for each Lot owned by Declarant until the Class B Member Termination Date. The Class B Member shall cease to exist upon the earlier to occur of the following: (i) Declarant owns only one (1) Lot within the Property; (ii) Declarant informs the Board in writing that Declarant no longer wishes to exercise its rights as the Class B Member hereunder; or (iii) fifteen (15) years after the recordation of this Declaration. This date may be referred to herein as the "Class B Member Termination Date."

5.3.3 Joint Owner Disputes. The vote for each such Lot shall, if at all, be cast as a single unit, and fractional votes shall not be allowed. In the event that joint Owners are unable to agree among themselves as to how their vote shall be cast, they shall lose their right to vote on the matter in question. If any Owner casts a vote representing a certain Lot, it will thereafter be conclusively presumed for all purposes that such Owner was acting with the authority and consent of all other Owners of the same Lot.

5.4 Board of Directors and Officers. The Board of Directors and the Officers shall be initially appointed by the Declarant. The affairs of the Association shall be conducted by the Board and such officers as the Board may elect or appoint, in accordance with the Articles and the Bylaws, as the same may be amended from time to time. A Board Member or Officer may be an Owner.

5.5 Powers and Duties of the Association.

5.5.1 Powers. The Association shall have all the powers of a non-profit corporation organized under the general non-profit corporation laws of the State of Idaho subject only to such limitations upon the exercise of such powers as are expressly set forth in the Articles, the Bylaws and this Declaration. It shall have the power to do any and all lawful things which may be authorized, required or permitted to be done by the Association under this Declaration, the Articles and the Bylaws, and to do and perform any and all acts which may be necessary or proper for, or incidental to the proper management and operation of the Common Areas and the performance of the other responsibilities herein assigned, including without limitation:

5.5.1.1 Assessments and Fines. The power to levy Assessments and Fines on the Owners of Lots and to force payment of such Assessments, all in accordance with the provisions of this Declaration.

5.5.1.2 Right of Enforcement. The power and authority from time to time in its own name, on its own behalf or on behalf of any Owner or Owners who consent thereto, to commence and maintain actions and suits to restrain and enjoin any breach or threatened breach of this Declaration or the Articles or the Bylaws, including the Association Rules adopted pursuant to this Declaration, and to enforce by mandatory injunction or otherwise, all provisions hereof

5.5.1.3 Delegation of Powers. The authority to delegate its power and duties to committees, officers, employees, or to any person, firm or corporation to act as manager, and to contract for the maintenance, repair, replacement and operation of the Common Areas. Neither the Association nor the members of its Board shall be liable for any omission or improper exercise by the manager of any such duty or power so delegated.

5.5.1.4 Association Rules. The power to adopt, amend and repeal by majority vote of the Board such rules and regulations as the Association deems reasonable (the Association Rules). The Association Rules shall govern the use of the Common Areas, including but not limited to the private streets by the Owners, by the families of the Owners, or by an invitee, licensee, lessee, or contract purchaser of an Owner; provided, however, that the Association Rules may not discriminate among Owners and shall not be inconsistent with this Declaration, the Articles or the Bylaws. A copy of the Association Rules as they may from time to time be adopted, amended or repealed, shall be mailed or otherwise delivered to each Owner. Upon such mailing or delivery and posting, said Association Rules shall have the same force and effect as if they were set forth in and were a part of this Declaration. In the event of any conflict between any such Association Rules and any other provisions of this Declaration, or the Articles or Bylaws, the provisions of the Association Rules shall be deemed to be superseded by the provisions of this Declaration, the Articles or the Bylaws to the extent of any such inconsistency.

5.5.1.5 Emergency Powers. The Association or any person authorized by the Association may enter upon any Lot in the event of any emergency involving illness or potential danger to life or property or when necessary in connection with any maintenance or construction for which it is responsible. Such entry shall be made with as little inconvenience to the Owners as practicable and any damage caused thereby shall be repaired by the Association.

5.5.1.6 Licenses, Easements and Rights-of-Way. The power to grant and convey to any third party such licenses, easements and rights-of-way in, on or under any non-exclusive Association Easement as may be necessary or appropriate for the orderly maintenance, preservation and enjoyment thereof and for the preservation of the health, safety, convenience and welfare of the Owners, for the purpose of constructing, erecting, operating, or maintaining:

(a) Underground lines, cables, wires, conduits or other devices for the transmission of electricity for lighting, heating, power, telephone and other purposes;

(b) Public sewers, storm drains, water drains, and pipes, water systems, sprinkling systems, water, heating and gas lines or pipes; and

(c) Any similar public or quasi-public improvements or facilities.

5.5.1.7 Legal and Accounting Services. To retain and pay for legal and accounting services necessary or proper for the operation of the Association, enforcement of the Restrictions and the Association rules, or performance of any other duties or rights of the Association.

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

5.5.2.1 Operation and Maintenance of Common Areas. Operate, maintain and otherwise manage or provide for the operation, maintenance and management of the Common Areas including the repair and replacement of property damaged or destroyed by casualty loss and all other property acquired (by easement or otherwise) by the Association. The Board, on behalf of the Association, may contract for the operation, management and maintenance of Common Areas. The Association shall also take such actions and arrange for such maintenance as may be necessary or desirable for the upkeep of common access, landscape, waterway, and other easements including, without limitation, regular maintenance, weeding, planting, mowing and irrigating.

5.5.2.2 Water and Other Utilities. Acquire, provide and/or pay for water, electrical, and other necessary services for the Common Areas owned and managed by it.

5.5.2.3 Insurance. Unless otherwise determined by the Board, the Association shall obtain from reputable insurance companies authorized to do business in the State of Idaho and maintain in effect the following policies of insurance:

(a) Fire insurance including those risks embraced by coverage of the type now known as "all risk" or special extended coverage endorsement on a blanket agreed amount basis for the full insurable replacement value of all Improvements, equipment and fixtures located within the Common Areas managed by it.

(b) Comprehensive public liability insurance insuring the Board, the

Association, the Declarant and the individual Owners and agents and employees of each of the foregoing against any liability incident to the use of the Common Areas managed by it. Limits of liability of such coverage shall be as follows: Not less than One Million Dollars (\$1,000,000) per person and One Million Dollars (\$1,000,000) per occurrence with respect to personal injury or death, and property damage.

(c) Full coverage directors and officers liability insurance with a limit of not less than Five Hundred Thousand Dollars (\$500,000) per occurrence.

(d) Such other insurance, including Workmen's Compensation insurance to the extent necessary to comply with all applicable laws, indemnity, faithful performance, fidelity and other bonds as the Board shall deem necessary or required to carry out the Association functions or to insure the Association against any loss from malfeasance or dishonesty of any employee or other person charged with the management or possession of any Association funds or other property.

(e) The Association shall be deemed trustee of the interests of all Owners in any insurance proceeds paid to it under such policies, and shall have full power to receive their interests in such proceeds and to deal therewith.

(f) Insurance premiums for the above insurance coverage shall be deemed a common expense to be included in the Regular Assessments levied by the Association.

5.5.2.4 Rule Making. Make, establish, promulgate, amend and repeal the Association Rules.

5.5.2.5 Enforcement of Restrictions and Rules. Perform such other acts, whether or not expressly authorize(' by this Declaration, as may be reasonably necessary to enforce any of the provisions of this Declaration and the Association Rules.

5.5.2.6 Roads, Common Driveways, etc.. To plow and maintain, or provide for the plowing and maintenance of all roads and pedestrian easements and adjoining shoulders which are the subject of Common Areas and to keep all Improvements of whatever kind and for whatever purpose from time to time located thereon in good order and repair, to maintain the usability for emergency vehicle use as determined by the serving entities including prompt repair of chuck holes, and removal of weed and plant growth and such other work as is necessary to maintain such easements in a neat and usable condition and to participate in any joint maintenance arrangement necessary to maintain access roads to the residential development.

5.6 Personal Liability. No member of the Board, or any committee of the Association, or any officer of the Association, or the Declarant, or any member of the Design Review Committee, or the manager of the Association, if any, shall be personally liable to any Owner, or to any other party, including the Association, for any damage, loss, or prejudice suffered or claimed on account of any act, omission, error or negligence of the Association, the Board, the manager, if any, or any other representative or employee of the Association or the Design Review Committee, or any other committee, or any officer of the Association, or the Declarant, provided that such person has, upon the basis of such information as may be possessed by such person, acted in good faith without willful or intentional misconduct.

5.7 Budgets and Financial Statements. Financial Statements for the Association shall be regularly prepared and copies shall be distributed to each Owner of the Association as follows:

5.7.1 An operating budget for each calendar year shall be distributed not less than sixty (a) days before the beginning of each calendar year.

5.7.2 A balance sheet, as of December 31 and an operating statement for the calendar year, shall be distributed to the Owners by April 1 of the following calendar year. This operating statement shall include a schedule of assessments received and receivable identified by the Lot number and the name of the person or entity assessed.

5.7.3 Within thirty (30) days after the close of each calendar year, the Association, or its agent, shall cause to be prepared and delivered to each Owner, a balance sheet as of the last day of the Association's fiscal year and an annual operating statement reflecting the income and expenditures of the Association for its fiscal year. Copies of said documents shall be distributed to each Owner within ninety (90) days after the end of each fiscal year.

## ARTICLE 6

### ASSESSMENTS

61 Covenant to Pay Assessments. Each Owner hereby, and by acceptance of a deed to a Lot, covenants and agrees to pay when due all Regular, Special and Limited Assessments, fines, or charges (herein "Assessments") made by the Association. Such Assessments, together with interest, costs and reasonable attorney's fees which may be incurred in collecting the same, shall be a charge on the land and shall be a continuing lien upon the Property against which each such Assessment is made. Each such Assessment, together with interest, costs and reasonable attorney's fees, shall also be the personal obligation of the Owner of such Property at the time when the Assessment fell due. The personal obligation for delinquent Assessments shall not pass to such Owner's successors in title unless expressly assumed by such successor in title. No Owner may waive or otherwise avoid liability for any Assessment by non-use of the Common Areas or by

abandonment of his Lot

62 "Regular" Assessments. All Owners are obligated to pay Regular Assessments to the treasurer of the Association on a schedule of payments established by the Board.

62.1 Purpose of Regular Assessments. The proceeds from Regular Assessments are to be used to pay for any and all costs and expenses incurred by the Association, including legal and attorney's fees and other professional fees, for the conduct of its affairs, including without limitation the costs and expenses of construction, improvement, protection, maintenance, repair, management and operation of the Common Areas, including all Improvements located on such areas owned and/or managed and maintained by the Association (the "Operating Expenses"), and an amount allocated to an adequate reserve fund to be used for repair, replacement, maintenance and improvement of those elements of the Common Areas, or other property of the Association that must be replaced and maintained on a regular basis (the "Repair Expenses"). The Operating Expenses and the Repair Expenses, and any other expenses necessary to acquire all assets and services and to otherwise carry out the powers, duties and responsibilities of the Association, are collectively referred to herein as the "Expenses."

62.2 Computation of Regular Assessments. The Association shall collect from each Member a regular annual assessment of \$100.00 per quarter.

63 "Special" Assessments.

63.1 Purpose and Procedure. In addition to Regular Assessments, the Association may levy at any time a Special Assessment payable over such period as the Board may deem appropriate for the following purposes:

6.3.1.1 To defray, in whole or in part, the cost of any construction or reconstruction of Improvements on an Association Easement, unexpected repair or replacement of any facility located thereon or an easement area controlled by the Association, the furnishing of a special service or services (other than those appropriate for a Limited Assessment), or for any other expenses incurred or to be incurred as provided in this Declaration.

6.3.1.2 To cure a deficit in the common and ordinary expenses of the Association for which Regular Assessments for a given calendar or fiscal year are or will be inadequate to pay, as determined by the Board.

632 Consistent Basis of Assessment. Every Special Assessment levied by and for the Association shall be levied and paid upon the same basis as that prescribed for the levying and payment of Regular Assessments

64 "Limited" Assessments. In addition to Regular and Special Assessments, Owners shall pay Limited Assessments as follows:

641 Maintenance and Repair. The Association shall have the power to incur expenses for maintenance and repair of any Lot, or any Improvements on a Lot, if such maintenance and repair is necessary, in the opinion of the Board, to protect the Association Easement or any other portion of the Property, and if the Owner of said Lot has failed or refused to perform said maintenance or repair within a reasonable time after written notice of the necessity thereof has been delivered by the Board to said Owner. The Board shall levy a Limited Assessment against the Owner of the Lot to pay for the cost of such maintenance and repair, and any other cost or expenses, including attorneys' fees, arising out of or incident to such maintenance and repair and the Assessment therefor.

642 Correction of Violations. In addition to maintenance and repair, the Board, upon certificate from the DRC of the failure or refusal of an Owner to correct a violation of this Declaration or the Design Guidelines, shall have the power to correct any such violation on a Lot or any Improvements to a Lot, and incur costs necessary in connection therewith. The cost of such corrective action, together with interest, related expenses and attorneys' fees shall be assessed and collected as set forth in Article 7 of this Declaration.

643 Limited Purpose. The Association shall have the power to levy a Limited Assessment against Owners and Lots for any limited special purpose the Board believes necessary with respect to certain Lots but not an appropriate expense for payment by the Association. Such Limited Assessment shall not be made until the Owners of said Lots subject thereto have been given an opportunity, after at least fifteen (15) days' notice, to participate in a meeting with the Board with respect to said Limited Assessment.

65 Uniform Rate of Assessment. Unless otherwise specifically provided herein, Regular and Special Assessments must be fixed at a uniform rate for all Owners.

66 Assessment Period. The Regular Assessment period shall commence on January 1 of each year and terminate December 31 of such year; provided, however, the initial Regular Assessment period shall commence on the Initiation Date and terminate on December 31 of the year in which the Initiation Date occurs. The first Regular Assessment shall be adjusted according to the number of months remaining in the calendar year and shall be payable in equal monthly installments annually.

67 Notice and Assessment Due Date. Ten (10) days prior written notice of Regular and Special Assessments shall be sent to the Owner of every Lot subject thereto. The due dates for Regular Assessments and Special Assessments shall be the first day of each month unless some other due date is established by the Board of the Association making the Assessment. Each monthly installment of the Regular Assessment or Special Assessment shall become delinquent if not paid within ten (10) days after the levy thereof. There shall accrue with each delinquent monthly installment and Special Assessment, a late charge of Twenty-five Dollars (\$25.00), together with interest at 18% per year calculated from the date of delinquency to and including the date payment is received by the Association. The Association making the Assessment may bring an action at law against the Owner personally obligated to pay the same to foreclose the lien against his Lot as is more fully provided herein. Each Owner is personally liable for said Assessments and no Owner of a Lot may exempt himself from liability for his contribution by a waiver of the use or enjoyment of any of the Common Areas or by abandonment of his Lot.

68 Estoppel Certificate. The Association, upon not less than twenty (20) days prior written request, shall execute, acknowledge and deliver to the party making such request a statement in writing stating whether or not to the knowledge of such Association, a particular Owner is in default under the provisions of this Declaration, and further stating the dates to which Assessments have been paid by said Owner, it being intended that any such certificate delivered pursuant to this Section may be relied upon by any prospective purchaser or mortgagee of said Owner's Lot, but reliance on such certificate may not extend to any default as to which the signer shall have had no actual knowledge.

69 Special Notice and Quorum Requirements. Notwithstanding anything to the contrary contained in either the Bylaws or the Articles, written notice of any meeting called for the purpose of either levying a Special Assessment pursuant to this Article, or for the purpose of obtaining a membership vote in connection with an increase in the Regular Assessments pursuant to this Article, shall be sent to all Owners of such Association not less than thirty (30) days nor more than sixty (60) days in advance of the meeting. At the meeting Owners (or their proxies) owning lots totaling seven (7) votes shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be Owners (or their proxies) of lots totaling five (5) votes. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

## **ARTICLE 7 ENFORCEMENT OF ASSESSMENTS; LIENS; FINES**

71 Right to Enforce. The right to collect and enforce the Assessments made by the Association is vested in the Association. Each Owner of a Lot upon becoming an Owner of such Lot is and shall be deemed to covenant and agree to pay each and every Assessment and Fine provided for in this Declaration and agrees to the enforcement of all Assessments and Fines in the manner herein specified. In the event an attorney or attorneys are employed for the collection of any Assessment or Fine, whether by suit or otherwise, or to enforce compliance with or specific performance of the terms and conditions of this Declaration, each Owner agrees to pay reasonable attorney's fees or any other relief or remedy obtained against said Owner. The Board or its authorized representative may enforce the obligations of the Owner to pay the Assessments and Fines provided for in this Declaration by commencement and maintenance of a suit at law or in equity or such Board may exercise the power of sale pursuant hereto to enforce the liens created hereby. A suit to recover a money judgment for an unpaid Assessment or Fine shall be maintainable without foreclosing or waiving the lien hereinafter provided for.

72      Assessment Liens.

721              Creation. There is hereby created a claim of lien with power of sale on each and every Lot to secure payment of any and all Assessments or fines levied against any and all Lots in the Property pursuant to this Declaration, together with interest thereon at the maximum rate permitted by law and all costs of collection which may be paid or incurred by the Association making the Assessment in connection therewith, including reasonable attorney's fees. All sums assessed in accordance with the provisions of this Declaration shall constitute a lien on such respective Lots upon recordation of a claim of lien with the County Recorder. Said lien *shall be prior and superior to* all other liens or claims created subsequent to the recordation of the notice of delinquency and claim of lien except for tax liens for real property taxes on any Lot and Assessments on any Lot in favor of any municipal or other governmental assessing body which, by law, would be superior thereto.

722              Claim of Lien. Upon default of any Owner in the payment of any Assessment or Fine required hereunder, the Association may cause to be recorded in the Office of the County Recorder in the county in which the Property is situated a claim of lien. Said claim of lien shall state the amount of such delinquent sums and other authorized charges (including the cost of recording such notice), a sufficient description of the Lot against which the same has been assessed, and the name of the record owner thereof. Each delinquency shall constitute a separate basis for a notice and claim of lien, but any number of defaults may be included within a single notice and claim of lien. Upon payment to the Association of such delinquent sums and charges in connection therewith or other satisfaction thereof, the Association shall cause to be recorded a further notice stating the satisfaction and relief of such delinquent sums and charges. The Association may demand and receive the cost of recordation of such release before recording the same. Any purchaser or encumbrancer, acting in good faith and for value, may rely upon such notice of satisfaction and relief as conclusive evidence of the full satisfaction of the sums paid in the notice of delinquent sums.

723              Method of Foreclosure. Such lien may be foreclosed by appropriate action in court or by sale by the Association, its attorney or other person authorized to make the sale, such sale to be conducted in accordance with the provisions of Idaho Code applicable to the exercise of powers of sale permitted by law. The Board is hereby authorized to appoint its attorney, any officer or Director of the Association, or any title company authorized to do business in Idaho as trustee for the purpose of conducting such power of sale foreclosure,

724              Required Notice. Notwithstanding anything contained in this Declaration to the contrary, no action may be brought to foreclose the lien created by recordation of the notice of delinquency and claim of lien, whether judicially by power of sale or otherwise, until the expiration of thirty (30) days after a copy of such claim of lien has been deposited in the United States mail, certified or registered, postage prepaid, to the Owner of the Lot described in such notice of delinquency and claim of lien, and a copy thereof is recorded by the Association in the Office of the County Recorder in the county in which the Property is located.

73              Creation of Assessment Liens. The lien for the Assessments and Fines provided for herein shall be prior to and superior to all other liens or claims created subsequent to the recordation of this Declaration except only for: (i) valid tax and other government assessments or liens; (ii) a lien for all sums unpaid and secured by a first Mortgage or first Deed of Trust duly recorded in Ada County, Idaho; and (iii) labor or materialman's liens. All other lien holders acquiring liens on any Lot after recordation of this Declaration shall be inferior liens to the lien levied by the Association whether or not such consent is set forth in the instruments creating other such liens.

74              Rights of Mortgagees. Notwithstanding any other provision of this Declaration, no amendment of this Declaration shall operate to defeat and render invalid the rights of the beneficiary

under any deed of trust or mortgage upon a Lot made in good faith and for value, and recorded prior to the recordation of such amendment, provided that after the foreclosure of any such deed of trust such Lot shall remain subject to this Declaration as amended.

75 Fines. The Declarant and the Association have the authority to impose a fine in the amount set forth by majority vote of the Board of Directors of the Association for violations of the rules and regulations of these Covenants. The fine shall be in the amount of \$150.00 per violation. A majority vote by the Board shall be required prior to imposing any fine on a Member for a violation of any covenants and restrictions pursuant to the rules and regulations of the Association. Written notice by personal service or certified mail of the meeting during which such vote is to be taken shall be made to the member at least thirty (30) days prior to the meeting. In the event the member begins resolving the violation prior to the meeting, no fine shall be imposed so long as the member continues to address the violation in good faith until fully resolved. No portion of any fine may be used to increase the remuneration of any board member, agent, or management of the board.

## ARTICLE 8 INSPECTION OF ASSOCIATION'S BOOKS AND RECORDS

81 Owner's Right of Inspection. The membership register, books of account and minutes of meetings of the Board and committees of the Association shall be made available for inspection and copying by any Owner or by his duly appointed representatives, at any reasonable time and for a purpose reasonably related to his interest as an Owner at the office of the Association or at such other place within the Property as the Board of such Association shall prescribe.

82 Rules Regarding Inspection of Books and Records. The Board shall establish reasonable rules with respect to:

821 Notice to be given to the custodians of the records by the persons desiring to make the inspection.

822 Hours and days of the week when such inspection may be made.

823 Payment of the cost of reproducing copies of documents requested pursuant to this Article.

83 Director's Right of Inspection. Every current member of the Association Board of Directors shall have the absolute right at any reasonable time to inspect all books, records and documents of the Association, and the physical properties owned or controlled by such Association. The right of inspection by a Director includes the right to make extracts and copies of documents.

## ARTICLE 9 DESIGN REVIEW COMMITTEE

9.1 Design Review Committee. The Design Review Committee (sometimes hereinafter referred to as the "DRC") shall consist of three (3) members appointed by the Declarant. Each member shall hold his or her office until such time as he or she has resigned or been removed or his or her successor has been appointed as set forth herein. Declarant may, in Declarant's sole discretion, remove and appoint members and fill vacancies on the DRC until Declarant is no longer a Class B member. Once Declarant is no longer a Class B member then the Board, in its sole discretion, shall appoint and remove members and fill vacancies on the DRC. A member of the DRC need not be an Owner.

92 Duties of DRC. No changes in the existing state of any Lot within the Property shall be made or permitted without the prior written approval of the DRC. The Board shall issue Design Guidelines setting forth design guidelines and restrictions and procedures for the submission of plans for approval, requiring a fee to accompany each application for approval or additional factors which it will take into consideration in reviewing submissions and additional standards for approval.

The DRC shall have sole authority to determine the proper use, appearance, design and aesthetic quality of any proposed Improvement. For purpose of this paragraph, "changes in the existing state" of any Lot include, but are not limited to, construction of dwellings, improvements, (including utilities), the excavation, filling, or similar disturbance of the surface of the land, (including without limitation, change of grade, stream bed, ground level, or drainage pattern), other changes to certain areas within the Lots as specified and any change in color, texture, or exterior appearance of any previously approved change in the existing state of property.

The DRC shall consider and act upon any and all proposals or plans and specifications submitted for its approval pursuant to the terms of this Declaration and the Design Guidelines and perform such other duties as from time to time shall be assigned to it by the Board, including the inspection of construction in progress to assure its conformance with plans approved by the DRC.

The DRC shall have the authority to maintain a list of approved construction materials and to add or subtract therefrom from time to time.

The DRC may condition its approval of proposals or plans and specifications or other information prior to approving or disapproving materials submitted. The DRC may require such detail in plans and specifications submitted for its review as it deems proper, including, without limitation, floor plans, site plans, landscape plans, drainage plans, elevation drawings and description or samples of exterior material and colors and sworn affidavits as to intended use of the proposed Improvement(s). Until receipt by the DRC of any required plans and specifications, the DRC may postpone review of any plan submitted for approval.

Any Owner desiring DRC approval of any Improvement or other change in the existing state of any Lot shall make application in writing together with three (3) sets of all plans required by the DRC for review. All approvals or disapprovals shall be in writing to appeal to the Board.

93 Meetings of the DRC. The DRC shall meet from time to time as necessary to perform its duties hereunder. It may from time to time by resolution unanimously adopted in writing designate one of its members to take any action or perform any duties for and on its behalf, except the granting of variances. In the absence of such designation, the vote of any two (2) members of the DRC, or the written consent of any two (2) members of the DRC taken without a meeting, shall constitute an act of the DRC.

94 No Waiver of Future Approvals. The approval by the DRC of any proposals or plans and specifications or drawings for any work done or proposed or in connection with any other matter requiring its approval and consent, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications, drawings, or matter whatever subsequently or additionally submitted for approval or consent.

95 Compensation of Members. The members of the DRC shall be entitled to reasonable compensation from the Association for services rendered, together with reimbursement for expenses incurred by them in the performance of their duties hereunder. Such compensation shall be determined by the Board.

96 Final Inspection of Work. Inspection of work and erection of defects therein shall proceed as follows:

961 Upon the completion of any work for which approved plans are required under this Article, the Owner shall give written notice of completion to the DRC by certified mail, return receipt requested.

962 Within ninety (90) days thereafter, the DRC or its duly authorized representative may inspect such Improvement. If the DRC finds that such work was not done in substantial compliance with the approved plans, it shall notify the Owner in writing of such non-compliance within such sixty (60) day period, specifying the particulars of noncompliance, and shall require the Owner to remedy the same.

963 If upon the expiration of thirty (30) days from the date of such notification the Owner shall have failed to remedy such noncompliance, the DRC shall notify the Board in writing of such failure. Upon at least fifteen (15) days' notice to the Owner, the Board shall conduct a meeting and give the Owner an opportunity to be heard at said meeting and then determine whether there is a noncompliance and, if so, the nature thereof and the estimated cost of correcting or removing the same. If a noncompliance exists, the Owner shall remedy or remove the same within a period of not more than thirty (30) days from the date of announcement of the Board decision. If the Owner does not comply with the Board ruling within such period, the Board, at its option, may in addition to its other legal remedies, either remove the noncomplying Improvement or remedy the noncompliance, and the Owner shall reimburse the Association, upon demand, for all expenses incurred in connection therewith. If such expenses are not promptly repaid by the Owner to the Association, the amount owing shall be deemed to be a Special Assessment against such Owner which may be collected pursuant to the provisions of Articles 6 and 7, above.

964 If the DRC fails to notify the Owner of any noncompliance within ninety (90) days after the receipt of said written notice of completion from the Owner, the Improvement shall be deemed to be in accordance with said approved plans.

97 Nonliability of DRC Members. Neither the DRC nor any member thereof shall be liable to the Association, or to any Owner for any loss, damage, or injury arising out of or in any way connected with the performance of the DRC's duties hereunder, unless due to the willful misconduct or bad faith of such member. The DRC shall review and approve or disapprove all plans submitted to it for any proposed Improvement, alteration, or addition, solely on the basis of its intended use, aesthetic considerations and the overall benefit or detriment which would result to the immediate vicinity and the Property in general. The DRC shall take into consideration the aesthetic aspects of the architectural designs, placement of buildings, landscaping, color schemes, exterior finishes and materials and similar features, but shall not be responsible for reviewing, nor shall its approval of any plan or design be deemed approval of, any plan or design from the standpoint of structural safety or conformance with building or other codes or any warranty that the Improvement is fit for any particular purpose of habitation.

98 Variances. The DRC may authorize minor variances from compliance with any of the architectural provisions of this Declaration, including restrictions upon height, size, floor area, set backs or placement of structures, or similar restrictions, when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental consideration may require. Such variances must be evidenced in writing, must be signed by at least two (2) members of the DRC, and shall become effective upon recordation in the Office of the County Recorder of Ada County. If such variances are granted, no violation of the covenants, conditions, and restrictions contained in this Declaration shall be deemed to have courted with respect to the matter for which the variance was

granted. The granting of such variance shall not operate to waive any of the terms and provisions of this Declaration for any purpose except as to the particular property and particular provisions hereof covered by the variance, nor shall it affect in any way the Owner's obligation to comply with all governmental laws and regulations affecting his use of the premises, including but not limited to zoning ordinances the lot set-back lines or requirements imposed by any governmental or municipal authority.

## **ARTICLE 10 EASEMENTS - GENERAL**

10.1 Easements of Encroachment. There shall be reciprocal appurtenant easements of encroachment as between each Lot and such portion or portions of any Common Areas adjacent thereto or as between adjacent Lots due to the unwilful placement or settling or shifting of the Improvements, including but not limited to structures, walkways, bike paths, sidewalks and driveways constructed, reconstructed or altered thereon in accordance with the terms of this Declaration. Easements of encroachment shall be valid only so long as the encroachment exists, and the rights and obligations of Owners shall not be altered in any way because of encroachments, settling or shifting of the Improvements; provided, however, that in no event shall a valid easement for encroachment occur due to the willful act or acts of an Owner. In the event a structure on any Lot that is owned by an Owner is partially or totally destroyed, and then repaired or rebuilt, the Owners of each Lot agree that minor encroachments over adjoining Lots that existed prior to the destruction may be reconstructed pursuant to the easement granted by this Section.

