

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, May 7, 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
Council Member Greg McPherson

CITY STAFF PRESENT:

Bob Bachman, Public Works Director
Jared Empey, City Treasurer
Chris Engels, City Clerk
Bill Gigray, City Attorney
Lisa Holland, Economic Development Director
Wendy Howell, Planning & Zoning Director
Nancy Stauffer, Human Resources Director
Bobby Withrow, Parks Director
Jace Hellman, Planner II
Sam Weiger, Planner I

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

3. Pledge of Allegiance: Mayor Stear

**4. Consent Agenda: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS
(Timestamp 00:01:22)**

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.

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.

A. City Council Meeting Minutes

1. Regular City Council Minutes, April 16, 2019

B. Accounts Payable Dated May 2, 2019 in the Amount \$347,129.07

C. Alcohol Licenses

1. Albertsons LLC 700 E Avalon Street – Off Premise Beer & Off Premise Wine
2. Doughboys LLC dba Snake River Bar & Grill 1353 N Meridian Road –
Liquor-by-the-Drink & On Premise Beer
3. Walgreens #13614 869 E Avalon Street – Off Premise Beer & Off Premise
Wine

D. Resolutions

1. Consideration to approve Resolution No. R31-2019

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE DEED OF PUBLIC UTILITIES EASEMENT, GRANT AND CONVEYANCE OF UTILITY PIPELINES AND GRANTEE ACCEPTANCE FROM TOLL ID I, LLC.

2. Consideration to approve Resolution No. R32-2019

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE DEED OF PUBLIC UTILITIES EASEMENT, GRANT AND CONVEYANCE OF UTILITY PIPELINES AND GRANTEE ACCEPTANCE FROM TOLL ID I, LLC.

3. Consideration to approve Resolution No. R15-2019A

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO AMENDING RESOLUTION NO. R15-2019 CORRECTING THE NAME TO CHALLENGER DEVELOPMENT, INC FOR THE DESERTHAWK SUBDIVISION NO. 4 FOR UNCOMPLETED WORK INCLUDING STREET LIGHTING, FENCING AND LANDSCAPING PURSUANT TO THE TERMS OF THIS RESOLUTION.

E. Findings of Fact and Conclusions of Law

1. Consideration to approve Findings of Fact and Conclusions of Law for Case No. 19-01-TE for Caspian Subdivision.

2. Consideration to approve Findings of Fact and Conclusions of Law for Case No. 18-09-S for Sapphire Ranch Subdivision.

**Council President Buban-Vonder Haar moved to approve the consent agenda. Seconded by Council Member McPherson. Approved by the following roll call vote: Voting Aye: Council Members Cardoza, Christensen, Buban-Vonder Haar, and McPherson
Voting No: None
Absent: None
Motion carried 4-0.**

5. Community Reports or Requests:

- A. Kuna Library Plant Facilities Levy Presentation – Tam Svedin and Jana Cutforth, Kuna Library Co-Directors
(Timestamp 00:02:24)

Tam Svedin, Kuna Library Co-Director, presented the Kuna Library Plant Facilities Levy and the need for it. She stood for questions.

Mayor Stear stated during his time with the Mayor’s Book Club, which he had a good time doing, he was surprised by all the services the library provided. It was not just for checking out books.

Ms. Svedin commented on how libraries had changed and that she and Jana Cutforth, her Co-Director, had tried to embrace that and grow their services to help the people in Kuna. She thanked Council and reminded everyone to vote May 21, 2019.

Mayor and Council thanked Ms. Svedin.

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

- A. Public Hearing tabled from March 19, 2019 and consideration to approve 18-07-AN (Annexation) & 18-05-ZC (Rezone) for Thistle Farm, LLC and Bodahl Farm, LLC – Sam Weiger, Planner I ACTION ITEM
(Timestamp 00:05:20)

Tim Eck seeks approval of an annexation of approximately 40 acres into Kuna City Limits with a Medium Density Residential (R-6) zoning and a rezone of approximately 40 additional acres from Agricultural (A) to Commercial (C-1). The subject properties are located at the southwest corner of Ten Mile and Hubbard Rd, Kuna, Idaho 83634. – *Re-noticed.*

Sam Weiger, Planner I, presented the staff report. He noted on page 1 of the staff report under the notifications section, the site posted should be April 23, 2019. Also,

the Planning and Zoning Commission recommended a condition that stated the preliminary plat for the 38.98-acre parcel would include no more than 25 acres of multifamily housing. Council approved Ordinance No. 2019-04 which removed multifamily from a commercial zone therefore staff recommended condition number 12 be removed from the conditions of approval and turned the presentation over to legal counsel.

William F Gigray, City Attorney, presented the legalities of the matter. He reviewed a letter in the packet that was written by the applicant's attorney, Jeff Bower, regarding the multifamily change in the zoning ordinance for which they made an application. Mr. Bower's position, and the law they cited, was that the applicant was entitled to the law at the time they filed application for a permit. Mr. Gigray agreed that was a correct statement of the law however he was not aware of any application that was filed for a permit for a specific use of the subject property that would be for a multifamily use within the zone. It was his understanding there was not any such application and was asked by city staff to provide a memorandum of response to the letter which he provided. His opinion was their objection did not stand in this instance because they did not have an application for a permit for a specific use of the property. If their position were the law in Idaho there would be flex zoning forever. He explained what would happen if that were the case; which was not the law. Mr. Bower had called Mr. Gigray to review his position on this and Mr. Gigray told him he had every right to make whatever legal argument he wanted to Council and Mr. Bower was very courteous about it. Mr. Gigray appreciated his professionalism but that was his opinion and it was what he presented to staff.

