

OFFICIALS

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



CITY OF KUNA

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

City Council Meeting
MINUTES
Tuesday, February 19, 2019

6:00 P.M. REGULAR CITY COUNCIL

1. *Call to Order and Roll Call*

COUNCIL MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Bob Bachman, Public Works Director
Jared Empey, City Treasurer
Chris Engels, City Clerk
Wendy Howell, Planning & Zoning Director
Bobby Withrow, Parks Director
Lisa Holland, Economic Development Director
Troy Behunin, Planner III
Sam Weiger, Planner I

2. *Invocation:* Chris Bent, Calvary Chapel

3. *Pledge of Allegiance:* Mayor Stear

4. *Consent Agenda:* ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS (Timestamp 00:01:23)

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

A. City Council Meeting Minutes:

I. Regular City Council Minutes, February 5, 2019

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

B. Accounts Payable Dated February 14, 2019 in the Amount of \$544,731.42

C. Resolutions

1. Consideration to approve Resolution No. R09-2019

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE PARK USE AGREEMENT BY AND BETWEEN THE CITY OF KUNA, IDAHO AND THE KUNA YOUTH SOFTBALL AND BASEBALL ASSOCIATION, INC., PURSUANT TO THE TERMS OF THE AGREEMENT; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

2. Consideration to approve Resolution No. R10-2019

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE DEED OF PUBLIC UTILITY EASEMENT AND ACCEPTANCE FROM RUSSELL AND KAREN HUNEMILLER.

3. Consideration to approve Resolution No. R11-2019

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE DEED OF PUBLIC UTILITY EASEMENT AND ACCEPTANCE FROM SANDSTONE FARMS, LLC.

~~**4.** Consideration to approve Resolution No. R12-2019~~

~~A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE DEED OF PUBLIC IRRIGATION UTILITY EASEMENT AND GRANT CONVEYANCE OF MUNICIPAL IRRIGATION SYSTEM UTILITY PIPELINES AND GRANTEE ACCEPTANCE FROM SDN, LLC.~~

5. Consideration to approve Resolution No. R13-2019

CITY SEWER INFRASTRUCTURE IMPROVEMENT AND LATECOMER REIMBURSEMENT POLICY - 2019.

6. Consideration to approve Resolution No. R08-2019A

A RESOLUTION OF THE CITY OF KUNA, IDAHO AMENDING R08-2019 TO CORRECT THE STEP AND GRADE CHART COLUMN A AND INCLUDE ALL DEPARTMENTS IN THE AMENDED LONGEVITY POLICY OF THE CITY OF KUNA, IDAHO AS ATTACHED HERETO; AND DECLARING THE EFFECTIVE DATE.

Mayor Stear noted they needed to remove Item 4C4, Resolution No. R12-2019 from the agenda. It was already approved at the last Council meeting.

Council President Buban-Vonder Haar moved to remove Item 4C4 from the agenda. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Christensen absent.

Council President Buban-Vonder Haar moved to approve the consent agenda with item 4C4 removed. Seconded by Council Member McPherson. Approved by the following roll call vote:

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

Voting No: None

Absent: Council Member Christensen

Motion carried 3-0-1.

5. Community Reports or Requests:

None

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

- A.** Continuation of Public Hearing to receive further information as it relates to the overview of pedestrian and vehicle traffic with testimony from ACHD, additional testimony from staff, and general testimony and consideration to approve 18-01-S (Preliminary Plat) for Whisper Meadows Subdivision – Troy Behunin, Planner III
ACTION ITEM

(Timestamp 00:02:49)

Jeff Bower, on behalf of the applicant, requests approval to subdivide approximately 73.50 acres into 310 buildable lots, 38 common lots. The subject site is located *near* the northwest corner of Linder and Columbia Roads, Meridian, Idaho, ID 83642, within Section 2, Township 2 North, Range 1 West, B.M. (APN#'s R1393850100, R1693860010, R1693860290 and R1693860280).

Mayor Stear stated the time had run out for going to ACHD to ask for a variance but they graciously accepted and placed Kuna on the agenda for the following day at noon. He would go to the meeting to try to get the variance from ACHD. He was not sure they would because it would require a variance from the City which wouldn't be a big deal, as well the variance from ACHD.

Planner III Troy Behunin thanked Mayor for the information on the ACHD meeting. He clarified for the record the City was asking for a revisit on decision for a waiver request therefore public notice was not required. In between the last meeting and this meeting, on Friday afternoon, Staff received an email letter from the residents of Chisum Valley. Unfortunately, it did not make it to their inbox in time for the packet. He passed out a copy of the letter to Council and noted the applicant was also mailed the letter that afternoon and received a copy. He read the letter into the record. The letter reviewed the Whisper Meadows Subdivision case history and requested Council conditionally approve the Whisper Meadows development on

Whisper Meadows successfully obtaining a waiver of policy from ACHD waiving stub-street connection between the 2 subdivisions.

Mr. Behunin stated staff added to their report the power point that was shown at the last meeting as well as answers from Gary Inselman, an ACHD representative, regarding questions and another item he couldn't remember right then. Mr. Behunin stood for questions.

Council President Buban-Vonder Haar asked, regarding the ACHD hearing for the next day or past that point, if there was any further action required of the developer/applicant.

Mayor Stear said no but the applicant sent a letter saying they would be happy to make changes if ACHD granted the waiver and they provided a letter of support. Beyond that there was nothing.

Mayor Stear reopened the public hearing.

Jeff Bower, on behalf of the applicant, reviewed the application with a power point presentation that was 99% the same as the previous week. He reviewed his letter requesting conditional approval. He summed it up as requesting Council approve the plat with the condition that they would amend it to reflect whatever ACHD decided. He felt they were in between a rock and a hard place and felt conditional approval was fair and proper. ACHD had jurisdiction and the plat they submitted met both ACHD and Kuna City standards. To put it bluntly, regardless of whether or not ACHD granted the waiver, their plat met the standards and he did not feel they could be denied based on the connectivity issue so they wanted to move forward. He addressed the statements made in the letter that was read into record. He noted the conditions of approval from a prior plat are cast aside because this land had been annexed by the City and rezoned to R-6 so currently the standards they had to meet were for R-6 designation. He appreciated the letter and it reflected everything correctly but the condition they were asking for was slightly different. Instead of approval subject to ACHD they were asking that this not be approved unless ACHD approved the waiver. He believed that was improper and objected because it put their fate into the hands of another body and that was not permissible. He noted they met all the criteria for the plat process, they met the comprehensive plan goals, all the necessary public services were nearby, they were building a bunch of infrastructure and supporting the city CIP, and the evidence submitted by ACHD traffic engineers showed the development they were proposing was safe with the mitigation. He stood for questions.

Mayor Stear asked if it was 2 soccer fields in the plan. It didn't look big enough for 2 soccer fields.

Mr. Bower explained it was 2 soccer fields at approximately 5.5 acres. His understanding was it was designed for 2 soccer fields to go north-south and that was

2 youth 12 and below size fields but it could also function as 1 full size or high school size field if you ran it east-west.

Council Member Cardoza asked how they came up with the 5% usages for trips on McLintock.

Mr. Bower explained those numbers were generated by Kittleson & Associates, their traffic engineers. The engineers told him when they did a study, they went out in town cars and got an understanding for the direction cars moved from that region. Basically, they said on a daily basis which direction cars were headed from this quadrant. What they found and what their modeling showed after they built in their trips was the predominant number of trips went north towards the interstate and then towards Boise based on the traffic counts they did at the intersections.

Council Member Cardoza thought that putting in another subdivision would alter the course of traffic with people wanting to take a shorter route or a less frequented route. He asked if they took that into account with the 5%.

Mr. Bower replied they did. They had done a couple things with this plat to specifically address the neighbors cut through concern. He went back to a slide that showed how they had designed short blocks which created shorter straight-aways and more curves so to get from Linder to Chisum they increased the number of turns to dissuade cut through traffic. Also, the way they phased the project to make the last phase, phase 6, so all of the other connections and road infrastructure would be built out before connecting to Chisum so people would get used to driving a different way and to make sure traffic wasn't directed that way out of need. The collector street would be built and the turning lane would be built on Linder. Those would be the main access points.

Mayor Stear asked if there was parking for the soccer fields somewhere.

Mr. Bower did not believe there was specific dedicated parking but there was street parking.

Council Member Cardoza clarified 150 trips a day was a typical day coming out of the subdivision.

Mr. Bower replied that was correct. He explained the engineer's modeling predicted 150 trips per day total would come down the 2 streets combined.

Council Member Cardoza responded if they had 310 buildable lots with approximately 2 cars that's 620 vehicles within that subdivision but they were saying it would only generate 150 trips.

Mr. Bower explained the total trips per day number, and this was a national standard, they took 9.8 times the number of houses so their total trips per day generated by the

whole subdivision was 2,983 he believed and of that 2,983 they believed that 5%, based on the traffic engineer's modeling, would go through Chisum to reach Columbia. That was about 150 trips per day and that 150 trips per day would be split between the 2 streets.

Parks Director Bobby Withrow asked if Mr. Bower was including all of the open space when discussing the park, or just the park, because on the map he had it showed an acre and a half not 5 acres.

Mr. Bower replied he was referring to total open space as 5 acres not the park that was shown.

Support: None

Neutral:

Richard Durrant, 7592 S Ten Mile Road, Meridian, Idaho 83642, asked if Council Member Cardoza had a chance to review the previous meeting. He didn't want to rehash things if he had already reviewed them.

Council Member Cardoza replied he had read some of Mr. Durrant's letters from the previous meeting so he could highlight.

Mr. Durrant had 2 issues to discuss. He thought the letter from the D R Durrant Trust was in the minutes. He was trying to decide how, historically, as he had farmed this property over the last 20 years and how he had improved and made modifications to drain ditches and things, trying to make sure they did not go off existing drain ditches and working with the developer and trying to get the developer to give him some indication on the final plat on how drain ditches and water to the properties to the north that were previously provided water through gravity irrigation and were currently being irrigated by the pivot irrigation. He was trying to get information and wanted some sort of recourse to deal with it if it didn't meet with those land owners' developments and the drain ditches that currently went on these properties. They were moved onto his property to take care of the pivot irrigation so they didn't have to have pivot towers crossing them. He was also concerned that they made concessions for the lot sizes against Chisum Valley being half acre lots. Along his property he had 15 eighth acre lots so he would have 15 neighbors to deal with instead of his current none. Additionally, he was concerned about Durrant Lane and the right-of-way that was granted. He finally talked with Gary Inselman from ACHD the previous week but he was still concerned that he was being placed with an undue burden to provide more property on his side for that road if it ever continued to go through and the roundabout the developer currently had about 20% and they would be left with about 80% to improve at that point in the future. In regards to the safe guards for his recovery pond, he knew they would be fenced but there would still be the road access to the north so he was trying to make sure there was some protection there and fencing to keep people out of it.

Council Member Cardoza thought his rights to access and the flow of water to his property were guaranteed by the Bureau of Reclamation.

Mr. Durrant replied they were but they had substantially changed since he put the pivot irrigation in. There used to be different ditches going to the different properties there. He tried to get some information. The land owners to the north hadn't received any information on how that water was going to be provided to them at that point.

Mayor Stear clarified his question was about water delivery.

Mr. Durrant replied that was correct.

Council Member Cardoza asked if the Bureau of Reclamation had any drawings from the subdivision as to how they were going to allocate the water to Mr. Durrant's property.

Mr. Durrant had not been able to see any of those. He had asked for some plats but he didn't know if that was going to happen in final plat or where it was going to happen at for the properties to the north and those weren't his personal properties. The ones on his were the drain ditches that historically were on the proposed Whisper Meadows Subdivision and went straight north from Chisum and ended up down in the recovery ponds that were there and then eventually ended up at Mason Creek if they didn't pump back that water.

Council Member Cardoza addressed Durrant Lane stating Mr. Durrant knew that street was there, or proposed to be there, previously.

Mr. Durrant explained he did not receive any information from Ada County regarding the improvements to Durrant Lane. When Chisum Valley went in, there was no right-of-way set aside from Chisum for proposed improvements 20 years ago.

Council Member Cardoza said, in perpetuation going backwards, Mr. Durrant knew Durrant Lane or School Street would be completed someday.

Mr. Durrant had seen it turning into School Street but never envisioned it going across Mason Creek due to the amount of traffic that potentially was there. He could say that he knew something could happen in the future but he didn't feel it was his responsibility to provide 80% of property for that to be done on and along Chisum would be 100% if that went through at that point.

Mayor Stear pointed out a report from Boise Project Board of Control on page 247 of 671 in the packet. It said local irrigation/drainage ditches that cross this property in order to serve neighboring properties must remain unobstructed and protected by appropriate casements. He noted there was more in the report as well.

Council Member Cardoza stated it sounded like his rights were being observed.

Mr. Durrant had a feeling, with another development, that things would change. He wanted the developer to provide information for him and then, trying to come back after the fact, to document this discussion and how everything was taken care of.

Council Member Cardoza could see this time of year being imperative for the developer to keep in contact with Mr. Durrant since they were getting into the planting season and they would need to know where Mr. Durrant's water was coming and going. He would think the engineer would contact him about that.

Mayor Stear noted that had come up before, keeping things open for irrigation and that type of thing. He asked Planner III Troy Behunin if there was some way through the City's process to contact people that required that delivery of water and how that was being taken care of for them to ease their minds. He knew Boise Project said they had to do that but how that ended up happening was sometimes a problem.

Mr. Behunin replied that was always a concern. People always wanted to know that, especially if they were farming something that was being developed. It was a state law that you could not impede someone's delivery or waste ditch, whether it was coming or going. You had to maintain the in and the out. If there was something else staff could do to get them to bring up that water rights would not be impeded during the neighborhood meeting or something else they could do, they absolutely would. Mr. Eck was used to this. He developed farm land and other lands with water.