10.2 Easements of Access. Declarant expressly reserves for the benefit of all Owners and the Association reciprocal easements of access, ingress and egress for all Owners and representatives of the Association to and from their respective Lots for installation and repair of utility services, for drainage of water over, across and upon adjacent Lots, and Common Areas, resulting from the normal use of adjoining Lots or Common Areas, and for necessary maintenance and repair of any Improvement including fencing, retaining walls, lighting facilities, mailboxes, sidewalk abutments, trees and landscaping. Such easements may also be used by Declarant, Association representatives and by all Owners, their guests, tenants and invitees, residing on or temporarily visiting the Property, for pedestrian walkways, vehicular access areas, bike trails, and such other areas for purposes reasonably necessary for the use and enjoyment of a Lot or any Common Areas.

10.3 Emergency Easement. A general easement is hereby granted to all police, sheriff, fire protection, ambulance, and all other similar emergency agencies or persons to enter upon the Permanent Access Easement or other areas of the Property in the proper performance of their duties.

10.4 Utility Easement. The rights and duties of the Owners of the Lots within the Property with respect to utilities, including pressure sewer lines and septic drain fields, shall be governed by the following:

10.4.1           Wherever public or private utility house connections or pressure sewer lines, if any, are installed within the Property, which connections or any portions thereof lie in or upon Lots owned by other than the Owners of the Lot served by said connections or lines, shall have the right, and are hereby granted an easement to the full extent necessary therefor, to enter upon the Lots or to have their agent enter upon the Lots within the Property in or upon which said connections or lines or any portion thereof lie, to repair, replace and generally maintain said connections or lines as and when the same may be necessary.

10.4.2           Whenever public or private utility house connections or pressure sewer lines, if any, are installed within the Property which connections or lines serve more than one Lot,

the Owner of each Lot served by said connections or lines shall be entitled to full use and enjoyment of such portions of said connections or lines as service such Owner's Lot.

10.5 Disputes as to Sharing of Costs. In the event of a dispute between Owners with respect to the repair or rebuilding of any shared utility connections, pressure sewer lines or sewage drain field, shared access drives or with respect to the sharing of the cost thereof, then upon written request of one of such Owners addressed to the Association, the matter shall be submitted to the Board, who shall decide the dispute and make an Assessment against any or all of the Owners involved, which Assessment shall be collected and enforced in the manner provided by this Declaration.

10.6 Declarant's Reserved Rights. Declarant hereby reserves the right to alter the location of the Permanent Access and Utility Easement, the Septic Easements and the Driveway and Utility Easements, without the consent of any Owner, provided such alterations are not material and do not adversely affect any plans for construction of Improvements approved by the DRC or any governmental or quasi-governmental agency on any burdened Lot. In the event such alterations adversely affect such approved plans for construction of Improvements on a burdened Lot, Declarant must have the written consent of such affected Owner for such alteration.

10.7 General Landscape Easement. An easement is hereby reserved to the Association, its contractors and agents, to enter all other portions of the Lots for the purposes set forth herein, in the event the Owner of any such Lot fails to maintain the landscaping on such Lot in accordance with the terms of this Declaration.

10.8 Maintenance and Use Easement Along Property Lines. Whenever a fence constructed on a Lot under plans and specifications approved by the DRC is located within three (3) feet of the property line of such Lot, the Owner of such Lot is hereby granted an easement over and on the adjoining Lot (not to exceed 3 feet from the property line) for purposes of maintaining and repairing such fence, and the Owner of such adjoining Lot is hereby granted an easement for landscaping purposes over and on the area lying between the property line and such fence so long as such use does not cause damage to the fence.

10.9 Recorded Easements; Reservation for Expansion. Notwithstanding anything expressly or impliedly contained herein to the contrary, this Declaration shall be subject to all easements heretofore or hereafter granted by Declarant for the installation and maintenance of utilities, pressure sewer lines, septic drain fields, Permanent Access and Utilities, Driveway, storm and other drainage facilities that are required for the development of the Property. In addition, Declarant hereby reserves for the benefit of the Association or any Owner the right to grant additional easements and rights-of-way over the Property, as appropriate, to utility companies and public agencies or for utility lines and/or drainage facilities required of any Owner by any public agency for the development of such Owner's lot as necessary or expedient for the proper development of the Property until close of escrow for the sale of the last Lot in the Property.

**ARTICLE 11**  
*Intentionally Omitted*

**ARTICLE 12**  
**MISCELLANEOUS**

12.1 Term. The covenants, conditions, and restrictions of this Declaration shall run until fifty (50) years from recording, unless amended as herein provided. After such date, such covenants, conditions, and restrictions shall be automatically extended for successive periods of ten (10) years each, unless amended or extinguished by a written instrument executed by at least three-fourths (3/4) of the Owners, and such written instrument is recorded with the Ada County Recorder.

12.2 Amendment

12.2.1 By Owners. Except as otherwise provided herein, the provisions of this Declaration, other than this Article, may be amended by an instrument in writing signed and acknowledged by the president and secretary of the Association certifying that such amendment has been approved by the vote or written consent of at least three-fourths (3/4) of the Owners, and such an amendment shall be effective upon its recordation with the Ada County Recorder.

12.2.2 Rights of Beneficiary. Notwithstanding any other provision of this Declaration, no amendment of this Declaration shall operate to defeat and render invalid the rights of the Beneficiary under any recorded Deed of Trust or Mortgage upon a Lot made in good faith and for value, provided that after the foreclosure of any such deed of trust or mortgage such Lot shall remain subject to this Declaration, as amended.

12.3 Annexation.

12.3.1 Right of Declarant to Annex Other Properties. Declarant may, in its discretion, at any time and from time to time, and without having to obtain the consent, approval or signature of any Person or Association (other than the title holder of such additional real property), elect to bring additional real property (whether or not owned by it) within the jurisdiction of this Declaration (hereinafter "Annexed Property"); provided however, that the addition of any Annexed Property must be consistent with the general purposes and intent of the Project Documents. Declarant is not obligated in any manner by this Declaration to annex additional real property or to annex any particular tract, or to annex tracts in any particular sequence, or to annex continuous tracts, it being the intention hereof that Declarant may decline to exercise the rights granted in this Article or may elect to exercise such rights only to a limited extent. No real property shall become Annexed Property or be included within the jurisdiction of this Declaration without the prior express written consent and approval of Declarant.

12.3.2 Supplement. The additions authorized by the provisions of this Article shall be made by recording in the County Records a supplement to this Declaration with respect to any Annexed Property, which shall extend the jurisdiction of this Declaration to the property to be annexed and shall be executed by the fee title holder(s) of such Annexed Property, as well as by Declarant (hereinafter "Supplement"). In addition, each Supplement for Annexed Property shall contain such Restrictions as are not inconsistent with the intent and purpose of this Declaration. Upon recording any Supplement for Annexed Property, the provisions of this Declaration (except as modified, altered, limited or supplemented in the Supplement) shall apply to such Annexed Property as if such Annexed Property had been part of the Property upon the effective date of this Declaration.

12.4 Mortgage Protection. Notwithstanding any and all provisions of this Declaration to the contrary, in order to induce the Federal Home Loan Mortgage Corporation ("FHLMC"), the Government National Mortgage Association ("GNMA"), and the Federal National Mortgage

Association ("FNMA") to participate in the financing of the sale of Lots within the Property, the following provisions are added hereto and to the extent these added provisions, pertaining to the rights of Mortgagees, GHLMC, FNMA, GNMA, VA and FHA, conflict with any other provisions of this Declaration or any other of these Restrictions, these added restrictions shall control:

12.5 Notices. Any notice permitted or required to be delivered as provided herein shall be in writing and may be delivered either personally or by mail. If delivery is made by mail, it shall be deemed to have been delivered seventy-two (72) hours after a copy of same has been deposited in the United States mail, postage prepaid, addressed to any person at the address given by such person to the Association for the purpose of service of such notice, or the residence of such person, if no address has been given to the Association. Such address may be changed from time to time by notice in writing to the Association.

12.6 Interpretation. The provisions of this Declaration shall be liberally construed to effectuate their purpose of creating a uniform plan for the development and preservation of the Property in a manner designed to protect and enhance the aesthetic and economic value of the Property. This Declaration shall be construed and governed under the laws of the State of Idaho.

12.7 Enforcement and Nonwaiver.

12.7.1 Right of Enforcement. Except as otherwise provided herein, any Owner of any Lot within the Property shall have the right to enforce any or all of the provisions of the Restrictions upon any Lot within the Property and the Owners thereof

12.7.2 Violations and Nuisance. Every act or omission whereby any provision of the Restrictions is violated in whole or in part is hereby declared to be a nuisance and may be enjoined or abated, whether or not the relief sought is for negative or affirmative action by Declarants or the Association or any Owner or Owners of Lots within the Property.

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

12.7.4 Remedies Cumulative. Each remedy provided by the Restrictions is cumulative and not exclusive.

12.7.5 Nonwaiver. The failure to enforce any of the provisions of the Restrictions at any time shall not constitute a waiver of the right thereafter to enforce any such provision or any other provisions of said Restrictions.

12.8 Construction.

12.8.1 Restrictions Construed Together. All of the provisions of the Restrictions shall be liberally construed together to promote and effectuate Declarant's goals in making this Declaration as set forth in the preamble.

12.8.2 Restrictions Severable. Notwithstanding the provisions of the foregoing Paragraph A, each of the provisions of the Restrictions shall be deemed independent and severable and the invalidity or partial invalidity of any provision or portion thereof shall not affect the validity or enforceability of any other provision.

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

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

IN WITNESS WHEREOF, Declarants have executed this Declaration effective as of the date set forth above.



## Sawtooth Land Surveying, LLC

2030 S. Washington Ave.  
Emmett, ID 83617  
P: (208) 398-8104  
F: (208) 398-8105

1044 Northwest Blvd., Ste. G  
Coeur d'Alene, ID 83814  
P: (208) 714-4544  
F: (208) 292-4453

141 1<sup>st</sup> Avenue East  
Jerome, ID 83338  
P: (208) 329-5303  
F: (208) 324-3821

September 11, 2018  
BOUNDARY DESCRIPTION

**BASIS OF BEARINGS** for this legal description is South  $89^{\circ}54'53''$  East, between the brass cap marking the southwest corner of Section 23, and the brass cap marking the  $S1/4$  corner of Section 23.

A parcel of land located in Lot 9, Block 27, of the amended plat of the Townsite of Kuna, as shown on file in Book 4 of Plats, at Page 187, Ada County Records, and located in the  $SW1/4$  of the  $SW1/4$ , of Section 23, T. 2 N., R. 1 W., B.M., City of Kuna, Ada County, Idaho, more particularly described as follows:

**COMMENCING** at a brass cap marking the southwest corner of Section 23;

Thence South  $89^{\circ}54'53''$  East, coincident with the south line of said Section 23, a distance of 596.06 feet;

Thence North  $0^{\circ}05'35''$  East, coincident with the centerline of Cedar Street, 354.96 feet;

Thence South  $89^{\circ}54'37''$  East, coincident with the centerline of Owyhee Street, 109.88 feet;

Thence North  $0^{\circ}05'35''$  East, parallel with said centerline of Cedar Street, 219.98 feet to the **POINT OF BEGINNING**;

Thence North  $0^{\circ}11'33''$  East, 227.21 feet to the southerly right of way of Park Avenue;

Thence South  $84^{\circ}11'00''$  East, coincident with said southerly right of way of Park Avenue, 100.38 feet;

Thence leaving said southerly right of way of Park Avenue, South  $0^{\circ}11'33''$  West, 217.24 feet;

Thence North  $89^{\circ}52'46''$  West, 99.90 to the **POINT OF BEGINNING**.

The above described parcel contains 0.51 acres more or less.



☉ PARK AVE.

S 84°11'00" E 100.38'

N 00°11'33" E 227.21'

S 02°11'33" W 217.24'

22199.2 Sq. Ft  
0.51 Ac ±

POB

N 89°52'46" W 99.90'

N 00°05'35" E 215.86'

S 89°54'37" E 109.88'

☉ OWYHEE ST.

N 00°05'35" E 135.16'

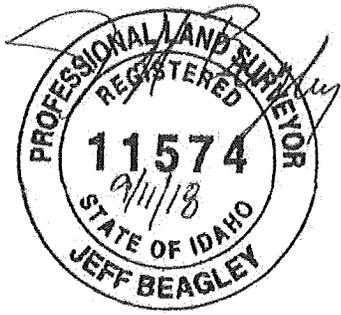
☉ CEDAR ST.

22123  
27126

S 89°54'53" E 2620.70'

S 1/4 COR.

BASIS OF BEARINGS



<p>PROJECT:</p> <p><b>KUNA TOPO</b></p>	<p>OWNER/DEVELOPER:</p> <p>DATE: 9/11/18</p>	 <p>2030 S. WASHINGTON AVE. EMMETT, ID 83617 P: (208) 398-8104 F: (208) 398-8105</p> <p><b>SAWTOOTH</b> Land Surveying, LLC</p> <p>WWW.SAWTOOTHLS.COM</p>	<p>DWG # 18280</p> <p>PROJECT# 18280</p> <p>SHEET 1 OF 1</p>
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Title One  
a title & escrow co.

ADA COUNTY RECORDER Christopher D. Rich  
BOISE IDAHO Pgs=1 LISA BATT  
TITLEONE BOISE

2017-051431  
06/07/2017 01:12 PM  
\$10.00

Order Number: 17291817

**Warranty Deed**

For value received,

Daniel E. Towell, an unmarried man

the grantor, does hereby grant, bargain, sell, and convey unto

Victor A. Clark, an unmarried man

whose current address is 214 S Cole Rd Boise, ID 83709

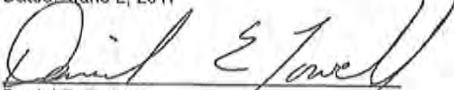
the grantee, the following described premises, in Ada County, Idaho, to wit:

Lot 9 in Block 27 of The Amended Plat of the Townsite of Kuna, according to the official plat thereof, filed in Book 4 of Plats at Page 187, records of Ada County, Idaho.

AND half of the alley lying South and adjacent to said premises, as vacated by instrument recorded March 10, 1986 as Instrument No. 8611725, records of Ada County, Idaho.

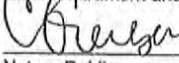
To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those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

Dated: June 2, 2017

  
Daniel E. Towell

State of Idaho, County of Ada, ss.

On this 7th day of June in the year of 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Daniel E. Towell, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

  
\_\_\_\_\_  
Notary Public

Residing In: Christy Gerber  
My Commission Expires: Residing: Meridian, ID  
(seal) Commission Expires: 6/12/2021



Exhibit  
A2f



# City of Kuna AFFIDAVIT OF LEGAL INTEREST

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

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

State of Idaho )  
                          ) ss.  
County of Ada )

I, Victor Clark 214 S. Cole RD  
Name Address  
Boise ID  
City State Zip Code

being first duly sworn upon oath, depose and say:

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

A. That I am the record owner of the property described on the attached, and I grant my permission to \_\_\_\_\_ Address \_\_\_\_\_  
Name to submit the accompanying application pertaining to that property.

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

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

Dated this 10<sup>th</sup> day of September, 2018

[Signature]  
Signature

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

[Signature]  
Notary Public for Idaho  
Residing at: Ada County  
My commission expires: 6/20/2024





*City of Kuna*  
**COMMITMENT TO  
PROPERTY POSTING**

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

Phone: (208) 922-5274  
Fax: (208) 922-5989  
Web: [www.cityofkuna.com](http://www.cityofkuna.com)

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

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

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

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

*Couinm Sl*

Applicant/agent signature

9-11-18

Date



**From:** Marcus Beagley  
**Sent:** Monday, October 29, 2018 8:27 AM  
**To:** Corinne Graham  
**Subject:** FW: Sapphire Ranch Subdivision Name Reservation

FYI

*Regards,*  
**Marcus Beagley**  
*Project Manager*  
**Sawtooth Land Surveying, LLC**  
*Land Surveying | Planning | 3D HDS Scanning*  
*D: 208.287.8476 • F: 208.398.8105 • C: 208.899.3953*  
*Office Locations: Emmett, ID | Coeur d'Alene, ID | Jerome, ID*  
*Idaho | Oregon | Nevada*

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**From:** Sub Name Mail <[subnamemail@adacounty.id.gov](mailto:subnamemail@adacounty.id.gov)>  
**Sent:** Wednesday, October 24, 2018 12:07 PM  
**To:** Marcus Beagley <[marcus@sawtoothls.com](mailto:marcus@sawtoothls.com)>  
**Cc:** Carl Porter <[carl@sawtoothls.com](mailto:carl@sawtoothls.com)>  
**Subject:** Sapphire Ranch Subdivision Name Reservation

October, 24, 2018

Carl Porter Sawtooth Land Surveying  
Marcus Beagley, Sawtooth Land Surveying

RE: Subdivision Name Reservation: **SAPPHIRE RANCH SUBDIVISION**

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

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

Sincerely,





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

---

**From:** Marcus Beagley [<mailto:marcus@sawtoothls.com>]  
**Sent:** Thursday, October 18, 2018 10:34 AM  
**To:** Sub Name Mail  
**Cc:** Corinne Graham; Carl Porter  
**Subject:** Subdivision Name Reservation

Hello,

Please reserve the following subdivision names;

Sub Name: Amber Meadows Subdivision  
SW ¼ of Section 19, T4N, R2E  
Parcel Number: R1753001675  
Developer: Bright Star Property Services  
PLS: Carl Porter

Sub Name: Sapphire Ranch Subdivision  
SW ¼ of Section 23, T2N, R1W  
Parcel Number: R5070002532  
Developer: Bright Star Property Services  
PLS: Carl Porter

Thank you!

*Regards,*

**Marcus Beagley**

*Project Manager*

**Sawtooth Land Surveying, LLC**

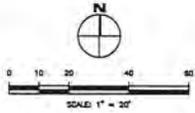
*Land Surveying | Planning | 3D HDS Scanning*

*D: 208.287.8476 • F: 208.398.8105 • C: 208.899.3953*

*Office Locations: Emmett, ID | Coeur d'Alene, ID | Jerome, ID  
Idaho | Oregon | Nevada*

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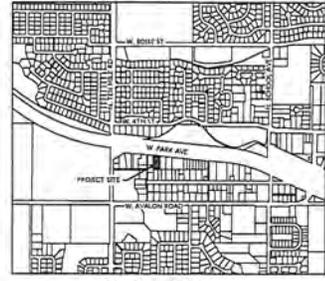
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**PRELIMINARY PLAT FOR  
SAPPHIRE RANCH SUBDIVISION**  
LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 23  
TOWNSHIP 2 NORTH, RANGE 1 WEST, B.M.  
CITY OF KUNA, ADA COUNTY, IDAHO  
2018

**LEGEND**

---	SUBDIVISION BOUNDARY
—	ROAD CENTERLINE
- - -	PROPOSED LOT LINE
- · - · -	UTILITY ALIGNMENT LINE
1	LOT NUMBER
SS	EXISTING SEWER MAIN
W	EXISTING WATER MAIN
—	NEW SEWER SERVICE
—	NEW DOMESTIC WATER SERVICE
- · - · -	EXISTING MAJOR CONTOUR (5')
- · - · -	EXISTING MINOR CONTOUR (1')



**LOT SUMMARY**

	NUMBER	AREA (AC)
SINGLE FAMILY RESIDENTIAL	3	0.51

**SITE DATA**  
 SITE AREA = 40.51 ACRES  
 CURRENT LAND USE ZONE R-4  
 PROPOSED LAND USE ZONE R-4  
**SETBACKS**  
 FRONT SETBACK 20 FEET  
 STREET SIDE SETBACK (PARK AVENUE) 20 FEET  
 SIDE SETBACK 5 FEET  
 REAR SETBACK 10 FEET  
**AREA CALCULATIONS**  
 MINIMUM LOT SIZE 6,000 SF  
 AVERAGE LOT SIZE 7,200 SF  
 RESIDENTIAL DENSITY 6.8 DU/AC

**DEVELOPER**  
 VICTOR CLARK  
 BRIGHT STAR PROPERTY SERVICES  
 214 S. COLE ROAD  
 BOISE, ID 83708  
 (208) 622-6480

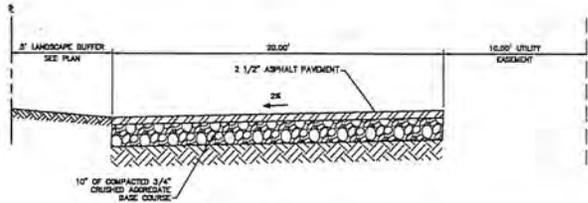
**CIVIL ENGINEER**  
 CORINNE ORAMWA, P.E.  
 CIVIL SITE WORKS LLC  
 804 W. RICHMOND STREET  
 BOISE, ID 83708  
 (208) 948-3874

**SURVEYOR**  
 CARL FORTELL, PLS  
 SAVORSON LAND SURVEYING LLC  
 2002 S. WASHINGTON AVE.  
 EMERY, ID 83617  
 (208) 386-8104

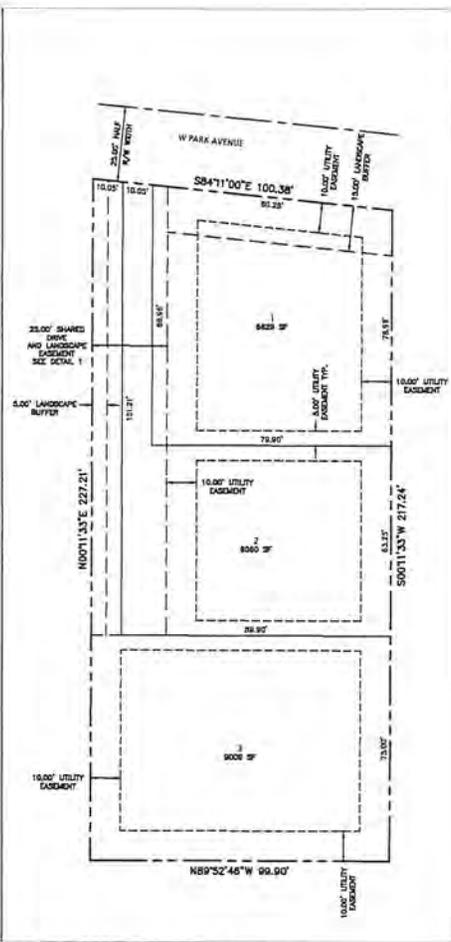
- NOTES**
- MAINTENANCE OF THE COMMON DRIVEWAY SHALL BE SHARED BY ALL INDIVIDUAL LOT OWNERS WITHIN KUNA PARK SUBDIVISION.
  - DIRECT LOT ACCESS TO W. PARK AVENUE IS PROHIBITED.
  - ANY REVISIONS OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF REVISIONS.
  - BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE CITY OF KUNA STANDARDS FOR THE APPLICABLE ZONING DISTRICT.

**UTILITY / PUBLIC SERVICE PROVIDERS**

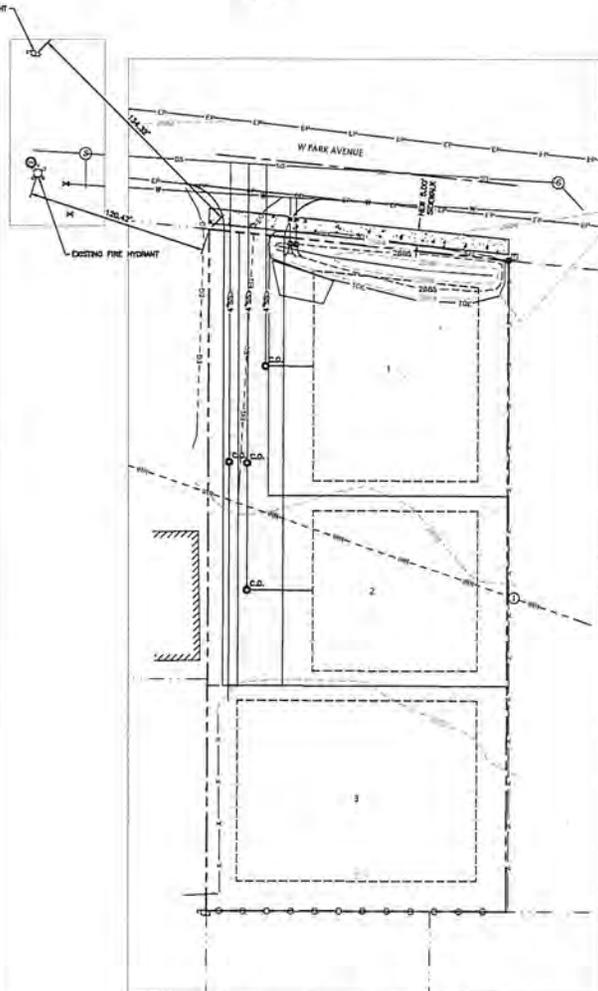
ELECTRICITY	IDAHO POWER
GAS	INTERMOUNTAIN GAS
TELEPHONE	CENTURY LINK/CABLE ONE
SEWER	CITY OF KUNA
WATER	CITY OF KUNA
IRRIGATION	NO SURFACE WATER DEMAND AVAILABLE
FIRE	KUNA FIRE DISTRICT
SCHOOL DISTRICT	KUNA SCHOOL DISTRICT



**COMMON DRIVE TYPICAL SECTION**  
SCALE NOT TO SCALE



**LOT DIMENSIONS**



**PRELIMINARY IMPROVEMENT PLAN**



**CIVIL SITE WORKS**  
 804 W. RICHMOND STREET  
 BOISE, ID 83708  
 csw@civilsiteworks.com  
 (208) 948-3874

DATE	DESCRIPTION	PREPARED BY	APPROVED BY

DESIGNED: C. ORAMWA  
 DRAWN: C. ORAMWA  
 CHECKED: C. ORAMWA  
 APPROVED: C. ORAMWA

PREPARED FOR:  
 VICTOR CLARK  
 BRIGHT STAR  
 214 S. COLE ROAD  
 BOISE, ID 83708

**SAPPHIRE RANCH SUBDIVISION**  
 W. PARK AVENUE, KUNA, ID  
 PRELIMINARY PLAT

CSP PROJECT NO. 18027  
 DRAWING DATE 10/30/2018

**PP1.0**

Exhibit  
**A2L**



RECEIVED  
JUL 05 2018  
CITY OF KUNA

**July 2, 2018**

Dear Resident,

Kuna requires an opportunity for a meeting between the applicant of a development proposal and the residents of the neighborhood in which the development site is located. The meeting shall occur prior to formal submittal of the development application to the City. This letter is such notice of an opportunity to review and discuss a 3 house subdivision on the property located at 1394 W. Park Avenue Kuna, Idaho 83634. This is not a public hearing; public officials will not be present. If you have any questions regarding this Kuna Code neighborhood meeting requirement, please contact the Planning & Zoning Services Department at 208-922-5274. If you have questions about the development project, please contact the representative listed below. Please Note: There was this same meeting on April 24<sup>th</sup> and we will be discussing the same proposal. If you were at the last meeting, there will be no new information as far as what is being proposed.

**Purpose:**

To review and provide comments regarding a new 3 house subdivision located at 1394 W. Park Avenue Kuna, Idaho 83634.

**When:**

Thursday July 12, 2018 at 6:00 PM

**Where:**

Location: 1394 W. Park Avenue Kuna, Idaho 83634

**Project Description:**

We are proposing a new subdivision consisting of (3) single family detached homes on the property above. We have included a copy of the vicinity plan and schematic site plan for your review.

If you have questions about the meeting or proposed development project, please contact Eric Anderson at *ALC Architecture, 1119 E. State St. Suite 120 Eagle, Idaho 83616; 208.514.2713*

Thank you,

A handwritten signature in black ink, appearing to read 'Eric Anderson', written over a horizontal line.

Eric Anderson

ALCollaborative Architecture

[eric@alcarchitecture.com](mailto:eric@alcarchitecture.com)





# Neighborhood Meeting Certification

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

## GENERAL INFORMATION:

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

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

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

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

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

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

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

Description of proposed project: (3) Single-family, one-story houses

Date and time of neighborhood meeting: Thursday, July 12<sup>th</sup> 2018 at 6:00PM

Location of neighborhood meeting: 1394 West Park Avenue, Kuna, Idaho 83634

## SITE INFORMATION:

Location: Quarter: \_\_\_\_\_ Section: 2N Township: 1W Range: 23 Total Acres: .508

Subdivision Name: Kuna Townsite AMD Lot: 09 Block: 27

Site Address: 1394 W Park Avenue Tax Parcel Number(s): R5070002532  
Kuna, ID 83634

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

## CURRENT PROPERTY OWNER:

Name: Victor Clark

Address: 214 S. Cole Road City: Boise State: ID Zip: 83709

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

Name: Dang Newell Business (if applicable): ALC Architecture

Address: 1119 E. State St., Suite 120 City: Eagle State: ID Zip: 83616

**PROPOSED USE:**

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

**Application Type** - Design Review

**Brief Description**

Annexation

3 single-family, one-story houses on  
an R-6 LA.