Council President Buban-Vonder Haar clarified the legal interpretation was there was agreement that condition 12 should be removed but there was disagreement about whether there were further limitations on what could be done with the property based on the ordinance Council passed.

Mr. Gigray explained the legal argument, as he understood it, was the applicant was taking the position that they advised staff at the time of application that they intended to develop part of the property for multifamily use but there were no applications filed for any permits that would allow that within the zoning. They may have felt that they didn't need to because that was what the zoning ordinance allowed at the time but the zoning ordinance was subsequently changed and there were no permit applications that they could say were in place at the time they filed the permit. Council had the right to amend their zoning ordinances at anytime and that did not tie them to any restrictions on the land use within those zones unless a permit was already granted or applied for.

Council President Buban-Vonder Haar clarified, for the purposes of just the annexation and the rezone of that night, both parties were in agreement that the condition Planning & Zoning recommended no longer needed to be included. The disagreement was about what happened next.

Mr. Gigray thought the applicant and his attorney should answer that. He reiterated his position on the disagreement.

Council President Buban-Vonder Haar wanted to be clear that he was saying if they did grant the rezone application as presented that would foreclose their ability to do multifamily at all within the commercial zone.

Mr. Gigray replied yes. He also stated if they could apply for a PUD there were certain rules under PUDs where they could have some mixed use within a zone and some allowances. Staff would have to answer that. He couldn't but it would seem to him to be the most logical vehicle. If the applicant couldn't live with the zone the way it was, they might want to withdraw their application and seek another zone of the subject property on annexation but that was up to them.

Tim Eck, the applicant, 6152 W Half Moon Lane, Eagle, Idaho 83616, passed out a drawing and presented the application. He reviewed the zoning issue and some history of the parcel. He noted they had worked diligently for an extended period of time with Planning & Zoning staff to understand all of the allowed uses available under the various commercial zones that would be appropriate and consistent with the comp plan and at all times expected a significant residential component. After extensive study and coordination with Planning & Zoning staff the decision was made to proceed with a C-1 zone application; it being understood and acknowledged by planning staff that the C-1 zone would allow a multifamily residential component by right. They proceeded in good faith to file the pending rezone application aware of and expecting the land use designation under the comp plan and allowed uses permitted under the C-1 zone as it existed at the time of the application. After making application in late summer, it took over 2 months for the application to be reviewed. A completeness letter for the application was issued on November 19, 2018. Kuna was in a significant growth mode and P & Z was understaffed. Had this application proceeded timely it would have been complete prior to the recent zoning amendments to the C-1 zone. Had Kuna not fast tracked the zoning modification and waived the multiple readings, the application would have been completed before the zoning change. Since the first layout in 2017 this parcel was planned to have a multifamily residential component. Council knew he had been very involved in this community both with residential and commercial products. At this time and for the foreseeable future he did not see any need for 40 acres of commercial without a residential component. The only way to bring a successful commercial project to a portion of this property was to include a denser residential component as they had proposed and Planning & Zoning accepted. They believed this application and the right to use this property for multifamily was vested under the uses allowed under C-1 as it existed on the date of the application. He reminded Council about the LID. This property was annexed into the LID and assessed with 117 EDUs. On November 28, 2012 they retired the LID assessment by tendering payment to the City of Kuna. He reviewed the charges and the payment which totaled \$477,821.29 providing them with 117 partially paid sewer connections. He questioned how, after paying that much for sewer connections for 117 residential units, it could be considered

reasonable to change the C-1 zone to disallow the residential use on this parcel. Perhaps they should consider a refund including interest of all the sewer connection fees he paid for this property for this residential use.

Jeff Bower, the applicant's attorney, reviewed their position on the application and talked about what rights were vested if the Council approved the application. He reiterated their application was deemed complete in November 2018 and they specifically noted in their application they were seeking the C-1 zoning for the allowed use at the time of multifamily residential. Except for this rezone, no other permit or application was required under city code to use the property for multifamily at the time. He noted when Council amended the ordinance and that it changed the land use table taking out multifamily from C-1 zoning. He reiterated they did not believe the amendment affected them because the law at the time of application applied. They had submitted the only application available in the City for multifamily, the rezone. He quoted the black letter law noted in his letter, "Idaho law is well established that an applicant's rights are determined by the ordinance in existence at the time of filing an application." He said this was a broad statement of law. It didn't say the applicant's rights and the permit or the specific development; it was the applicant's rights and property that were fixed at the time of application. Planning & Zoning recognized this. They knew their rights when they filed. Planning & Zoning had great concern they would develop the whole property as multifamily as was their right so they limited it to 25 acres. They were still in favor of that limitation and hoped Council would approve them that night with that limitation; recognizing their multifamily right. He thanked Mr. Gigray for his kind comments. He had been great to work with but they fundamentally disagreed on the law. He felt Mr. Gigray's interpretation of the law was too narrow and his position would be that the only way to preserve their rights was to file a multifamily use application and no such application existed. If they accepted this interpretation there would be no way for them to reserve their rights. The City could amend the code out from under an applicant and there would be nothing an applicant could do about that. That was specifically the reason Idaho adopted this line of case law; so localities could not do that. He summarized they were asking for approval with the condition imposed because they thought that would allow their vested use to continue and it would inform the future use. He stood for questions.