Public Works Director Bob Bachman added, during the construction process, the City's inspectors made sure those ditches were maintained and water was preserved for the existing property owner. They watched those and frequently had to work on them or have the contractors work on them to maintain that water flow. They watched it very closely.

Mayor Stear wanted to make sure that during this process Mr. Durrant was kept in the loop so he would know there weren't going to be problems they would have to go back and correct or if there was a period of time he would be out of water because something was improperly done by accident.

Mr. Behunin suggested adding something to the staff report that, when it gets to P & Z, they could add another condition that they maintain those water rights that were protected by the state or maybe make it a requirement that it be discussed at the neighborhood meetings from the get go.

Mayor Stear thought communicating the facts with the people effected would be most beneficial. He asked that staff take that into consideration.

Council Member Cardoza asked if Mr. Behunin knew if a developer could change the ditch flow when doing a plat; did they have to maintain the same characteristics or could they move it so it ended up at the same weir at the very end.

Mr. Behunin asked for clarification.

Council Member Cardoza asked if it was going from left to right could they change the flow of the water through the plat to make it go straight to the existing weir or would they have to maintain the original creek or ditch bank through there.

Mr. Behunin replied it was possible to change the path of delivery water and waste but it was a process that had to be done through Boise Project because all of those waters were in an easement that predated most of them. They had to maintain the in and the out but everything in between was flexible. However, there was a process a developer had to follow and it wasn't easy.

Against:

Shannon Luckie, 7714 S McLintock, Meridian, Idaho 83642, appreciated Council's follow up and due diligence with ACHD over the variance. She asked if the meeting the next day at noon was open to public testimony.

Mayor Stear did not think it was open to public testimony. He thought it was just a request they were going to present.

Planning & Zoning Director Wendy Howell explained it was a public meeting, not a public hearing, in front of ACHD commissioners therefore public could be present but they would not take public comment.

Ms. Luckie asked if there was anything Chisum Valley residents could provide that would help with this process.

Mayor Stear thought the letter from the homeowners that was presented at the beginning of the meeting was very beneficial. Basically, the timeline had passed to bring it back to ACHD so it couldn't be a public hearing. They were kind of opening it up as a favor to hear what they had to say.

Ms. Luckie said they appreciated that.

Mayor Stear stated staff worked really hard on making that happen.

Ms. Luckie was concerned the traffic study was done to only include Chisum Way. When this was first proposed Chisum Way was going to be connected and McLintock was only going to be a pedestrian right-of-way. She wanted to make sure the traffic study included both streets. Also, the traffic study numbers seemed very low. It would be approximately 620 cars coming out of Whisper Meadows

Subdivision and she believed a lot of those folks would be looking to bypass the increased traffic that would be on Linder Road due to the Springhill Subdivision located on Linder that had 677 homes and with the new high school there. The School Zone speed limit for that area would only be 20 MPH and if they accessed through Chisum Valley it would be 25 MPH. They would bypass a lot of that traffic through that school zone. She thought Whisper Meadows would be starter homes with a lot of families with small children. All of the elementary schools were to the south so they would be going south. They would not all be going north. Those were just some concerns.

Lauri Allen, 7980 S Chisum Way, Meridian, Idaho 83642, wanted to reiterate about the traffic. They were the first house in and to the right when pulling into Chisum Valley. They were, she guessed, about 60 feet from Columbia Road. Sitting at their house you could watch how many cars came racing through there that, if a child was to run out, couldn't stop. All of their neighbors knew they had children and were very conscious when coming through the subdivision. This new subdivision wouldn't care less where children were and what homes they had.

Ms. Allen stated they also had horses, horse trailers, a pontoon boat, and 4-wheel trailers. They all backed them into their arena. In order to do so, they pulled into their neighbor's drive and backed up. She knew she had stalled traffic while she was trying to back the trailers in. She said you're looking at 60 feet with a truck and trailer backing in and you have 300 and some cars lining up on Columbia waiting for her or her husband to back their trailer into their arena. She said think of the repercussions that could happen with cars building up there.

Ms. Allen thought an interesting thing would be a traffic study on Denali Heights and Arbor Ridge all crossing, and she was guilty of this too, through Applewood Subdivision to get to Silver Trail instead of going to Ten Mile. There were tons of cars racing through that subdivision because they didn't know or care where the kids would be on their bikes because they weren't in that subdivision.

Ms. Allan would also be interested, at the final phase of this subdivision, in whether the bus route would have them go to Linder or if it would be easier for 60 homes at the edge of the subdivision to go down Chisum Way to meet their bus. She appreciated the effort and thought they were putting into traffic. It was a huge concern. Growth was going to happen but safety had to always come first especially for those who were there first.

Stephanie Kennedy, 7638 S McLintock, Meridian, Idaho 83642, respectfully requested again, a new impact study including environmental, traffic, and noise be conducted since McLintock was now mandated to be a main artery for the proposed 310 homes. They were challenging Mr. Eck's reported number of cars going through their subdivision. The Spark Engineering and Highway Assessment Program and Company clearly showed in their equation that 310 homes would equate to approximately 3,315 expected trips per day. That included work, school, sports,

shopping, etc. This was clearly much higher than Mr. Eck stated. They requested a second opinion, perhaps from HDR, specifically Dan Jones, a professional traffic engineer who assessed proposed subdivisions and their impact.

Ms. Kennedy said Mr. Eck stated McLintock was wide enough for 2 cars and had a 4-foot walkway on each side. This was erroneous. After careful measurement they found less than 12 inches per side and there were rocks and a deep drainage ditch on each side. Clearly not enough to safely ride a bike or walk. She said imagine the backed-up traffic as the 2 garbage trucks that came into their subdivision weekly stopped in front of each home or the mail man stopped at each mailbox daily. There was no way to get around these vehicles. It was clearly not wide enough for an emergency lane so backing out of their driveways would be nearly impossible.

Ms. Kennedy quoted a statement from Mr. Eck as saying, "A 20-foot buffer zone would go all around the subdivision", yet the plat showed that to be incorrect. There was none adjacent to their subdivision. He also stated there was an easement. However, the financial responsibility would still be theirs to repair their landscaping, outbuildings, and fences and this could come to thousands of dollars per lot that they would be responsible for. His irresponsible plan jeopardized their subdivision and could put them into litigation and possibly bankrupt their small community if forced to pay for these. She asked for a common area between the 2 subdivisions.

Ms. Kennedy also asked if they could pose some type of irrigation damage trust against Mr. Eck for future repairs for the irrigation line he proposed building on top of. She asked that Council look at their plat, she thought it was number 3 on the program, it showed there was an irregular boundary to the west side. That was to be extended clear across the back of their property lines to protect their pressurized 6-inch irrigation line. Right now, looking at it, and Mr. Eck stated his fence would be directly against theirs, there was no protection for that 6-inch pressurized irrigation line. They wanted to know if there was no grandfather clause after 20 years that would protect them and this pressurized irrigation line. They heard that there was protection for Mr. Durrant's water line and the water that went to the other homes but what about theirs. Basically, what would happen after Mr. Eck generated the revenue and changed how they lived and the very reasons they moved to Chisum Valley was they would have to live with those consequences. They kindly asked that Council protect their neighborhood, investments, safety, and the very reason they moved there and deny Whisper Meadows.

Josh Ricciardi, 7752 S McLintock Street, Meridian, Idaho 83642, stated Chisum Valley had been established for 20 years. They had done ok with those cul-de-sacs. Fire emergency vehicles had been down there and hadn't done any 3-point turns or anything like that. Those safety issues had been avoided. Other subdivisions had sidewalks. Ms. Allen brought up people cutting through subdivisions. The kids stay on the sidewalks. Hopefully their kids would stay on the side of the street of 12 inches. ACHD would do a hardship to Chisum Valley if they approved the connectivity. It was still within Council's court. He asked that they consider that.

Mr. Ricciardi added that the road to the north of Whisper Meadows was a road Mr. Eck would be building. The road to the left would basically take most of Mr. Durrant's property away. He also reiterated concerns regard traffic impact, traffic coming through their subdivision, and access to their irrigation line for maintenance.

Kevin Hall, 7675 S McLintock, Meridian, Idaho 83642, was new to the subdivision. He had moved there the previous August. He had purchased a house on an acre in Boise County 20 years prior and enjoyed it but over the last few years it was annexed and there was a fire station and a day care center in his backyard. He moved out here because it was in the country back in the county. It was private and on a dead-end road without through traffic. He passed some pictures of their road widths out to Council and the City Clerk. He said they talked about the streets based on Ada County double lines, side, 13-foot lane widths. They had less than 12 inches for kids. Both sides of the roads had deep rocks. It was a pit. There was no escape for bicycles or pedestrians. There was no where to go when there were 2 cars passing side by side on the street.

Council Member Cardoza asked if Chisum Valley was in City limits or if it was in the county.

Mayor Stear replied it was in the county.

Jenna Von Der Ehe, 7601 S Chisum Place, Meridian, Idaho 83642, stated the applicant communicated there would be widening and paving on Columbia and Linder. There was no easement or turning lane to turn into their street from Columbia. You could easily, from the 4-way stop at Linder and Columbia to Chisum, get up to 50 MPH. It was great that they were improving Linder but there was no mention of Columbia and Chisum. He said the initial plat that was approved for Chisum, the cul-de-sacs would provide for future connectivity. That was correct but they also said all lots would be at least 1 acre lots. The initial planning was that connectivity would include like size lots, not 310 homes. Also, the applicant represented they were trying to mitigate by designing shorter blocks in their plat but did not focus on the long straight shot from the end of Chisum to Columbia. She was at the end of Chisum on the left-hand side. You could shoot an arrow to Columbia it was that straight. That was great that they were worrying about their neighborhood but she guaranteed that was like a bullet shot straight to Columbia. They brought attention to the new high school and cars heading east but failed to mention cars heading south through their neighborhood that would be attending Silver Trail. She guaranteed they would not go east to Linder down to Columbia to head west when they could cut through their neighborhood. She thanked Council for listening.

Stephanie Shank, 7825 S. Chisum Way, Meridian, Idaho 83642, noted one thing through the traffic study that had been done and was up on the slide they showed. It said half of the cars would be coming south on McLintock and half would be coming south on Chisum but McLintock fed into Chisum. That would be, if you were going with 75 cars on each road, 150 cars right in that little tiny intersection and trying to

get onto Columbia. She wanted to point that out since it wasn't mentioned and, if they hadn't looked at the map, they might not have realized that was a real potential snarl.

Rebuttal:

(Timestamp 01:07:00)

Tim Eck, the applicant, 6152 W Half Moon Lane, Eagle, Idaho 83616, reviewed process, engineering, traffic, and safety. When they began the entitlement process, they hired highly educated, licensed individuals to begin the process of designing the preliminary plat culminating in the finished preliminary plat before them that evening. When they began the platting process, they hired engineers to design a plat that was 100% compliant with all applicable statutes, codes, and polices. When they initially laid out a plat they met extensively with the City Planning & Zoning Department and ACHD to ensure the plat design was 100% compliant with all ACHD polices and Kuna City Codes.

Mr. Eck explained once the plat was designed, they submitted to the City Planning & Zoning Department and ACHD where it was again thoroughly reviewed for compliance with all codes and polices. ACHD reviewed the plat because Idaho law provided that ACHD was responsible for the design of all streets within Ada County. This was Idaho Code section 40-1415. This Idaho law specifically charged ACHD as the agency to set standards and review subdivision applications for street width and traffic flow and connectivity.

Mr. Eck said for large projects ACHD required the preparation of a traffic impact study to analyze mitigation. Licensed engineers prepared traffic impact studies. The traffic impact studies started with the study of the impact area to determine the background traffic and existing levels of service. To do this, actual data and traffic counts were collected and then modeled. This created a baseline. The study was required to determine the existing levels of service and the levels of service that would exist at the studied segments and studied intersections at full build out of the subdivision.

Mr. Eck stated upon approval by ACHD of the studied scope of work, existing traffic counts and background traffic data was collected. Background traffic was the additional traffic generated by all other projects previously approved and in various phases of development that would have impact on traffic within the study area.

Mr. Eck said, lastly, the additional traffic resulting from the new subdivision was calculated and added to the road segments and intersections. This exhaustive study, including all recommendations for mitigation, was then submitted to ACHD where it was thoroughly reviewed for code, statute, and policy compliance. If any discrepancies were found, ACHD would return the traffic impact study to the traffic engineer for expanded study area and/or revisions. The results were then used to

determine any and all mitigation required to produce and maintain safe road segments and intersections that would perform at acceptable levels of service.

Mr. Eck explained once the traffic impact study was reviewed by ACHD and found to be accurate, complete, and compliant, ACHD would accept the traffic impact study as complete and proceed with the ACHD staff report. Once the ACHD staff report was issued, ACHD, under their statutory discretion, had approved the preliminary plat subject only to the general and site-specific conditions of approval, and determined that the traffic impact study was complete, accurate, and identified all mitigation required to maintain safe roadway infrastructure. In this case, the ACHD staff report fully supported the project as designed and concluded it met all the districts standards and policies.

Mr. Eck said engineers at Kittleston & Associates, a well-respected national engineering firm, and ACHD's own staff and engineers devoted many hours to studying this project and modeling the impacts. Both concluded the plat design was safe and met all applicable road design safety standards. Anecdotal testimony and opinions should not outweigh conclusions from traffic engineers and experts.