Re-zone

Subdivision (Sketch Plat and/or Prelim. Plat)

Special Use

Variance

Expansion of Extension of a Nonconforming Use

Zoning Ordinance Map Amendment

**APPLICANT:**

Name: Doug Newell (ALC Architecture.)

Address: 1119 E. State Street, Suite #120

City: Eagle State: ID Zip: 83616

Telephone: 208-514-2713 Fax: -

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

Signature: (Applicant)  Date 7/12/18

# SIGN IN SHEET

PROJECT NAME: Kuna Park Ave Houses

Date: 7/12/18

	<u>Name</u>	<u>Address</u>	<u>Zip</u>	<u>Phone</u>
1	<u>Glenda Sanders</u>	<u>260 Cedar</u>	<u>83646</u>	<u>602 8960</u>
2	<u>Jeff Marler</u>	<u>" "</u>	<u>" "</u>	<u><del>602</del> 731-2730</u>
3	<u>MEL CARR</u>	<u>1343 W PARK</u>	<u>83646</u>	<u>707-499-1160</u>
4	<u>Doug Newell</u>			
5	<u>Tim Cox</u>	<u>1371 W. 4th St</u>		
6	<u>Jeanette Griggs</u>	<u>1343 W. Park Ave.</u>	<u>83624</u>	<u>(208) 869-2482</u>
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## **Neighborhood Meeting Notes/Recap (7/12/18) – Sapphire Ranch**

- Neighbors are supportive of the development of the empty lot with site improvements that come with it.
- East neighbor expressed concern over the spacing of houses. Believing there wasn't enough room to fit 3 houses on the lot. (Although we have measured and placed houses that will fit as per submitted plans).
- West neighbor expressed concern about property line location. (Part of their driveway and yard is over the property line). Talked with owner about possibly keeping some of their driveway and yard. Not doable without property line adjustment.
- Discussions about where the driveway for the new development will go. It is proposed for 5' from the existing property line.
- Neighbors expressed concerns about increased traffic flow coming onto the street (single-lane road in and out).
- Worried about new kids moving in there so close to the train tracks.
- Overall, the neighbors are excited for new development in area despite some minor concerns.



# City of Kuna Design Review Application

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

FILE NO.: 18-36-DR (Design Review)

CROSS REF.:

FILES: 18-09-S + 18-36-DR

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

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

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

## Application Submittal Requirements

Applicant Use		Staff Use
<input checked="" type="checkbox"/>	Date of pre- application meeting : <u>3/28/18</u> <i>Note: Pre-Applications are valid for a period of three (3) months.</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	A complete Design Review Application form <i>Note: It is the applicant's responsibility to use a current application.</i>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Detailed letter of explanation or justification for the application, describing the project and design elements, and how the project complies with Design Review standards.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	One (1) Vicinity Map (8 ½" x 11") at 1" = 300' scale (or similar), label the location of the property and adjacent streets.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	One 8 ½" x 11" colored aerial photo depicting proposed site, street names, and surrounding area within five-hundred feet (500').	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Copy of Deed; and, if the applicant is not the owner, an <b>original</b> notarized statement (affidavit of legal interest) from the owner (and all interested parties) stating the applicant is authorized to submit this application.	<input type="checkbox"/>





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



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

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



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



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

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

### Site Plan

Applicant Use



North Arrow



To scale drawings



Property lines



Name of "Plan Preparer" with contact information



Name of project and date



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



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



Drainage location and method of on-site retention / detention



Location of public restrooms



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



Location and width of easements, canals and drainage ditches



Location and dimension of off-street parking



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



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



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



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



Locations and uses of ALL open spaces



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



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



Locations of subdivision lines *(if applicable)*



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



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



Roofline and foundation plan of building, location on the site



Location and designations of all sidewalks



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

Staff Use



## Landscape and Streetscape Plan

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

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

### Building Elevations

Applicant  
Use

Detailed elevation plans of each side of any proposed building(s) or additions(s)  
*Note: Four (4) elevations to include all sides of development and must be in color*

Staff  
Use

Identify the elevations as to north, south, east, and west orientation

Colored copies of all proposed building materials and indication where each material and color application is to be located  
*Note: Submit as 11"x17" reductions*

Screening/treatment of mechanical equipment

Provide a cross-section of the building showing any roof top mechanical units and their roof placement

Detailed elevation plans showing the materials to be used in construction of trash enclosures

### Lighting Plan

Applicant  
Use

Exterior lighting including detailed cut sheets and photometric plan (pedestrian, vehicle, security, decoration)

Staff  
Use

Types and wattage of all light fixtures

Placement of all light fixtures shown on elevations and landscaping plans

### Roof Plans

Applicant  
Use

Size and location of all roof top mechanical units

Staff  
Use

# Design Review Application

Applicant: ALC Architecture Phone: (208) 514-2713  
 Owner  Representative Fax/Email: downn@alcarchitecture.com

Applicant's Address: 1119 East State Street, Suite 120  
Eagle, Idaho 83616 Zip: 83616

Owner: Victor Clark Phone: (208) 870-4596

Owner's Address: 214 South Cole Road Email: victor@brightstars.com  
Boise, Idaho Zip: 83709

Represented By: *(if different from above)* Same as above (applicant) Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_  
Zip: \_\_\_\_\_

Address of Property: 1394 West Park Avenue, Kuna, Idaho Zip: 83634

Distance from Major Cross Street: 100 feet from N Cedar Street Street Name(s): on West Park Avenue

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

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

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

Request to construct (3) separate single-family houses along East side of property and a common driveway along West side.

1. Dimension of Property: 100' Wide and 215'-227' Long  
 2. Current Land Use(s): Residential  
 3. What are the land uses of the adjoining properties?

North: —  
 South: Residential  
 East: Residential  
 West: Residential

4. Is the project intended to be phased, if so what is the phasing time period? No  
 Please explain: N/A

5. The number and use(s) of all structures: (3) single-family residential dwellings

6. Building heights: 19'-8", 18'-9", 18'-9" Number of stories: 1

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

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

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

7. What is the percentage of building space on the lot when compared to the total lot area? 34%  
 8. Exterior building materials & colors: *(Note: This section must be completed in compliance with the City of Kuna Ordinance No. 2007-21A (as amended); found online at [www.cityofkuna.com](http://www.cityofkuna.com) under the City Code.*

Roof: Asphalt Shingles / Black

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

80-85% of walls to be masonite siding, horizontal 6" boards.

- % of Wood application: \_\_\_\_\_ / \_\_\_\_\_  
 % EIFS: \_\_\_\_\_ / \_\_\_\_\_  
(Exterior Insulation Finish System)  
 % Masonry: \_\_\_\_\_ / \_\_\_\_\_  
 % Face Block: \_\_\_\_\_ / \_\_\_\_\_  
 % Stucco: \_\_\_\_\_ / \_\_\_\_\_  
 & other material(s): Stone veneer ~5-10% / dark sandstone  
 List all other materials: Masonite Siding 80-85% / Taupe  
 Windows/Doors: Vinyl/Glass ~10-15% / white  
(Type of window frames & styles / doors & styles, material)  
 Soffits and fascia material: Masonite / urban bronze  
 Trim, etc.: Masonite / Urban bronze

Other: \_\_\_\_\_

9. Please identify Mechanical Units: Air conditioner, furnace, water heater (per unit)

Type/Height: —

Proposed Screening Method: —

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

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

No

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

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

6' tall wood fencing on East side of property

Type: Wood plank

Size: 6' tall

Location: along East side of property

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

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

—

14. Percentage of Site Devoted to Building Coverage: 34% , 7,526 sf

% of Site Devoted to Landscaping: 38%  
*(including landscaped rights-of-way)*

Square Footage: 8,560 sf

% of Site that is Hard Surface: 28%  
*(Paving, driveways, walkways, etc.)*

Square Footage: 5,914 sf

% of Site Devoted to other uses: —

Describe: \_\_\_\_\_

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

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

—

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

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

No

17. Dock Loading Facilities:

Number of docking facilities and their location: N/A

Method of screening: N/A

18. Pedestrian Amenities: *(bike racks, receptacles, drinking fountains, benches, etc.)* N/A

19. Setbacks of the proposed building from property lines:

Front 20 -feet      Rear 15 -feet      Side 5 -feet      Side 5 -feet

20. Parking requirements: N/A

Total Number of Parking Spaces: —      Width and Length of Spaces: —

Total Number of Compact Spaces 8'x17': —

21. Is any portion of the property subject to flooding conditions?      Yes —      No ✓

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

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

Signature of Applicant [Signature]      Date 7/12/18

City staff comments:  
\_\_\_\_\_  
\_\_\_\_\_

Signature of receipt by City Staff \_\_\_\_\_      Date \_\_\_\_\_

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

\_\_\_\_\_  
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BUILDING 1/2 - EXTERIOR ELEVATION -  
 ① WEST  
 1/4" = 1'-0"



BUILDING 1/2 - EXTERIOR ELEVATION -  
 ② SOUTH  
 1/4" = 1'-0"



BUILDING 1/2 - EXTERIOR ELEVATION -  
 ③ EAST  
 1/4" = 1'-0"



BUILDING 1/2 - EXTERIOR ELEVATION -  
 ④ NORTH  
 1/4" = 1'-0"

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BUILDING 3 - EXTERIOR ELEVATION -  
WEST  
①  
1/4" = 1'-0"



BUILDING 3 - EXTERIOR ELEVATION -  
SOUTH  
②  
1/4" = 1'-0"



BUILDING 3 - EXTERIOR ELEVATION -  
EAST  
③  
1/4" = 1'-0"



BUILDING 3 - EXTERIOR ELEVATION -  
NORTH  
④  
1/4" = 1'-0"

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M1 BLACK - ARCHITECTURAL ASPHALT SHINGLES



M2 TAUPE - 6" REVEAL HORIZONTAL MASONITE SIDING



M3 URBAN BRONZE - MASONITE TRIM



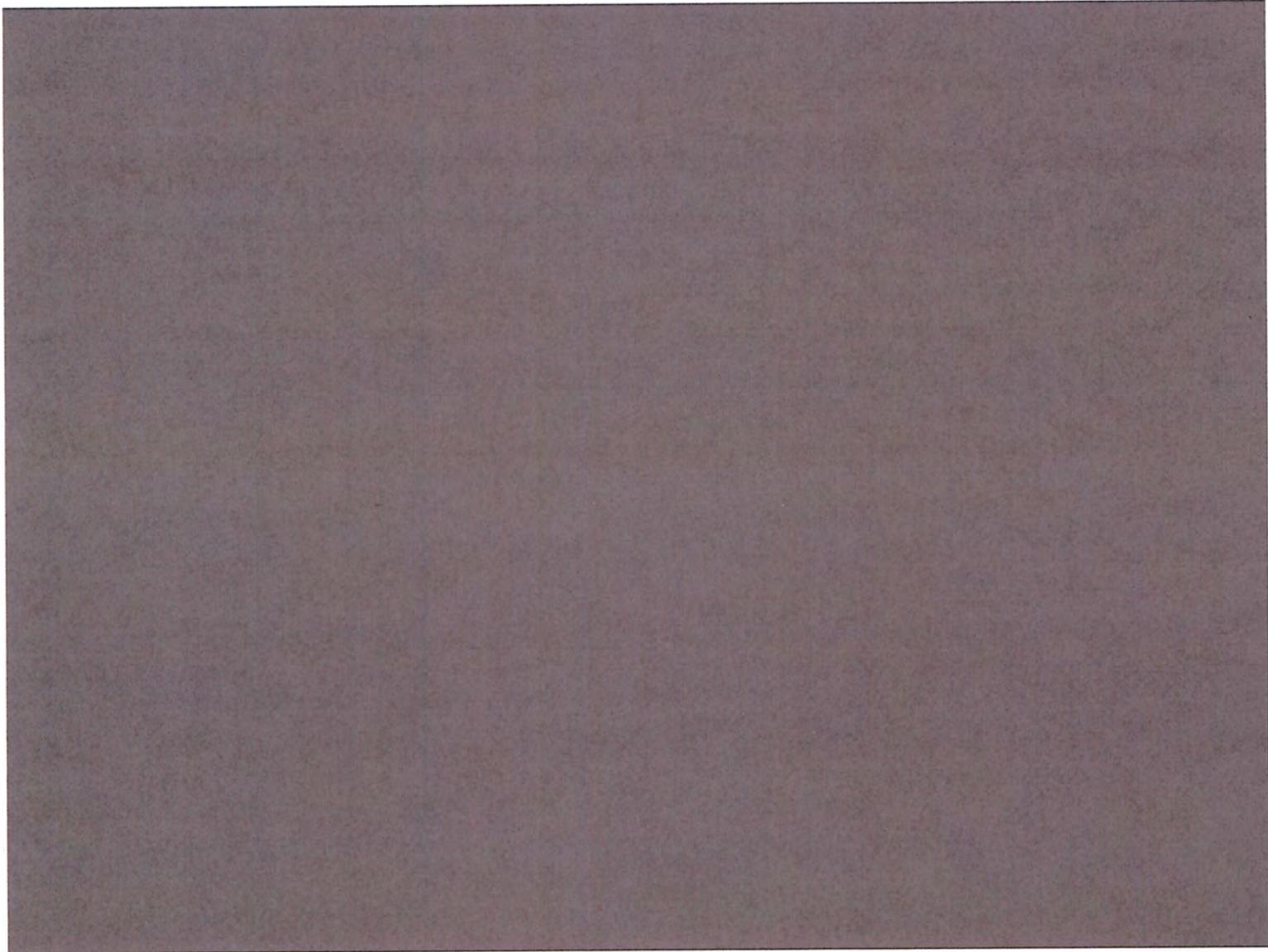
M4 LIGHT BIRCH - WOOD BEAMS/COLUMNS



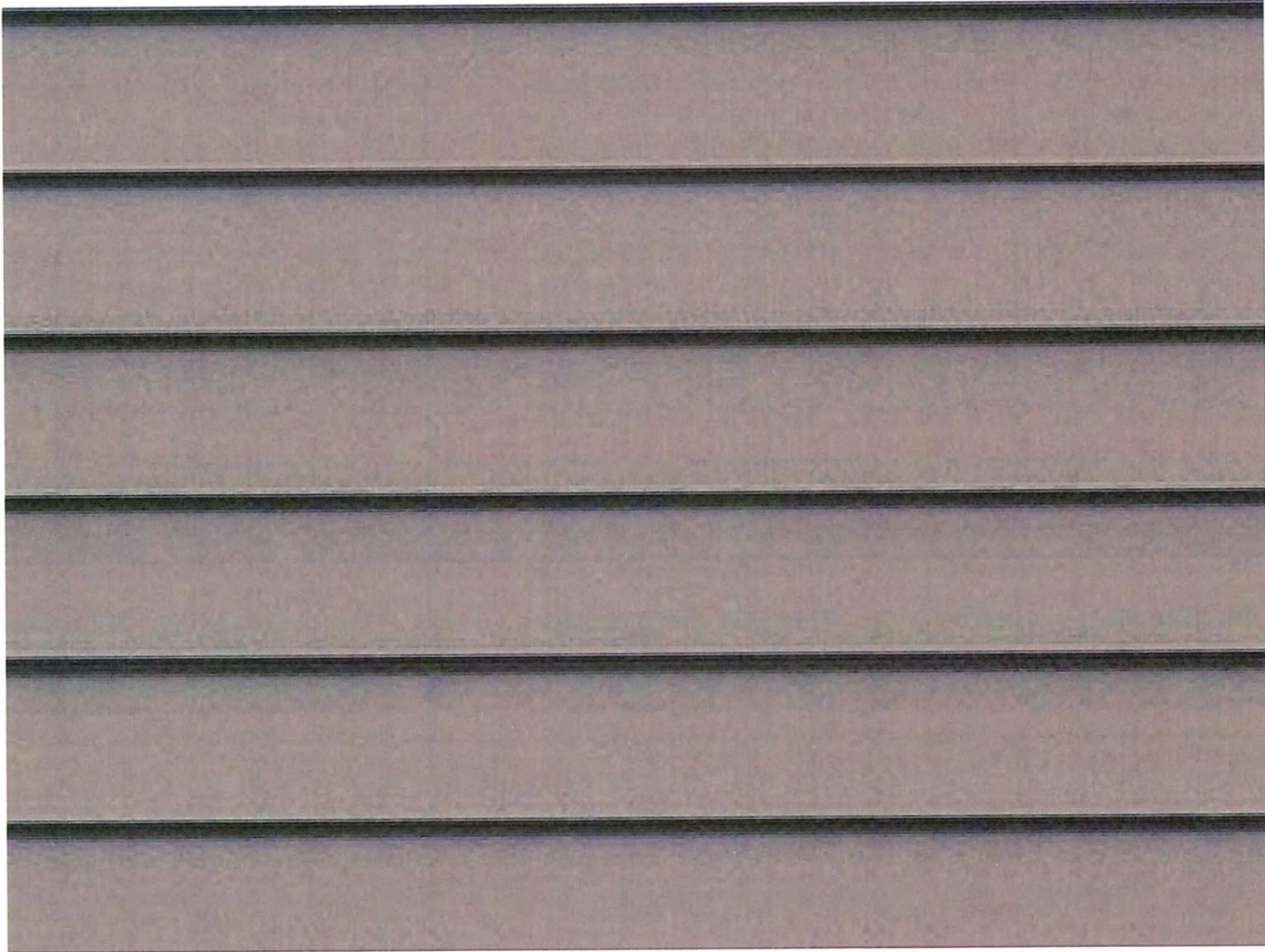
M5 DARK LIMESTONE ASHAR - STONE VENEER



**M4** LIGHT BIRCH - WOOD BEAMS/COLUMNS



M3 URBAN BRONZE - MASONITE TRIM



**M2** TAUPE - 6" REVEAL HORIZONTAL MASONITE SIDING



**M1** BLACK - ARCHITECTURAL ASPHALT SHINGLES

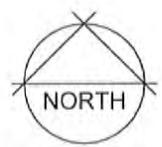
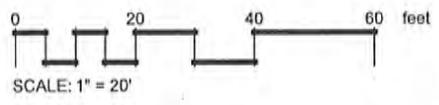
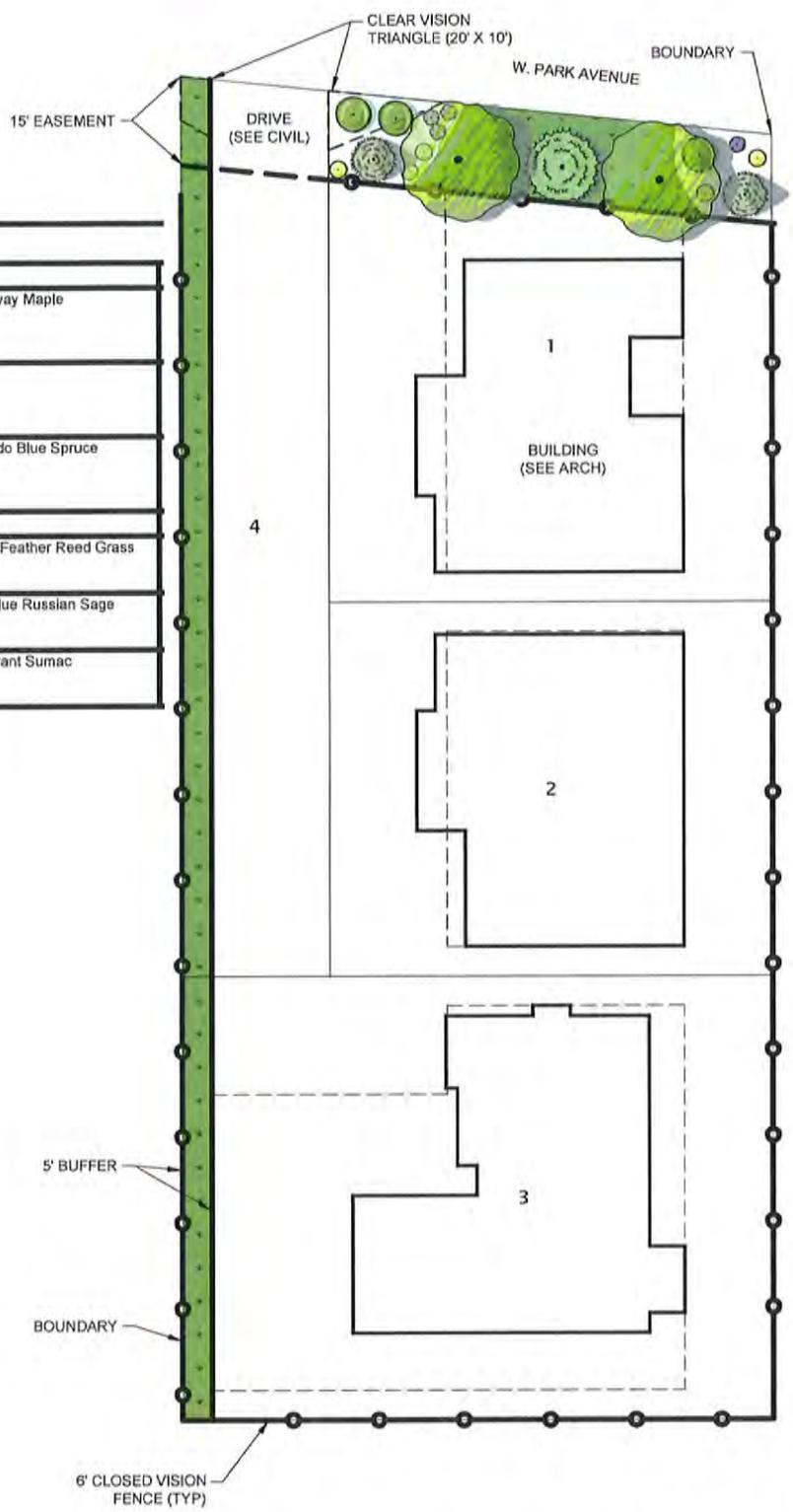


M5 DARK LIMESTONE ASHLAR - STONE VENEER



### PLANT SCHEDULE

TREES	BOTANICAL NAME / COMMON NAME
	<i>Acer platanoides</i> 'Columnar Broad' / Parkway Maple CLASS II, 45' H X 25' W
	<i>Picea omorika</i> 'Bruns' / Bruns Spruce 30' H x 8' W
	<i>Picea pungens</i> 'Layered' / Layered Colorado Blue Spruce 35' H X 15' W
SHRUBS	BOTANICAL NAME / COMMON NAME
	<i>Calamagrostis x acutiflora</i> 'Karl Foerster' / Feather Reed Grass 2.5' H X 2.5' W (4" SEED HEADS)
	<i>Perovskia atriplicifolia</i> 'Walppb' / Peek A Blue Russian Sage 3' H X 3' W
	<i>Rhus aromatica</i> 'Gro-Low' / Gro-Low Fragrant Sumac 1.5' H X 6' W
	LAWN, TALL-TURF TYPE FESCUE OR APPROVED OTHER, SODDED



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 <p><b>STACK ROCK GROUP</b></p> <p>STACK ROCK GROUP, LLC LANDSCAPE ARCHITECTURE &amp; GARDEN PLANNING FROM EDISE IDAHO 1014 N. HOPKINS ST. SUITE 100 BOISE, IDAHO 83725</p>	<h2>KUNA TOWNHOMES</h2> <p>KUNA, IDAHO</p>		ISSUE DATE:	JB	<h2>KUNA TOWNHOMES</h2> <p>COLOR RENDER</p>
	PROJECT NUMBER:	18-1113	DRAWN BY:	CW	

**Jace Hellman**

---

**From:** Jace Hellman  
**Sent:** Monday, November 5, 2018 3:03 PM  
**To:** ACHD; Ada County Engineer; Adam Ingram; Becky Rone - Kuna USPS Addressing; Bob Bachman; Boise Project Board of Control (TRitthaler@boiseproject.org); Cable One t.v.; Central District Health Dept. CDHD; COMPASS; DEQ (Alicia.martin@deq.idaho.gov); Eric Adolfson; Idaho Power; Idaho Power; Idaho Power Easements 1; 'Idaho Power Easments 2'; Intermountain Gas; J&M Sanitation - Chad Gordon; jmcdaniel@adaweb.net; Julie Stanely - Regional Address Mgmt.; Ken Couch: Idaho Transportation Department; Kuna Postmaster - Marc C. Boyer; Kuna School District; Kuna School District; Kuna School District; Lisa Holland; Megan Leatherman; Nampa Meridian Irrigation District; New York Irrigation; Paul Stevens; Perry Palmer; Planning Mgr: Ada County Development Services; Terry Gammel  
**Subject:** Kuna Planning and Zoning Request for Comment - Case No. 18-09-S (Preliminary Plat) - Sapphire Ranch Subdivision  
**Attachments:** Agency Transmittal Packet 11.5.18.pdf

November 5, 2018

Notice is hereby given by the City of Kuna that the following action(s) are under consideration:

<b>File Number &amp; Case Name:</b>	18-09-S (Preliminary Plat) Sapphire Ranch Subdivision.
<b>Project Description</b>	Victor Clark requests to subdivide an approximate 0.51-acre parcel into three buildable single-family lots. The subject site is zoned R-6 (Medium-Density Residential) and is located at 1394 W. Park Avenue, Kuna, ID 83634, within Section 23, Township 2 North, Range 1 West; (APN# R5070002532).
<b>Site Location</b>	1394 W. Park Avenue, Kuna, ID 83634
<b>Owner/Applicant</b>	<b>Victor Clark</b> 214 S. Cole Road Boise, ID 83709 208-922-6460 <a href="mailto:victorc@brightstarps.com">victorc@brightstarps.com</a>
<b>Representative</b>	<b>Corinne Graham</b> 921 S. Orchard St, Suite 200 Boise, ID 83705 208-946-3874 <a href="mailto:cgraham@csengineering.com">cgraham@csengineering.com</a>
<b>Public Hearing Date</b>	Tuesday, <b>January 22, 2019</b> 6:00 pm Kuna City Hall is located at 751 W. 4 <sup>th</sup> Street, Kuna, ID 83634



**Staff Contact**

Jace Hellman, Planner II  
[jhellman@kunaaid.gov](mailto:jhellman@kunaaid.gov)  
Phone: 208.922.5274  
Fax: 208.922.5989

Enclosed is information to assist you with your consideration and response. All comments as to how this action may affect the service(s) your agency provides, is greatly appreciated. Please contact staff with any questions. **If your agency needs different or additional information to review and provide comments please notify our office and they will be sent to you.** If your agency needs additional time for review, please let our office know as soon as possible. *No response within 15 business days will indicate you have no objection or comments for this project.*

Thank you!

Jace Hellman  
Planner II  
751 W 4<sup>th</sup> St  
Kuna, ID 83634  
[jhellman@kunaaid.gov](mailto:jhellman@kunaaid.gov)





City of Kuna  
Planning & Zoning Department

**City of Kuna**  
P.O. Box 13  
Kuna, Idaho 83634  
Phone: (208) 922-5274  
Fax: (208) 922-5989  
[www.kunacity.id.gov](http://www.kunacity.id.gov)

## Agency Transmittal

November 5, 2018

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<b>Representative</b>	<b>Corinne Graham</b> 921 S. Orchard St, Suite 200 Boise, ID 83705 208-946-3874 <a href="mailto:cgraham@cswengineering.com">cgraham@cswengineering.com</a>
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<b>Staff Contact</b>	Jace Hellman, Planner II <a href="mailto:jhellman@kunaid.gov">jhellman@kunaid.gov</a> Phone: 208.922.5274 Fax: 208.922.5989

● Page 2

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**RICHARD DURRANT**  
CHAIRMAN OF THE BOARD

**CLINTON PLINE**  
VICE CHAIRMAN OF THE BOARD

**ROBERT D. CARTER**  
PROJECT MANAGER

**THOMAS RITTHALER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

**MARY SUE CHASE**  
ASSISTANT SECRETARY-  
TREASURER

## BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD  
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000  
ACRES FOR THE FOLLOWING  
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT  
BOISE-KUNA DISTRICT  
WILDER DISTRICT  
NEW YORK DISTRICT  
BIG BEND DISTRICT

TEL: (208) 344-1141  
FAX: (208) 344-1437

RECEIVED  
NOV 08 2018  
CITY OF KUNA

06 November 2018

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

RE: Sapphire Ranch Sub  
1394 W. Park Ave, Kuna 83634  
Boise-Kuna Irrigation District  
South Railroad Lateral 188+50  
Sec. 23, T2N, R1W, BM.

18-09-S

No Water Right

Jace Hellman, Planner II:

There are no Boise Project facilities located on the above-mentioned property and our records indicate that the property does not have a water right.