Mr. Bower addressed Mr. Gigray's statements regarding flex zoning, grandfathered rights, and withdrawal. In regards to flex zoning, if Council accepted their position, for the rest of time they could use their property for the old code's allowed uses. That was not their position and he did not think that was what Idaho law said. Idaho law had an answer to this in loop of the local land use planning act. It gave Council the authority to rezone property every 4 years without it being deemed downzoning or considered a taking. If Council approved their application and agreed they had a vested multifamily use which was what the law provided and they did not act on that within 4 years Council could rezone their property and all the rights associated with this application would go by the wayside. There was no flex zoning into perpetuity.

Mr. Bower stated, in regards to grandfather rights, they were not arguing for grandfather rights. They were 2 different lines of authority. He reviewed the grandfather right was an existing use at the time which then becomes illegal based on a future zoning ordinance. That was a legal nonconforming use. There was tons of case law on that as well. This was different. It was law at the time of application applying. It was different lines of authority adopted by the Idaho Supreme Court for similar reasons and that was to protect applicants and their property rights. In regards to withdrawing their application, they were not going to do that. Even if Council didn't agree with them because they did think they had vested rights at that time on this application. Annexation and rezoning were discretionary in some sense. If Council disagreed with their view on their vested right to multifamily their only option would be to ask a court to review that specific issue in hopes for direction from the court as to whether that was allowed or not.

Mayor Stear clarified he was saying if Council did not approve what they were asking for they would be going to court.

Mr. Bower said that wasn't his intention. He thought in this case everyone agreed commercial zoning was proper on this property. It was designated commercial and they were asking for C-1. The question was really, when they approved the zoning what were the allowed uses. That was the question he and Mr. Gigray were disagreeing on.

Council President Buban-Vonder Haar asked Mr. Bower to identify what was multifamily on the map Mr. Eck provided.

Mr. Bower said that was an old map. The reason Mr. Eck provided it was to show there had been an ongoing dialogue with the City to use the property for multifamily.

Council President Buban-Vonder Haar said there was no multifamily in the map.

The applicant, Tim Eck, explained the map he presented was 1 of 2 pre-plats that were produced in 2007 and slightly modified in 2009. Since that time, and subject to the comp plan amendment changing it all to commercial, it was intended to move forward with a commercial component like the map showed but that the residential component would go to some sort of higher density or multifamily as would have been allowed under the existing C-1 zone. The map didn't show multifamily but it identified there was always a plan for a large residential component and a small commercial component. Today there was likely more commercial desire. He had an LOI that was brought to him by referral from the City's Economic Development Director. That particular LOI required a residential component because they didn't need 40 acres of commercial. He wasn't sure he would move that LOI forward. He really wanted to analyze any kind of commercial use that went in behind a higher density residential component to make sure it was appropriate for the surrounding area and with all the residential they already had there. He wanted something that was going to be good for the city that created a transition zone. Without the

transition zone they would be shoving commercial right up next to medium density residential which was not the best planning.

Council Member Christensen asked if he was saying the City's Economic Development Director said there was no need for 40 acres of commercial.

Mr. Eck responded she did not say that but referred a potential buyer to him. They said all they needed was 16 acres. They had a very nice conceivable commercial use but they transition into high density or multifamily residential.

Economic Development Director Lisa Holland stated she did send someone their way that had an interest in developing a mixed-use concept. They had a commercial component where they were looking for 15 – 30 acres. Staff indicated if they wanted to do a mixed use, they would have to be in a mixed-use zone to do the residential portion. She gave the example of the Fred Myer complex on Chinden and Linder that was 36 acres of commercial to put that into scale. There could certainly be opportunities for larger scale development. This was just 1 specific use and they were aware they couldn't do multifamily in a commercial designation and would have to put together a PUD or mixed-use request if they went down that route.

Mr. Eck said that might be subject to communication with people that had not spoken to him but the 1 potential buyer he spoke with would have to have a residential component to fit their program. The LOI anticipated the C-1 zone as it was applied for. If they put in a Fred Myer type complex similar to Chinden, they would be sticking that right up against medium density residential with no transition of higher density to separate it.

Mayor Stear opened the public hearing.

Support: None

Against:

Vicki Johnston, 3720 W Hubbard Road, Kuna, Idaho 83634, had a couple questions. She sent a series of questions that was included in the packet but something that came up just then was that during the neighborhood meeting he talked about commercial but multifamily was not mentioned once. Whether that needed to be or not was up to those who knew the law but the neighbors did not know about it. A main concern was this was a dead-end road with a single egress. The Steiner Complex, 3625 Hubbard Road, was being requested for R-6. She wondered if there was a possibility it could be lowered to R-4 or 1 per acre. She was also concerned about traffic on the corner. She asked if there would be a roundabout or a 4-way signal.

Mayor Stear said he looked that up. It was in ACHD's 5-year plan but that depended on impact fees so it was in discussion.

Ms. Johnston asked where the school buses would turn around.

Mayor Stear replied there was a request from the school district to facilitate them.

Ms. Johnston asked if the new subdivisions that came in got an assessment for a fee for the schools.

Mayor Stear explained it was against the law to charge impact fees for schools. He didn't know why the legislature left them off the list. It was something he was working on. He was trying to see if he could get the School Board Association to bring legislation to bring that around. He was never given a good answer as to why that was but it seemed to him that was one of the most impacted.

Ms. Johnston agreed and added the fire department. She asked Mr. Eck, since he built a lot of subdivisions, if he had put any money towards the fire district.

Mayor Stear responded fire districts did receive an impact fee. They would also be talking about police impact fees in a bit. Hopefully they would get that through. ACHD also charged an impact fee. They paid for parks as well. School was the big agency that didn't get them but that was because they couldn't assess those. The other fees were assessed through the City and distributed to the proper agencies.