Mr. Eck reviewed, as previously discussed, the roads in Chisum Valley were built to the proper ACHD standards for local streets in a 1-acre subdivision. The streets were not substandard. The traffic engineer concluded that both Chisum and McLintock would continue to operate at Level of Service A at full build out of Whisper Meadows. Local roads like Chisum and McLintock were designed for 2,000 trips per day. In this case, at full build out, they would share only 460 trips per day. In addition, they designed their plat to deter cut through traffic and ensure slow speeds on local roads.

Mr. Eck stated again, they were requesting approval or conditional approval of the preliminary plat application before Council. They did not have a preference on the connections to McLintock or Chisum but they designed the plat to be fully compliant with the City Code and ACHD policies which both required connections. ACHD had required these connections and most importantly the evidence before Council showed the connections were safe. They understood Kuna had been granted the opportunity to speak at the ACHD Commission Hearing the following day where Kuna would request ACHD to reconsider the connections to McLintock and to Chisum. They were prepared to comply with the results of the ACHD hearing pertaining to the connections to McLintock or Chisum. However, they did not believe the ongoing dialogue between the City and ACHD should prevent an approval of the current application.

Mr. Eck followed up on notes stating they would be putting in a road trust \$172,000 for the completion of Durrant Land and a short section of Butterfly for the components that could not be built or could not be opened. They could not build that last segment of Butterfly and open it because it went nowhere. They didn't want it built and they didn't want to maintain it so they made them put the money into a

road trust. Water delivery and waste was all designed with engineering and was looked at extensively by public works. It was state law. He had to get the water from A to B but how he got it there was up to their discretion. He could relocate ditches but they still had to provide the delivery and the waste. They did delay this application to have McLintock looked at extensively. They asked their traffic engineer to look at McLintock again because ACHD wasn't going to allow the disconnection. So, it was looked at and the analysis came back, which was submitted a long time ago, that the general trip generation in that direction wouldn't change, it would just be split between those 2 streets because they did connect in 1 location.

Mr. Eck reviewed the landscape buffers did meet all requirements. There was no landscape buffer required between subdivisions. City Code required it along arterial roads and mid mile connectors and all those landscape buffers would be installed. There would be a pressurized irrigation easement across the common boundary between the backs of their lots and Chisum Valley's lots. There was a requirement for pressurized irrigation easement. If Chisum Valley irrigation was in that easement it was Chisum Valley's, not theirs. They would clean up all the risers that stuck up and remove them all because those risers actually provided irrigation water to his land or it did at one time. They would clean them up and cap them off and if they damaged a pipe while doing that, they would repair that. However, if Chisum Valley had a failure of their system in the future, it was their system. Just like if the City system failed in the future, it was the City's system. Chisum Valley did have an easement that granted them access to get there but they would have to return it to the condition it was in when they went in.

Mr. Eck stated there was a road standard for standard rural roads in subdivisions greater than 1 acre but less than 5 acres that required 30 feet minimum of paving and it said there was no sidewalk required and 4 feet on each side was striped for non-motorized travel. That 30-foot segment included the 4 feet of pavement on each side for non-motorized travel, pedestrians and bicycles. That was the condition of their approval; that their roads were built to 30 foot. Their conditions of approval also required both McLintock and Chisum to be stubbed to his property including the right-of-way that currently went to their property. They were not opposed to not connecting to them. He had drug this plat out 9 months trying to accommodate that but it was at ACHD's discretion. Fortunately, there was a little wiggle room left in the motion they made to deny the waiver which allowed the City to come back and ask. It was a public hearing and if the residents wanted to show up at the hearing to support an additional request for a waiver, they were welcome to be there or to send in emails. He would also be there to support the waiver. He wanted to accommodate them but it was out of his control. It was up to ACHD. He stood for questions.

Ms. Howell clarified it was a public meeting not a public hearing at ACHD.

Mr. Eck stated it might be open to public testimony but they could show up and ACHD would know that they were in support of the waiver request.

Council President Buban-Vonder Haar asked if the City could point them out.

Mayor Stear replied yes.

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

Council President Buban-Vonder Haar reviewed Council delayed this at the last Council Meeting so they could receive additional information from ACHD about why they denied the waiver and to see if there was anything they could do from that point. She was satisfied with what they had been able to accomplish and was hopeful that the hearing the next day would have a positive outcome for Chisum. At that point it sounded like the concerns had been dealt with in the sense that they were working to get the single connection instead of the 2. In terms of water and irrigation issues and that sort of thing, the delivery of and access of that service was protected and still be in place. She was certainly sympathetic to additional concerns about the safety of the roads and the adequacy of the space to facilitate vehicle and pedestrian traffic at the same time. She did feel like they were kind of stuck though in that there was a very thorough traffic study completed. ACHD, the entity in charge of regulating the roads, determined that what was presented to them was a safe and appropriate way forward and at that point she did not feel comfortable substituting her judgment, or lay judgement generally, in place of the entity that was tasked specifically with this function. She felt like they had done what they could in terms of going back to ACHD and that they would agree to even hear an additional request for the waiver since that process had already played out. That was where she was standing at that point. She asked what others thought.

Mayor Stear stated one of the reasons ACHD denied that was because they wanted more access for emergency vehicles and that type of thing. It was possible they could make those available for emergency access only, such as a gate that only police, fire, and ambulance could use. It was pointed out earlier there was 1 street that tied into everything. If there was an incident there everything was blocked off so it was legitimate to want a back entrance. If Council approved of that, it could be something he asked of ACHD in lieu of having access to Chisum Valley.

Council President Buban-Vonder Haar thought anything that could reduce access through Chisum Valley was what they were hoping for at that point.

Council Member McPherson agreed. If it could be limited to just emergency barricades and they had access to go around, that would definitely be best. He still did not like the traffic flow through there at all but, again, ACHD was the authority on streets so they were at their mercy and, more so, Chisum Valley was at their mercy, and the developer too. The water issues had somewhat been addressed. He knew they had to maintain those by rights so he was confident that would happen.

He just hoped this worked out. It had a lot of negativity and hoops it had to jump through. Hopefully there was a good conclusion the next day.

Council Member Cardoza stated it seemed like the developer had tried to accommodate the neighbors going with the half acres all except for Mr. Durrant. He found it ironic that they as a City were making a decision that kind of affected people in the county indirectly. It put them in an awkward position being that they were neighbors so to speak. On everything he had read in the past, he hadn't been there for 3 or 4 meetings, it looked like the developer had met every condition of the City. It seemed to be the City's problem and it was a problem the City seemed to manifest with other subdivisions as ACHD. The request from the engineer, from what he read, was that they proceed that night with the understanding that whatever decision was made the next day would be obeyed or conditioned by Tim Eck, if he understood that engineer. It gave them a little latitude if they took a big stick to ACHD and started swinging it hard not paying attention to who they hit, maybe they could get someone to make a decision that would benefit them. He wished, sitting there after some vacancy, that he had better news for them but, based on everything he read, Mr. Eck seemed to have the upper hand and had worked with them as much as he could. The problem seemed to be ACHD. Irrigation could be an issue but if they had the right-of-way, he thought Mr. Eck would honor that. Mr. Durrant's water was guaranteed by the Bureau of Reclamation. He hated to say it but, they were between a rock and a hard place. They wouldn't know what ACHD would do until the next day. He applauded Mayor and Council for trying to resolve this in favor of the people out in the county. He wasn't diminishing them living in the county. It was just that Council had no authority over those in the County but they wanted to be good neighbors to them.

Council President Buban-Vonder Haar moved to direct staff to prepare Findings of Fact, Conclusions of Law and Order of Decision for approval by the Council on the next Council Meeting Consent Agenda approving 18-01-S with conditions of approval as listed and including the following condition that if, within six (6) months of this approval, the Ada County Highway District approves a waiver of its connectivity policy such that the applicant is not required to provide local street connections to either Chisum Way or McClintock Place, the applicant shall submit a revised preliminary plat to the City's Planning Director reflecting the connections allowed by the Ada County Highway District, and the City's Planning Director shall have the authority to approve such revised preliminary plat as a minor modification. The Ada County Highway District's refusal to grant any connectivity waivers will not affect the validity of this approval, but it is the applicant's obligation to cooperate with the City's efforts to obtain such a waiver. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Christensen was absent.

Mayor Stear stated they would do their best the next day to see what they could come up with and thanked everyone.

Someone from the audience asked if folks could submit email comments or if those wouldn't be considered because it wasn't a public hearing.

Planning & Zoning Director Wendy Howell did not know. She wasn't sure how ACHD ran their meetings.

Council President Buban-Vonder Haar suggested, subject to the Mayor saying it was a bad idea, that people share their comments with Mayor Stear if he was the one that was allowed to talk. That way he could summarize the comments for them.

Mayor Stear added that, since it wasn't a public hearing, talking to them would not create any ex parte. He shared his business cards with his contact information and that he would share any comments received with Planning & Zoning and the City Clerk for the record. Certainly, anything that they saw as beneficial they should share with him and reminded them the meeting was at noon.

Council President Buban-Vonder Haar added, even in the absence of receiving any additional feedback, the Mayor was well apprised of the concerns and interests and the City shared the same interests. Rest assured, they would speak on their behalf.

Mayor Stear reiterated the letter from earlier was pretty awesome.

Council President Buban-Vonder Haar agreed the letter from the Chisum Valley Board of Directors and Virginia Jeppeson was very thorough. She and Mayor Stear thanked everyone for showing up.

B. Public Hearing and consideration to approve 18-05-AN (Annexation) and 18-06-S (Preliminary Plat) for Redcloud Subdivision – Troy Behunin, Planner III ACTION ITEM
(Timestamp 01:30:40)

The applicant, SSM2 Company, request annexation of approximately 8.00 acres into Kuna City with an R-6, residential zone, and to subdivide the property into 40 single family buildable lots and three (3) common lots. The site is located at the southeast corner of Luker and Great Bear Roads, the site address is 1250 S. Luker Rd., Kuna, Idaho; In Section 25, T 2N, R 1W, APN #: S1325438500. – Tom Maile Presenting.

Planner II Troy Behunin reviewed the staff report. He noted the minutes from the neighborhood meeting were not included in the packet. He passed out a brief summary of the minutes. He stood for questions.

Mayor Stear stated at some point they needed to do something different with these. He liked to know what concerns the neighbors had. That was the reason he liked to see the minutes and this didn't really do that for him. He didn't know how to have people change the way they took minutes but, other than date, time, and the list of people there, that was all it said. He did not find it very useful. He didn't know what

they were going to do but they needed to do something different, otherwise there was no point in having it in the packet.

Council Member Cardoza agreed.

Council Member McPherson suggested providing an outline to the developer or whoever to follow whenever they held a neighborhood meeting that listed what Council needed.

Council President Buban-Vonder Haar suggested comments in favor and comments against.

Mr. Behunin stated that would be asking for a vote.

Council President Buban-Vonder Haar clarified she was talking about comments that occurred during the meeting. The minutes already said the vast majority of the neighbors provided positive comments. She asked how that would be different than asking for them to provide the specific positive or negative comments.

Mr. Behunin asked Planning & Zoning Director Wendy Howell and City Attorney Bill Gigray to correct him if he was wrong but he thought the reason for the neighborhood meeting was a noticing procedure. They were not there to garner any kind of support or opposition. They were there to describe what they intended to do through application to the City. Asking if people were in favor or against was asking for a vote which could lead people to believe their vote counted when it came to that proceeding.

Council President Buban-Vonder Haar replied she would wait for Council to weigh in on whether or not what they were asking for would be permissible but, as an alternative, having some sort of a verbatim print out of what was described would at least allow, at the next stage at the public hearing, for people to say if that wasn't what they talked about or if that was what they talked about or point out what was originally proposed versus what was being proposed and which was in response to concerns that were brought up.

Mr. Behunin replied perhaps they could be more descriptive in their request on their applications saying a detailed topic itemization rather than just a general overview be proved.

Council President Buban-Vonder Haar was still skeptical that they wouldn't be permitted to know what concerns were raised at the meeting by citizens.

Mr. Behunin responded they certainly could ask for that but they could not ask people if they were for or against because that was essentially asking for a vote.

Council President Buban-Vonder Haar stated they could change the language. What they were hoping for was to avoid getting a sole and exclusive statement like the majority of the neighbors provided positive comments and getting more into what were the concerns, were they addressed, and what were the positive comments.

Mayor Stear agreed. He added that helped Council with their deliberation. If a project was denied they had to come up with some reasonable efforts the developer could do to satisfy things so Council could approve it. Things like this were beneficial because they would know what the concerns were from the beginning and how they were addressed through the process. He always felt like Council had a disadvantage because it had gone through all these people and they couldn't know anything about it until the night they sat there. He knew that was the process and the law and that was the way that was but when they got those things in the packet it made it easier for them to digest.

Mr. Behunin agreed they needed more detail.

Ms. Howell thought with their application where they asked for the minutes, they could specify they would like detailed minutes including conversations with the neighbors that took place, the presentation if there was one, and the pros and cons.

Council President Buban-Vonder Haar clarified they would like to specifically say positive feedback as well as concerns raised.

Ms. Howell said they could ask for that but she couldn't guarantee everything they put down was 100% accurate.

Mr. Behunin suggested they could guide that by saying topics discussed and concerns or suggestions on a template they could ask them to fill in at the neighborhood meeting.

Ms. Howell added their staff reports were also taking on a different flavor that would provide a more high-level overview of the preapplication meeting and detail out some of the information that was discussed. It was a work in progress so they would take comments and recommendations as they moved that forward.

Mayor Stear opened the public hearing.

Tom Maile, 885 W Rush, Eagle, Idaho 83616, on behalf of the applicant, presented the application and stood for questions.

Council Member Cardoza asked if Mr. Maile was familiar with if that area floods. It had flooded a couple times.

Mr. Maile said he was aware of it flooding once and reviewed the incident. He was advised of the flooding.