Local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,



Thomas Ritthaler  
Management / GIS

tbr/tr

cc: Ray Moore                      Watermaster, Div; 3 BPBC  
Lauren Boehlke                  Secretary – Treasurer, BKID  
File

Exhibit  
C2



received  
11-15-18

## DEQ Response to Request for Environmental Comment

Date: November 15, 2018  
Agency Requesting Comments: City of Kuna  
Date Request Received: November 5, 2018  
Applicant/Description: Pre-Plat Sapphire Ranch Subdivision 18-09-S

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

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

### 1. Air Quality

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

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

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

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

### 2. Wastewater and Recycled Water

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

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

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

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

### **3. Drinking Water**

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

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

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

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

### **4. Surface Water**

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

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

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

#### **5. Hazardous Waste And Ground Water Contamination**

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

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

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

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

**6. Additional Notes**

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

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

Sincerely,



Aaron Scheff  
[aaron.scheff@deq.idaho.gov](mailto:aaron.scheff@deq.idaho.gov)  
Regional Administrator  
Boise Regional Office  
Idaho Department of Environmental Quality

ec: TRIM 2018AEK178

received  
11.19.18



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Your Economic Opportunity**

**IDAHO TRANSPORTATION DEPARTMENT**  
P.O. Box 8028 • Boise, ID 83707-2028  
(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

November 19, 2018

Jace Hellman  
City of Kuna, Planning and Zoning Department  
751 W. 4<sup>th</sup> St.  
Kuna, ID 83634

**VIA EMAIL**

<b>Development Application</b>	<b>18-09-S</b>
<b>Project Name</b>	<b>SAPPHIRE RANCH SUBDIVISION</b>
<b>Project Location</b>	1394 West Park Avenue, west of SH-69 milepost 2.20
<b>Project Description</b>	Subdivide an approximate 0.51- acre parcel in three buildable single-family lots.
<b>Applicant</b>	Victor Clark
<b>Representing</b>	Corinne Graham

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

1. This project does not abut the State highway system.
2. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
3. IDAPA 39.03.60 rules govern advertising along the State highway system. The applicant may contact Justin Pond, Right-of-Way Section Program Manager, at (208) 334-8832 for more information.
4. ITD does not object to the preliminary plat as presented in the application.

If you have any questions, you may contact Ken Couch at (208) 332-7190 or me at (208) 334-8338.

Sincerely,

Sarah Arjona  
Development Services  
[Sarah.Arjona@itd.idaho.gov](mailto:Sarah.Arjona@itd.idaho.gov)



**CENTRAL DISTRICT HEALTH DEPARTMENT**  
**Environmental Health Division**

Return to:

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

Rezone # \_\_\_\_\_

Conditional Use # \_\_\_\_\_

Preliminary / Final / Short Plat 18-09-S

Sapphire Ranch

RECEIVED  
 NOV 21 2018  
 CITY OF KUNA

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

Reviewed By:

Low Body

Date: 11/16/18

Exhibit  
 CS



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

November 30, 2018

(Via email)

To: Victor Clark  
214 S Cole Road  
Boise, ID 83709

Representative: Civil Site Works Engineering  
Corinne Graham  
921 S Orchard Street, Ste. 200  
Boise, ID 83705

Subject: KPP18-0014/ Sapphire Ranch  
Preliminary plat consisting of three lots

This is a staff level approval of a preliminary plat for the Sapphire Ranch Subdivision. On December 21, 2017 the Ada County Highway District reviewed and approved this site as part of Kuna Townhomes/ KUNA17-0016/ 17-06-SUP/ 17-19-DR. The site-specific conditions of approval also apply to KPP18-0014/ Sapphire Ranch Subdivision.

The applicant will be required to pay all applicable platting and review fees prior to final approval.

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

Sincerely,

Stacey Yarrington  
Planner III  
Development Services

Attach: KUNA17-0016

cc: Project File  
City of Kuna (via email)  
Civil Site Works Engineering (via email)

## Request for Appeal of Staff Decision

**Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.

a) **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.

b) **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.

c) **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.

d) **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.

e) **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.



**Project/File:** Kuna Townhomes/ KUNA17-0016/ 17-06-SUP/ 17-19-DR  
*This is a special use permit and design review application to construct a triplex of townhomes, located on 0.5-acres.*

**Lead Agency:** City of Kuna

**Site address:** 1394 W Park Avenue

**Staff Approval:** December 21, 2017

**Applicant:** Victor Clark  
 214 S Cole Road  
 Boise, ID 83709

**Representative:** ALC Architecture  
 Troy Lachcik  
 1119 E State Street, Ste. 120  
 Eagle, ID 83616

**Staff Contact:** Stacey Yarrington, Planner III  
 Phone: 387-6171  
 E-mail: [syarrington@achdidaho.org](mailto:syarrington@achdidaho.org)



**A. Findings of Fact**

1. **Description of Application:** The applicant is requesting approval of a special use permit and design review application to construct a triplex of townhomes. The site is currently zoned R-6 (Medium density Residential), and the applicant's proposal is consistent with the City of Kuna's comprehensive plan.

2. **Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Public (railroad tracks)	P
South	Medium density Residential	R-6
East	Medium density Residential	R-6
West	Medium density Residential	R-6

- 3. **Site History:** ACHD has not previously reviewed this site for a development application.
- 4. **Transit:** Transit services are not available to serve this site.
- 5. **New Center Lane Miles:** The proposed development includes 0.0 centerline miles of new public road.
- 6. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.

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

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

**B. Traffic Findings for Consideration**

1. **Trip Generation:** This development is estimated to generate 17 vehicle trips per day; 2 vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 9<sup>th</sup> edition.
2. **Condition of Area Roadways**  
Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Bridge Avenue	0-feet	Minor Arterial	445	Better than “E”
Avalon Street	0-feet	Minor Arterial	513	Better than “E”
Cedar Avenue	0-feet	Local	N/A	N/A
Park Avenue	100-feet	Local	N/A	N/A

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

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

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

- The average daily traffic count for Bridge Avenue south of Main Street was 8,792 on 04/19/2017.
- The average daily traffic count for Avalon Street west of Shoreline Street was 9,685 on 04/19/2017.

**C. Findings for Consideration**

**1. Park Avenue**

a. **Existing Conditions:** Park Avenue is improved with 2-travel lanes, 23-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way for Park Avenue (25-feet from centerline). Park Avenue is a dead-end street east of the site, and the only access to Park Avenue is from Cedar Avenue.

b. **Policy:**

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

**Street Section and Right-of-Way Policy:** District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 50-feet wide and that the standard street section shall be 36-feet (back-of-curb to back-of-curb). The District will consider the utilization of a street width less than 36-feet with written fire department approval.

**Standard Urban Local Street—36-foot to 33-foot Street Section and Right-of-way Policy:** District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to

back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

The District will also consider the utilization of a street width less than 36-feet with written fire department approval. Most often this width is a 33-foot street section (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size.

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

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

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

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

**Half Street Policy:** District Policy 7207.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

- c. **Applicant's Proposal:** The applicant is proposing to improve Park Avenue with curb, gutter, and sidewalk abutting the site.
- d. **Staff Comments/Recommendations:** The applicant should be required to construct Park Avenue as ½ of a 36-foot street section including pavement widening, curb, gutter, and minimum 5-foot wide sidewalk abutting the site.

The applicant should provide a permanent right-of-way easement to 2-feet behind back of curb for any sidewalk placed outside of the dedicated right-of-way. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

## 2. Cedar Avenue

Cedar Avenue is currently improved with 17-feet of pavement within 20-feet of right-of-way; and is functioning as an alley from Park Avenue south to Avalon Street. However, as future development occurs, right-of-way should be acquired and Cedar Avenue should be improved to a complete street with curb, gutter, and sidewalk.

Cedar Avenue provides the only access to Park Avenue. Therefore, the applicant should be required to provide written fire departmental approval for the reduced access to the site.

## 3. Driveways Park Avenue

a. **Existing Conditions:** There is an approximately 14-foot wide unimproved driveway onto Park Avenue from the site, located approximately 114-feet east of Cedar Avenue.

b. **Policy:**

**Driveway Location Policy:** District policy 7207.4.1 requires driveways located near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest street intersection.

**Successive Driveways:** District Policy 7207.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.

**Driveway Width Policy:** District policy 7207.4.3 states that where vertical curbs are required, residential driveways shall be restricted to a maximum width of 20-feet and may be constructed as curb-cut type driveways.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.4.3, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

c. **Applicant's Proposal:** The applicant is proposing to construct a 24-foot wide driveway onto Park Avenue from the site, located approximately 114-feet east of Cedar Avenue.

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

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

#### 4. **Tree Planters**

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

#### 5. **Landscaping**

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

### **D. Site Specific Conditions of Approval**

1. Construct Park Avenue as ½ of a 36-foot street section including pavement widening, curb, gutter, and minimum 5-foot wide sidewalk abutting the site.
2. Provide a permanent right-of-way easement to 2-feet behind back of curb for any public sidewalk placed outside of the dedicated right-of-way. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.
3. Provide written fire departmental approval for reduced access to the site via Cedar Avenue.

4. Construct a 24-foot wide driveway onto Park Avenue from the site, located 114-feet east of Cedar Avenue. Pave the driveway its entire width and at least 30-feet into the site beyond the edge of pavement of the roadway.
5. Payment of impacts fees are due prior to issuance of a building permit.
6. Comply with all Standard Conditions of Approval.

## **E. Standard Conditions of Approval**

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

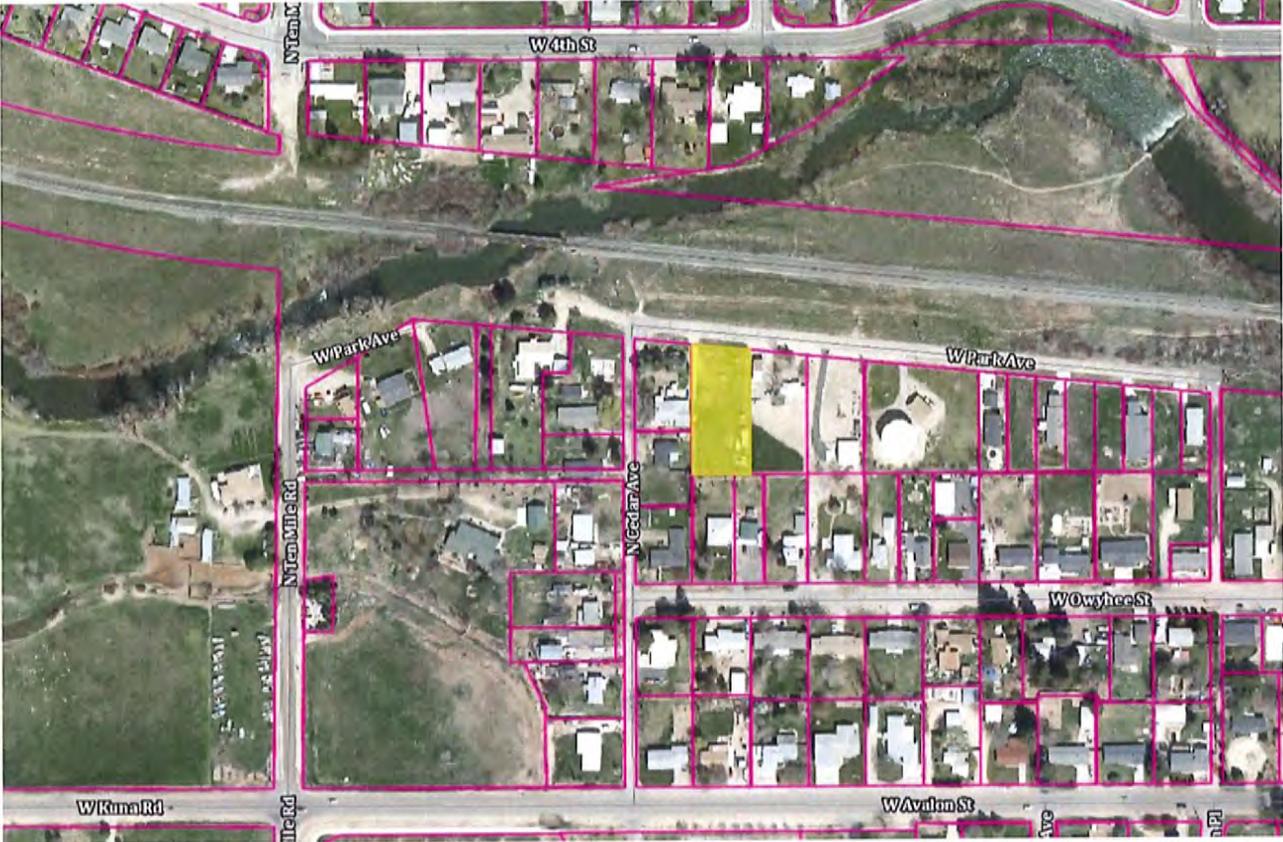
## **F. Conclusions of Law**

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

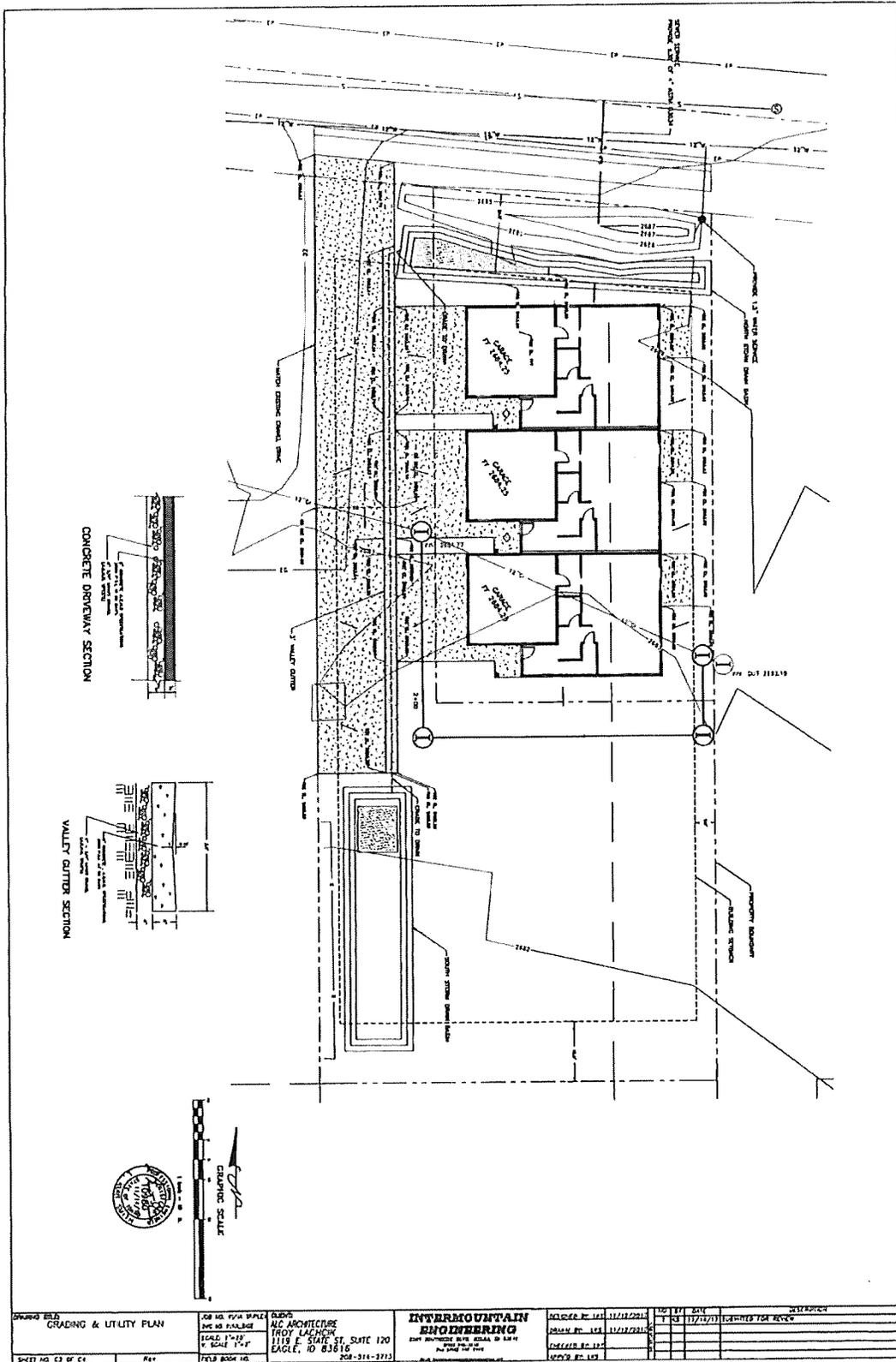
## **G. Attachments**

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Appeal Guidelines

VICINITY MAP



# SITE PLAN



## Ada County Utility Coordinating Council

### Developer/Local Improvement District Right of Way Improvements Guideline Request

*Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.*

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

**Notification to the Ada County UCC can be sent to:** 50 S. Cole Rd. Boise 83707, or Visit [iducc.com](http://iducc.com) for e-mail notification information.

# Development Process Checklist

## Items Completed to Date:

- Submit a development application to a City or to Ada County
- The City or the County will transmit the development application to ACHD
- The ACHD **Planning Review Section** will receive the development application to review
- The **Planning Review Section** will do one of the following:
  - Send a "**No Review**" letter to the applicant stating that there are no site specific conditions of approval at this time.
  - Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
  - Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

## Items to be completed by Applicant:

- For **ALL** development applications, including those receiving a "**No Review**" letter:
  - The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
  - The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

### DID YOU REMEMBER:

#### *Construction (Non-Subdivisions)*

#### **Driveway or Property Approach(s)**

- Submit a "Driveway Approach Request" form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

#### **Working in the ACHD Right-of-Way**

- Four business days prior to starting work have a bonded contractor submit a "Temporary Highway Use Permit Application" to ACHD Construction – Permits along with:
  - a) Traffic Control Plan
  - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50' or you are placing >600 sf of concrete or asphalt.

#### *Construction (Subdivisions)*

#### **Sediment & Erosion Submittal**

- At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

#### **Idaho Power Company**

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

- Final Approval from Development Services is required** prior to scheduling a Pre-Con.

## Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
  - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
  - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
  - c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
  - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
  - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.



CITY OF KUNA

P.O. BOX 13

KUNA, ID 83634

Paul A. Stevens, P.E.

Kuna City Engineer

## PRELIMINARY PLAT REVIEW MEMORANDUM

Date: 14 December 2018  
From: Paul A. Stevens, P.E.  
To: Wendy Howell, Planning and Zoning Director  
RE: Sapphire Ranch Subdivision

---

The Preliminary Plat request by Victor Clark, dated September 10, 2018 has been reviewed. The proposed preliminary plat provided shows 3 single family lots and 0 common lots. The following narrative resulted.

### 1. Sanitary Sewer Needs

- a) The City has sufficient sewer treatment capacity to serve Sapphire Ranch Subdivision as proposed at the South Wastewater Treatment facility.
- b) The south wastewater treatment facility is fed from Ten Mile Lift Station. This lift station is currently operating approximately 189 EDUs above capacity. Additional capacity will not be available until the new Orchard Lift Station is put into service (early 2019). 248 EDUs will be diverted from the current Ten Mile Lift Station resulting with 59 available EDUs in Ten Mile Lift Station once the new lift station is on line.
- c) This property was not included in Local Improvement District 2006-1. No sewer connection fees were pre-paid. Consequently, no connection fee credits and no reserved sewer treatment capacity have been set aside for Sapphire Ranch Subdivision. Sufficient treatment connections are available at standard rates to serve this site. When connecting to the sewer system, the applicant shall abide by any relevant sewer reimbursement policies and agreements and any relevant connection fees as established by the Kuna City Council at the time of connection.
- d) City Code (6-4-20) requires connection to the City sewer system for all sanitary sewer needs.
- e) For any connected load, it is recommended that this application be conditioned to conform to the sewer master plan. Developer's engineer shall provide verification of gravity flow from this project.
- f) At all reasonable locations where sewer service could be extended to adjoining properties, sewer mains should be stubbed to the property line or extended in right-of-way in or adjacent to the project at useable depths.

- g) Sapphire Ranch Subdivision is made up of three lots with a common driveway. All lots must have separate services. Services shall conform to the Idaho Plumbing Code requirements.
- h) For assistance in locating existing facilities and understanding issues associated with connection, please contact the GIS Manager at 287-1726.

## 2. Potable Water Needs

- a) The City has sufficient potable water supply to serve Sapphire Ranch Subdivision. Sapphire Ranch Subdivision shall be subject to connection fees for the demand of the ultimate connected load as provided in the City's Fee Resolution and Standard Table.
- b) The nearest available water main (15-inch diameter) is located in W. Park Ave immediately adjacent to this site.
- c) City Code (6-4-2X) requires connection to the City water system for all potable water needs.
- d) For any connected load, it is recommended this application be conditioned to conform to the water master plan.

*Items e - g may not apply to this application. However items e – g represent City policy and are included to provide a complete narrative.*

- e) A minimum of 8-inch water mains should be installed by developer in internal subdivision streets.
- f) At least 8-inch water mains are to be extended and connected by developer to water trunk lines and mains through all stub and entry-way streets.
- g) Improvements necessary to provide adequate fire protection as required by Kuna Fire District will be required of the development.
- h) For assistance in locating existing facilities, please contact the GIS Manager at 287-1726.

## 3. Pressure Irrigation

- a) The applicant's property is not connected to the City pressure irrigation system. The nearest pressure main (12-inch) is located in W. Kuna Road approximately 2,000 feet (using existing road ROW) from the proposed main entrance to Sapphire Ranch Subdivision.
- b) Relying on drinking water for irrigation purposes is contrary to City Code (6-4-21) and the public interest and is not accounted for in the approved Water Master Plan. It is recommended that this project be conditioned to require connection and annexation to the City Pressure Irrigation system at the time of development.
- c) The development is subject to connection fees based on number of dwellings and lot size for the residential area and based on ultimate landscaped area for the common lots, as provided in City Resolutions.
- d) For any connected load, it is recommended that this application be conditioned to conform to the Pressure Irrigation Master Plan.
- e) It is further recommended that annexation into the municipal irrigation district and pooling of water rights is a requirement at the time of final platting.
- f) It is recommended that conformity with approved City PI standards is required, including the providing of adequately sized internal and boundary loop lines. Preliminarily, 4-inch diameter pressurized irrigation lines shall be provided along the south and east borders of the site. All pressurized irrigation shall be looped wherever possible and connected to adjacent properties.

#### 4. Grading and Storm Drainage

The following is required because alteration of surface features is proposed (such as grading or paving) in connection with this application:

- a) Runoff from public right-of-way is regulated by ACHD or ITD, depending on the agency responsible for the right-of-way. Plans are required to conform to the appropriate agency standards.
- b) Exclusive of public right-of-way, any increase in quantity or rate of runoff or decrease in quality of runoff compared to historical conditions must be detained, treated and released at rates no greater than historical amounts. In the alternative, offsite disposal of storm water in excess of historical rates or conditions of disposal at locations different than provided historically, approval of the operating entity is required. The City of Kuna relies on the ACHD Storm water Policy Manual to establish the requirements for design of any private disposal system.
- c) All new development shall provide a documentation map that illustrates existing surface and sub-surface water irrigation supply system and drainage ways in/on the applicant's property and in the right-of-way adjacent to the proposed development with the construction plan set. The maps must include 2-foot contours, a layout and essential features of existing irrigation ditches, drainage ditches and pipelines within and adjacent to the proposed development. Open and piped facilities should be noted. The map should include any proposed changes to the systems.
- d) All upstream drainage rights and downstream water delivery rights are to be preserved as a condition of development. Constructed facilities to preserve these rights must be designed by an Idaho licensed professional engineer. Provide drainage/irrigation drawings with the project plan set for review by the City Engineer. Construction and materials shall be acceptable to the City Engineer. Facilities provided must be accessible (easements or right-of-way) for continued maintenance, and if necessary, replacement.

#### 5. General

- a) With the addition of this property into the corporate limits of Kuna and its potential connection to sewer, water and irrigation services, this property will be placing demand not only on constructed facilities but on water rights provided by others. It is the reasonable expectation, in return, that this property transfer to the City, at time of connection, any conveyable water rights by deed and "Change of Ownership" form from IDWR. The domestic water right associated solely with a residence and ½ acre or less is not conveyable. The water right held in trust by an irrigation district is also not conveyable.
- b) A plan approval letter will be required if this project affects any local irrigation district or its facilities.
- c) The City reserves the right of prior approval to all agreements involving the applicant (or its successors) and the irrigation or drainage district related to the property of this application and any attempt to abandon surface water rights.
- d) Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties.
- e) State the vertical datum used for elevations on all drawings.
- f) Provide engineering certification on all final engineering drawings.

## 6. Inspection Fees

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

## 7. Right-of-Way

The subject property fronts on W. Park Avenue.

- a) Sufficient half right-of-way for the classified streets should be provided pursuant to City and ACHD standards.
- b) Residential Easements – City Code (6-3-8) requires the providing of 10-foot front and back lot line easements and side-lot easements, as necessary. The Engineering Team recommends the following:
  - a. 10-foot minimum subdivision boundary easement – which can be reduced to 5' on the phase lines if there are no irrigation or public utilities within those easements;
  - b. 10-foot minimum street frontage easement for public utilities and irrigation;
  - c. 10-foot back lot line easement as required in code for irrigation;
  - d. 5-foot side lot line easement as required in code for irrigation;
  - e. Additional easements as needed for facilities not in right-of-way of width and alignment acceptable to the City.
- c) It is recommended that approaches onto classified streets comply with ACHD approach policies.
- d) It is recommended that sidewalk, curb and gutter, street widening and any related storm drainage facilities, consistent with city code and policies, are provided at the time of land-use change, development or re-development.

## 8. As-Built Drawings

As-built (record) drawings are required at the conclusion of any public facility construction project and are the responsibility of the developer's engineer. The city may help track changes, but will not be responsible for the finished product. As-built drawings shall be completed and submitted to the City Engineer before occupancy or final plat approval is granted.

## 9. Phasing of Development

- a) Any phasing plan, to be acceptable, must extend city services, extend transportation facilities and extend other utilities in a manner to maintain reliable service to the buildable lots in the subdivision and not disrupt service to neighboring properties.
- b) A phasing plan, to be acceptable, must not delay expenditures for infrastructure to burden with expenses in a disproportionate manner the later phases of a project.

- c) Irrespective of compliance with the above conditions, the City in general does not approve or reject phasing plans without the advice and consent of the Planning and Zoning Director.

**10. Property Description**

- a) The applicant is required to provide a metes and bounds property description of the subject parcel.



**CITY OF KUNA**  
PLANNING & ZONING DEPARTMENT

751 West 4<sup>th</sup> Street  
P.O. Box 13  
Kuna, ID 83634  
Phone: 208-922-5274  
Fax: 208-922-5989  
[www.kunacity.id.gov](http://www.kunacity.id.gov)

**CERTIFICATE OF MAILING**

Date: January 23, 2019

To:  300' Property Owners  Other \_\_\_\_\_

Planner: Jace Hellman, Planner II

Case Name: 18-09-S (preliminary plat); Sapphire Ranch Subdivision

I HEREBY CERTIFY that on this 23rd day of January, 2019, I caused a true and correct copy of the foregoing instrument to be deposited in the United States mail, with prepaid postage.