Debbie McMullen, 3800 W Hubbard Road, Kuna, Idaho 83634, was very concerned about the dead-end street and the number of cars that would be on that road if that many houses went in. Also, for them specifically they received their irrigation water which cut across the property. That was the only way they received it and she didn't hear anything about that.

Mayor Stear stated Boise Project was in charge of that and they were very stringent on the fact that everyone has to be able to still get their water delivered. Whatever that took would have to be facilitated. They would watch that along with the City Public Works staff. They would make sure she received water.

Ms. McMullen stated she, like her neighbor, would like to see 1 per acre. They were on 5 acres. She could not see 6 per acre on a dead-end street. If it was an open-ended street there would be multiple ways to get in and out but it wasn't. They had a business and big equipment and it was going to be hard getting out in the morning to go to work for everyone. She also thought there were going to be sidewalks put in.

Mayor Stear explained they were required to put in curb, gutter, and sidewalk when they subdivide.

Ms. McMullen asked if it was just on the 1 side of the road or both sides.

Mayor Stear replied just the 1.

Ms. McMullen said they had ditches in front so the way she understood what was said at a neighborhood meeting was that if the road work fouled them up he would take care of them.

Mayor Stear responded that was all in ACHD right-of-ways. They owned the sidewalks and the roads and didn't let people get away with much. They would keep a good eye on that.

Ms. McMullen said those were her biggest concerns and agreed with her neighbor that R-6 was way too much for that area. She thanked Council for listening.

Neutral: None

Rebuttal:

Tim Eck, the applicant, stated the majority of the questions and concerns would be addressed and resolved through the platting process. He noted in a year Hubbard would no longer be a dead-end. There was an approved preliminary plat that would connect Hubbard to Ardell. He could not remember if residential was ever discussed at the neighborhood meeting because it was never brought up. If someone asked about a residential component he would have said yes. He reminded everyone that the Treasure Valley was in a significant housing crisis and the need for affordability. Building bigger lots with lower density meant bigger houses for more money. There was a good variety of that already. This was a prime location to try to get more affordable product. More affordable product meant smaller product on a smaller lot. They had to get that lot cost down. That was where the higher density multifamily fits. There was discussion of some use allowing 22 -25 units per acre in the commercial zone. That could only be accomplished in a 5 story on a podium underground parking. That would never fly in Kuna in his lifetime, however, some townhouse product with a narrower footprint and a more affordable price tag would work and was needed. He had a conversation with the City Clerk that week who was thrilled about her small footprint home on the Bench. He thought she would be thrilled to be able to buy a similar product out here so she wouldn't have to drive from the Bench to Kuna. That was the product she wanted to live in. There was none in Kuna and that was what they wanted to provide. A good transition. He reviewed the transitions they were planning and their goals. They did not have a plat and did not know exactly what they were doing. He was not a commercial developer but he was trying to find someone to work with so they could put together a nice product to bring in for approval that would have a commercial component with higher density residential that would transition its way down. They could consider a little less of the residential component if Council thought that would benefit them. He had not had anyone come in saying they wanted 40 acres of commercial. All he had was the LOI from the Economic Development Director. It was a nice product and very interesting. They would have to take that to a whole other level of meetings and approvals to see if the City would support their use but it still had that residential component. That died without a residential component. He stood for questions.

Council President Buban-Vonder Haar referred to the submission from Bailey Engineers which indicated the neighborhood meeting was held on September 12, 2018. It was very brief. She read, "The surrounding neighbors who attended the meeting came with questions pertaining to the proposed development of the site. With the 39.51 acres that we are requesting an R-6 zoning designation, we were able to explain, that would mean a residential subdivision with no greater than 6 units/acre. We explained frontage improvements, access points etc. It was also explained to the neighbors that with this application we are only requesting an annexation and rezone of the parcels and everything is very preliminary at this stage as no site plans, or preliminary plats have been produced." She noted it went on to say neighbors were concerned about impact to existing traffic conditions and it was mentioned a traffic impact study would have to be conducted. She did not know, from that description, if multifamily was already planned at that point. Obviously, there was discussion about it in January. She asked if Mr. Eck knew at what point they started talking about multifamily.

Mr. Eck replied it was on the application. It was always intended and always in the application. They were applying for a zoning permit with emphasis and parenthesis around the uses multifamily and apartments to grant them a permit for that use. It was almost 2 months after their neighborhood meeting, everything was filled out and prepared, when they got their completion notice on their application. It took almost 2 months because staff was swamped. He understood that. They were swamped partly because of him. He didn't complain and worked amicably with them. He checked in about every 2 weeks to see how things were going. Then the school application came in and that went right to the top. They got priority. He was fine with that. They weren't in a hurry. They were very cordial but there was always a plan for multifamily. He spent days trying to go through Kuna's enormous spreadsheet of the allowed uses under the various zones. He had to take out everything he had no interest in and zero in on the 1 zone that would allow the use they were applying for. Only C-1 allowed residential which was why they applied for it.