Council Member Cardoza also thought there were some waste ditches that ended up there and was aware of it flooding occasionally. He asked Mr. Maile if he was elevating the property and, if he did that, where the flow of water would go.

Mr. Maile replied they would not be interfering with the ingress and egress of drainage ditch. Those would be honored and they would tap into those. He thought they would put in a 3-foot pipe that would accommodate the drainage water in the southwest corner. They would be elevating the property a little bit but there shouldn't be any effect on any surrounding properties because it would all be pressurized irrigation within the subdivision. The only issue was the waste water that Council Member Cardoza was referring to which was the drainage ditch that was the overflow that caused the extensive flooding. They would deal with that by elevating the ground and piping in a culvert that could handle it. He hoped the drainage district had a better maintenance routine with gopher control. That was what he heard was the cause of the breach. Perhaps they learned a lesson in being more proactive in maintaining the ditch banks.

Support: None

Against: None

Neutral:

Mike Losh, 1032 S Threave Avenue, Kuna, Idaho 83634, stated they would be connecting on his street. They were good to work with. They did have their meeting and there weren't many comments because they all realized it was a nice area to live. He did sign as neutral and not opposition because of that. The only thing he had asked for was some open area for kids to play in. The dog park was on the north end of their subdivision and for this subdivision to get to that there weren't any real pathways but it sounded like he had worked on that. He hadn't seen the plat but he understood that he was working on that. He was really open with them and Mr. Losh appreciated that.

Rebuttal: None

Mayor Stear couldn't find the greenspace.

Council President Buban-Vonder Haar pointed it out on page 572 overall and page 21 of 72 of the packet as well as the path that went to it from the cul-de-sac. She noted he had said it was in the bottom southeast corner so adjacent subdivisions for future development could, if they wanted to, put their open space contiguous to it to allow for back and forth between the subs and provide greenspace for them to build off of.

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

Council President Buban-Vonder Haar appreciated the flexibility with changing the road per ACHD's suggestion and the inclusion of the open space at the request of Planning & Zoning. It appeared to be an appropriate zoning based on the surrounding properties and what the comp plan indicated, medium density residential, and it appeared it complied with all of the City's requirements as well as the comp plan.

Council Member Cardoza asked what the final count of houses per acre they intended to finish up with was.

Mr. Maile responded 40 houses or building lots for the acreage.

Council Member Cardoza clarified he wanted to know how many homes per acre they would end up with.

Mayor Stear stated 8 acres with 40 lots would be R-5.

Council Member Cardoza said the 3 common lots were throwing him off. He asked if they were going to end up with 4 homes per acre.

Council President Buban-Vonder Haar explained it would be 8 acres with 40 houses regardless of the common lots in terms of calculating the density so Mayor Stear was right; it would be 5.

Mr. Maile added the lot size varied. They had a good blend of different square footages on the lots but it ended up as 40 per 8.

Council President Buban-Vonder Haar moved to direct staff to prepare Findings of Fact, Conclusions of Law and Order of Decision for approval by Council at the next Council Meeting approving 18-05-AN and 18-06-S for Redcloud Subdivision with the conditions of approval as listed in the packet. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Christensen was absent.

7. Business Items:

- A. Consideration to approve 18-04-LS (Lot Split) for Kevin Allcot with Water Tower Development – Sam Weiger, Planner I ACTION ITEM
(Timestamp 01:56:30)

Kevin Allcot seeks approval of one Lot Split. The subject property is located at 199 South Kay Avenue, Kuna, Idaho 83634.

Planner I Sam Weiger presented the staff report and stood for questions.

Council President Buban-Vonder Haar stated everything appeared to be in order, staff recommended approval, and she did not see any reason to disagree.

Council President Buban-Vonder Haar moved to approve 18-04-LS. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Christensen was absent.

**B. Request for direction – Chris Engels, City Clerk ACTION ITEM
(Timestamp 01:59:22)**

The Kuna Chamber of Commerce has declined the annual donation of \$2,500 for Kuna Days Fireworks. As part of a safety strategy for the City required Special Event Plan, bussing before and after the Fireworks display to satellite parking lots was requested to assist in limiting pedestrian/vehicle interaction, ease the parking burden of downtown residential areas and complaints from Union Pacific of illegal parking on railroad property. The Kuna Chamber of Commerce is asking the City to take the planning and financial responsibility for the bussing costs and scheduling.

City Clerk Chris Engels presented the situation to Council and requested direction. She noted the money from Council was allocated for fireworks so in order to change that they would need permission from Council. Also, this was not a service the City usually provided for any of the events that came to Kuna. There were some large ones that were nonprofit and another large for-profit event coming that year. She saw there were some Chamber members present.

Ms. Engels noted, for disclosure, a Chamber member had called and made a complaint to Mayor Stear about the bussing request and said that the Chief had said he wasn't concerned about safety at the fireworks. That didn't seem right since they had had multiple conversations. They all met, her, the Chief, Mayor, and Parks Director Bobby Withrow, and the Chief explained when the question was posed to him, he thought it was about the fireworks themselves which would have been the fire department who handled the fall out zone and that kind of thing.

Ms. Engels also stated, there was that question about closing Main Street. They had met with Karri Keller and a board member, she thought it was the representative from ICCU, on January 3rd. They discussed potentially, to assist with the pedestrian and vehicle interaction, closing down Main Street but they were clear that would be a City responsibility and would have to speak with Council about it to try and again limit the number of pedestrian/vehicle incidents. She thought that, in transparency, the Chamber said that she was requiring that but that was not the case. She showed Mayor the emails and he was able to get that resolved. She stood for questions and believed the Chamber members may be able to field questions as well if Council had any.

Mayor Stear asked if any of the Chamber members wanted to come up to talk about any of that.

Greg Decker, Kuna Chamber of Commerce Member, 5403 S Palatino Avenue, Meridian 83642, gave a little background on some of the challenges they had from a planning perspective and things they had implemented over the years and objectives they had as far as moving forward. The Kuna Days Planning was taken over by the Kuna Chamber of Commerce about 6 years prior from Pat Jones who previously ran it successfully for many years. Each year the Chamber had managed Kuna Days there had been changes and improvements implemented as they have seen an increase in participation from vendors and the community.

Mr. Decker explained previously Kuna Days was managed solely by volunteers. There were no formal road closures and no added security which put extra stress on local law enforcement. After Kuna days 2017, they again used strictly volunteers for the event and had a number of issues with volunteers not showing up or events being understaffed. In those cases, the Chamber and the committee scrambled to fill the staffing void. This caused a number of issues and diminished the overall community experience. Last year, in an effort to alleviate these issues, the chamber and the committee implemented the policy that required all applicants to be solely responsible for their area of participation.

Mr. Decker stated while the Chamber and committee volunteered hundreds of hours in planning and execution of Kuna Days, they simply lacked the human resources to provide additional staffing. For example, the Lion's Club managed the Car Show, the Boy Scouts managed the Pancake Breakfast, and the American Legion managed the Beer Garden. They provided no assistance to them for that process. Because of their limited human resources and in an effort to better coordinate the events, improve communication, and responsibilities they implemented the following changes. They hired a third party to manage kids' carnival. They managed that process from start to finish. They hired extra security. They hired a staffing company to provide traffic flaggers at the crosswalks and to provide park clean up. They added a formal road closure plan in accordance with ACHD requirements, added extra porta-potties, improved lighting and provided additional tents, and enhanced the audio and entertainment. Implementing these changes increased their expenses by \$10,000.

Mr. Decker reviewed they completed a debrief last year after the event and invited all interested parties to participate. They reviewed all concerns and implemented any changes needed to better improve the overall experience for all participants at this year's event. Feedback received from citizens to the Chamber was very positive. They received no direct feedback to the contrary from the City or otherwise. It was only later brought to their attention that there were safety concerns regarding pedestrian and auto traffic at the conclusion of the Saturday night fireworks show.

Mr. Decker stated this year the City notified the Chamber there would be required bus transportation provided during the hours of 8:00 pm and 11:00 pm on Saturday from satellite locations to help alleviate this congestion as part of obtaining their Special Event Permit. Without having the transportation in place, they would not be

issued the SEP. With their goals to provide a safe event, the Chamber and committee offered the City the following proposal. They would provide the following street closures; 2nd Street would be closed from Linder to Ave C for the entire duration of Kuna Days, which was 2 blocks more than what they had in the past, Main Street would be closed Saturday from 10:00 am to Midnight. In addition, Avenues A through D would be closed between Main and 2nd during this time. To provide continuity and clear communication the Chamber and committee would be solely responsible for managing this process and would incur all expenses associated with the closures. They would work with ACHD and their vendor to insure this was a smooth and safe process.

Mr. Decker further stated the Chamber and Committee would also pay the City's park fees that have been quoted and approved by the Parks and Rec Department dated January 3, 2019 and totaling \$854.00 for the entire weekend. They did not wish for any additional discounts. The Chamber and Committee would take care of all fireworks costs. They would not seek a donation from the City Council to support the cost of the fireworks show; which in the past had averaged about \$2,500.

Mr. Decker requested, with this in mind, that the City take full responsibility of planning, implementation, and coordination of the requested bussing program. As mentioned previously the Chamber did not have the human resources for this program. They hoped the Council would utilize cost savings outlined and reallocate those dollars to defray any costs associated with the City provided bus transportation. The City would provide detailed information of the bussing plan on the Chamber's website, social media, and any printed material the Chamber distributed to the public. He stood for questions.

Mayor Stear clarified Mr. Decker was saying this was the first they had heard about bussing for Kuna Days. He was confused because he thought it had been under discussion for several years.

Mr. Decker replied he was not aware that it was talked about for several years. He understood it was brought up in a meeting in early December. Prior to that he had no knowledge of any bussing requirement or request.

Mayor Stear thought that was interesting because he had been talking about it with VRT for 3 years at least.

Council President Buban-Vonder Haar asked if that was specifically for fireworks or just generally.

Mayor Stear explained the problem the police always had was when the fireworks were over and they had all these people crammed in the park and in the parking lot and then cars were trying to leave with pedestrians out. They had been talking about alleviating that with bussing.

Council President Buban-Vonder Haar asked if Valley Regional Transit had suggested they would like to be involved.

Mayor Stear replied no, that was when he had started with them but because of the federal funding they received they had to have a plan done years in advance. The City actually got bids from Caldwell Bussing. He was just surprised they hadn't heard of it before when it had been talked about for years and the police chief was pretty set on it. He didn't understand why it was all of the sudden something sudden.

Ms. Engels stated previous conversations in previous years had been with Pat Jones and Mary Ann Sugai, the former executive director and they were discussed with a previous chamber president. The discussions had been going for a number of years. Even with different chiefs. It went clear back to when Mayor Nelson was in office.

Mayor Stear guessed it was neither here nor there. What was before them was whether they wanted to try to staff for the bussing.

Council President Buban-Vonder Haar asked for clarification on what the Chamber wanted; either a \$2,500 fireworks donation or the City covering the \$500 or \$600 in bussing costs and scheduling that or were they totally uninterested in the fireworks money and the only involvement they would accept was the City paying and scheduling the bussing.

Mr. Decker explained it was not that they didn't want to accept. Their issue was that it would be required to provide bussing. The challenge they had was limited resources and they utilized the resources they had to take care of the management and responsibility and the planning. They just did not have the resources available to implement any other programs. That was their concern. What they were offering was to take on the responsibility. They believed the road closure would really help a lot of that situation. An issue they had the previous year was the number of cars parked on 2nd Street. They had utilized the parking lot for participant and vendor parking. That would be extremely limited to only vendor parking that year. They would close the streets in the hope that they would get rid of a lot of that car and pedestrian interaction.

Mr. Decker agreed that safety was the utmost concern and the congestion was an issue. It would be great if they could spread out the participants more throughout the greenbelt to other viewing areas, unfortunately people were people. They were happy to assist the City in trying to get the participants to spread out and not be so congregated. They looked at the possibility, like the City did, at trying to move the fireworks across the railroad tracks on the other side of the street there but there were limitations because of buildings and concerns from the fireworks company. Unfortunately, that put them back in the park which took away a significant area of the greenbelt.

Mr. Decker said there were definitely challenges. They would love to work with the City, police department, and security professionals to develop a plan to see what they could do to try to alleviate some of the congestion. They were exceptionally hopeful that closing those streets for the duration would make a significant impact. Their problem was the human resource issue. What they were offering was to take on the financial responsibility for the fireworks and road closures that would free up dollars for the City to be able to provide the appropriate bussing plan and the human resources as well as the vehicle resources to implement that.

Council President Buban-Vonder Haar asked if a potential solution would be for Council to clarify their fireworks donation could be used for anything related to getting the fireworks to happen which would include hiring someone to coordinate a shuttle service or were they just not interested in that.

Mr. Decker replied they had no problem with that and believed that was just semantics. All they were trying to do was shift some costs and did not want to incur an additional burden on the City and their resources. Their biggest challenge was getting bodies to volunteer and what they were trying to do was provide a first-class experience for the community. They realized there were challenges. The community was growing and it was getting more and more popular and they were getting more influxes of people so they had to come up with solutions. The only effective way to do that was to communicate clearly on how they could work together as a team to accomplish that.

Council President Buban-Vonder Haar had some concerns about the efficacy with which the City could carry out this bussing task given the Chamber was the puppet master of all the moving pieces in terms of what would be where and that sort of thing for the purposes of trying to figure out a good bussing schedule. She felt they might be better equipped to handle that than the City.