\_\_\_\_\_  
Signature

Dawn Stephens  
Attest





**CITY OF KUNA  
PLANNING & ZONING DEPARTMENT**

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

Dear Property Owner:

NOTICE IS HEREBY GIVEN that the City of Kuna **Planning and Zoning Commission** is scheduled to hold a public hearing on **February 12, 2019**, beginning at **6:00 pm** on the following case:

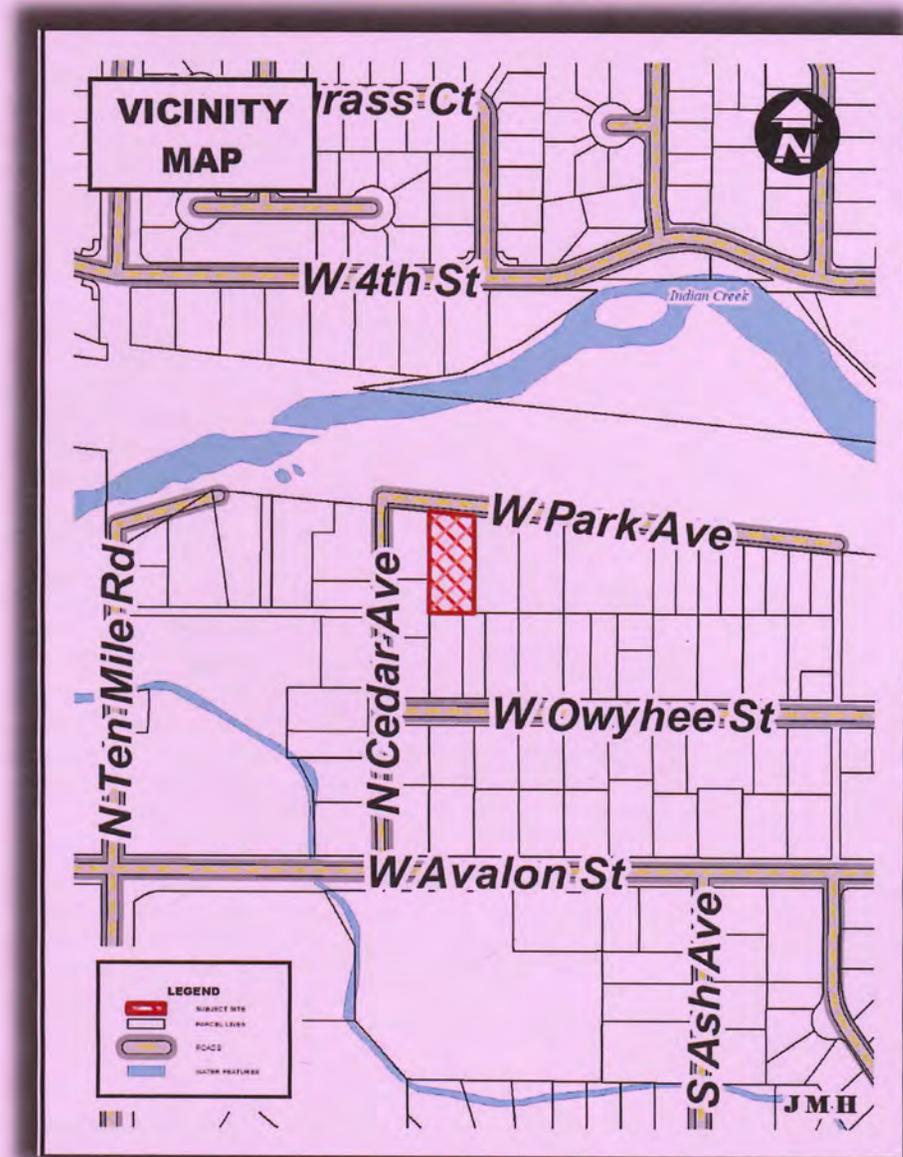
A **Preliminary Plat (S)** request from Victor Clark to subdivide approximately 0.508-acres into three (3) single family buildable lots. The subject site is located on West Park Avenue, Kuna, ID 83634, within Section 23, Township 2 North, Range 1 West; (APN# R5070002532).

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

You are invited to provide oral or written comments at the hearing. Written testimony received by the close of business on **February 5, 2019** will be included in the packets that is distributed to the governing body prior to the hearing. Late submissions (must submit six (6) copies) will be presented to the governing body at time of the hearing. Please note oral comments made during the public hearing will be restricted to three (3) minutes per person. Mail written comments to PO Box 13, Kuna, ID 83634 or drop them off at City Hall, 751 West 4<sup>th</sup> Street, Kuna, ID.

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

In all correspondence concerning this case, please refer to the case name: **18-09-S (Preliminary Plat) – Sapphire Ranch Subdivision**



MAILED 1/23/19

City of Kuna  
Planning and Zoning  
PO Box 13  
Kuna, ID 83634

**NOTICE**

## Suggestions For Testifying at the Public Hearing:

### **Be informed . . .**

Review the proposal, the staff report, applicable provisions of the ordinance and comprehensive plan.

### **Be on time . . .**

Although the item you are interested in may not be first on the agenda, you never know when it will be heard. The governing body has authority to adjust the schedule according to its discretion. Thus, anticipate attending from the beginning.

### **Speak to the point . . .**

The governing body appreciates pertinent, well organized, factual and concise comments. Redundant testimony is prohibited. **The developer or their representative is given 20 minutes to present their project. Others wishing to testify is given three (3) minutes to comment. The developer or their representative is given additional time for rebuttal or discuss issues raised by opposition at the end of all testimony.** Long stories, abstract complaints, or generalities may not be the best use of time. Neighborhood groups are encouraged to organize testimony and have one (1) person speak on behalf of the group -- "opposition representative," will receive 10 minutes to make comments.

### **If you don't wish to speak, write . . .**

At most hearings, previously submitted written testimony may be reviewed by the governing body before the meeting. It is unreasonable to submit extensive written comments or information at the hearing and expect them to be reviewed prior to a decision. All written comments or documents should be submitted to the City of Kuna at least one (1) week **prior** to the hearing.

**Ada County – Tax Deed**  
200 W Front St  
Boise, ID 83702

**Jozanne Brady**  
235 N Cedar Ave  
Kuna, ID 83634

**Melvin Carr II**  
**Jeanette Griggs**  
104 E Fairview Ave #335  
Meridian, ID 83642

**Victor Clark**  
214 S Cole Road  
Boise, ID 83709

**Robert & Katrina Cottrell**  
215 N Cedar Ave  
Kuna, ID 83634

**Leo Faddis**  
1431 W 4<sup>th</sup> St  
Kuna, ID 83634

**Alice Good**  
190 N Ten Mile Road  
Kuna, ID 83634

**Jack Graham**  
167 N Cedar Ave  
Kuna, ID 83634

**Kathy Hanau**  
**Chris Hanau Living Trust**  
60 Moreland Road Unit A  
Simi Valley, CA 93065

**Jack & Margaret Kesgard**  
263 N Cedar Ave  
Kuna, ID 83634

**Debbi Kirton-Fuqua**  
240 N Cedar Ave  
Kuna, ID 83634

**Kuna Joint School District #3**  
711 E Porter Road  
Kuna, ID 83634

**Fani & Carmen Ledesma**  
1318 W Owyhee St  
Kuna, ID 83634

**James Longest**  
1290 W Owyhee St  
Kuna, ID 83634

**Charles & Maltha McMenomey**  
10334 Vista Drive B  
Cupertino, CA 95014

**Katherine Newsome**  
259 N Cedar Ave  
Kuna, ID 83634

**Andrew Otto**  
171 N Cedar Ave  
Kuna, ID 83634

**Fred & Dorothy Proctor**  
158 N Cedar Ave  
Kuna, ID 83634

**Patrick & Jennifer Ross**  
12013 W Dallon Dr  
Boise, ID 83713

**Glenda Sanders & Jeff Marler**  
260 N Cedar Ave  
Kuna, ID 83634

**Joshua Sanders**  
1169 N Black Cat Road  
Kuna, ID 83634

**Judy Schepis**  
1336 W Owyhee St  
Kuna, ID 83634

**Amelia Shaw**  
1396 W Owyhee St  
Kuna, ID 83634

**John & Kelly Stapleton**  
1385 W Owyhee St  
Kuna, ID 83634

**John Stear**  
PO Box 155  
Kuna, ID 83634

# 300' PROPERTIES MAP

Ramsey Lateral



N Flauso

N Ten M

W Ryegrass Ct

N Ash Ave

W 4th St

Indian Creek

W Park Ave

N Cedar Ave

W Owyhee St

W Avalon St

Mile Rd

S Titan Pl

S Ash Ave



### LEGEND

- SUBJECT SITE
- PARCEL LINES selection
- PARCEL LINES
- ROADS
- WATER FEATURES

JMH

PRIMOWNER	SECOWNER	ADDCONCAT	STATCONCAT
ADA COUNTY - TAX DEED		200 W FRONT ST	BOISE, ID 83702-0000
BRADY JOZANNE		235 N CEDAR AVE	KUNA, ID 83634-0000
CARR MELVIN L II	GRIGGS JEANETTE M	104 E FAIRVIEW AVE # 335	MERIDIAN, ID 83642-0000
CLARK VICTOR A		214 S COLE RD	BOISE, ID 83709-0000
COTTRELL ROBERT B	COTTRELL KATRINA E	215 N CEDAR AVE	KUNA, ID 83634-0000
FADDIS LEO E		1431 W 4TH ST	KUNA, ID 83634-0000
GOOD ALICE M		190 N TEN MILE RD	KUNA, ID 83634-1202
GRAHAM JACK		167 N CEDAR AVE	KUNA, ID 83634-0000
HANAU KATHY S	HANAU CHRIS LIVING TRUST	60 MORELAND RD UNIT A	SIMI VALLEY, CA 93065-0000
KESGARD JACK H &	KESGARD MARGARET E	263 N CEDAR AVE	KUNA, ID 83634-0000
KIRTON-FUQUA DEBBIE		240 N CEDAR AVE	KUNA, ID 83634-0000
KUNA JOINT SCHOOL DIST #3		711 E PORTER RD	KUNA, ID 83634-0000
LEDESMA CONTRERAS FANI T	LEDESMA CARMEN	1318 W OWYHEE ST	KUNA, ID 83634-0000
LONGEST JAMES B JR		1290 W OWYHEE AVE	KUNA, ID 83634-2210
MCMENOMEY CHARLES ROBERT III	MCMENOMEY MALTHA Z	10334 VISTA DRIVE B	CUPERTINO, CA 95014-0000
NEWSOME KATHERINE		259 N CEDAR AVE	KUNA, ID 83634-0000
OTTO ANDREW		171 N CEDAR AVE	KUNA, ID 83634-0000
PROCTOR FRED H &	PROCTOR DOROTHY F	158 N CEDAR AVE	KUNA, ID 83634-2258
ROSS PATRICK F	ROSS JENNIFER	12013 W DALLAN DR	BOISE, ID 83713-1058
SANDERS GLENDA L	MARLER JEFF C	260 N CEDAR AVE	KUNA, ID 83634-0000
SANDERS JOSHUA GLADE		1169 N BLACK CAT RD	KUNA, ID 83634-1109
SCHEPIS JUDY L		1336 W OWYHEE ST	KUNA, ID 83634-0000
SHAW AMELIA L		1396 W OWYHEE ST	KUNA, ID 83634-0000
STAPLETON JOHN B &	STAPLETON KELLY A	1385 W OWYHEE AVE	KUNA, ID 83634-2213
STEAR JOHN R		P O BOX 155	KUNA, ID 83634-0000

CITY OF KUNA  
PO Box 13 - Kuna, ID 83634  
Phone: 208.922.5274 - Fax: 208.922.5989

**File #'s 18-09-S, Sapphire Ranch Subdivision**

NOTICE IS HEREBY GIVEN, that the Kuna Planning & Zoning Commission will hold a public hearing, **Tuesday, February 12, 2019 at 6:00 pm**, or as soon as can be heard at Kuna City Hall, 751 W. 4<sup>th</sup> St, Kuna, ID; in connection with A **Preliminary Plat (S)** request from Victor Clark to subdivide approximately 0.508-acres into three (3) single family buildable lots. The subject site is located on West Park Avenue, Kuna, ID 83634, within Section 23, Township 2 North, Range 1 West; (APN# R5070002532).

The public is invited to present written or oral comments. Written testimony received by the close of business on **February 5, 2019** will be included in the packets distributed to the governing body. Late submissions (must include six (6) copies) will be presented to the governing body at the time of the hearing. Please mail written comments to PO Box 13, Kuna, ID 83634, or drop them off at City Hall: 751 West 4<sup>th</sup> Street, Kuna, ID.

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

If you have any questions or require special accommodations, please contact the Kuna Planning & Zoning Department prior to the meeting at (208) 922-5274.

Kuna Planning & Zoning Department

---

*(No need to print this portion) Please publish one time on January 23, 2019.*

(Sent 1/17/2018)

Kuna P.O. #7990

Exhibit  
D2

## Jace Hellman

---

**From:** Jace Hellman  
**Sent:** Thursday, January 17, 2019 9:05 AM  
**To:** 'IDAHO PRESS TRIBUNE'  
**Subject:** City of Kuna Request for Legal Publication  
**Attachments:** Sapphire Ranch Legal Publication KMN 1.23.19.docx

Greetings:

We would like to request that you publish the attached legal notification in the **January 23, 2019** cycle of Kuna Melba News on behalf of the City of Kuna, Planning & Zoning Department.  
This notification needs to only be published for one (1) cycle.

The Kuna P.O. for this request is #7990 (if you need it).  
Thank you.

Jace Hellman  
Planner II  
751 W 4<sup>th</sup> St  
Kuna, ID 83634  
[jhellman@kunaid.gov](mailto:jhellman@kunaid.gov)



IDAHO PRESS TRIBUNE  
EMMETT, MERIDIAN, KUNA, BOISE WEEKLY  
C/O ISJ PAYMENT PROCESSING CENTER  
PO BOX 1570  
POCATELLO ID 83204  
(208)467-9251  
Fax (208)475-2338

ORDER CONFIRMATION

Salesperson: LEGALS

Printed at 01/17/19 09:23 by sje14

Acct #: 345222

Ad #: 1858382

Status: New HOLD

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

Start: 01/23/2019 Stop: 01/23/2019  
Times Ord: 1 Times Run: \*\*\*  
LEG 1.00 X 62.00 Words: 249  
Total LEG 62.00  
Class: 0006 GOVERNMENT NOTICES  
Rate: LG Cost: 50.88  
# Affidavits: 1

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

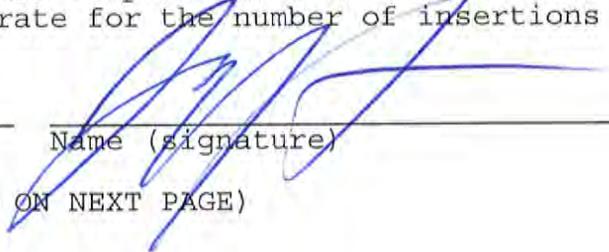
Ad Descrpt: 18-09-S - SAPPHIRE  
Given by: JACE HELLMAN  
P.O. #: 7990  
Created: sje14 01/17/19 09:20  
Last Changed: sje14 01/17/19 09:23

PUB ZONE EDT TP RUN DATES  
KMN A 96 S 01/23

AUTHORIZATION

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

Jace Hellman  
Name (print or type)

  
Name (signature)

(CONTINUED ON NEXT PAGE)

IDAHO PRESS TRIBUNE  
EMMETT, MERIDIAN, KUNA, BOISE WEEKLY  
C/O ISJ PAYMENT PROCESSING CENTER  
PO BOX 1570  
POCATELLO ID 83204  
(208)467-9251  
Fax (208)475-2338

ORDER CONFIRMATION (CONTINUED)

Salesperson: LEGALS

Printed at 01/17/19 09:23 by sjel4

Acct #: 345222

Ad #: 1858382

Status: New CHOLD CHOI

**LEGAL NOTICE**

File #'s 18-09-S,  
Sapphire Ranch Subdivision

NOTICE IS HEREBY GIVEN, that the Kuna Planning & Zoning Commission will hold a public hearing, **Tuesday, February 12, 2019 at 6:00 pm**, or as soon as can be heard at Kuna City Hall, 751 W. 4th St, Kuna, ID; in connection with A Preliminary Plat (S) request from Victor Clark to subdivide approximately 0.508-acres into three (3) single family buildable lots. The subject site is located on West Park Avenue, Kuna, ID 83634, within Section 23, Township 2 North, Range 1 West; (APN# R5070002532).

*Look good*

The public is invited to present written or oral comments. Written testimony received by the close of business on **February 5, 2019** will be included in the packets distributed to the governing body. Late submissions (must include six (6) copies) will be presented to the governing body at the time of the hearing. Please mail written comments to PO Box 13, Kuna, ID 83634, or drop them off at City Hall: 751 West 4th Street, Kuna, ID.

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

If you have any questions or require special accommodations, please contact the Kuna Planning & Zoning Department prior to the meeting at (208) 922-5274.

Kuna Planning & Zoning  
Department

January 23, 2019 1858382

345222 1858382

1 KUNA, CITY OF

P.O. BOX 13  
KUNA ID 83634

**AFFIDAVIT OF PUBLICATION  
STATE OF IDAHO**

County of Ada

)  
)SS.  
)

Sharon Jessen  
of Nampa, Canyon County, Idaho, being  
first duly sworn, deposes and says:

RECEIVED  
FEB 04 2019  
CITY OF KUNA

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Kuna Melba News, a weekly newspaper published in the City of Kuna, in the County of Ada, State of Idaho; that the said newspaper is in general circulation in the said County of Ada, and in the vicinity of Kuna and Melba, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 1 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:  
01/23/2019

*Sharon Jessen*  
\_\_\_\_\_  
STATE OF IDAHO

County of Canyon)

On this 23rd day of January in the year of 2019 before me a Notary Public, personally appeared Sharon Jessen, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

*Colleen Nielsen*  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at Canyon County  
My Commission expires 06/28/2023

**LEGAL NOTICE**

**File #'s 18-09-S,  
Sapphire Ranch Subdivision**

NOTICE IS HEREBY GIVEN, that the Kuna Planning & Zoning Commission will hold a public hearing, **Tuesday, February 12, 2019 at 6:00 pm**, or as soon as can be heard at Kuna City Hall, 751 W. 4th St, Kuna, ID; in connection with A Preliminary Plat (S) request from Victor Clark to subdivide approximately 0.508-acres into three (3) single family buildable lots. The subject site is located on West Park Avenue, Kuna, ID 83634, within Section 23, Township 2 North, Range 1 West; (APN# R5070002532).

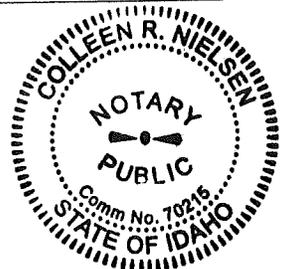
The public is invited to present written or oral comments. Written testimony received by the close of business on **February 5, 2019** will be included in the packets distributed to the governing body. Late submissions (must include six (6) copies) will be presented to the governing body at the time of the hearing. Please mail written comments to PO Box 13, Kuna, ID 83634, or drop them off at City Hall: 751 West 4th Street, Kuna, ID.

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If you have any questions or require special accommodations, please contact the Kuna Planning & Zoning Department prior to the meeting at (208) 922-5274.

Kuna Planning & Zoning  
Department

January 23, 2019 1858382





# City of Kuna PROOF OF PROPERTY POSTING

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

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

This notice shall confirm that the Public Hearing Notice for Sapphire Ranch  
(NAME OF SUBDIVISION OR ADDRESS) was posted as required per Kuna City Ordinance  
5-1A-8. Sign posted 2/1/19 Friday (DAY OF THE WEEK, MONTH,  
**DATE AND YEAR**). This form is required to be returned three (3) calendar days  
subsequent to posting and signs are to be removed from the site three (3) calendar  
days after the hearing.

DATED this 6<sup>th</sup> day of February, 2019.

Signature,

Owner/Developer

\* Premier Signs Inc on behalf  
of ALC Architecture.

STATE OF IDAHO

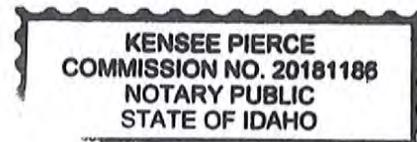
County of Ada

)  
) : ss  
)

On this 6<sup>th</sup> day of FEB, 2019, before me the  
undersigned, a Notary Public in and for said State, personally appeared before me  
(Owner, Developer).

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

Kemp Pierce  
Notary Public  
Residing at Meridian, ID  
Commission Expires July 10, 2024



# **CITY OF KUNA PUBLIC HEARING NOTICE**

**Kuna Planning and Zoning Commission**

**THE CITY OF KUNA will hold a public hearing  
on February 12th, 2019 at 6:00 PM, at  
Kuna City Hall**

**PURPOSE:** Sapphire Ranch Subdivision - Zoning R-6, Subdivision  
Preliminary Plat, .51 acres, 3 lots, single family  
dwellings, with landscaped entryway.

**LOCATION:** 1394 W. Park Avenue, Kuna, ID 83634

**APPLICATION BY:** ALC Architecture, Eric Anderson

**PLEASE DO NOT APPROVE THIS PROPOSED SUBDIVISION.**

This land was already subdivided in the past. My house was built in 1943 and then the land was subsequently subdivided, but I don't know when. There must be a record of the first subdivision of this area, somewhere...

**Neighborhood concerns:**

- Cedar avenue is only a 17-foot alley from Park Avenue to Avalon. (ACHD Report Sec C . 2 in the P&Z packet dated 1-9-2018)
- Increased Traffic of 17 trips per day (ACHD Report B.1 referenced above)
- Park Avenue is a dead end with NO turn around.
- Garbage trucks and emergency vehicles must back up for 1000 feet as there is NO turn around at the end of Park Avenue.
- Cars and trucks parked on the side of Cedar Avenue make it a one-way street.
- Emergency vehicles block Cedar Avenue completely.
- There is only one street light. It is located at the corner of Cedar and Park

**MY personal Concerns:**

- Shared Driveway for future access to the rear of my house.
- My house is 3-feet from the property line which is too close. (I have no clue when this extension was added on but there must be a building permit somewhere approved by the City of Kuna.)
- I am concerned because of the potential for accidental mishaps would cause structural damage to my home.
- After subdividing, I will have no input as to what type of residential home will be built.

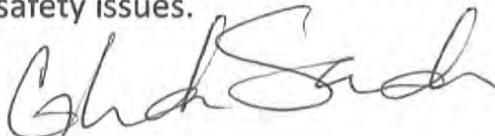
**My biggest concerns have to do with safety on 3 main fronts.**

- Unfriendly narrow street (Cedar Ave.) forces pedestrians (kids) into roadway.
- Unhindered train accessibility. No-Trespassing sign, but no fences.
- Unhindered deep creek access. (Known shortcut to local elementary school.)

If my kids were still young, I would never had bought this house. Extreme care must be taken if raising children near these hazards. One additional house is bad enough, but three is just increasing the odds of potential disaster.

**Reference the photos**

1. Shows how close the property line is to our home.
2. There will only be three feet left of the grass plot.
3. Shows the safety issues.

Thank you, 

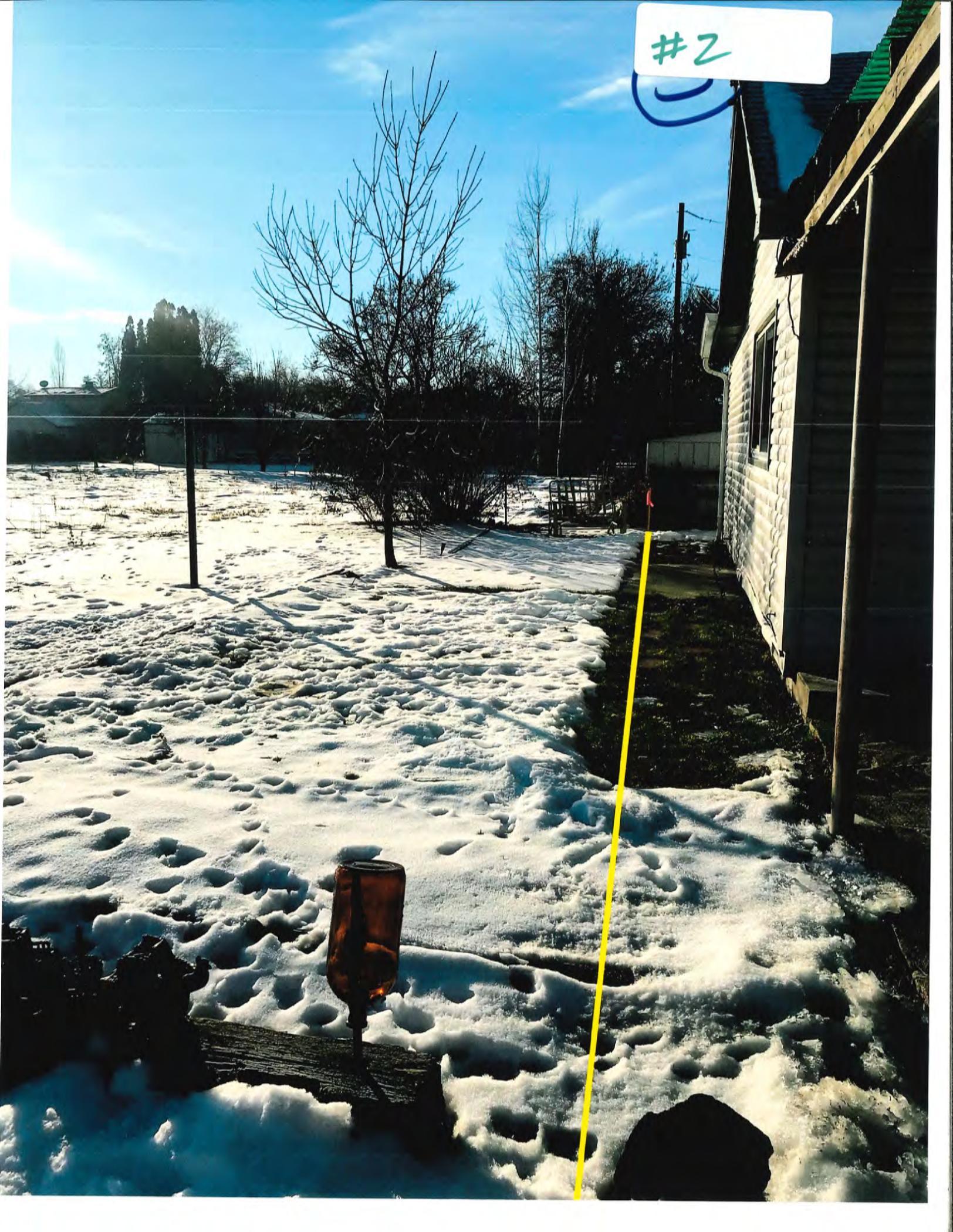
Glenda Sanders  
260 Cedar Ave  
Kuna, ID 83634



# 1



#2





field Ct

St

W 4th St

N Thornley Ave

N Ash Ave

N Great Oaks Ave

N Stear Ave

Indian Creek

Indian Creek Elementary School

# 3

Creek Access

Shortcut to School

Train Access

Indian Creek

W Park Ave

W Park Ave

Proposed Subdivision

N Cedar Ave

W Owyhee Ave

W Owyhee Ave

W Owyhee Ave

W Owyhee Ave

← Cedar Ave. is Only 17 Foot wide.

Indian Creek Sports

Boise-Ku Irrigation Distr

Avalon St

W Avalon St



# City of Kuna

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

## P & Z Commission Staff Report

To: **P & Z Commission**

File Numbers: **18-04-ZC (Rezone)**

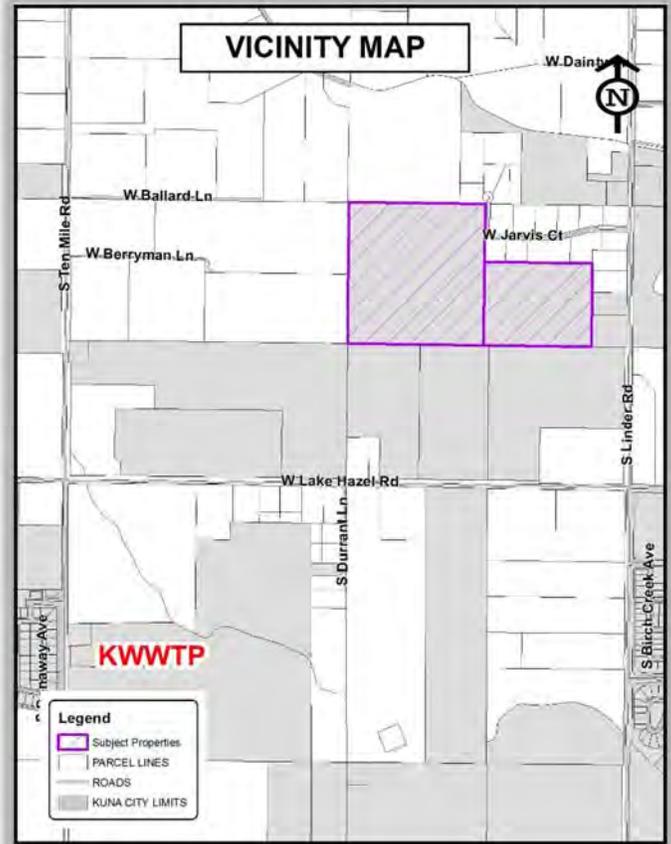
Location: **NEC of Ten Mile Road & Lake Hazel Road, Meridian, Idaho**

Planner: **Troy Behunin, Planner III**

Hearing date: **February 12, 2019**

Representative: **B & A Engineers**  
5505 W. Franklin Rd.  
Boise, ID 83705  
208.342.5792  
[dacrawfod@baengineers.com](mailto:dacrawfod@baengineers.com)

Owner: **Waters Edge Farm, LLC**  
6152 W. Half Moon Ln.  
Eagle, ID 83616  
208.286.0520



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| G. Applicable Standards           |  |
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### A. Process and Noticing:

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

#### a. Notifications

- |                            |  |
|----------------------------|--|
| i. Neighborhood Meeting    | August 14, 2018 (Eight persons attended) |
| ii. Agency Comment Request | November 19, 2018                        |
| iii. 300' Property Owners  | January 31, 2019                         |

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

January 16, 2019  
January 29, 2019

**B. Applicants Request:**

**1. Request:**

On behalf of Waters Edge Farm, LLC, B & A Engineers (applicant), requests approval for a rezone of approximately 57.05 acres from A (Agriculture) to R-6, Medium Density Residential (MDR). These lots are known as Lot 17 and Lot 28, Block 1, of Patriot Ridge Estates. This site is located near the northwest corner of Lake Hazel and Linder Roads and are parcel No's R6934730350 and R6934730210, in Section 35, T3N, R 1W.