Mayor Stear said there was a lot of talk about them taking multifamily out of the C-1 designation. It sounded like this was the perfect example. It was like a bait and switch. If someone was going to move into a neighborhood and saw something was zoned C-1 they would think it was commercial and not think about the fact that it could be multifamily. The change was something they did to help avoid that confusion. This was a perfect example where the neighborhood meeting didn't discuss that and it wasn't brought up. Mayor Stear got a phone call 1 day from a very unhappy man who thought, when Council had these discussions, they didn't debate anything. He explained to him that Council had these debates so many times that they kind of knew what things were and other people didn't. They forgot that. He told him he would try to make sure they had those debates even though they were repetitive. That was kind of what C-1 did. It made it look like there was a commercial property there but that wasn't necessarily the case. It was commercial residential which meant they could rent houses and things like that. That was why

they made that change. Unfortunately, this was going to have an over lap that would be problematic. He just wanted to point that out.

Mayor Stear stated the comp plan on 1 called for medium density residential which he believed was R-4 through R-8 and the other was commercial. He didn't know where they would be with that if they approved the commercial and they didn't allow for multifamily in their C-1 zoning. It sounded like they were going to have a problem with that. He wasn't exactly sure where to go with this.

(Timestamp 01:00:10)

Council President Buban-Vonder Haar wanted to have the time to mull it over and possibly submit some additional questions to counsel and opposing counsel for additional comment. That was her preference but asked if others had different thoughts.

Council Member McPherson agreed with Council President Buban-Vonder Haar. There were some questions about what exactly would be put in. Mr. Eck has always put in what he said he would put in. He had never tried to pull the wool over their eyes. If he had, he'd been very good at it. He would like to see the preliminary plat because it was so controversial with the C-1 change. He didn't think anyone wanted to get into a law suit over 40 acres.

Council President Buban-Vonder Haar wanted to be clear there was no requirement for him to submit a preliminary plat for the Council to do a rezone and an annexation. She also did not believe they would have the legal authority to make him provide a more detailed map and make him stick to it.

Council Member McPherson agreed but Mr. Eck had always been good about presenting exactly what he was going to do.

Council President Buban-Vonder Haar got from his testimony that it was in flux as they were dealing with potential interested parties.

Mr. Bower stated they weren't in a position to provide a plat at that time but he thought a reasonable accommodation could be a development agreement. He knew LUPA allowed jurisdictions to require it. He didn't know if Kuna City Code allowed it on a rezone but it was definitely in the scope of LUPA. If they wanted a little more certainty, they could outline the contours of what the 40 acres would be used for in a development agreement.

Council President Buban-Vonder Haar appreciated that.

City Attorney Bill Gigray spoke. *(Unintelligible – off mic)*

Council Member Christensen understood what the rest of Council already said and wanted to see what the intent was to a degree. He heard it frequently about the C-1 zones, that residents thought it would be X but it turned out to be multifamily. He reiterated Mayor Stear's statement that this was the reason for the change. To keep things in perspective, seeing ultimately what the applicant had in mind would definitely help render a more warranted decision. It was tough because he could see the concern from both ends on that.

Council Member Cardoza asked Mr. Gigray about his legal memorandum. He reviewed some of the Facts Assumed and Mr. Gigray's opinion.

Mr. Gigray replied he was saying their rights were determined by the ordinances at the time but at that point there was no ordinance zoning his property as C-1 and there was no application for a permit or an application for a specific use of the property within the zone at the time they filed. All they filed for was a request for a zoning designation. Until that zoning ordinance was approved by the Council it wouldn't apply to that land. Had they applied for a preliminary plat or some other specific use in development at the same time, that would have frozen if they were applicable provisions of that zoning ordinance at that time. The case law he saw all involved specific requests for development or they involved the specific comprehensive plan that was in place at the time the application was filed that had to be reviewed and applied to the application. In this instance there was no specific request for any specific development other than a zoning designation. If there were an application for some specific permit for a specific development such as a building permit or whatever he would agree but he didn't see that. He said what were they going to do, pass an ordinance that designated this a C-1. They still didn't have any applications in front of them to deal with a specific development or land use within the C-1 and they had an existing ordinance that said what were and were not permitted uses. He said would they allow permitted uses in an ordinance that prohibited the use. They would have to find some other vehicle in their ordinances that allowed for that either with a PUD or some other process. He was not prepared to render opinions about whether or not that would work in this situation or whether or not a development agreement which can deal with a conditional rezone might have application in this situation. He just did not agree that filing an application for a zoning designation gave the right to file later for an application for any kind of subsequent development of that property that existed in the zone at the time the application was made for the original zoning designation. It was not specific to a specific right. In the argument about changing an ordinance every 4 years and it not going in perpetuity, there was a provision that if the applicant made a request for a zoning designation if the zoning was granted specific to a request he agreed they couldn't change it for 4 years without their permission but it wasn't until the ordinance was approved and became law that that even applied. That ordinance wasn't in place. It was an agricultural zone and they had every right to use it in that regard but that was not their intention.

Council Member Cardoza asked if they were seeking C-1 with multifamily that night or just commercial C-1.

Mr. Gigray understood, based on the applications filed, fees paid, and the process gone through Planning and Zoning, it was only for the annexation and zoning designation not for the use of the property. Had they said they were going to do a specific use there would be some other application to tie in the multifamily use and he would have a different opinion.

Council President Buban-Vonder Haar stated this was the crux of the issue. The applicant's read of the law was because C-1 included multifamily at the time they submitted their application they believed they had the right to do multifamily there. If Council disagreed, it was something they would like to have a court rule on.

Council Member Cardoza replied that was not what was being presented or asked of them that night. They were asked for an R-6 and C-1. Nothing else.