Council President Buban-Vonder Haar was also concerned about whether they were setting a precedent that the City would need to pay for transportation for other events that would happen downtown. Given the estimates that were in the email string about what potential costs might be for the bussing schedule, it was around \$75 per hour with a minimum of 3 hours. Her rough math was with 2 buses with a 4-hour time frame they would be looking at maybe \$600. Even if it was double that, her preference would be, but she could be persuaded, to say please use the \$2,500 the City allocated for fireworks for anything associated with getting the fireworks to happen which would include safety plans and all that sort of thing and in theory that would mean they would be able to potentially put \$1,200 towards the bussing and \$1,200 towards paying someone to figure out the bussing. She would love to hear others comments and if they had feedback.

Mr. Decker stated, as far as the estimate, he thought it was closer to \$1,000 to \$1,200 to provide that service but he wasn't a transportation expert. He didn't know if 2 buses would be sufficient or what anyone was thinking about as far as a specific plan

and time frames. They hadn't seen any proposed plans so he didn't know where they were talking about for the satellite locations and what it would take to do that. They had not explored the possibility of hiring someone to manage and coordinate that. It might be a possibility and they could look into it. It was not an answer he could give them that night. As for the allocation of dollars, he realized it was just semantics. They were just trying to work out a plan that was amenable and effective for everybody. At the end of the day the most important thing was to provide an outstanding experience for Kuna Days.

Mayor Stear said every year it was. It was getting better all the time.

Council President Buban-Vonder Haar wanted to be sure that, no matter the outcome, everybody knew they appreciated it and she understood the amount of work that went into this. She did not feel like a lot of people necessarily appreciated how time consuming it was for such a small group of people and it was always the same people volunteering. She didn't want anything she said to be taken as a lack of support for Kuna Days and the fireworks show. They were so grateful for all the work they did. She shared their interest in making sure this worked out for everybody in a way that wouldn't be over burdensome for anyone. She was on board with figuring out something that would work for everybody; whether it was that night or in the near future.

Council Member Cardoza asked if they were talking about just 3 hours for the bussing or all day long. If they looked at 8 hours at \$75 per bus that was approximately \$1,200. He asked where they would park and if the school district would allow them to use the school parking lots.

Mayor Stear replied those were the logistics that needed to be worked out but he thought the \$1,000 to \$1,200 estimate was probably where they would be at. They would probably have to come in before the fireworks for people who wanted to come in and wander around. It was definitely going to be longer than a couple of hours to make that happen. He couldn't imagine the school not being supportive of allowing people to park cars there so they could be picked up but that was a conversation that they had to have with them.

Council Member Cardoza wondered who would accept the responsibility if there was an accident on school property. He asked if the City would have to provide a waiver and if the City's insurance would cover a facility like that.

Council President Buban-Vonder Haar said they could ask counsel but she was not aware that the City would have any responsibility given that it was school district property and a private event.

Council Member Cardoza was wondering if the school district would let them use it without some kind of a waiver.

City Attorney Bill Gigray thought the best way to manage this would be through whatever City department would run this. This was clearly within their recreation and cultural authority, because it was an activity, for the City to be a co-sponsor. They could check with ICRMP on their coverage because, it was his understanding with ICRMP, if it was a City sponsored event they were covered. The thing there would be a logistic of what the City's participation would be in this project, what their right of control would be, and what was their insurance coverage if they had it. He suggested referring this back to the departments with the authority to explore it and a budget range. Then they could come back with a proposal on how they would want to administer it with the other participants. He felt, if they were involved in this, they should clearly define their involvement from the beginning knowing they had coverage for it and everyone would know where they stood.

Ms. Engels stated the previous year she and Parks Director Bobby Withrow had put together a satellite parking plan and indicated the distance to the park. They had communicated with the school district about satellite parking and they had no issues. They were fine with them listing the school parking lots and the distances. The school district was also covered by ICRMP. They suggested at the January 3rd meeting that potentially some of the businesses with large parking lots such as Ridley's or Albertsons be included in making parking available to the Chamber and then maybe they could be listed as sponsors.

Council Member Cardoza said if Avenue A and 2nd Street were closed, the parking lot where the ball fields were wouldn't have access and then if Avenue D was closed anybody coming from the west going east on Avalon would have to make a sharp turn and go to E to get on 4th Street. He was not sure they would want to close D.

Mr. Decker replied they were open to options on that and could discuss whatever challenges. This was what they were proposing in order to utilize Main Street and maybe add some additional events and things like that which would help alleviate some of the pressure in the park. He thought they had the wild card of the weather. They were going to use asphalt and paving which was an issue. As for the parking lot off 2nd Street, they were going to use that for vendor parking only. That would keep the traffic in and out and allow them to control that process much more stringently than in the past.

Council Member Cardoza stated he had complaints in the past about Avalon being closed off and the RV dump being inaccessible. He knew it was dangerous, some of those 5th wheels and trailers getting in there, but they had the right to go in there and dump. He would prefer to not see them go in there to dump but didn't know how stop them.

Mr. Decker said he hoped there would be enough knowledge to know that 1 weekend a year that might not be available and that they would be amenable as part of the community to work with them on that. Also, with the other issues associated

with dumping, the participants and vendors there and everything else, it would probably not be in everyone's best interest to do that.

Council Member Cardoza said he would be the first to say it was very dangerous.

Mr. Decker added they certainly realized that not everyone would be happy. They did their best but they weren't perfect. He also noted when talking about the hours for the buses, the clock started when they left their yard and stopped when they returned, so while they were looking at 3 hours of service here, there would also be trip charges to and from and that would factor into the cost. However, he thought the Mayor was probably right that \$1,000 to \$1,200 was the most reasonable and that's if 2 buses would handle that.

Mayor Stear said that was the thing. They would have to try it out for a year and see how things worked. It was kind of like the first year was when people first started getting used to something and they would participate more heavily the next year. If they could just whittle down the number of cars on that end it would pacify the issues the police had and would have.

Mayor Stear stated an issue with the City hiring out was they would have to put out an RFP, Request for Proposal. They had a lot of restrictions for hiring people for doing certain things and it would probably be less restrictive if that was to come from the Chamber. His preference would be to find some way to assist them in hiring somebody and, like Council President Buban-Vonder Haar said, maybe they could open up the availability of the funds for whatever they were needed for.

Council Member McPherson said that was the way he was leaning. His only question was on the satellite parking lots and who they would talk to but that had already been answered. He noted Avenue D was only closed from Main Street south, not north at all. If cars came into town from the west, they would still turn north on Avenue D.

Council Member Cardoza thought they were closing Avenue D.

Council Member McPherson replied they were from Main Street to 2nd so not north at all. He read that wrong the first time too. He also agreed with the Mayor that it would be better if it ran through the Chamber and that they just clarify how those funds could be spent.

Council President Buban-Vonder Haar suggested they proceed with the idea that the Chamber be empowered to spend the \$2,500 donation from the City for anything related to the fireworks show including bussing to observe the fireworks show and that they see if any of the shuttle companies would be willing, for an extra fee, to be the organizer of that shuttle service. She wanted them to see if, with that additional freedom, it would become a tenable solution that they would be able to facilitate

bussing with that money. They could come back to Council if they were running into trouble to see if there was any additional stuff they could try to do to fix those issues.

Mr. Decker said to do that they would need to see what the preliminary plan looked like. He didn't know if they had a map or plan or anything along those lines.

Ms. Engels didn't know what plan he was referring too. The intent was for them to develop the plan that worked for their event. The City didn't have an outstanding plan and had not designated satellite parking. That was for the Chamber. She was confident in saying the chief felt 1 or 2 buses, depending on how far spread out the satellite parking was, would be sufficient. He didn't expect any more than that. As far as satellite parking and where they wanted them to drop off and pick up, that was up to the Chamber to determine in their plan as it worked best for their event.

Council President Buban-Vonder Haar suggested, if Mr. Withrow had already spoken with someone from the school district the previous year about using school parking lots for pick up spots, he facilitate that contact. That could be a jumping off point.

Mr. Decker asked which schools had been identified to use.

Council President Buban-Vonder Haar was hoping Mr. Withrow could chat with them about that.

Mayor Stear suggested using the police chief to help with the plan because he would want to alleviate his concerns with that. He also asked which schools were contacted the previous year.

Mr. Withrow responded the high school and the middle school potentially but mainly the middle school because it was closer.

Ms. Engels also talked with Kim Bekkedahl about the elementary schools and she believed Dave Reinhart was on the Chamber as well and could be a good place to start.

The Chamber members present said Mr. Reinhart was not on the Chamber.

Karri Keller, with the Chamber of Commerce, stated they did want to work together. They did speak about bussing on January 3rd and that they would end their live entertainment at the park at 8:00 pm. The City would start their entertainment at 8:00 pm to try start moving people down and the bussing would help with that. That was when they discussed maybe participating together since it was not just their event that was happening between 8:00 and 10:00. They definitely noticed the congestion and they wanted to spread out on the greenbelt. The fireworks show was in a great location and could be seen from City Hall or wherever. That was something to consider. They were trying to help the City do their event as well as help with the

congestion. There was no contention between the City and the Chamber. She thanked Council for working with them.

Darius Elison, 11381 Gila Drive, Kuna, Idaho 83634, thought communication was the issue. He thought bussing, the way it was explained, was needed at that point but the reason they were considering disassociating from the City was lack of communication. When he called Mayor Stear, Mayor told him something different that he was saying that night.

Mayor Stear asked what he told him that was different.

Mr. Elison continued speaking, saying that the police chief was also not being consistent across the board. That was the reason they were there that night; because this could obviously be taken care of in a meeting where they all sat down together. There was a meeting where the police chief, Ms. Engels, and Mayor Stear were there and they spoke about the community and Kuna Days but the people putting on Kuna Days were not invited to the meeting. That was where the issue lied.

Mayor Stear asked again what he told him that was different that night.

Mr. Elison said when they talked, they talked about the bussing first coming up that year but now he was saying it had been discussed for a long time.

Mayor Stear stated he never said it first came up that year.

Mr. Elison continued, saying that Mayor Stear also made it sound like the bussing was required for both days for the duration of their event.

Mayor Stear responded there was no way he got that from anything he said.

Mr. Elison said it was only later on that he found out it was actually not specifically even during the times of their event but only during the times of the fireworks. He asked if they had the meeting or did that not happen either.

Ms. Engels stated the meeting she was referring to earlier when the police chief, Mayor Stear, herself, the Economic Development Director, and the Parks Director met was to discuss the email they received and Ms. Keller's questions.

Mr. Elison said it was a meeting about Kuna Days with out the other party that was putting it together.

Mayor Stear and Ms. Engels both stated it was a meeting to talk with the chief and respond to the email with questions about bussing.

Mr. Elison said it sounded like the meeting had a lot to do with another party that should have been there.

Mayor Stear asked if this was where they wanted to go because he said nothing Mr. Elison was saying he said.

Council President Buban-Vonder Haar moved forward asking if they were good with Mr. Withrow facilitating contact with the school district and that would be their jumping off point with the Chamber looping back to let them know if they were having success with figuring out bussing or if the City needed to get back involved to change things.

Mr. Decker replied a good path forward would be for them to talk with Mr. Withrow to find out what some of the preliminary ideas were and to talk with the police chief to find out what his suggestions were. Then they would see what would be appropriate and once they came up with a plan they could go out and see what it would cost them to implement that and what resources were available to maintain or manage that process. Then they could come back to Council to give them feedback as far as what they found and if there was an amenable solution. Again, at the end of the day their objective was a first-class event for this community and to be able to do that in a team work environment not in opposition of one another. That was their position and they were happy to work with the City and looked forward to it.

Council thanked the Chamber.

8. Ordinances:

A. Consideration to approve Ordinance No. 2019-05 ACTION ITEM (Timestamp 02:41:09)

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO AMENDING TITLE 1, CHAPTER 6, SECTION 8 ENTITLED PUBLIC HEARING RULES OF PROCEDURE OF THE KUNA CITY CODE PROVIDING FOR:

- CLARIFICATION ON PUBLIC HEARING RULES OF PROCEDURE;
- ESTABLISHING TESTIMONY TIME LIMITS;
- REGULATING THE PRESENTATION OF DOCUMENTS AND OTHER FORMS OF PHYSICAL EVIDENCE;
- AMENDING THE RECOGNIZED PUBLIC HEARING MOTIONS;
- CLARIFYING CONFLICT OF INTEREST PROCEEDURES; AND
- PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

Consideration to waive three readings
Consideration to approve ordinance

Consideration to approve summary publication

City Clerk Chris Engels explained the purpose of the ordinance. She noted, if Council were to approve this, on page 5 of 9 of 8A it read “when they are not compliance” and it should read “when they are not in compliance”. She wanted to be able to make that change as well as any other changes they might recommend. She stood for questions.

Council President Buban-Vonder Haar asked, other than having the rules in place and having more formality and consistency, if there was any reason they should approve that night versus doing 3 readings.

Ms. Engels was fine with 3 readings. It was just formalization of what they had been doing.

Council Member McPherson was fine with fast tracking it.

Council Member Cardoza said it was limiting the public but it was whatever the Council wanted.

Council President Buban-Vonder Haar was fine either way.

Council discussed fast tracking it or doing 3 readings and decided on 3 readings.

**B. Consideration to approve Ordinance No. 2019-06 ACTION ITEM
(Timestamp 02:44:33)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS; and
- ENLARGING THE BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM BY THE INCLUSION OF ADA COUNTY ASSESSOR’S SILVER TRAIL SUBDIVISION NO. 3; AND
- DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; and
- DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE AS PROVIDED BY LAW; and
- DIRECTING THE CITY ENGINEER TO PROVIDE NOTICE OF THIS ORDINANCE TO THE BOISE-KUNA IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; and
- PROVIDING AN EFFECTIVE DATE.

Consideration to waive three readings
Consideration to approve ordinance

Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-06. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Christensen was absent.

Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-06. Seconded by Council Member McPherson. Approved by the following roll call vote:

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

Voting No: None

Absent: Council Member Christensen

Motion carried 3-0-1.