**C. Aerial Map:**



*@Copyrighted*

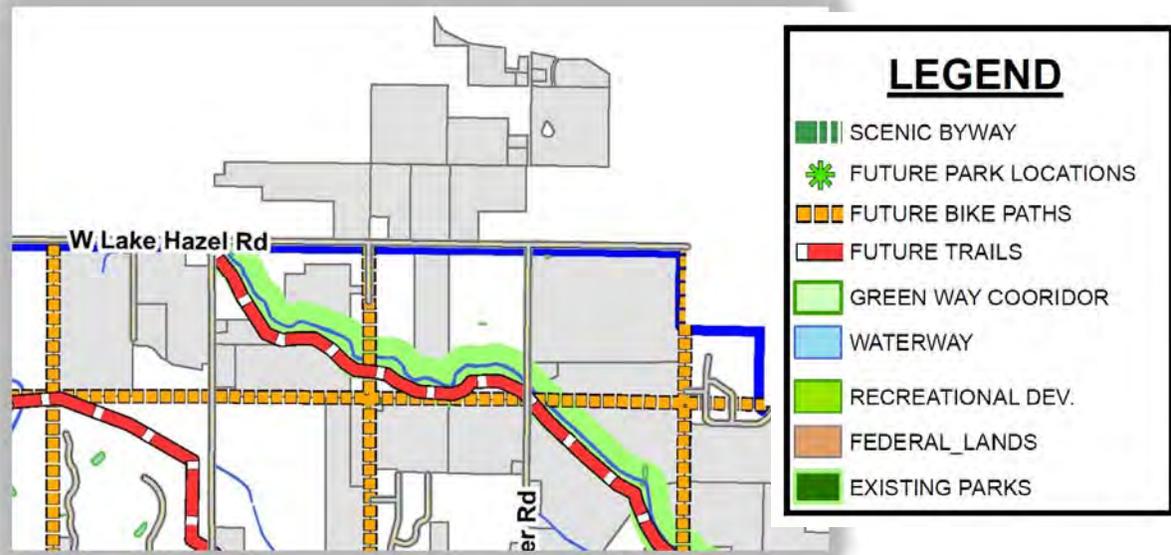
**D. Site History:**

This site was annexed into Kuna in 2009 (09-01-AN), and has historically been used for agricultural and farm purposes for many years. The site is adjacent to approved City subdivisions and platted County subdivisions.

**E. General Projects Facts:**

1. **Comprehensive Plan Map:** The Future Land Use Map (Comprehensive Plan Map) is intended to serve as a guide for the decision making body for the City. This map indicates a land use designation and it is not the actual zoning. The Comp Plan Map designation for this site was amended July 5, 2016, to Medium Density Residential (MDR).

2. **Recreation and Pathways Map:** The Recreation and Pathways Master Plan Map does not indicate any pathway facilities in the area. However, with development the applicant will be required to provide continuation of pathways, trails and other accesses from other subdivisions approved before this application.



3. **Surrounding Land Uses:**

<b>North</b>	RUT	Rural Urban Transition – Ada County
<b>South</b>	R-6	Medium Density Residential - Kuna City,
<b>East</b>	RUT, R2	Rural Urban Transition, and Residential – Ada County
<b>West</b>	RUT	Rural Urban Transition – Ada County

4. **Parcel Sizes, Current Zoning, Parcel Number(s):**

Parcel Size (Approximately)	Current Zone: (Ag.) Agriculture	Parcel Number
18.17 acres	Ag – Kuna City	R6934730350
38.88 acres	Ag – Kuna City	R8468870305

5. **Services:**

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

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

There are no structures on site. The site has vegetation that is generally associated with an Agricultural field.

7. **Transportation / Connectivity:**

The eastern lot (lot 28) is near Linder Road however, has no touch to Linder Road. The west lot (lot 17) is adjacent to Jarvis Court.

8. **Environmental Issues:**

Staff is not aware of any environmental issues, health or safety conflicts. The site's topography is generally flat with less than 3 percent slope. The prevailing slope is from the northeast to the southwest.

9. **Agency Responses:**

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

- City Engineer (Paul Stevens, P.E.) *Exhibit B 1*
- Ada County Highway District (Mindy Wallace) *Exhibit B 2*
- Boise Project Board of Control (Bob Carter) *Exhibit B 3*
- COMPASS (Carl Miller), *Exhibit B 4*
- Idaho Transportation Department ( Sarah Arjona), *Exhibit B 5*

F. **Staff Analysis:**

In September of 2009, these approximately 57.05 acres were annexed into Kuna city limits with an 'Ag' (Agricultural) zone, in preparation for future development. The site is adjacent and near other Kuna city subdivisions that are under construction or have been approved for development with an R-6 zone. The project has no connection to any classified roadways. All public utilities are in the vicinity, and the applicant or assigns will be required to provide all services to this subdivision, with future development.

The applicant seeks a rezone for approximately 57.05 acres from Agriculture (Ag.) to R-6, Medium Density Residential (MDR), in order to develop the property in the future. Applicant will need to follow the public hearing process for a preliminary plat to request subdividing the lands.

Long ago, the city of Kuna recognized the importance of the Ten Mile corridor and the critical role of the new Ten Mile Interchange at I-84, one of the newest interchanges in the Treasure Valley funded by the Idaho Transportation Department (ITD) and the Ada County Highway District (ACHD) in anticipation of the growth along the Ten Mile corridor and neighboring areas. Furthermore, ACHD has completed a study for the south Ten Mile corridor that anticipates additional growth for this area and designated Ten Mile as a major arterial roadway. Additionally, the city of Kuna anticipated the roll of the interchange and growth for this area ahead of all agencies by placing one of Idaho's newest and most advanced waste water treatment plants a 1/4 mile south of Lake Hazel Road on Ten Mile in 2009. This site was anticipated to be a part of the service area for the Kuna sewer facility.

Furthermore, landowners have noticed the opportunity of the interchange, the treatment plant. Developers have responded by developing lands as an R-6 (MDR) subdivision directly west of the treatment plant and other subdivisions nearby. The developer for Memory Ranch (west of the plant) sized and built a lift-station for purposes of serving the entire region and placed it just 470 feet south of Lake Hazel. Furthermore, sewer lines have been installed from Ten Mile Road to Linder Road, in Lake Hazel for development purposes. If, this application is approved, development of this site will extend all of Kuna's services to the site and connect to this up-sized lift-station. In addition to Memory Ranch, phase one for the nearby R-6 subdivision (Springhill Subdivision at SEC of Linder and Lake Hazel) was recorded for last summer. Springhill is approximately 203 +/- acres and could bring 677 new homes to the area and is just 1,400 feet from this project (**See Exhibit C 1**).

Kuna has extensively planned for and studied this area since 2006. That planning effort has included a way to provide city services, installation of sewer and water lines, a complete Comprehensive Plan Text re-write, Comprehensive Plan and Planning Maps including lands between Lake Hazel and Amity, and the construction of the treatment plant. Many sections within Kuna's Comp Plan discuss and plan for the lands between Lake Hazel and Amity Roads, along with considerations for traffic, services and housing for the entire region. The lands in this application have been included (and designated as residential) on the planning Map and Area of City Impact (ACI) map since 2008. Furthermore, and in addition to Kuna's extensive planning, between 2012 and today, Kuna City and Meridian City have had numerous discussions about the ACI line between the cities. At the same time, Kuna was negotiating its own new ACI with Ada County. As a compromise, Kuna elected to

withdraw from the debate over the mile between Lake Hazel and Amity, and eventually pulled the ACI line down to Lake Hazel. Prior to this application, Kuna’s city limits existed above Lake Hazel Road. The Kuna planning map approved by City Council in August 2015 (*See Exhibit C 10*), identifies the lands in this application as Medium Density, and the proposed rezone requests R-6 conforming to the map. As stated in their request for R-6, the applicant anticipates that if the rezone is approved, and a preliminary plat is placed forward, densities will actually be between 4-5 dwelling units an acre (DUA).

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case No. 18-04-ZC, subject to the recommended conditions of approval listed in Section “L” of this report.

**G. Applicable Standards:**

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

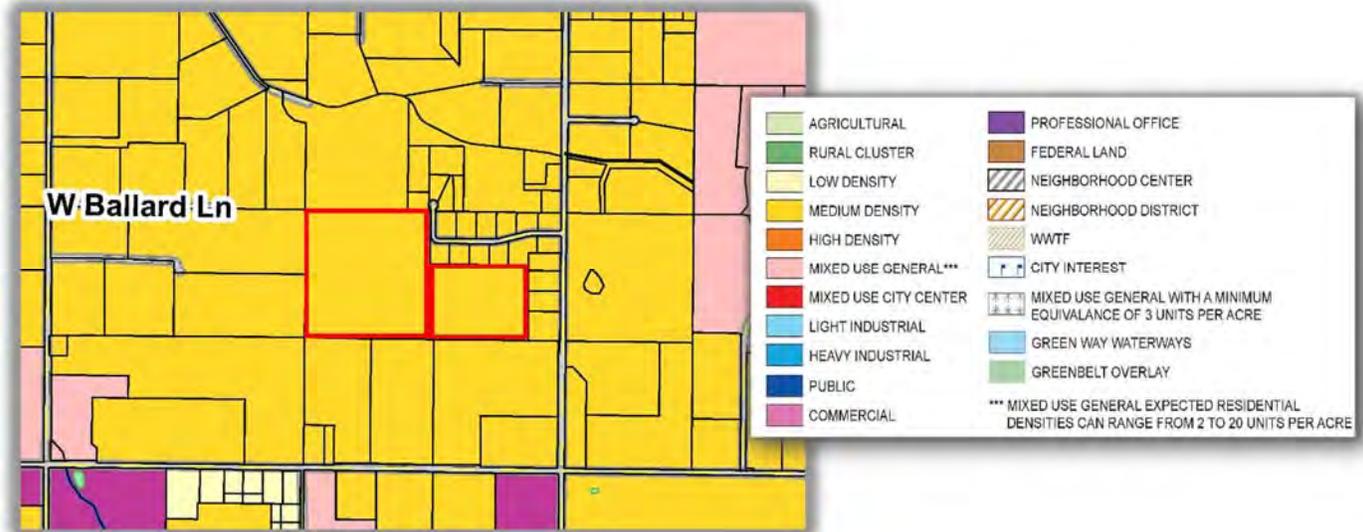
**H. Proposed Procedural Background:**

On February 12, 2019, the Commission will consider Case No. 18-04-ZC, including the applications, agency comments, staff’s report, application exhibits and public testimony presented or given.

**I. Proposed Factual Summary:**

This approximately 57.05 acre site is within Kuna City limits and is currently zoned Agriculture. This site is located near the northwest corner (NWC) of Lake Hazel Roads and Linder Road. These lots are known as Lot 17 and Lot 28, Block 1, of Patriot Ridge Estates. Applicant proposes a rezone from Ag (Agriculture) to R-6 (Medium Density Residential) for both lots.

**J. Proposed Comprehensive Plan Analysis:** The Kuna Commission accepts the Comprehensive Plan components as described below:



The designation of Medium Density shown on the Planning Map (See above Map) for these parcels was amended in August of 2015 by Council. The proposed preliminary plat for the site is consistent with the following Comprehensive Plan components:

Community Vision Statement:

Residents hoped for the creation of business and light commercial use centers within neighborhoods. These centers would include restaurants, gas stations, churches, *multi-family* use facilities, and other mixed-use developments. Citizens anticipated the manufacturing area moving south and eastward between the Union Pacific Railroad Line and Kuna Mora Road (Page 21).

Housing:

Residents envisioned higher densities in the City's core to include opportunities for mixed residential and light commercial activity. *They expressed interest in a mix of residential type dwellings applications; including single-family, multi-family, apartments and condominiums. They were receptive to a greater mix of lot sizes and house prices to appeal to a variety of people.* A goal expressed by many was the preservation of large lots and rural cluster development in appropriate balance with a complement of other types of residential development (Page 21).

**Comment:** *The proposed preliminary plat with a proposed 3.77/DUA follows the community vision and provides a way to achieve the housing goals as stated and adopted.*

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

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

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

Economic Development Goals and Objectives - Section 5 - Summary:

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

**Comment:** *The proposed application complies with these elements of the comprehensive plan by providing a non-standard housing type meeting this goal.*

Land Use Goals and Objectives - Section 6 - Summary:

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

Medium Density Residential:

*This designation describes areas where residential development densities generally range from four to eight units per acre. These areas will be made up of single-family homes, but may include townhomes, row houses duplexes and other types of multi-family land uses. Areas featuring these densities are generally located within the City Center and around Neighborhood Centers (Page 88).*

**Comment:** *The proposed preliminary plat requests an R-6 zone, and approximately 3.77 / DUA, conforming to the Comprehensive Plan and Planning Map approved by Council in August of 2015.*

Housing Goals and Objectives - Section 12 - Summary:

Encourage developers to provide high-quality development with a variety of lot sizes, dwelling types, densities and price points to meet the needs of current and future population while creating safe and aesthetically-pleasing neighborhoods. Ensure housing is available throughout the community for all income levels and those with special needs. Encourage logical and orderly residential development while discouraging developers from developing land divisions greater than one half acre because large lot subdivisions increase municipal costs, require public subsidy and create sprawl (Pg. 155 – 1.2, Pg. 163 12.4 and Pg. 165 – 2.1).

Encourage mixed-use development that includes town centers, single-family, *multi-family*, accessory units, and other types of residential development. – Policy 1.1.2, Section 12, Housing (Page 155).

**Comment:** *Applicant proposes medium density residential which will contribute to availability of varied types and home sizes in a logical and orderly manner while providing a quality development.*

Community Design Goals and Objectives - Section 13 - Summary:

Strengthen Kuna's Image through good community and urban design principles that create self-sufficient neighborhoods. Foster good community design concepts that incorporate landscape features to serve as buffers between incompatible uses while reducing scale and creates a sense of place.

Neighborhoods:

Kuna's updated Plan is an advocate for the development of self-sufficient neighborhoods. These neighborhoods are intended to be connected by transit and other non-motorized methods of transportation. Each neighborhood will have a center, a core and an edge. The Neighborhood Center will be the core of the neighborhoods churches, schools, and public facilities. The neighborhood centers will feature denser developments and multi-family residential development (Page 179).

**Comment:** *Applicant proposes an extension of the sidewalk and roadway system which complies with the Master Street Plan adopted by Kuna. Applicant also proposes connections to future neighborhoods by adding pathways and sidewalks for pedestrian and non-motorized transportation. Applicant proposes R-6 housing densities thereby complying with Medium Density land use designation outlined within the Comp Plan and Planning Map.*

**K. Proposed Kuna City Code Analysis:**

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

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

2. The site is physically suitable for a rezone to R-6 MDR.

**Comment:** *The 57.05 acre (approximate) project is a request for a rezone from Agriculture to R-6 (Medium Density) subdivision. The site appears to be compatible with the proposal.*

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

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

4. The Rezone and Subdivision proposals are not likely to cause adverse public health problems.

**Comment:** *The proposed Rezone and Subdivision for the property follows all Kuna City Codes. The medium density land use application requires connection to public sewer and potable water systems, therefore eliminating the occurrence of adverse public health problems.*

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

**Comment:** *The Commission did consider the location of the property and adjacent uses. The subject property is in Kuna City limits and will be connected to the Kuna City central sewer and potable and pressure irrigation water systems. The current adjacent uses are both farms and residential uses and are adjacent to three major arterial roads.*

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

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

**L. Proposed Recommendation of the Commission to City Council:**

**18-04-ZC (Rezone), Note:** *This proposed motion is to recommend approval, conditional approval, or denial for this request to City Council. If the Commission wishes to approve or deny specific parts of the requests as detailed in this report, those changes must be specified.*

Based on the facts outlined in staff's report and the public testimony during the public hearing by the Planning and Zoning Commission of Kuna, Idaho, the Commission hereby recommends to City Council an **approval or denial** for Case No. 18-04-ZC, a rezone request from B & A Engineers, with the following conditions of approval:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
  - a. The City Engineer shall approve the sewer hook-ups.
  - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
  - d. The *Boise-Kuna* Irrigation District shall approval any modifications to the existing irrigation system.
  - e. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to *issuance* of any building permit(s).
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District and Idaho Transportation Department. No public street construction may commence without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
  - 2.1– At time of development and as necessary, dedicate right-of-way in sufficient amounts to follow City and ACHD standards and widths.
3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see **KCC 6-4-2-W**.

4. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
5. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Irrigation System of the City (KMIS).
6. All street lighting within and for the site shall be LED lighting and must comply with Kuna City Code.
7. Parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
8. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise and permitted). Perimeter fencing (and permit) is required prior to requesting final plat signatures from Kuna City Clerk and Engineer.
9. All signage within/for the project shall comply with Kuna City Code.
10. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
11. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
12. Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
13. Developer/owner/applicant shall comply with all local, state and federal laws.

DATED this \_\_\_\_, day of \_\_\_\_\_, 2019,

M.



*City of Kuna*  
*City Council*  
*Proposed Findings of Fact and Conclusions of Law*

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

Based upon the record contained in Case No. 18-04-ZC, including the Comprehensive Plan, Kuna City Code, Staff's Report, including the exhibits, and the testimony during the public hearing, the Kuna Commission hereby recommends **approval or denial** the Findings of Fact and Conclusions of Law, and conditions of approval for Case No. 18-04-ZC a request for rezone, by B & A Engineers, on behalf of Waters Edge Farm, LLC:

1. *The Kuna City Council approves the facts as outlined in the staff report, the public testimony and the supporting evidence list presented.*

**Comment:** *The Kuna Commission held a public hearing on the subject applications on February 12, 2019, to hear from City staff, the applicant and to accept public testimony. The decision by the Commission is based on the application, staff report and public testimony, both oral and written.*

2. *Based on the evidence contained in Case No. 18-04-ZC, this proposal generally complies with the Comprehensive Plan and City Code.*

**Comment:** *The Comp Plan has listed numerous goals for promoting and supporting a diverse and sustainable economy that will allow more Kuna residents to work in their community and encouraging a balance of land uses to ensure that Kuna remains desirable, stable and a self-sufficient community.*

3. *Based on the evidence contained in Case No. 18-04-ZC, this proposal generally complies with the City Code.*

**Comment:** *The applicant has submitted a complete application, and following staff review the application appears to be in general compliance with the design requirements, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6.*

4. *Kuna's Commission has the authority to recommend **approval or denial** Case No's 18-04-ZC.*

**Comment:** *On February 12, 2019, Commission voted to recommend **approval or denial** Case No. 18-04-ZC.*

5. *The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.*

**Comment:** *Notices were mailed out to land owners within 450 FT of the proposed project site on December 21, 2018, and a legal notice was published in the Kuna Melba Newspaper on December 12, and 19, 2018. The applicant placed signs on the property on December 22, 2018.*

DATED: this \_\_\_\_ day of \_\_\_\_\_, 2019.

# VICINITY MAP



S Ten Mile Rd

W Ballard Ln

W Berryman Ln

W Jarvis Ct

W Dainby

S Linder Rd

W Lake Hazel Rd

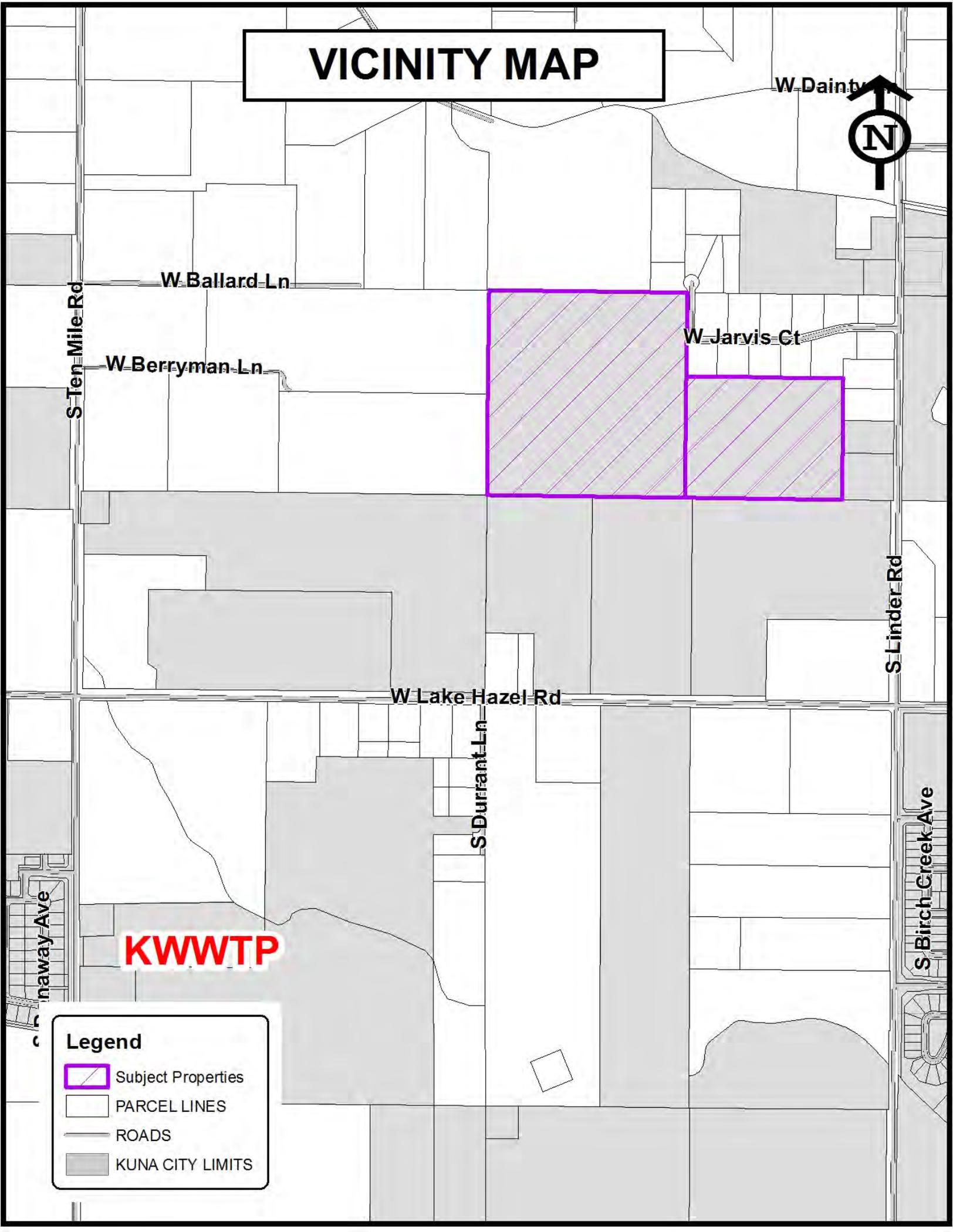
S Durrant Ln

S Birch Creek Ave

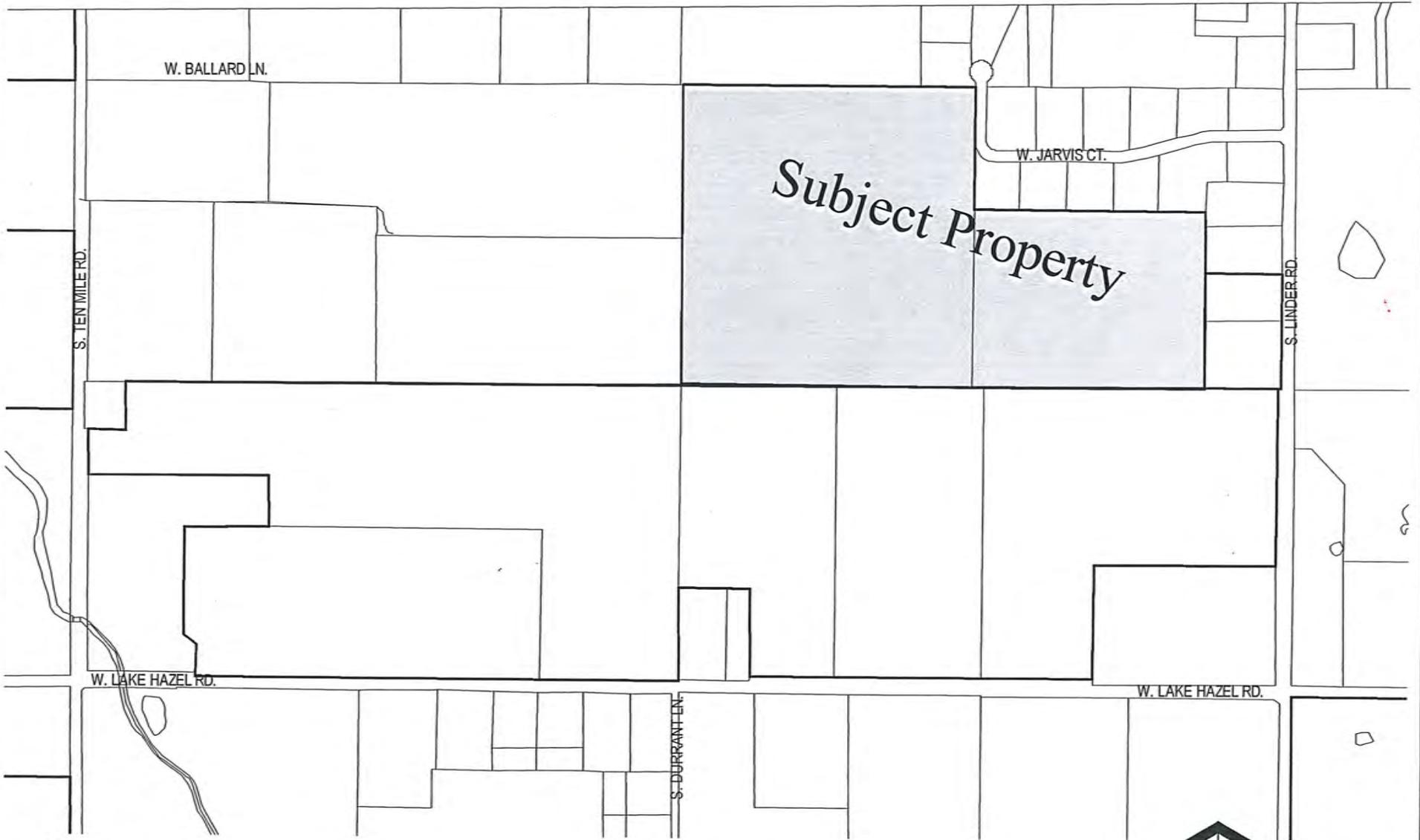
**KWWTP**

**Legend**

-  Subject Properties
-  PARCEL LINES
-  ROADS
-  KUNA CITY LIMITS



# Caspian Addition Subdivision Vicinity Map



**B&A Engineers, Inc.**  
Consulting Engineers, Surveyors & Planners  
5505 W. Franklin Rd. Boise, Id. 83705  
(208) 343-3381

**received**  
8.30.2018





Gran Prado

Memory  
Ranch

Caspian  
Addition

Caspian Sub.

Whisper  
Meadows

Springhill  
Sub.

CTE  
High  
School

Silvertrail  
Addition

# B & A Engineers, Inc.

Consulting Engineers & Surveyors  
5505 W. Franklin Rd. Boise, Id. 83705  
Ph. 208-343-3381 Fax 208-342-5792

August 30, 2018

## City of Kuna

751 W. 4<sup>th</sup> St.  
Kuna, Idaho 83634

Subject: **Re-zone Request Caspian Addition**

Council and Staff:

We are pleased to present this request for approval of a Re-zone of 57.05 Acres of land from Agricultural zoning to R-6.

### Site Data

The entire site consists of 57.05 acres of land. It is located within the Kuna City Limits, and currently Zoned "A" for agricultural use. The Ada County Assessor lists no address for the parcel, and the parcel numbers are R6934730210 and R6934730350. The property consists of Lot 17, and Lot 28, Block 1 of Patriot Ridge Estates Subdivision. Patriot Ridge Estates Subdivision was platted in 1992.

### Existing Site Use

The site is currently being farmed and utilized in accordance with its current zoned use as agricultural.

### Pre-application Meeting

A pre-application meeting was held at the City Planning and Zoning office on Wednesday, August 15, 2018 at 10:00 am. The re-zone application requirements were discussed, along with the potential for development.

### Neighborhood Meeting

A neighborhood meeting was held for the proposed project on August 14, 2018 at 6:00 PM at the Kuna Waste Water Treatment Plant. The neighborhood sign in sheet has been included within the application. Ten (10) people were in attendance. Seven (7) were from the adjoining neighborhood.

There was much discussion at the meeting revolving around uses and rights to easements related to Patriot Ridge Subdivision both on this property and other portions of the Subdivision. This discussion is outside of the re-zone request.