Council Member Christensen recalled they just approved a pre plat or an actual development of Mr. Eck's off of Ten Mile that was rezoned about 10 years ago. There was something back 5 or 10 years ago where they had pushed it aside for so long and came back and decided it was time to finally develop it. The point he was trying to make was it got to point where the ordinance was in place so moving forward that was, according to city ordinance, city law, how things were to be done. He asked were they to say everyone who came in and said their intent was this before they changed the law how far back were they willing to say they were right, they had a letter to staff stating their intent. If they were changing city ordinance it was for a reason. It was what the law was on the book at that point. At what point could they look at those and say sorry this is the current city ordinance. It was what it was. Sure, that was their intent however long ago it might have been but that was not what city ordinance said. Now, they were just approving a rezone on a C-1 that night. It sounded like the intent was to continue the multifamily but there was no application in there saying they were going to build multifamily use.

Council President Buban-Vonder Haar said it was in the application. It didn't have to be but it was.

Council Member Christensen said right but it was not on the books for that time to say this was a multifamily use residential development. They didn't have anything in front of them on a pre-plat or anything that said that. The question was what were they approving that night. They were not approving apartments to be built on that land that night; they were approving a rezone to C-1.

Council President Buban-Vonder Haar replied, as she understood the applicant's issue, it was that they started the process of applying for a rezone to C-1 with the intent to build what was allowed under C-1 at the time they submitted the application for the rezone. Whether it was something that was dealt with on the rezone or when a preliminary plat came forward, it was her understanding they would deal with the issue at some point in terms of which zoning controls.

Mayor Stear said that was why she wanted to mull it over a little more so they could put that together and what it meant.

Council President Buban-Vonder Haar said it was possibly a moot point since the applicant was willing to potentially enter into a development agreement depending on what they were wanting to see there. They may never have to get to the question of who's interpretation was correct.

Council Member Cardoza just assumed the issue in front of them that night was just C-1 and R-6. What was done with it was to be discussed at a later date and he had a feeling it would be discussed by legal departments as to whether or not Ordinance 2019-04 applied to Mr. Eck or not. He thought before them that night was just whether or not they allowed Zone A to go to a Commercial C-1 and R-6.

Mr. Gigray agreed and at some point, if they made a specific application for a permit or some kind of land use it would be back at Planning & Zoning about whether or not it complied with the zoning ordinance or if there was a development agreement, it would come up later. The reason for the request for their opinions was the developer understood Mr. Gigray's position that the ordinance that was enacted would apply.

Mayor Stear went back to if they went with the C-1 would the multifamily use be permitted or would they have to completely start over and rezone that property.

Mr. Gigray said he would differ to Planning & Zoning staff because they would receive the application and have to do the initial read on that. He didn't get into that part. He only got into whether or not the old C-1 would apply or the new C-1. In his opinion it was the new C-1.

Council Member Christensen said that was what was hard; was he approving the old C-1 or the new C-1.

Mayor Stear's opinion was they should put a pause on this to come up with something to make this agreeable. He didn't think they wanted Council to zone something and then say they couldn't do what they wanted to with that zoning.

Mr. Gigray reiterated the applicant may want to reconsider the zoning designation but that was up to the applicant. If the applicant was willing to enter into discussion with staff, he did not see how that could hurt anything to give people time to see if they could figure out an answer.

Council President Buban-Vonder Haar's preference was to wait, especially if they were going with Mr. Gigray's interpretation of law, which she wasn't saying they were, which was the new zoning designation applied because if that was the line they held the applicants only recourse was to come back before them for another rezoning. She would rather have all these options explored before hand so they could

hopefully come to some sort of outcome everyone was more or less happy with or willing to accept. She asked if kicking it to the next meeting would be enough time for people to discuss.

Mr. Bower said there seemed to be no issues with the Steiner property and asked that they move forward with that even if they decided to table the Bodahl application at that time. He thought the next meeting would be plenty of time for them to work this out with Mr. Gigray and staff.

Council Member Cardoza said he would prefer to see an R-4 there, not an R-6.

Mr. Eck clarified if he wanted R-4 next to commercial.

Council Member Cardoza said he didn't have the commercial yet.

Mr. Eck replied they had a land use designation for commercial. There seemed to be no opposition to commercial. The only question seemed to be whether or not their application, which they had in front of them, clearly stated multifamily apartments. No one seemed to recognize their application for this zoning permit requested multifamily and residential with emphasis. It was allowed by right when the C-1 was applied for. They went beyond that point and made emphasis of that specific use. Assuming they got commercial approval of either type, they needed to figure out what kind of residential density they wanted next to commercial. It typically started at a lower density and went to a higher density as it got closer to commercial. He was proposing a jump from commercial to R-4. That might as well be low density residential. He reiterated the need for affordable housing.

Council Member Cardoza clarified he was saying R-4 was unacceptable.

Mr. Eck did not think it was a good land use on that property.

Mr. Bower added that the new comp plan Council was about to approve would designate the Steiner property as mixed use which was an even higher density of use than they were proposing.

Mayor Stear said they were talking about R-6 and it immediately went back to commercial so he did not believe they should approve any of it that night. It should all be put on the table to be discussed between the applicant and staff. He felt it would go bad if it didn't go all at once. He suggested they move to table the issue to the next meeting.

Mr. Gigray recommended they continue the hearing to the next council meeting with no parameters.

Council President Buban-Vonder Haar clarified for the applicant that folks were interested in a potential development agreement and asked if they wanted staff mediating.

Mr. Gigray asked each Council Member to state what information they would like to receive.

Council President Buban-Vonder Haar suggested if Council wasn't ready to do that then they submit their questions or requests to Planning & Zoning, or whatever party was appropriate, by Thursday.