9. Mayor/Council Announcements:

(Timestamp 02:46:10)

Council President Buban-Vonder Haar asked for an update on the splash pad.

Parks Director Bobby Withrow stated they were getting closer. They were in the final stages and just buttoning up a few things. In the spring they would bolt everything up and start it.

Council President Buban-Vonder Haar asked if there was a target date for unveiling it. She assumed there would be some sort of big event like a ribbon cutting.

Mr. Withrow replied they would do a big event but they didn't have a date yet. He would work on that and get back to them at the next Council Meeting.

10. Executive Session:

A. Adjourn to Executive Session pursuant to:

(Timestamp 02:47:05)

Idaho Code Section 74-206 (1)(c)

(c) To receive information regarding the acquisition of an interest in real property which is not owned by the City of Kuna. ACTION ITEM

Council President Buban-Vonder Haar moved to adjourn to Executive Session pursuant to Idaho Code Section 74-206(1)(c) to receive information regarding the acquisition of an interest in real property which is not owned by the City of Kuna. Seconded by Council Member McPherson. Approved by the following roll call vote:

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

Voting No: None

Absent: Council Member Christensen

Motion carried 3-0-1.

Mr. Withrow would serve as special clerk to take the minutes of the Executive Session.

Executive Session City Council Regular Meeting of February 19, 2019 – The City Council, upon a unanimous roll call vote, convened into the Executive Session, pursuant to Idaho Code Section 74-206 (1)(c) to communicate with Parks Director Bobby Withrow in order to receive information regarding the acquisition of an interest in real property which was not owned by the City of Kuna. The executive session was convened at 8:58 p.m. In attendance, were Mayor Joe Stear, Council President Briana Buban-Vonder Haar, Council Member Richard Cardoza, Council Member Greg McPherson, and Parks Director Bobby Withrow and Council Member Warren Christensen was absent. Mr. Withrow was appointed as special clerk to take the minutes of this executive session. Mr. Withrow presented Council with a packet with information about land acquisition and Council discussed the possible purchase. At 9:04 p.m. Council President Briana Buban-Vonder Haar moved and Council Member Greg McPherson seconded to come out of executive session and to reconvene into open session which motion passed unanimously.

Open session resumed and Mayor Stear reported that information was received and no action was taken by the City Council.

11. Business Continued

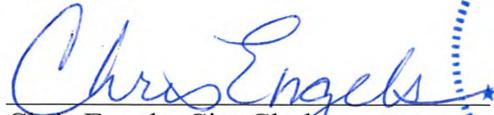
- A. Consideration to approve Land Acquisition – Bobby Withrow, Parks Director
ACTION ITEM

Council agreed to the purchase price of the land acquisition.

Council President Buban-Vonder Haar moved to authorize Parks Director Bobby Withrow to move forward with the land acquisition and site-specific memorial. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza was absent.

12. Adjournment: 9:06 P.M.

ATTEST:


Chris Engels, City Clerk



Joe L. Stear, Mayor



The seal is circular with a dotted border. The outer ring contains the text "CITY OF KUNA" at the top and "STATE OF IDAHO" at the bottom, separated by two stars. The inner circle contains the text "CORPORATE SEAL" in the center.

Minutes prepared by Ariana Welker, Deputy City Clerk
Date Approved: CCM 03.05.2019

WHISPER MEADOWS



CITY OF KUNA

751 W. 4th Street • Kuna, Idaho • 83634 • Phone (208) 922-5274

Fax: (208) 922-5989 • www.Kunacity.Id.gov

SIGN-UP SHEET

February 19, 2019 – City Council, Public Hearing

Case Name: Preliminary Plat, Whisper Meadows; Request by Bailey Engineers.

Case Type: Applicant requests approval to subdivide approximately 73.50 acres (previously zoned R-6 and four lots within Chisum Valley Subdivision No. 1 and 2) into 310 single home lots, an additional 38 common lots, following the Comprehensive Plan of MDR and the Council approved conditions of approval from the recent rezone. This site is located at the NWC Linder and Columbia Roads. APN No's; R1393850100, R1693860010, R1693860290, R1693860280.

Case No.: 18-01-S (Prelim Plat) - **A Pre Plat to Subdivide Approx. 73.50 acres.**

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

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Jared Allen

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1960 Schisum way

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Mendon Id 83642

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Kayleen Jones

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1747 N SPIKE AVE

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Kuna ID 83639

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Stephanie Shank

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7825 S. Chisum Way

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Meridian ID 83642

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

To Whom It May Concern:

Following the February 5, 2019, city council meeting, the Chisum Valley HOA's Board of Directors met to discuss and organize its thoughts relating the stub-street connectivity issues that came up at the meeting. We have outlined those thoughts here and respectfully request the council consider them prior to making a decision relating to the Whisper Meadows subdivision.

Background.

- ACHD Policy 7207.2.4 requires stub streets to be extended to provide circulation between adjoining properties. However, the regulations provide that ACHD reserves the power to waive any adopted policy on a "case-by-case basis." (See Policy 1002)
- Whisper Meadows requested that ACHD waive its policy of requiring both stub streets in Chisum Valley to be extended. Chisum Valley supports that request. ACHD staff recommended approval of the waiver. In its report, Staff stated:

Staff recommends approval of the applicant's proposal to not extend McLintock Place into the site, as it is not desired by the City of Kuna and a pedestrian connection will be provided to provide connectivity between the two developments. The street is not necessary to serve the site, and the turnaround is fully improved. (07/17/2018 ACHD Staff Report at 8(d)).
- The commission considered Whisper Meadow's waiver request at its September 26, 2018, meeting. Of note, no one from Chisum Valley was provided notice of the meeting and no representative from Chisum Valley was in attendance.
- The commission voted to deny the waiver request. It provided no basis for this decision.
- At the February 5, 2019, city council meeting, ACHD representative David Corcoran testified as follows regarding ACHD stub street extension regulations and the possible bases for the denial. Mr. Corcoran's testimony begins at approximately 1:06 in the recorded meeting minutes.

- That ACHD regulations are flexible. The regulations provide that “[t]he street design in a proposed development shall cause no undue hardship to adjoining property.” (See Policy 1207.2.4.1.)
- That, under the regulations, factors ACHD should consider when assessing stub street development include property size and configuration of the proposed subdivision and adjacent parcels, the needs of emergency service providers, and the location or existing stub streets. (See Policy 1207.2.4.1.)
- That ACHD has a “broad policy” that when there’s a stub street, it gets extended. (02/05 Meeting Minutes at 1:09)
- That whether a stub street is extended is not based on the particular subdivision but on a “blanket sort of policy.” (02/05 Meeting Minutes at 1:09).

Reasons for not connecting the subdivisions.

- As noted above, the commission provided no basis for its refusal to grant the waiver. Further, Mr. Corcoran testified that ACHD has a blanket policy of requiring connectivity without case-by-case consideration of the circumstances. While no good reason has been provided for requiring the connection, the connection would create undue hardship for Chisum Valley and there are good reasons for granting the waiver.
 - SAFETY. Chisum Valley Subdivision is a rural subdivision. There are no sidewalks and no barriers protecting pedestrians from street traffic. Further, there are no traffic signs or painted lines on the road. The increased traffic resulting from the connection puts Chisum Valley’s pedestrians, bike riders, and horse riders in danger.
 - PROPERTY SIZE AND CONFIGURATION.
 - As Mr. Corcoran testified, ACHD should consider property size and configuration when assessing stub-street connectivity.
 - Whisper Meadows is a 310-home subdivision. Chisum Valley consists of just over 30 homes.
 - When Chisum Valley was developed it was 160.24 acres in size and encompassed both present-day Chisum Valley and the proposed site for Whisper Meadows. The area proposed for Whisper Meadows was to be maintained as open-space lots for at least 15 years after Chisum Valley was developed.
 - Initially, one of the conditions of approval for Chisum Valley was that all building lots were to maintain a minimum of one hundred feet of street frontage. (Exhibit A, page 17.)
 - On January 24, 1995, the engineer designing Chisum Valley sent Ada County Development Services a letter in which he requested that the language of the conditional approval be changed. According to the developer, the 100’ street frontage requirement was “generally good, especially for the future development of deed restructured agricultural property that lacks appropriate street access. However, it is . . . limiting to [creative open space uses such as pathways].” (Exhibit A, page 9.)

The developer proposed modifying the language to state: "All residential building lots and deed restricted agricultural open-space lots shall maintain a minimum of one hundred feet of street frontage." (Exhibit A, page 9.)

- The language was amended in accordance with the developer's letter and approval of Chisum Valley was conditioned on all future developments having at least one-hundred feet of street frontage.
- Obviously, at the time it was approved, it was contemplated that the entire 160.24-acre lot would be developed into larger residential lots similar to those already developed in Chisum Valley. It would be reasonable for Chisum Valley to connect to such similar subdivisions, but Chisum Valley was not developed nor is it designed to connect to a dense 310-home subdivision of much smaller lots.
- **NEED.** There is no need for both stub streets to connect to Whisper Meadows. As has been noted several times, this is likely to actually decrease safety instead of increasing safety by making Chisum Valley more accessible to emergency vehicles. Further, McLintock Way is not a through street. It simply connects back to Chisum Way. Accordingly, there is absolutely no need for both McLintock and Chisum Way to be extended into the subdivision.
- **LAND-OWNER DESIRES.** Neither the developer nor the Chisum Valley landowners want the subdivisions to be connected.

Requested action.

Chisum Valley respectfully requests that city council condition approval of Whisper Meadows development on Whisper Meadows successfully obtaining a waiver of policy from ACHD waiving stub-street connection between the two subdivisions. The connections serve no benefit to the subdivisions but are detrimental to Chisum Valley and create undue hardship for the reasons described herein.

Thank you for your time and consideration.

Sincerely,



Virginia Rennae Jeppesen (Feb 15, 2019)

Virginia Jeppesen, on behalf of the
Chisum Valley Board of Directors



TO: BOARD OF ADA COUNTY COMMISSIONERS
DATE: March 24, 1999
STAFF: Daren Fluke, AICP, Planner III
FILE NO: 94-66-PDR-NF - Final Plat (Chisum Valley Subdivision #2)
**OWNER/
APPLICANT:** Gerald & Evelyn Butler / Chisum Valley Subdivision
6223 N. Discovery Way, Suite 100
Boise, Idaho 83713
AGENT: Briggs Engineering

SUMMARY OF THE RECORD

The applicant is seeking approval of a final plat for the second phase of Chisum Valley Subdivision. Phase one included Lot 1, Block 1 of the approved subdivision. Phase II contains the balance of the approved lots including 32 buildable lots and 6 open space lots. The property is located on the northwest corner of Columbia Road and Linder Road; Southwest Quarter, Section 2, Township 2 North, Range 1 West. The current zoning on the property is RR (Rural Residential).

The application is comprised of:

1. Final plat of Chisum Valley Subdivision #2.
2. All other information contained in Files # 94-66-PDR-NF.

PROCEDURAL ITEMS

1. On January 26, 1995 the Board approved the preliminary plat and adopted Findings of Fact and Conclusions of Law for File # 94-66-PDR-NF.
2. On February 14, 1996 the Board approved a time extension for File # 94-66-PDR-NF.
3. On April 9, 1997 the Board approved the final plat for Phase I of Chisum Valley Subdivision consisting of one common lot.
4. On February 11, 1998 the Board approved a time extension for Phase II of File # 94-66-PDR-NF.
5. On February 11, 1999 Development Services received File # 94-66-PDR-NF-final plat and scheduled it for review by the Commission on February 25, 1999.
6. On February 11, 1999, the Planning and Zoning Commission voted to recommend approval of File #94-66-PDR-NF - Final Plat to the Board. Based upon the recommendation of the Commission, staff scheduled the application for review and approval by the Board on March 24, 1999.

APPLICABLE LAW

1. Section 50-1308 of the Idaho Code states that if a subdivision is not within the corporate limits of a city, the plat shall be submitted, accepted and approved by the Board of Commissioners of the county in which the tract is located in and if the county has established a planning commission, then all plats must be submitted to the Commission.
2. Section 8-10-4-3 of the Ada County Code establishes the procedures for approval of a final plat.

STAFF ANALYSIS

The applicant is seeking approval of a final plat for File # 94-66-PDR-NF (Chisum Valley Subdivision). The Board approved Phase I on April 9, 1998 with the conditions of approval requiring approval of Phase II within one year. On February 11, 1999 the Board approved a time extension for submittal of Phase II. Staff has reviewed the Conditions of Approval in Exhibit A and finds that the required sign-offs have been submitted by the applicant and the final plat conforms substantially to the approved preliminary plat.

FINDINGS OF FACT

If any of these Findings of Fact are deemed to be Conclusion of Law, they are incorporated into the Conclusions of Law section.

1. Based upon the above noted procedural items and the evidence and testimony in the record the Board finds that this final plat is not within the corporate limits of a city and as such, is under the jurisdiction of Ada County and has been reviewed by the Commission in accordance with the provisions of Section 50-1308 of the Idaho Code.
2. The Board finds that the final plat conforms substantially to the approved preliminary plat in that it contains 38 lots configured in substantially the same manner as the preliminary plat. In addition, based upon the above noted procedural items, the Board finds that the final plat was submitted and acted on by the Board in accordance with the provisions of Section 8-10-4-3 of the Ada County Code.

RECOMMENDATION

Based upon information contained in the record, the Commission's review of the final plat as presented, and the Conditions of Approval adopted in the preliminary plat approval, the Commission concludes that this proposal meets the tests of Section 8-10-4-3 of the Ada County Code pertaining to the approval of final plats and Section 50-1308 of the Idaho Code pertaining to the processing of final plats and as such the Commission recommends that the Board approve the final plat and direct the Chairman to sign on their behalf.