Statements and questions from some of those in attendance were made as follows:

1. *Desire density less than 6 units to the acre.*

In order to reasonably and economically develop land while providing for the infrastructure necessary to provide each lot with domestic water, pressure irrigation, sanitary sewer, install streets, storm drain systems public utilities and other items, large lots or lower density is not a viable option.

While the density residential land use designation allow up to 8 dwelling units to the acre, we are requesting R6 with anticipated layout with density closer to 4 units to the acre.

This re-zone is for the lands directly north of and contiguous to the recently approved Caspian

# B & A Engineers, Inc.

Consulting Engineers & Surveyors  
5505 W. Franklin Rd. Boise, Id. 83705  
Ph. 208-343-3381 Fax 208-342-5792

Subdivision which is currently Zoned -R6. This development is not asking for anything that is outside of the comprehensive plan that was used to define the zoning for Caspian Subdivision and other developments in the immediate area.

2. *Too much traffic*

Traffic is often a concern, particularly with the current growth throughout Ada County. Developments that occur provide improved roadways and infrastructure. This can occur through required improvements based on traffic impact studies, impact fees, and right-of-way dedications for roadway expansions.

3. *Quality of homes*

The quality of homes is based on current building standards, the builder and those purchasing a home. While some pre-determined opinions may exist about specific builders, we encouraged the neighbors to investigate other developments such as Walnut Creek Subdivision.

4. *Alignments of the mid-mile collectors – connection to Existing Jarvis Court*

The alignment of mid mile collectors is based on specific criteria developed by the City of Kuna and the Ada County Highway District. Any future development would be required to meet these requirements. Since no development application is being presented at this time; specific requirements for these connections are unknown, but preliminary drawings are based on initial consultation with the Highway District and City of Kuna.

5. *Want More open space and parks in the area.*

Since no development application is being presented it is difficult to know the exact layout or open space plan. However, based on our current preliminary drawings there will be open space set aside in concert with the City of Kuna ordinances. We did note that the City of Kuna is now requiring a park impact fee which will add to the public opens spaces and parks benefitting the City of Kuna residents.

6. *Requesting one story homes adjacent to the homes in Patriot Ridge Subdivision*

It is difficult for a land owner to set aside a substantial number of homes which restrict the buildings within the development. Many future homeowners may wish to enjoy the same rights afforded to other citizens of the City of Kuna and the future builders may wish to provide for those options.

7. *Timing of the Development*

In order to provide the necessary services to this future development, Caspian Subdivision must develop to a point to bring the services to the boundary of this new development. Caspian Subdivision has not started construction at this time. It is anticipated to start in the very near future. Based on the phasing plan for the Caspian development, it is not until phase 4 until Caspian will develop far enough along to even touch this land. It may not be until Phase 9 that construction has commenced far enough along to even consider developing these lands.

Based on current development pace; the development of these lands would not commence for another 4 to 9 years. This time frame may change based on market pressures and housing sales.

Many of the comments above are more related to the actual development which is not anticipated for some

# B & A Engineers, Inc.

Consulting Engineers & Surveyors  
5505 W. Franklin Rd. Boise, Id. 83705  
Ph. 208-343-3381 Fax 208-342-5792

time. Granting the re-zone to R-6 will allow the land owner to move forward with planning the future development in a manner that is consistent with the goals of the comprehensive plan and as driven by the housing market. This will inspire confidence that the lands can be developed.

## Proximity to City Services

This future development is located near the Kuna Waste Water Treatment facility which is located just south of the Lake Hazel and Ten Mile intersection. Construction has recently been completed to provide City water, sewer and pressurized irrigation infrastructure within the Ten Mile and Lake Hazel corridor. These services are installed and functional to the Caspian Subdivision.

## Development Agreement

This re-zone request is for a contemplated Single-family home development in the City of Kuna. We do not envision asking for uses that are not allowed by City Code for the specified zone. Should the City of Kuna require a development agreement we are willing to work with the City to provide it one.

## Comprehensive Plan

The previous Kuna comprehensive plan for this area it is designated as Medium Density Residential 4 – 8 units per acre. R-6 is compliant with this designation. The preliminary design for this development indicates a density at near the lower end of the spectrum at near 4 dwelling units to the acre. The future development envisions compliance with the R-6 designation.

Adjacent Developments such as Caspian Subdivision have been zoned R-6. Other developments such as Spring Hill Subdivision, and Memory Ranch have recently been zoned and developed within this designation.

This proposal is of medium density residential that will allow the future development to provide a high-quality development with a variety of lots, dwelling types, densities and price points to meet the needs of current and future population increases.

## Summary

Re-zoning the subject land to R-6 is consistent with the future plans for the City of Kuna. This is evidenced by the annexation of lands adjacent to and near this project area. Including the annexation of the parcels which are the subject of this application. No special dispensation is being requested.

On behalf of the applicant, as their representative, we respectfully request approval for the Re-zone from Agricultural to a medium density residential zone of R-6.

Sincerely,



David Crawford  
B&A Engineers, Inc.



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

## Commission & Council Review Application

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

\*Please submit the appropriate checklist (s) with application

For Office Use Only	
File Number (s)	18-04-2C
Project name	CASPIAN ADDITION
Date Received	8.30.18
Date Accepted/Complete	
Cross Reference Files	
Commission Hearing Date	
City Council Hearing Date	

### Type of Review (check all that apply):

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

### Contact/Applicant Information

Owners of Record: <u>Waters Edge Farm, LLC</u>	Phone Number: _____
Address: <u>2228 W. Piazza St.</u>	E-Mail: _____
City, State, Zip: <u>Meridian, ID 83646</u>	Fax #: _____
Applicant (Developer): <u>David Crawford B&amp;A Engineers, Inc.</u>	Phone Number: <u>208-519-4393</u>
Address: <u>5505 W. Franklin Rd.</u>	E-Mail: <u>dacrawford@baengineers.com</u>
City, State, Zip: <u>Boise, ID 83705</u>	Fax #: <u>208-342-5792</u>
Engineer/Representative: <u>Joseph Canning- B&amp;A Engineers, Inc.</u>	Phone Number: <u>208-519-4394</u>
Address: <u>same as applicant</u>	E-Mail: _____
City, State, Zip: _____	Fax #: _____

### Subject Property Information

Site Address: <u>W. Jarvis Court - Lots 17 &amp; 28, Block 1 of Patriot Ridge Estates</u>
Site Location (Cross Streets): <u>Linder &amp; Lake Hazel</u>
Parcel Number (s): <u>R6934730210 and R6934730350</u>
Section, Township, Range: <u>Section 35, Township 3 North, Range 1 West</u>
Property size : <u>57.05</u>
Current land use: <u>Agricultural</u> Proposed land use: <u>Single Family Residential</u>
Current zoning district: <u>A</u> Proposed zoning district: <u>R-6</u>

**received**  
 8.30.2018

**Project Description**

Project / subdivision name: Caspian Addition Subdivision

General description of proposed project / request: Rezone from agricultural to residential

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Type of use proposed (check all that apply):

Residential R-6

Commercial \_\_\_\_\_

Office \_\_\_\_\_

Industrial \_\_\_\_\_

Other \_\_\_\_\_

---

Amenities provided with this development (if applicable): \_\_\_\_\_

**Residential Project Summary (if applicable)**

Are there existing buildings?  Yes  No

Please describe the existing buildings: \_\_\_\_\_

Any existing buildings to remain?  Yes  No

Number of residential units: \_\_\_\_\_ Number of building lots: \_\_\_\_\_

Number of common and/or other lots: \_\_\_\_\_

Type of dwellings proposed:

Single-Family \_\_\_\_\_

Townhouses \_\_\_\_\_

Duplexes \_\_\_\_\_

Multi-Family \_\_\_\_\_

Other \_\_\_\_\_

Minimum Square footage of structure (s): \_\_\_\_\_

Gross density (DU/acre-total property): \_\_\_\_\_ Net density (DU/acre-excluding roads): \_\_\_\_\_

Percentage of open space provided: \_\_\_\_\_ Acreage of open space: \_\_\_\_\_

Type of open space provided (i.e. landscaping, public, common, etc.): \_\_\_\_\_

**Non-Residential Project Summary (if applicable) Not Applicable**

Number of building lots: \_\_\_\_\_ Other lots: \_\_\_\_\_

Gross floor area square footage: \_\_\_\_\_ Existing (if applicable): \_\_\_\_\_

Hours of operation (days & hours): \_\_\_\_\_ Building height: \_\_\_\_\_

Total number of employees: \_\_\_\_\_ Max. number of employees at one time: \_\_\_\_\_

Number and ages of students/children: \_\_\_\_\_ Seating capacity: \_\_\_\_\_

Fencing type, size & location (proposed or existing to remain): \_\_\_\_\_

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Proposed Parking:

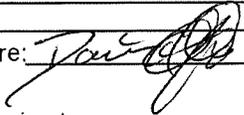
a. Handicapped spaces: \_\_\_\_\_ Dimensions: \_\_\_\_\_

b. Total Parking spaces: \_\_\_\_\_ Dimensions: \_\_\_\_\_

c. Width of driveway aisle: \_\_\_\_\_

Proposed Lighting: \_\_\_\_\_

Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.): \_\_\_\_\_

Applicant's Signature:  B&P Engineers, Inc Date: 8/30/18

# NEARBY DEVELOPMENT MAP

EXHIBIT C-1



**Gran Prado Homes:530  
Acres:132.80**

**Caspian Sub  
Homes:494  
Acres:131.74**

**Springhill  
Homes:670+/-  
Acres:195+/-**

**Memory Ranch  
Homes:413+/-  
Acres:135+/-**

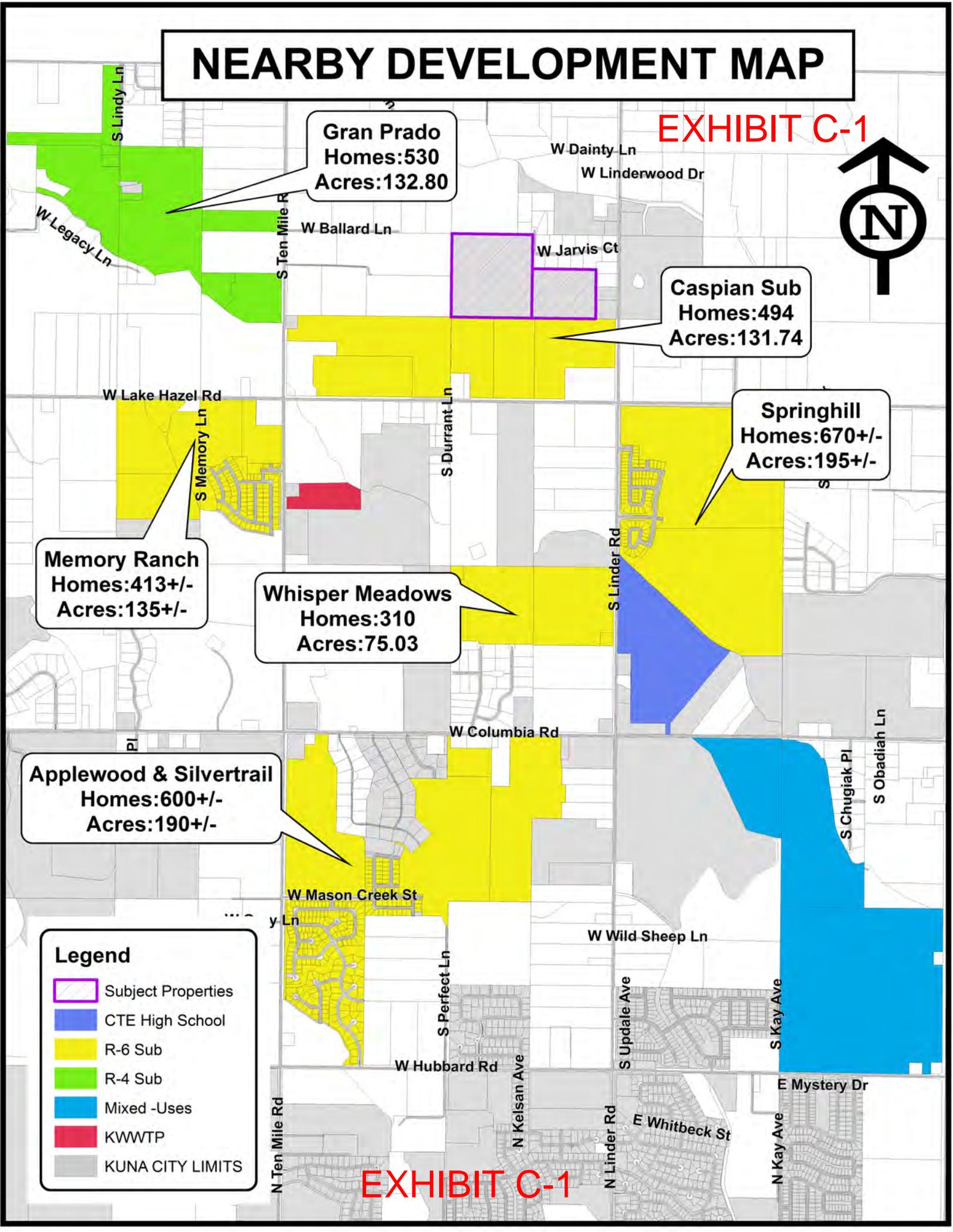
**Whisper Meadows  
Homes:310  
Acres:75.03**

**Applewood & Silvertrail  
Homes:600+/-  
Acres:190+/-**

## Legend

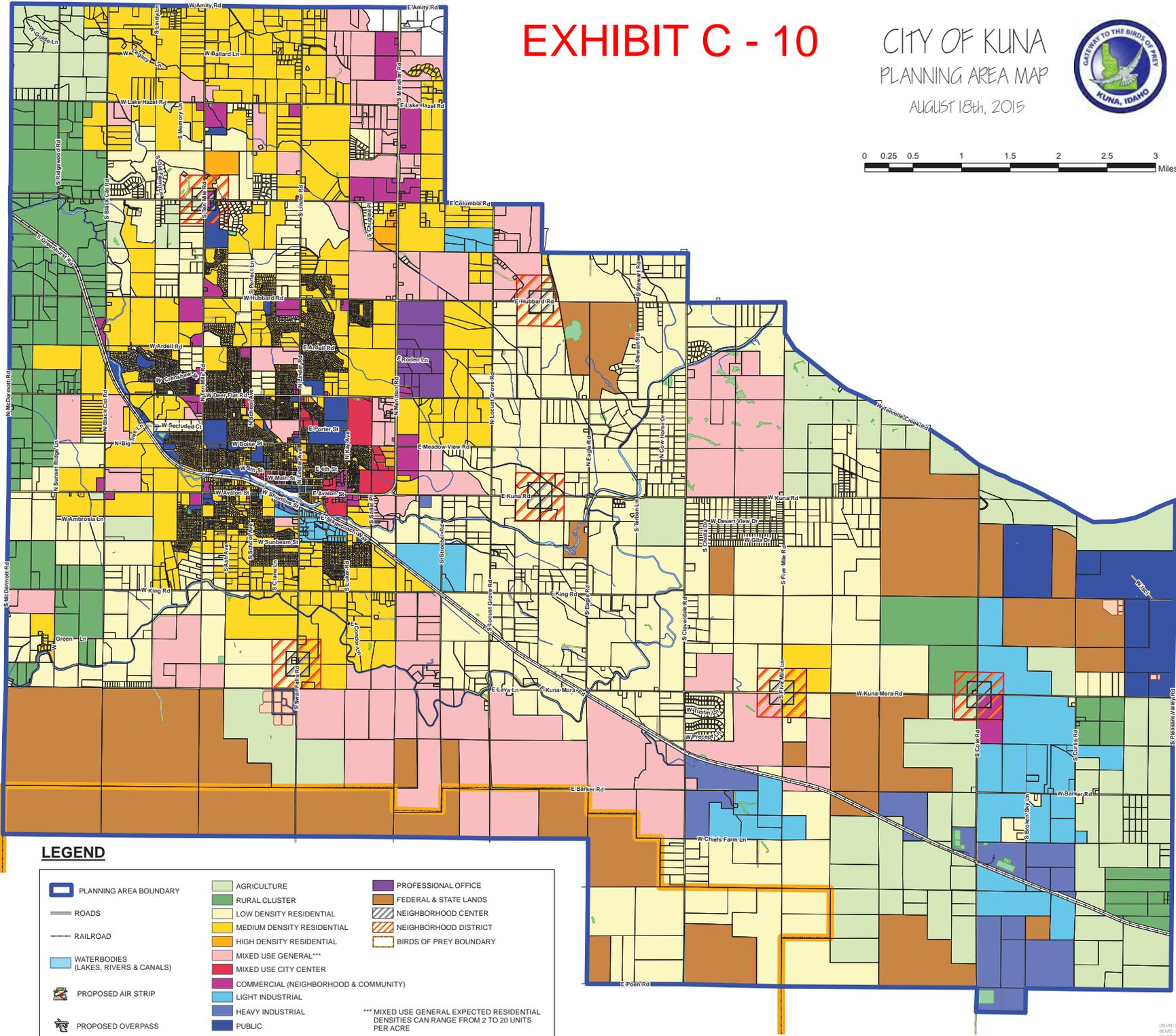
-  Subject Properties
-  CTE High School
-  R-6 Sub
-  R-4 Sub
-  Mixed -Uses
-  KWWTP
-  KUNA CITY LIMITS

EXHIBIT C-1



# EXHIBIT C - 10

CITY OF KUNA  
 PLANNING AREA MAP  
 AUGUST 18th, 2015



## LEGEND

PLANNING AREA BOUNDARY	AGRICULTURE	PROFESSIONAL OFFICE
ROADS	RURAL CLUSTER	FEDERAL & STATE LANDS
RAILROAD	LOW DENSITY RESIDENTIAL	NEIGHBORHOOD CENTER
WATERBODIES (LAKES, RIVERS & CANALS)	MEDIUM DENSITY RESIDENTIAL	NEIGHBORHOOD DISTRICT
PROPOSED AIR STRIP	HIGH DENSITY RESIDENTIAL	BIRDS OF PREY BOUNDARY
PROPOSED OVERPASS	MIXED USE GENERAL***	
	MIXED USE CITY CENTER	
	COMMERCIAL (NEIGHBORHOOD & COMMUNITY)	
	LIGHT INDUSTRIAL	
	HEAVY INDUSTRIAL	
	PUBLIC	

\*\*\* MIXED USE GENERAL EXPECTED RESIDENTIAL DENSITIES CAN RANGE FROM 2 TO 20 UNITS PER ACRE

# EXHIBIT B 1



**CITY OF KUNA**  
**P.O. BOX 13**  
**KUNA, ID 83634**  
[www.kunacity.id.gov](http://www.kunacity.id.gov)

Paul A. Stevens, P.E.  
Kuna City Engineer  
208-287-1727

## **REZONE REVIEW MEMORANDUM**

**Date:** 8 February 2019  
**From:** Paul A. Stevens, P.E.  
**To:** Wendy Howell, Planning and Zoning Director  
**RE:** Caspian Addition Rezone 18-04-ZC

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The Caspian Addition Rezone request by Waters Edge Farm, LLC, dated November 19, 2018 has been reviewed. No preliminary plat was provided. The following narrative is limited to the rezone request. A discussion regarding the availability of city utility services (pressurized irrigation, sewer, & water) will accompany the preliminary plat when submitted.

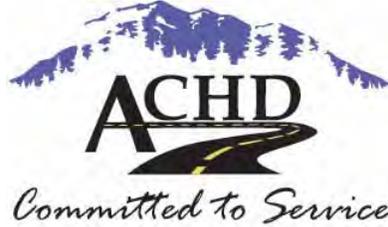
### **1. General**

- a) With the addition of this property into the corporate limits of Kuna and its potential connection to pressurized irrigation, sewer, and water utilities, this property will be placing demand on constructed facilities and on water rights provided by others. It is expected that this property transfer to the City, at time of connection, all conveyable water rights by deed and "Change of Ownership" form from IDWR. The domestic water right associated solely with a residence and ½ acre or less is not conveyable. The water right held in trust by an irrigation district is also not conveyable.
- b) A plan approval letter will be required if this project affects any local irrigation districts or its facilities. Indian Creek is one of those facilities.
- c) The City reserves the right of prior approval to all agreements involving the applicant, successors & assigns and the irrigation or drainage district related to the property of this application and any attempt to abandon surface water rights.
- d) R-6 is defined as six dwellings per net acre. Or about 7,260 square feet per lot. This is considered medium density development by the City of Kuna.

### **2. Property Description**

- a) The applicant provided a metes and bounds property description (legal description) of the subject parcel. The legal description pertains to the gross area and the property boundary. No subdivision has been presented.

# EXHIBIT B 2



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

December 14, 2018

To: Tim Eck  
Waters Edge Farm, LLC  
2228 W. Piazza Street  
Meridian, ID 83646

Subject: KUNA18-0024/ 18-04-ZC  
Jarvis Court  
Rezone 57 acres from agriculture to residential

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

## A. Findings of Fact

### 1. Right-of-Way

#### a. Policy:

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

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

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

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

**Continuation of Streets Policy:** District Policy 7207.2.4 states that an existing street, or a street in an approved preliminary plat, which ends at a boundary of a proposed development shall be extended in that development. The extension shall include provisions for continuation of storm drainage facilities. Benefits of connectivity include but are not limited to the following:

- Reduces vehicle miles traveled.

- Increases pedestrian and bicycle connectivity.
- Increases access for emergency services.
- Reduces need for additional access points to the arterial street system
- Promotes the efficient delivery of services including trash, mail and deliveries.
- Promotes appropriate intra-neighborhood traffic circulation to schools, parks, neighborhood commercial centers, transit stops, etc.
- Promotes orderly development.

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

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

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

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

Cul-de-sac Streets Policy: District policy 7207.5.8 requires cul-de-sacs to be constructed to provide a minimum turning radius of 45-feet; in rural areas or for temporary cul-de-sacs the emergency service providers may require a greater radius. Landscape and parking islands may be constructed in turnarounds if a minimum 29-foot street section is constructed around the island. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing. The developer shall provide written approval from the appropriate fire department for this design element.

The District will consider alternatives to the standard cul-de-sac turnaround on a case-by-case basis. This will be based on turning area, drainage, maintenance considerations and the written approval of the agency providing emergency fire service for the area where the development is located.

Landscape Medians Policy: District policy 7207.5.16 states that landscape medians are permissible where adequate pavement width is provided on each side of the median to accommodate the travel lanes and where the following is provided:

- The median is platted as right-of-way owned by ACHD.
- The width of an island near an intersection is 12-feet maximum for a minimum distance of 150-feet. Beyond the 150-feet, the island may increase to a maximum width of 30-feet.

# EXHIBIT B-2

- At an intersection that is signalized or is to be signalized in the future, the median width shall be reduced to accommodate the necessary turn lane storage and tapers.
  - The Developer or Homeowners Association shall apply for a license agreement if landscaping is to be placed within these medians.
  - The license agreement shall contain the District's requirements of the developer including, but not limited to, a "hold harmless" clause; requirements for maintenance by the developer; liability insurance requirements; and restrictions.
  - Vertical curbs are required around the perimeter of any raised median. Gutters shall slope away from the curb to prevent ponding.
- b. Staff Comments/Recommendations: Jarvis Court, an existing local roadway abuts the site's northeast property line. As part of any future development application on the site improvements to Jarvis will be required, including but not limited to pavement widening and the construction of curb, gutter, and a 5-foot wide sidewalk abutting the site.

As part of any future development application, the applicant should be required to construct the internal local streets as 36-foot wide street sections with curb, gutter, and 5-foot wide concrete sidewalks within 50-feet of right-of-way.

Consistent with ACHD's Continuation of Streets policy, Baluchi Street should be extended into the site, as part of a future development application. Baluchi Street stubs to the site's south property line, and was required to be constructed as part of ACHD's April 2017 of Caspian Subdivision located directly south of the site.

## 2. Improvements

- a. Policy:  
Local Offset Policy: District policy 7207.4.2, requires local roadways to align or provide a minimum offset of 125-feet from any other street (measured centerline to centerline).
- b. Staff Comments/Recommendations: New local street intersections should be consistent with the policy noted above. Staff is supportive of a new local street connection to Jarvis Court as it will provide connectivity within the area and additional access for emergency services.

## B. Traffic Information

### Trip Generation

A single family home is estimated to generated approximately 9.44 vehicle trips per day with 1 trip occurring during the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 10<sup>th</sup> edition.

**Condition of Area Roadways: *Traffic Count is based on Vehicles per hour (VPH)***

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Jarvis court	250-feet	Local	N/A	N/A
Lake Hazel Road	N/A	Principal Arterial 2-lane	85	Better than "E"
Linder Road	N/A	Minor Arterial 2-lane	245	Better than "E"

\* Acceptable level of service for a two-lane principal arterial is "E" (690 VPH).

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

**Average Daily Traffic Count (VDT): *Average daily traffic counts are based on ACHD's most current traffic counts***

- Traffic counts are not available for Jarvis Court.
- The average daily traffic count for Lake Hazel Road from Ten Mile Road to Linder Road was 1,069 on 12/16/16.
- The average daily traffic count for Linder Road from Amity to Lake Hazel Road was 1,530 in 2016.

**C. Attachments**

1. Vicinity Map
2. Standard Conditions of Approval
3. Appeal Guidelines

# EXHIBIT B-2

If you have any questions, please feel free to contact me at (208) 387-6178.

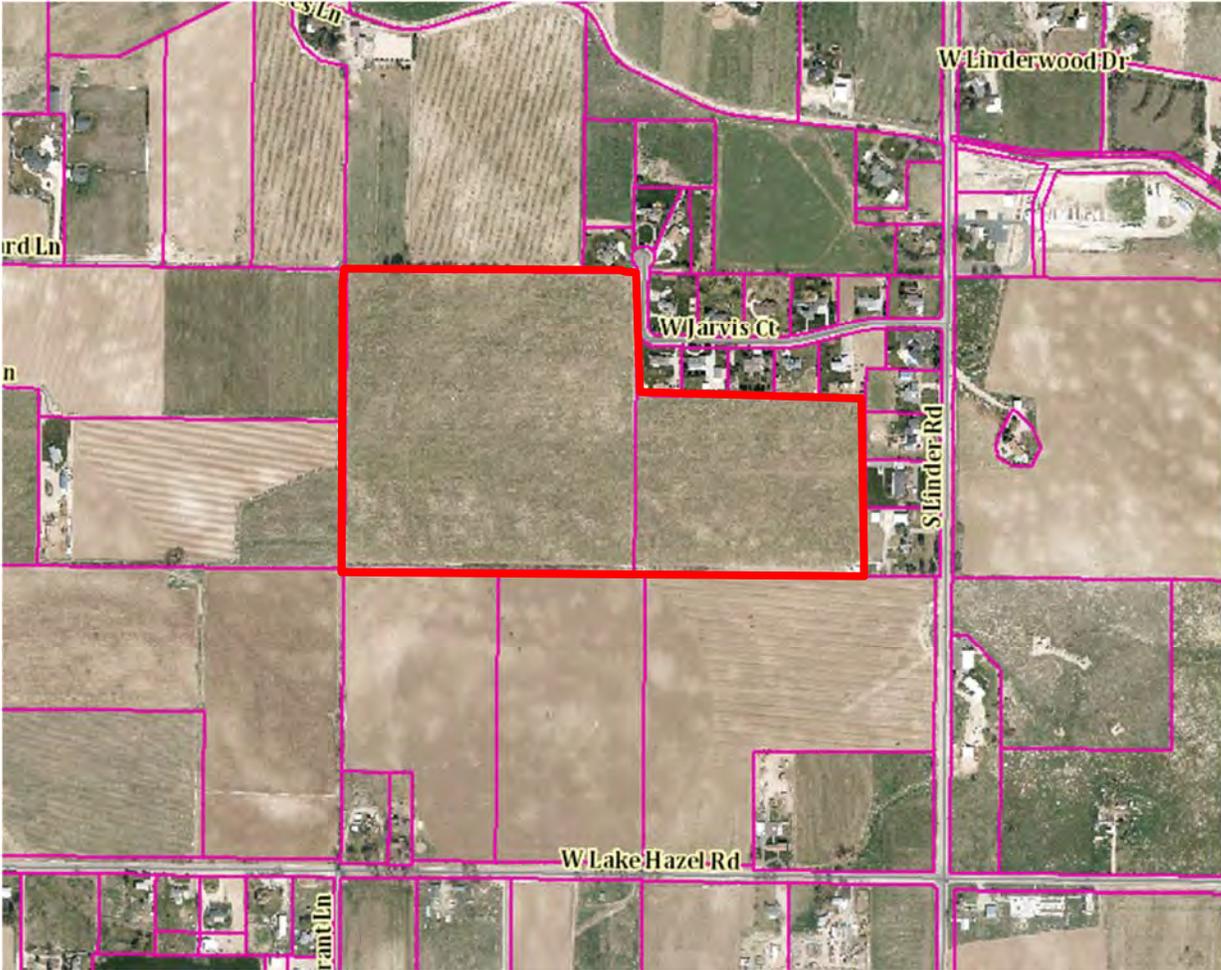
Sincerely,

A handwritten signature in blue ink that reads "Mindy Wallace".