CONCLUSIONS OF LAW

If any of these Conclusions of Law are deemed to be Findings of Fact, they are incorporated into the Findings of Fact section.

1. The Board concludes that this final plat review complies with the provisions of Section 50-1308 of the Idaho Code.
2. The Board concludes that this final plat complies with Section 8-10-4-3 of the Ada County Code.

ORDER

Based upon the Findings of Fact and Conclusions of Law reviewed above, the Board hereby approves the final plat for Chisum Valley Subdivision #2, as submitted by Briggs Engineering on behalf of Gerald & Evelyn Butler / Chisum Valley Development, and as documented in File # 94-66-PDR-NF, and authorizes the Chairman to sign on their behalf.

ATTACHMENTS

Exhibit A - Conditions of Approval
Vicinity map
Final Plat of Chisum Valley Subdivision #2

EXHIBIT B

CONDITIONS OF APPROVAL (1-19-95)
FILE NO. 94-66-PDR/NF (DUKE'S COUNTRY ESTATES)

1. ~~OK~~ All public rights of way shall be dedicated and constructed to standards of the Ada County Highway District. Any work within the Ada County Highway District rights of way requires a permit. For information regarding the requirements to obtain a permit, contact the Ada County Highway District Development Services at 345-7662. Your application file number (94-66-PDR/NF) will be required.
2. ~~OK~~ Prior to submission of the final plat, a surface runoff drainage plan shall be submitted and approved by the Ada County Engineer.
3. ~~OK~~ Compliance with Section 31-3805 of the Idaho Code pertaining to irrigation water is required.
4. ~~OK~~ Installation of fire protection facilities as specifically required by the Kuna Fire District. Prior to approval of the final plat, written approval from the Kuna Fire Protection District is required.
5. ~~OK~~ All new utilities shall be installed underground. Installation of service facilities are to comply with the requirements of the public utility providing the services. All utility easements shall comply with the utility recommendations and Section 8-10A-6A of the Ada County Code (... easements for the utilities... of a width of a minimum of twelve feet (12')...). All utility easements shall be shown on the final plat.
6. ~~OK~~ The preliminary and final plats shall be in conformance with Section 8-10-4 and Sections 8-10A-1 through 8-10-A-7 of the Ada County Code.
7. ~~OK~~ Building setbacks and dimensional standards in this subdivision shall be in compliance with the applicable zoning regulations of Ada County. This statement shall appear on the face of the final plat.
8. ~~OK~~ All site improvements are prohibited prior to approval of the preliminary plat, approval of the surface runoff drainage plan by the Ada County Engineer, and the approval of the appropriate public agency having jurisdiction over the facility being constructed.
9. ~~OK~~ Prior to approval by the Board of County Commissioners, the final plat shall contain the following certificates and endorsements: signature of the owner(s); certificate of the plat engineer; certificate of the County Engineer; endorsement

of the Central District Health Department; and, the endorsement of the Ada County Highway District.

10. The following statement shall appear on the face of the final plat: "Any re-subdivision of this plat shall comply with the applicable regulations in effect at the time of the re-subdivision."
11. Irrigation/drainage waters shall not be impeded by any construction on site.
12. All easements and public rights of way shall be shown on the final plat.
13. All street and subdivision names shall be reviewed by the Street Name Committee and approved by the Ada County Engineer prior to submitting the final plat for approval (§§ 2-1-4B2 & 8-10-5-1, Ada County Code).
14. Any internal irrigation and drainage must be approved by the applicable irrigation district and/or by the Ada County Engineer prior to submitting the final plat for approval.
15. All irrigation ditches, laterals, and/or canals intersecting, crossing, or lying adjacent and contiguous to this development shall be covered or fenced with appropriate materials (in accordance with Ada County Code §8-10A-7). Natural waterways are exempted from this requirement. Any covering or fencing shall have the prior approval from the applicable irrigation district and/or the Ada County Development Services Department. Compliance with this covering/fencing requirement shall be verified by Development Services staff prior to issuance of the first building permit in the development; or, building permits may be issued if the Department of Development Services accepts a Bond in the amount of 120% of the higher of two bids to complete this and/or other incomplete conditions of approval. Contact Development Services or additional information regarding the posting of Bonds.
16. All building lots within this development shall be at least one acre (43,560 square feet) net in size. All building lots and deed restricted agricultural open-space lots shall maintain a minimum of one hundred feet (100') of street frontage.
17. The following statement shall appear on the face of any final platting:
 (Legal description and common description of property) is a deed restricted lot and may only be used for open space as defined in the non-farm development section of the Ada County Code, Section 8-4B-7 and in the planned development provisions of the Ada County Code found in Title 8, Chapter 9. The deed restricted lot must also only be used in the manner specified in the conditions of approval issued by Ada County's Department of Development Services. This lot must be used in the

in the aforesaid manner for a period of not less than fifteen (15) years from the recording date of _____ (fill in the appropriate date).

18. The open space lots within this development are approved for the uses listed on the face of the preliminary development plan. Any changes in the open space plan, use, or function shall require review by Development Services and approval by the Board of Ada County Commissioners.
19. The final plat must be approved by the Board within one (1) year of the Board's approval of the preliminary plat, unless a time extension is granted as per Ada County Code Section 8-9-3C7.
20. No building permits shall be issued until the final plat is recorded.
21. The development plan requires the installation of individual sanitary sewer systems and individual domestic water systems; these systems shall be approved by the Central District Health Department. Final approval and/or permits from the Central District Health Department are required and must be delivered to Development Services prior to the issuance of any building permits on individual lots.
22. Prior to the submittal of the final plat for approval by the Board, written approval from the following agencies shall be submitted to Development Services. These approvals may be either on agency letterhead referring to the approved plan or they may be written/stamped on the approved plan.
 - a. Idaho Dept. of Water Resources
 - b. Kuna Fire District
 - c. Boise-Kuna Irrigation District
23. The final plat of any phase shall be in conformance with Section 8-4B-7E of the Ada County Code.
24. The final plat must be recorded with the County Recorder's Office within one (1) year of the Board's approval of the final plat as per Ada County Code Section 8-9-3D5(A).
25. These notes shall appear on the face of the final plat:
 - This development recognizes Section 22-4503, Idaho Code, Right to Farm, which states, "No agricultural operation or an appurtenance to it shall become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after the same has been in operation for more than one (1) year, when the operation was not a nuisance at the time the operation began; provided, that the provisions of this section shall not apply



ADA COUNTY DEVELOPMENT SERVICES

650 Main, Boise, Idaho 83702

BUILDING DIVISION — Phone: (208) 364-2277

PLANNING & ZONING — Phone (208) 364-2277

November 22, 1994

Colleen Kisler
3331 Grey
Nyssa OR 97913

RE: 94-66-PDR-NF DUKE'S COUNTY ESTATES

Dear Ms. Kisler:

This is to notify you that your application has been accepted and is scheduled to be heard by the Ada County Planning and Zoning Commission on December 8, 1994. This meeting will be held in the Les Bois Room of the Boise City Hall, 150 N. Capitol Blvd., and is scheduled to begin at 7:00 p.m. You or your designated representative must be present, or no action may be taken.

A copy of the Staff report will be sent to you prior to the meeting. Please contact me if you have any questions or comments regarding this application, the staff report, or any conditions which may be attached to the staff report.

In accordance with State law, a "Notice of Public Hearing" must be posted on the site. A staff member from Development Services will come to the site with the notice prior to the public hearing. **DO NOT** remove the notice once the notice is posted. After the public hearing, Development Services staff will retrieve the notice.

Sincerely,

A handwritten signature in cursive script that reads "Scott Cook".

Scott Cook
PLANNER II

cc: Briggs Engineering, Van Elg

SC/dd



January 24, 1995

Scott Cook
Ada County Development Services
650 Main Street
Boise, Idaho 83702

Re: Duke's Country Estates (Chisum Valley Subdivision)

Dear Scott,

We sincerely appreciated your help and your open-minded approach with this development! In addition, we thank you for accepting these proposed modifications to the Conditions of Approval. While we believe that the conditions of approval are generally acceptable, the unique nature of this development should be considered.

As discussed in the public hearing, we suggest the following changes to the Conditions of Approval:

Conditions #15 and #27:

These fencing/covering conditions are addressed in §8-10A-7 and §8-4B-7E5. The fencing requirement may be waived and fencing or buffering is allowed as a means of separating agricultural open-space areas. However, rather than waive the requirement, the owner would simply like the option of allowing each individual lot owner the freedom of constructing a fence, buffer, or covering that suits their individual styles--prior to the issuance of residential building permits. This is not an arduous or entirely new concept/condition and we will duly note this requirement on the face of the plat and in the homeowner's covenants. We suggest that a note also be placed on the front desk zoning map--as a reminder. We suggest that conditions 15 and 27 be combined to read as follows:

15. Prior to the issuance of each individual residential building permit, applicable fencing, buffering or covering shall be installed to separate adjacent uncovered ditches, canals, waterways, and agricultural

940809
Chisum Valley Subdivision
Formerly Duke's Country Estates

1111 S. Orchard, Suite 600 • Boise, Idaho 83705 • (208) 344-9700 Fax# (208) 345-2950

open-space areas. Such installation shall be in conformance with applicable Ada County Codes (i.e. §8-10-A-7 and §8-4B-7E5) and shall be reviewed and approved by Development Services staff prior to installation.

Condition #16 and #19:

This condition addresses the 100' minimum street frontage. The requirement is generally good, especially for the future development of deed restricted agricultural property that lacks appropriate street access. However, it is rather difficult and limiting when it comes to being creative with alternate open-space uses (i.e. pocket parks and pathways). Please consider the following combination and modification:

16. All residential building lots within this development shall be at least one acre (43,560 sf) in size. All residential building lots and deed restricted agricultural open-space lots shall maintain a minimum of one hundred feet (100') of street frontage.

Condition #28:

The plans for the open-space areas are quite clear and additional Board review is really not required. The development of the baseball fields will be handled under a separate review by the Planning and Zoning Commission. We suggest that the condition be amended as follows:

26. Parking requirements created by non-agricultural open space areas shall be accommodated on site with no parking in public rights-of-way. All parking/access areas shall be paved and striped. Substantial wheel restraints shall be installed around landscaped areas. Review and approval by Development Services staff is required prior to installation.

Condition #29:

This condition addresses the proposed ball field area by requiring a conditional use permit. We agree with the condition; however, we would like the following provisions added:

27. ...In addition, the following provisions shall apply:
 - A. No artificial lighting shall be allowed at the proposed ball fields without written approval of

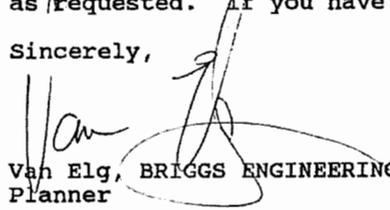
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Chisum Valley Subdivision
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the adjacent landowners, the homeowner's association, and the Planning and Zoning Commission.

- B. The developer and/or the Homeowner's association shall be held harmless from any and all actives performed on this open-space site.
- C. The open-space area shall be appropriately maintained so that it does not become a nuisance or blight to the development. Functional completion of the recreational area must occur by January, 1997 or the issue must be revisited by the Board of County Commissioners at the first available public hearing in February, 1997. If bona fide plans to develop the site are presented at the hearing, then a completion deadline of December, 1998 may be allowed. If plans are not presented or if the site is not completed as scheduled (in general accordance with the plans presented at the February, 1997 hearing) then the property shall be deeded back to the grantor (Kesler) as deed restricted open-space agricultural property. The property shall then become eligible for development consideration with the expiration of the 15 year deed restriction placed on the other large agricultural lots in the development.

Scott, thank you for taking the time to discuss this application. I will attend the Tuesday morning meeting with the Commissioners, as requested. If you have any questions, please give me a call.

Sincerely,


Van Elg, BRIGGS ENGINEERING, Inc.
Planner

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Chisum Valley Subdivision
Formerly Duke's Country Estates

Staff
Copy

**CONDITIONS OF APPROVAL (1-19-95)
FILE NO. 94-66-PDR/NF (DUKE'S COUNTRY ESTATES)**

ATTACHMENT A

1. All public rights of way shall be dedicated and constructed to standards of the Ada County Highway District. Any work within the Ada County Highway District rights of way requires a permit. For information regarding the requirements to obtain a permit, contact the Ada County Highway District Development Services at 345-7662. Your application file number (94-66-PDR/NF) will be required.
2. Prior to submission of the final plat, a surface runoff drainage plan shall be submitted and approved by the Ada County Engineer.
3. Compliance with Section 31-3805 of the Idaho Code pertaining to irrigation water is required.
4. Installation of fire protection facilities as specifically required by the Kuna Fire District. Prior to approval of the final plat, written approval from the Kuna Fire Protection District is required.
5. All new utilities shall be installed underground. Installation of service facilities are to comply with the requirements of the public utility providing the services. All utility easements shall comply with the utility recommendations and Section 8-10A-6A of the Ada County Code (... easements for the utilities... of a width of a minimum of twelve feet (12')...). All utility easements shall be shown on the final plat.
6. The preliminary and final plats shall be in conformance with Section 8-10-4 and Sections 8-10A-1 through 8-10-A-7 of the Ada County Code.
7. Building setbacks and dimensional standards in this subdivision shall be in compliance with the applicable zoning regulations of Ada County. This statement shall appear on the face of the final plat.
8. All site improvements are prohibited prior to approval of the preliminary plat, approval of the surface runoff drainage plan by the Ada County Engineer, and the approval of the appropriate public agency having jurisdiction over the facility being constructed.

9. Prior to approval by the Board of County Commissioners, the final plat shall contain the following certificates and endorsements: signature of the owner(s); certificate of the plat engineer; certificate of the County Engineer; endorsement of the Central District Health Department; and, the endorsement of the Ada County Highway District.
10. The following statement shall appear on the face of the final plat: "Any re-subdivision of this plat shall comply with the applicable regulations in effect at the time of the re-subdivision."
11. Irrigation/drainage waters shall not be impeded by any construction on site.
12. All easements and public rights of way shall be shown on the final plat.
13. All street and subdivision names shall be reviewed by the Street Name Committee and approved by the Ada County Engineer prior to submitting the final plat for approval (§§ 2-1-4B2 & 8-10-5-1, Ada County Code).
14. Any internal irrigation and drainage must be approved by the applicable irrigation district and/or by the Ada County Engineer prior to submitting the final plat for approval.
15. All irrigation ditches, laterals, and/or canals intersecting, crossing, or lying adjacent and contiguous to this development shall be covered or fenced with appropriate materials (in accordance with Ada County Code §8-10A-7). Natural waterways are exempted from this requirement. Any covering or fencing shall have the prior approval from the applicable irrigation district and/or the Ada County Development Services Department. Compliance with this covering/fencing requirement shall be verified by Development Services staff prior to issuance of the first building permit in the development; or, building permits may be issued if the Department of Development Services accepts a Bond in the amount of 120% of the higher of two bids to complete this and/or other incomplete conditions of approval. Contact Development Services or additional information regarding the posting of Bonds.

ADDED → 16. All building lots within this development shall be at least one acre (43,560 square feet) net in size. All building lots and deed restricted agricultural open-space lots shall maintain a minimum of one hundred feet (100') of street frontage.

17. The following statement shall appear on the face of any final platting:

(Legal description and common description of property) is a deed restricted lot and may only be used for open space as defined in the non-

farm development section of the Ada County Code, Section 8-4B-7 and in the planned development provisions of the Ada County Code found in Title 8, Chapter 9. The deed restricted lot must also only be used in the manner specified in the conditions of approval issued by Ada County's Department of Development Services. This lot must be used in the aforesaid manner for a period of not less than fifteen (15) years from the recording date of _____ (fill in the appropriate date).

18. The open space lots within this development are approved for the uses listed on the face of the preliminary development plan. Any changes in the open space plan, use, or function shall require review by Development Services and approval by the Board of Ada County Commissioners.

→ REMOVED FORMER CONDITION #11, COMBINED WITH #16

19. The final plat must be approved by the Board within one (1) year of the Board's approval of the preliminary plat, unless a time extension is granted as per Ada County Code Section 8-9-3C7.
20. No building permits shall be issued until the final plat is recorded.
21. The development plan requires the installation of individual sanitary sewer systems and individual domestic water systems; these systems shall be approved by the Central District Health Department. Final approval and/or permits from the Central District Health Department are required and must be delivered to Development Services prior to the issuance of any building permits on individual lots.
22. Prior to the submittal of the final plat for approval by the Board, written approval from the following agencies shall be submitted to Development Services. These approvals may be either on agency letterhead referring to the approved plan or they may be written/stamped on the approved plan.
 - a. Idaho Dept. of Water Resources
 - b. Kuna Fire District
 - c. Boise-Kuna Irrigation District
23. The final plat of any phase shall be in conformance with Section 8-4B-7E of the Ada County Code.
24. The final plat must be recorded with the County Recorder's Office within one (1) year of the Board's approval of the final plat as per Ada County Code Section 8-9-3D5(A).

25. These notes shall appear on the face of the final plat:

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

"Direct vehicular access onto Columbia Road from Lot 1, Block 2, and Lots 23 and 24, Block 1 is prohibited."

26. Fencing/buffering shall be installed to separate all building lots from the open space/agricultural lots as per Section 8-4B-7E5 of the Ada County Code. Appropriate fencing/buffering for each lot in the applicable phase of the development must be reviewed, completed, and approved prior to the issuance of any permits in the phase. Fencing/buffering shall also be installed to separate all building lots from all recreational open space lots.

27. Parking requirements created by non-agricultural open space areas shall be accommodated on site with no parking in public rights-of-way. All parking areas and driveways shall be paved, striped and provided with substantial wheel restraints around landscaped areas. Prior to installation of improvements for the proposed activity area (Lot 8, Block 1 as indicated on the preliminary plat) detailed plans shall be submitted and approved by Development Services staff.

28. Prior to the issuance of any permits for the youth league facilities (Lot 25, Block 1 as indicated on the preliminary plat) a conditional use permit shall be approved by the Ada County Planning and Zoning Commission. No artificial lighting shall be permitted on the site unless otherwise approved by the Planning and Zoning Commission.

29. The youth league facilities (Lot 25, Block 1 as indicated on the preliminary plat) shall be appropriately maintained so that it does not become a nuisance or blight to the development. Functional completion of the recreational area must occur by January, 1997 or the issue must be revisited by the Board of County Commissioners at the first available public hearing in February, 1997. If bona fide plans to develop the site are presented at the hearing, then a completion deadline of December, 1998 will be allowed. If plans are not presented or if the site is not completed as scheduled (in general accordance with the plans presented at the February, 1997 hearing) then the property shall be deeded

changed from "MAY"

2018-2-5 Correspondence to Kuna City Council

Final Audit Report

2019-02-15

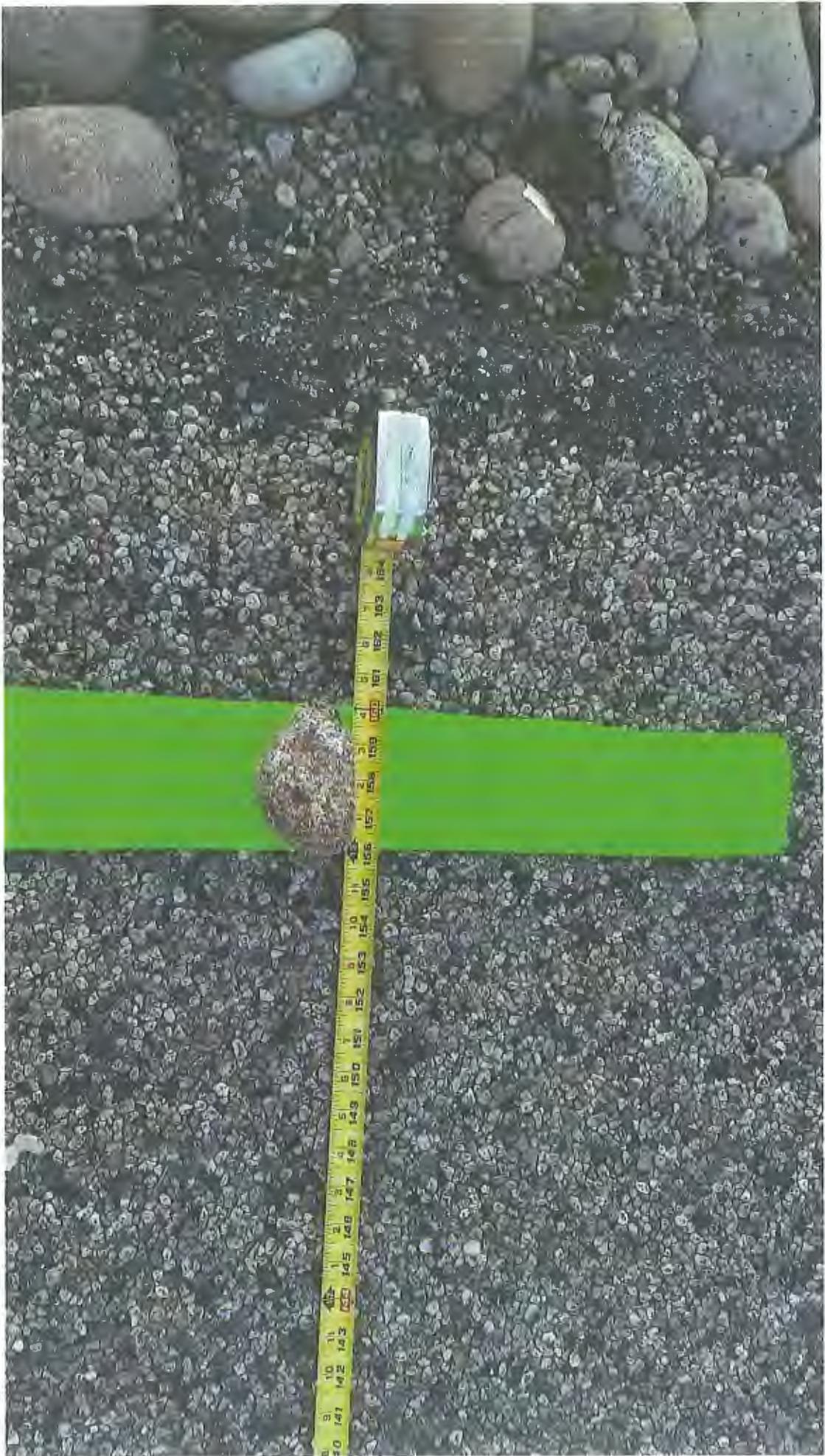
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By:	Jaren Wieland (jaren.wieland@mwsrose.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAkdsKAUKSL4DdWFrzu6lynCuTiDZapsPB

"2018-2-5 Correspondence to Kuna City Council" History

-  Document created by Jaren Wieland (jaren.wieland@mwsrose.com)
2019-02-15 - 10:35:08 PM GMT- IP address: 209.210.179.148
-  Document emailed to Virginia Rennae Jeppesen (virginia.jeppesen@yahoo.com) for signature
2019-02-15 - 10:35:39 PM GMT
-  Document viewed by Virginia Rennae Jeppesen (virginia.jeppesen@yahoo.com)
2019-02-15 - 10:44:58 PM GMT- IP address: 69.147.90.254
-  Document e-signed by Virginia Rennae Jeppesen (virginia.jeppesen@yahoo.com)
Signature Date: 2019-02-15 - 10:45:43 PM GMT - Time Source: server- IP address: 174.208.7.21
-  Signed document emailed to Virginia Rennae Jeppesen (virginia.jeppesen@yahoo.com) and Jaren Wieland (jaren.wieland@mwsrose.com)
2019-02-15 - 10:45:43 PM GMT







RED CLOUD SUB.



CITY OF KUNA

751 W. 4th Street • Kuna, Idaho • 83634 • Phone (208) 922-5274

Fax: (208) 922-5989 • www.Kunacity.Id.gov

SIGN-UP SHEET

February 19, 2019 – City Council, Public Hearing

Case Name: Redcloud Subdivision – Annex & Preliminary Plat; SSM2, Company

Case Type: Applicant requests to annex approximately 8.00 acres into Kuna City with an R-6, residential zone, and to subdivide the property into 41 single family residential lots and three (3) common lots and have reserved the name Redcloud Subdivision. A Design Review application for four common areas and buffer landscaping accompanies this application. The site is located at the southeast corner of Luker and Great Bear Roads, The site address is 1250 S. Luker Rd., Kuna, Idaho; In Section 25, T 2N, R 1W, APN #: S1325438500.

Case No.: 18-05-AN (Annex) and 18-06-S (Preliminary Plat).

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

IN FAVOR		NEUTRAL		IN OPPOSITION	
<input checked="" type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input checked="" type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
<u>Tom MAITE</u>		<u>MIKE LOSH</u>		<u>Kayleen Jones</u>	
<u>885 W. RUSH</u>		<u>1032 SO THREAVE</u>		<u>1747 N SPIRIT AVE</u>	
<u>Cap. Id Redb</u>		<u>KUNA Id 83634</u>		<u>Kuna</u>	
City	State, Zip	City	State, Zip	City	State, Zip
<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
Print Name		Print Name		Print Name	
Print Address		Print Address		Print Address	
City	State, Zip	City	State, Zip	City	State, Zip
<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
Print Name		Print Name		Print Name	
Print Address		Print Address		Print Address	
City	State, Zip	City	State, Zip	City	State, Zip
<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
Print Name		Print Name		Print Name	
Print Address		Print Address		Print Address	
City	State, Zip	City	State, Zip	City	State, Zip

IN FAVOR

NEUTRAL

IN OPPOSITION

Testify **Not Testify**

Print Name

Print Address

City State, Zip

Testify **Not Testify**

Print Name

Print Address

City State, Zip

Testify **Not Testify**

Print Name

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MINUTES OF NEIGHBORHOOD MEETING HELD AT 1250 S. LUKER ROAD, KUNA, IDAHO ON
JULY 26, 2018 7:00 O'CLOCK P.M.

THOMAS MAILE COMMENCED THE MEETING IN A TIMELY MANNER, AND OVERSAW THE SIGN-IN SHEET FOR THE PARTICIPANTS

THEREAFTER, THOMAS MAILE ENGAGED IN PRESENTATION, DESCRIBING THE NATURE OF THE DEVELOPMENT AND SHARED A SITE PLAN WITH THE AUDIENCE (SAME SITE PLAN INITIALLY PROVIDED TO THE CITY OF KUNA.

A TOTAL OF 7 NEIGHBORS (COUPLES AND INDIVIDUALS) HEARD THE PRESENTATION AND PARTICIPATED IN DISCUSSIONS CONCERNING THE PROPOSED DEVELOPMENT.

THE VAST MAJORITY OF THE NEIGHBORS PROVIDED POSITIVE COMMENTS AND INPUT SURROUNDING THE DEVELOPMENT GOALS. DEVELOPER EXPLAINED THE BASIC DESIGN AND SQUARE FOOTAGE OF THE PROPOSED 40 HOME SITE IMPROVEMENTS.

AT 7:35 P.M. MEETING WAS ADJOURNED.

Thomas Maile
Secretary-treasurer

Red Cloud