Mindy Wallace, AICP  
Planner III  
Development Services

cc: City of Kuna  
B & A Engineers – Dave Crawford

VICINITY MAP



# EXHIBIT B-2

## Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

## Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
  - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
  - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
  - c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
  - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
  - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.

# EXHIBIT B-3

**RICHARD DURRANT**  
CHAIRMAN OF THE BOARD

**CLINTON PLINE**  
VICE CHAIRMAN OF THE BOARD

**ROBERT D. CARTER**  
PROJECT MANAGER

**THOMAS RITTHALER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

**MARY SUE CHASE**  
ASSISTANT SECRETARY-  
TREASURER

## BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD  
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000  
ACRES FOR THE FOLLOWING  
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT  
BOISE-KUNA DISTRICT  
WILDER DISTRICT  
NEW YORK DISTRICT  
BIG BEND DISTRICT

TEL: (208) 344-1141  
FAX: (208) 344-1437

26 November 2018

City of Kuna  
751 W. 4<sup>th</sup> Street  
Kuna, Idaho 83634

RE: Caspian Sub Addition  
NWC Linder and Lake Hazel  
New York Irrigation District  
Catherine 19+00  
Sec.35, T3N, R1W, BM.

**18-04-ZC**

**NY-146-004-00, 146-001-00**

**RECEIVED**  
**NOV 28 2018**  
**CITY OF KUNA**

Troy Behunin, Planner III:

There are no Project facilities located on the above-mentioned property.

Storm Drainage and/or Street Runoff must be retained on site.

Local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by appropriate easements.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,



Thomas Ritthaler  
Assistant Project Manager

tbr/tr

cc: Clint McCormick  
Terri Hasson  
File

Watermaster, Div; 2 BPBC  
Secretary-Treasurer, NYID

# EXHIBIT B-4

## Communities in Motion 2040 Development Review

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of *Communities in Motion 2040 (CIM 2040)*, the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on [CIM 2040 goals](#).

**Development Name: Caspian Addition (18-04-ZC)**

**Agency: Kuna**

**CIM Vision Category: Future Neighborhoods**

**New households: ±250**

**New jobs: 0**

**Exceeds CIM forecast: Yes**

	<p>CIM Corridor: <b>N/A</b>                  Pedestrian level of stress: <b>R- Linder</b>                  Bicycle level of stress: <b>R- Linder</b></p>	<p>Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with <b>G or PG</b> ratings better support bicyclists and pedestrians of all ages and comfort levels.</p>
	<p>Housing within 1 mile: <b>130</b>                  Jobs within 1 mile: <b>50</b>                  Jobs/Housing Ratio: <b>0.4</b></p>	<p>A good jobs/housing balance – a ratio between <b>1 and 1.5</b> – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.</p>
	<p>Nearest police station: <b>&gt;4 miles</b>                  Nearest fire station: <b>&gt;4 miles</b></p>	<p>Developments within <b>1.5 miles</b> of police and fire stations ensure that emergency services are more efficient and reduce the cost of these important public services.</p>
	<p>Farmland consumed: <b>Yes</b>                  Farmland within 1 mile: <b>1,317 acres</b></p>	<p>Farmland contributes to the local economy, creates additional jobs, and provides food security to the region. Development in farm areas decreases the productivity and sustainability of farmland.</p>
	<p>Nearest bus stop: <b>&gt;4 miles</b>                  Nearest public school: <b>3.4 miles</b>                  Nearest public park: <b>2.9 miles</b>                  Nearest grocery store: <b>&gt;4 miles</b></p>	<p>Residents who live or work less than <b>½ mile</b> from critical services have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle.</p>

### Recommendations

A site plan was not provided with this proposal. However, the application indicates that the requested development would be “closer to 4 units per acre.” At 57 acres, that would create approximately 250 new housing units. This proposal, coupled with previously approved developments in the vicinity, exceeds growth forecasted for this area. Transportation infrastructure may not be able to support the new transportation demands. This location is still in a largely farmland area. Nearby services, such as schools, parks, emergency services, grocery, and other stores are likely accessed only by vehicle and there are no plans for public transportation to this location.

Consider providing stub roads to adjacent properties for future connectivity.

More information about COMPASS and *Communities in Motion 2040*:

Web: [www.compassidaho.org](http://www.compassidaho.org)

Email [info@compassidaho.org](mailto:info@compassidaho.org)

More information about the development review process:

<http://www.compassidaho.org/dashboard/devreview.htm>



# EXHIBIT B-5



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

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

December 7, 2018

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

## VIA EMAIL

<b>Development Application</b>	<b>18-04-ZC</b>
<b>Project Name</b>	<b>CASPIAN ADDITION REZONE</b>
<b>Project Location</b>	East of South Linder Road approximately 0.34 miles north of the intersection of South Linder Road and West Lake Hazel Road, west of SH-69 milepost 6.5
<b>Project Description</b>	Rezone approximately 57.05 acres in Kuna from Agriculture to an R-6 Medium density residential zone.
<b>Applicant</b>	David Crawford, B& A Engineers Inc.
<b>Representing</b>	Waters Edge Farm LLC

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

1. This project does not abut the State highway system.
  2. Future development of this parcel will require submittal of trip generations to ITD and may require a Traffic Impact Study (TIS).
  3. The City is reminded that the SH-69 corridor is already congested. This project will increase the number of vehicle trips in the corridor. As the City continues to add additional trips to the corridor through development, the congestion will worsen until the roadway system is ultimately overloaded and fails. ITD has no current funding assigned to mitigate traffic congestion in the SH-69 corridor in this area.
  4. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
-

# EXHIBIT B-5



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

**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 8028 • Boise, ID 83707-2028

(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

5. IDAPA 39.03.60 rules govern advertising along the State highway system. The applicant may contact Justin Pond, Program Manager for ITD's Headquarters Right-of-Way Section at (208) 334-8832 for more information
6. ITD does not object to the rezone from Agriculture to R-6 as presented in the application.

If you have any questions, you may contact Ken Couch at (208) 332-7190 or me at (208) 334-8338.

Sincerely,

A handwritten signature in blue ink that reads 'Sarah Arjona'.

Sarah Arjona  
Development Services  
[Sarah.Arjona@itd.idaho.gov](mailto:Sarah.Arjona@itd.idaho.gov)





# Neighborhood Meeting Certification

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

## GENERAL INFORMATION:

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

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

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

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

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

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

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

Description of proposed project: Rezone of 57.05 ac from agricultural to residential.

Date and time of neighborhood meeting: Tuesday, August 14th, 2018 6pm

Location of neighborhood meeting: 6950 S. Ten Mile Rd. Kuna Waste Water Treatment Facility

## SITE INFORMATION:

Location: Quarter: SE Section: 35 Township: 3N Range: 1W Total Acres: 57.05 ac

Subdivision Name: Patriot Ridge Estates Subd. Lot: 17 & 28 Block: 1

Site Address: \_\_\_\_\_ Tax Parcel Number(s): R6934730210

R6934730350

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

## CURRENT PROPERTY OWNER:

Name: Water's Edge Farm, LLC

Address: 2228 W. Piazza St. City: Meridian State: ID Zip: 83646

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

Name: David Crawford Business (if applicable): B&A Engineers, Inc.

Address: 5505 W. Franklin Rd. City: Boise State: ID Zip: 83705



**PROPOSED USE:**

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

**Application Type**

**Brief Description**

Annexation

Re-zone

Subdivision (Sketch Plat and/or Prelim. Plat)

Special Use

Variance

Expansion of Extension of a Nonconforming Use

Zoning Ordinance Map Amendment

	Rezone from agricultural to residential

**APPLICANT:**

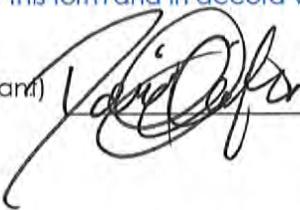
Name: David Crawford B&A Engineers, Inc.

Address: 5505 W. Franklin Rd.

City: Boise State: ID Zip: 83705

Telephone: 208-343-3381 Fax: 208-342-5792

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

Signature: (Applicant)  B&A Engineers Date 8/30/18

DONALD BALLARD  
5200 S ARABIAN ACRES LN  
MERIDIAN, ID 83642-6822

DAVID BERRYMAN  
2705 W BERRYMAN LN  
MERIDIAN, ID 83642-6863

JAMES BERRYMAN  
24621 SE 372ND ST  
ENUMCLAW, WA 98022-0000

HENRY BOSWELL  
1651 W JARVIS CT  
MERIDIAN, ID 83642-0000

TOM CASE  
1784 W JARVIS CT  
MERIDIAN, ID 83642-0000

ROBERT CONNOLLY  
1935 W JARVIS CT  
MERIDIAN, ID 83642-0000

KIM COVER  
5755 S LINDER RD  
MERIDIAN, ID 83642-0000

BARRY CRANDELL  
1710 W JARVIS CT  
MERIDIAN, ID 83642-0000

TIM EVANS  
1852 W JARVIS CT  
MERIDIAN, ID 83642-0000

GOLDIE FAMILY TRUST 11-10-2014  
1763 N ROSEDUST DR  
KUNA, ID 83634-0000

ROBERT GROVER  
1815 W JARVIS CT  
MERIDIAN, ID 83642-6853

SCOT HALL  
1908 W JARVIS CT  
MERIDIAN, ID 83642-6853

RONALD HIGGINBOTHAM  
2010 W JARVIS CT  
MERIDIAN, ID 83642-6853

WARREN JOHNSON  
5975 S LINDER RD  
MERIDIAN, ID 83642-0000

KUBENA FAMILY LIVING TRUST  
1985 W JARVIS CT  
MERIDIAN, ID 83642-6853

CARL MARCUM  
5565 S LINDER RD  
MERIDIAN, ID 83642-0000

MASON CREEK FARM LLC  
6152 W HALF MOON LN  
EAGLE, ID 83616-0000

MARY MOTT  
1995 W JARVIS CT  
MERIDIAN, ID 83642-5445

RODNEY MORGAN ROSS TRUST  
10960 WILSHIRE BLVD STE 1900  
LOS ANGELES, CA 90024-3805

MARSHALL STIMPSON  
5831 S LINDER RD  
MERIDIAN, ID 83642-0000

TASKER FAMILY TRUST  
1998 W JARVIS CT  
MERIDIAN, ID 83642-0000

WATERS EDGE FARM LLC  
1977 E OVERLAND RD  
MERIDIAN, ID 83642-0000

DIANE WISE  
1855 W JARVIS CT  
MERIDIAN, ID 83642-0000

JEREMY WOODLAND  
1990 W JARVIS CT  
MERIDIAN, ID 83642-0000



**B & A Engineers, Inc.**  
Consulting Engineers & Surveyors  
5505 W. Franklin Rd. Boise, Id. 83705  
Phone. 208-343-3381 Facsimile 208-342-5792

August 6, 2018

Dear Neighbor:

We would like to inform you of the opportunity for you to be present at a neighborhood meeting for a Re-zone of two parcels of land platted within the Patriot Ridge Subdivision. The purpose of the neighborhood meeting is to be an informative meeting, to seek input and to discuss the following:

Re-zone of 57.05 Acres from Agricultural to R6. This request is consistent with the previous zone change related to Caspian Subdivision located on the projects south boundary.

The purpose of this letter is to invite you to discuss this project and to answer any questions you may have. We invite you to attend a neighborhood meeting, at the Kuna Waste Water Treatment Facility conference room located at 6950 S. Ten Mile Road, Kuna, Idaho. The meeting will be held Tuesday, August 14 at 6:00 p.m.

Please find attached a map showing the location of the project area and a map showing the location of the meeting.

Should you have any questions or concerns we would like to hear from you. Should you not be able to attend the meeting and wish to share your comments with us in writing please remit them to the following address:

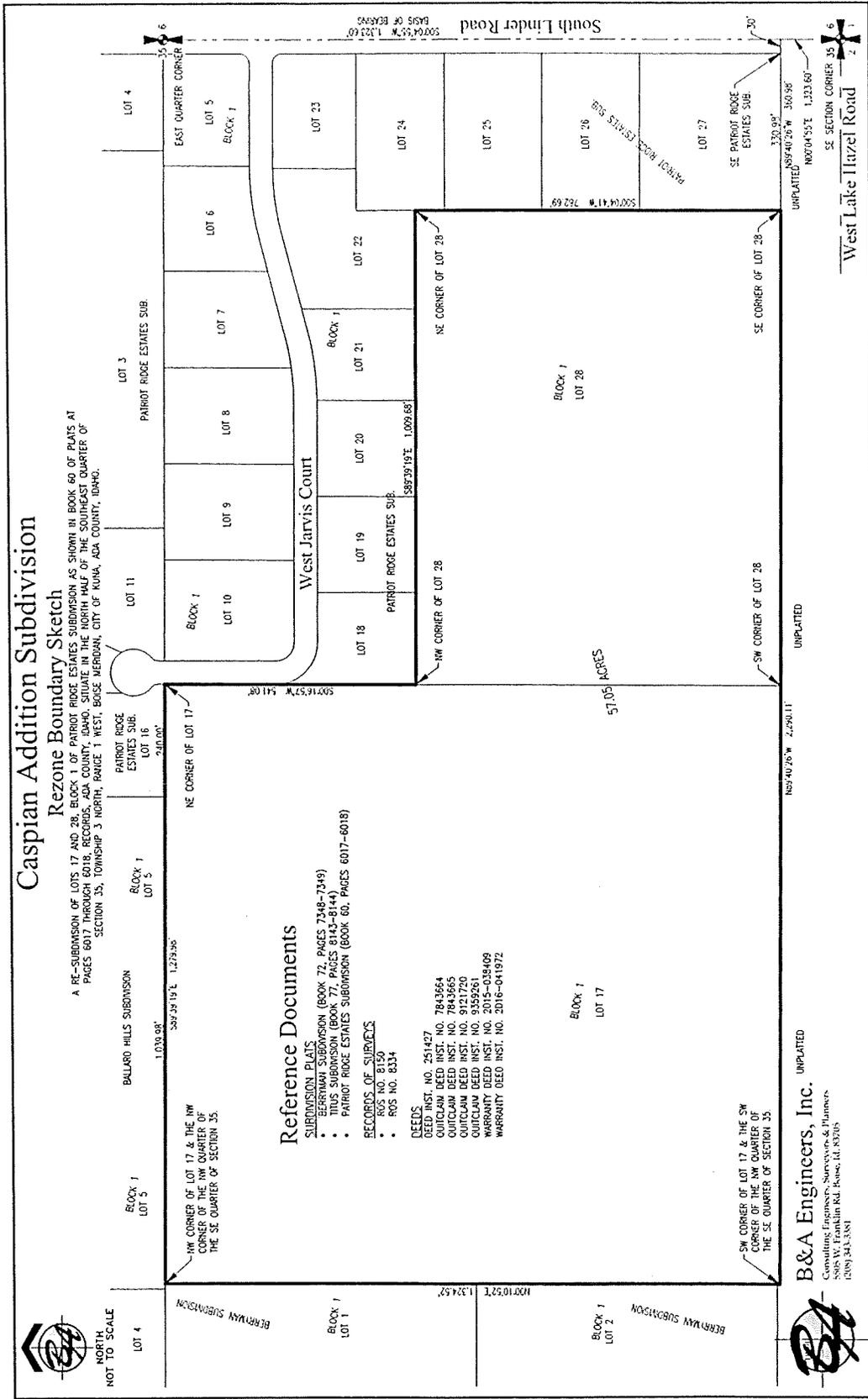
David Crawford  
B&A Engineers, Inc.  
5505 W. Franklin Rd.  
Boise, Idaho 83705

Sincerely,

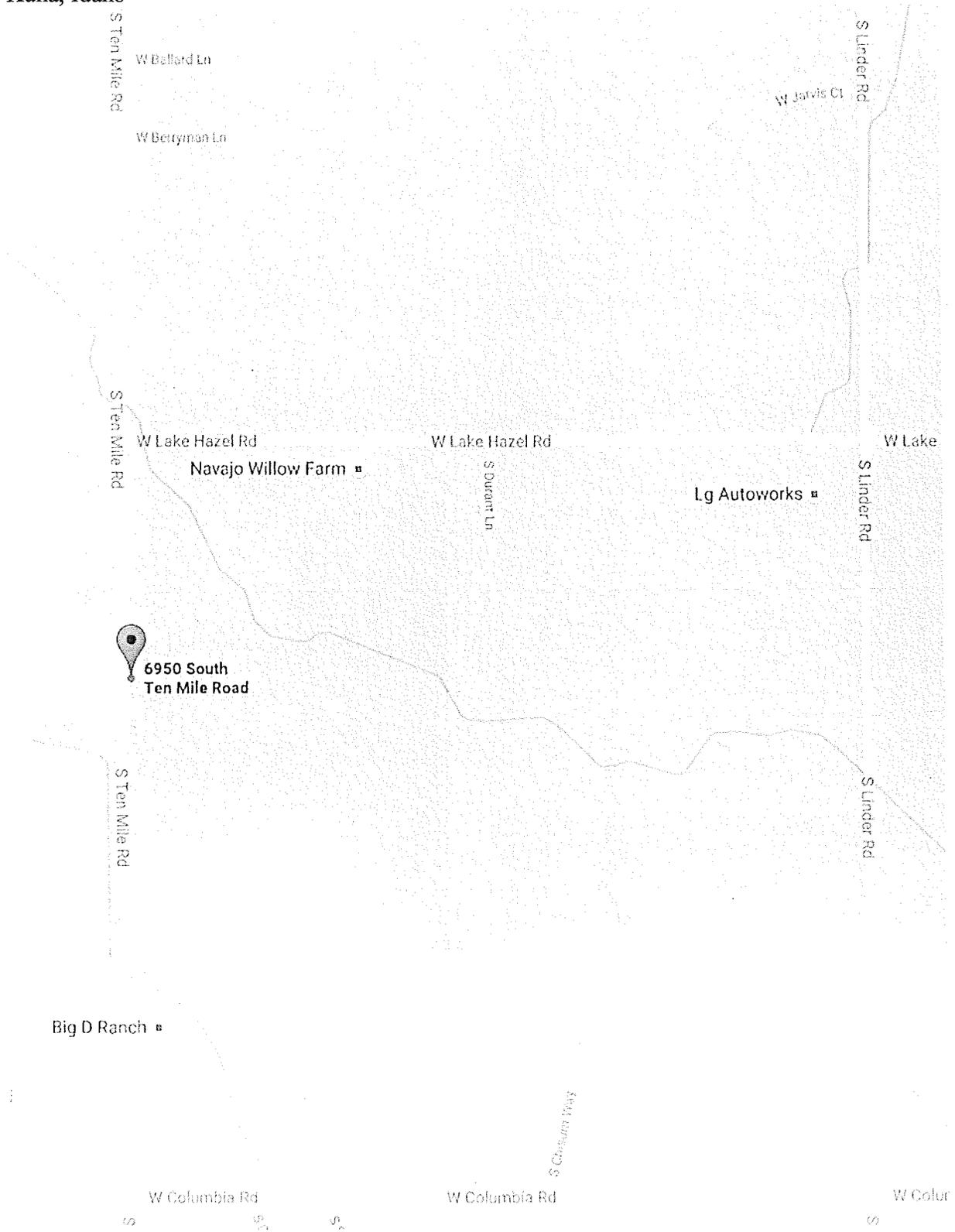
A handwritten signature in black ink, appearing to read 'David Crawford', is written over a light-colored background.

David Crawford  
Project Manager  
B&A Engineers, Inc.

# Project Area Map

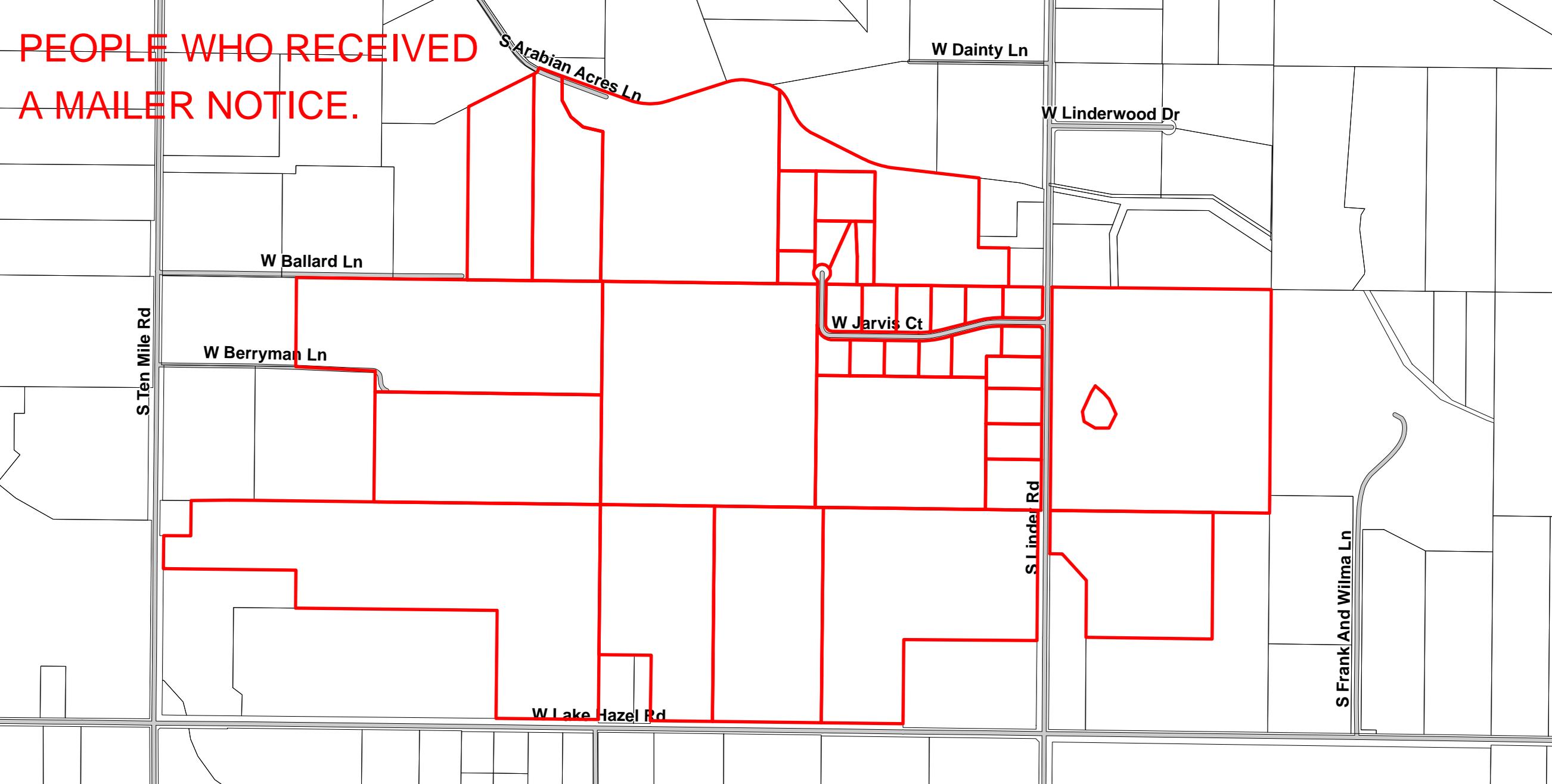


Meeting location:  
6950 S. Ten Mile Road,  
Kuna, Idaho





PEOPLE WHO RECEIVED  
A MAILER NOTICE.



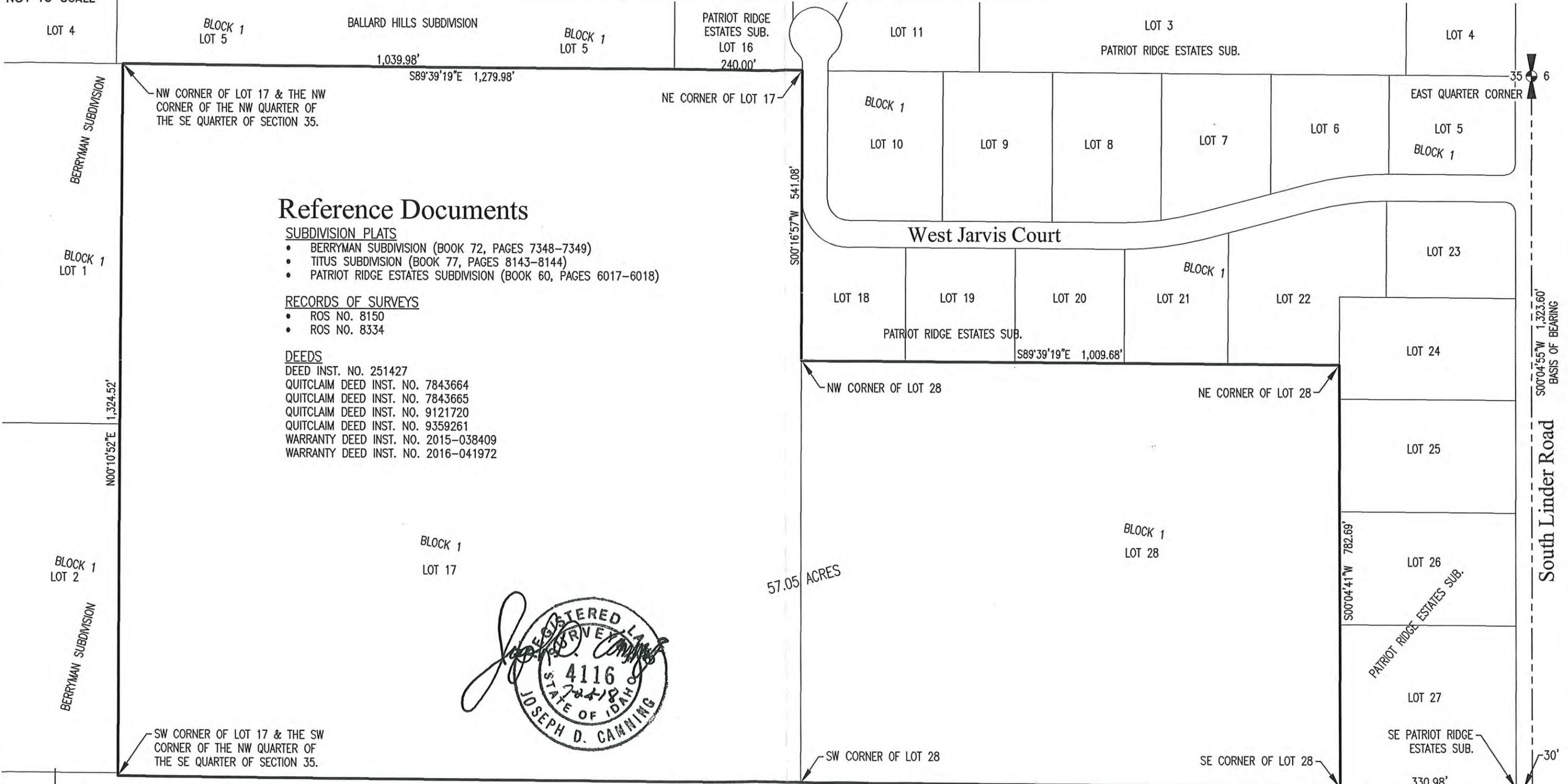
# Caspian Addition Subdivision

## Rezone Boundary Sketch

A RE-SUBDIVISION OF LOTS 17 AND 28, BLOCK 1 OF PATRIOT RIDGE ESTATES SUBDIVISION AS SHOWN IN BOOK 60 OF PLATS AT PAGES 6017 THROUGH 6018, RECORDS, ADA COUNTY, IDAHO. SITUATE IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF KUNA, ADA COUNTY, IDAHO.



NORTH  
NOT TO SCALE



### Reference Documents

- SUBDIVISION PLATS**
- BERRYMAN SUBDIVISION (BOOK 72, PAGES 7348-7349)
  - TITUS SUBDIVISION (BOOK 77, PAGES 8143-8144)
  - PATRIOT RIDGE ESTATES SUBDIVISION (BOOK 60, PAGES 6017-6018)
- RECORDS OF SURVEYS**
- ROS NO. 8150
  - ROS NO. 8334
- DEEDS**
- DEED INST. NO. 251427
  - QUITCLAIM DEED INST. NO. 7843664
  - QUITCLAIM DEED INST. NO. 7843665
  - QUITCLAIM DEED INST. NO. 9121720
  - QUITCLAIM DEED INST. NO. 9359261
  - WARRANTY DEED INST. NO. 2015-038409
  - WARRANTY DEED INST. NO. 2016-041972



57.05 ACRES

**B&A Engineers, Inc.** UNPLATTED  
 Consulting Engineers, Surveyors & Planners  
 5505 W. Franklin Rd. Boise, Id. 83705  
 (208) 343-3381

**received**  
 8.30.2018

West Lake Hazel Road

South Linder Road

35 6

35 6  
2 1