Mr. Gigray recommended submitting them to the Planning & Zoning Director or whoever she designated and they could immediately notify the applicant. Then they could be included in the record of this proceeding.

Council Member Christensen did not have any questions. He agreed with the recommendation of resubmitting the rezone for a different zoning.

Council Member McPherson wanted to see some sort of development agreement or something along those lines. He said Mr. Eck was good to work with to his knowledge and a man of his word. He thanked both counsels and Mr. Eck for continuing to work together to keep from having a big legal battle.

Council President Buban-Vonder was going to think on her legal questions and follow up with those.

Mayor Stear would do the same.

Council Member Cardoza wanted to know who was going to make a decision on 2019-04 because he didn't think Council could make a decision until then.

Council President Buban-Vonder Haar thought, depending on their decision, a court would be the ultimate arbiter of that.

Council Member Christensen said both counsels gave their opinion.

Council Member Cardoza thought the legality they would be voting on would be much easier if it was worked out beforehand.

Mr. Eck liked Council President Buban-Vonder Haar's suggestion of submitting questions and requests to staff by Thursday. He wanted to schedule a meeting with staff and he wanted a definition of staff. He would be out of the country as of Tuesday so he wanted to have the meeting with them either Friday or Monday pending their schedule. He would be back the day before the next council meeting.

Planning & Zoning Director Wendy Howell said her schedule was pretty tight. Planner I Sam Weiger would need to be present as well as Mr. Gigray if the applicant's legal counsel was present and if Mr. Gigray's schedule could accommodate. If Ms. Howell couldn't be there a more experienced planner would have to be there in her place.

Mr. Gigray reiterated, regarding Council Member Cardoza's comment, his position on Ordinance 2019-04.

Council Member Cardoza asked what page the application was on in the packet.

Council President Buban-Vonder Haar said there was a City form on pages 17 and 18 of 103 and the submission from Bailey Engineering dated November 25, 2018 started on page 19 of 103.

Council Member Cardoza did not see multiuse on the form anywhere.

Council President Buban-Vonder Haar said it wasn't on the form but it was on page 2 in the submission from Bailey Engineering.

Council Member Cardoza asked if the company letter had legal status to the application.

Council President Buban-Vonder Haar suggested that be a question for follow up.

Mr. Gigray said he would have to review the City's ordinances and application process.

Mayor Stear said that could be a question they pass on.

Mr. Bower reiterated there was no application they could have filed to preserve their rights.

Council President Buban-Vonder Haar reiterated Council's direction for questions and requests regarding this application and its possible resolution.

Council President Buban-Vonder Haar moved to continue the Public Hearing to May 21, 2019, for consideration by the Council. Seconded by Council Member McPherson. Motion carried 4-0.

B. Public Hearing and consideration to adopt the City of Kuna Police Department Impact Fee Study and Capital Improvements Plan, Impact Fee Ordinance, and Impact Fees – Police Chief Jon McDaniel ACTION ITEM
(Timestamp 01:46:34)

Police Chief Jon McDaniel presented the request and reviewed the Capital Improvements Plan. He stood for questions.

Council President Buban-Vonder Haar noted in the resolution under number 1.10 the dated needed to be corrected to May 7, 2019.

Mayor Stear asked if the \$90 was per residential unit.

Mr. Gigray replied it was.

Council Member Cardoza asked if a 4-plex was considered commercial or residential.

Chief McDaniel replied residential.

Mr. Gigray noted the City went through the proper procedures and explained what those procedures were. He reviewed what each public hearing was for.

Council Member Cardoza asked for clarification on the fees.

Mr. Gigray explained how the fees worked and applied to households.

Mayor Stear opened the public hearings.

Support: None

Against: None

Neutral: None

Rebuttal: None

Council President Buban-Vonder Haar moved to close the public hearings and proceed to deliberation. Seconded by Council Member McPherson. Motion carried 4-0.

I. Consideration to approve Resolution No. R33-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS;
- ADOPTION OF THE CITY OF KUNA POLICE DEPARTMENT IMPACT

- FEE STUDY AND CAPITAL IMPROVEMENTS PLAN;
- DIRECTING THE CITY CLERK;
- SETTING AN EFFECTIVE DATE.

Council President Buban-Vonder Haar was in favor of assessing impact fees in order to maintain Kuna's excellent level of police services.

Council President Buban-Vonder Haar moved to approve Resolution No. R33-2019. Seconded by Council Member McPherson. Motion carried 4-0.

2. Consideration to approve Ordinance No. 2019-11

AN ORDINANCE AMENDING TITLE 12 OF THE KUNA CITY CODE BY ADDING A NEW CHAPTER 3, PROVIDING FOR:

- POLICE DEPARTMENT DEVELOPMENT IMPACT FEES;
- SHORT TITLE APPLICABILITY, FINDINGS AND PURPOSE;
- DEFINITIONS;
- IMPOSITION OF CITY OF KUNA POLICE DEPARTMENT IMPACT FEES;
- COLLECTION OF CITY OF KUNA POLICE DEPARTMENT IMPACT FEES;
- EXEMPTIONS;
- INDIVIDUAL ASSESSMENT PROCESS;
- DEVELOPER CREDITS AND REIMBURSEMENTS;
- METHODOLOGY FOR CALCULATION OF CITY OF KUNA POLICE DEPARTMENT IMPACT FEES;
- EXTRAORDINARY IMPACTS;
- FEE PAYER REFUNDS;
- ESTABLISHMENT OF A CITY OF KUNA POLICE DEPARTMENT IMPACT FEE CAPITAL TRUST FUND AND ACCOUNTS;
- USE, EXPENDITURE AND BUDGET PROCESS CITY OF KUNA POLICE DEPARTMENT IMPACT FEES;
- APPEALS, PROTEST AND MEDIATION;
- PERIODIC REVIEWS OF THE CAPITAL IMPROVEMENTS PLAN;
- AUDIT REPORT AS A PART OF THE CITY ANNUAL AUDIT;
- THE CITY OF KUNA POLICE DEPARTMENT DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE;
- ENFORCEMENT AND COLLECTION;
- MISCELLANEOUS PROVISIONS;
- PUNISHMENT FOR VIOLATIONS OF THE ORDINANCE;
- CONSTRUCTION OF ORDINANCE INTENT; and
- PROVIDING AN EFFECTIVE DATE AND PUBLICATION.

Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-11. Seconded by Council Member McPherson. Motion carried 4-0.

Council President Buban-Vonder Haar approve Ordinance No. 2019-11. Seconded by Council Member McPherson. Approved by the following roll call vote:

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

Voting No: None

Absent: None

Motion carried 4-0.

Council President Buban-Vonder Haar moved to approve the summary publication of Ordinance No. 2019-11. Seconded by Council Member McPherson. Motion carried 4-0.

7. Business Items:

- A.** 2019 Kids to Parks Day Proclamation – Mayor Stear
(Timestamp 02:01:01)

Mayor Stear read the proclamation.

- B.** Request for recommendations for appointment to the Ada County Solid Waste Advisory Committee – Mayor Stear ACTION ITEM
(Timestamp 02:02:11)

Mayor Stear presented the request. Currently Ramona Martin sat on that board. Chad Gordon from J & M Sanitation represented the service provider for Kuna. He noted it could not be an elected official in that position. He recommended to keep Ramona Martin and Chad Gordon.

All agreed.

Mayor Stear asked that all those in favor say aye. Motion carried 4-0.

- C.** Quarterly Financial Report Update – Jared Empey, City Treasurer
(Timestamp 02:04:23)

City Treasurer Jared Empey reviewed the Quarterly Financial Report. Revenue, cash, General Fund, and LGIP Funds were strong. He noted they were trying to invest any idle cash through the LGIP Fund. They were knocking it out of the park with that. He also noted due to the strong nature of building in Kuna they had already collected more this quarter in Key Bank LID receipts than any other quarter. He stood for questions.

Mayor Stear noted Mr. Empey was doing a great job.

Council thanked Mr. Empey.

- D.** Consideration to approve Resolution No. R34-2019 – Lisa Holland, Economic Development Director ACTION ITEM
(Timestamp 02:06:48)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA;

- SETTING FORTH CERTAIN PURPOSES,
- AUTHORIZING THE MAYOR AS THE AUTHORIZED AGENT OF THE CITY TO EXECUTE THE “AGREEMENT OF TERMINATION OF MEMORANDUM OF UNDERSTANDING” BY AND AMONG THIS CITY, PROVIDENCE DEVELOPMENT GROUP, LLC AND DICK L. REED (DECEASED) AND RUTH L. REED INDIVIDUALLY AND AS TRUSTEE OF THE RUTH L. REED TRUST;
- DIRECTING THE CLERK; AND
- SETTING AN EFFECTIVE DATE.

Lisa Holland, Economic Development Director explained the situation and need to exit the MOU. She stood for questions.

Council President Buban-Vonder Haar moved to approve Resolution No. R34-2019. Seconded by Council Member McPherson. Motion carried 4-0.

- E.** Consideration to Approve Resolution No. R35-2019 – Lisa Holland, Economic Development Director ACTION ITEM
(Timestamp 02:09:33)

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE “PROFESSIONAL SERVICES AGREEMENT” WITH JUB ENGINEERING, INC. FOR THE ECONOMIC DEVELOPMENT DEPARTMENT IN FACILITATING A PUBLIC WORKSHOP ON FINANCING TOOLS FOR ECONOMIC DEVELOPMENT AND URBAN RENEWAL; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

Economic Development Director Lisa Holland reviewed the purpose of this resolution and the previous conversations they had.

Council President Buban-Vonder Haar asked to lock in on the date.

Council agreed to Wednesday, June 5, 2019 in the evening for the workshop.

Council President Buban-Vonder Haar moved to approve Resolution No. R35-2019. Seconded by Council Member McPherson. Motion carried 4-0.

- F. Request for \$4,500.66 from Contingency Fund to send 3 (three) employees to the Caselle Conference for training – Nancy Stauffer, Human Resources Director

ACTION ITEM

(Timestamp 02:11:31)

Nancy Stauffer, Human Resources Director, presented the request. She stated Caselle was a complicated system that did all of her payroll, time keeping, human resources, and all of utility billing. She stood for questions.

Council President Buban-Vonder Haar moved to approve the expenditure \$4,500.66 from Contingency Fund to send 3 (three) employees to the Caselle Conference for training. Seconded by Council Member McPherson. Motion carried 4-0.

- G. Request for direction on potential workshop for Rate Study – Bob Bachman, Public Works Director **ACTION ITEM**

(Timestamp 02:13:18)

Public Works Director Bob Bachman presented his request.

Council President Buban-Vonder Haar asked if this was what they already sat through or if it was more refined based on the input they proved.

Mr. Bachman replied it was more refined based on the input they provided. It was 90% what they already saw. They took the input given and then went a little deeper.

Council President Buban-Vonder Haar asked if they should just meet with them and refine input or if it should go to all Council.

Mr. Bachman said they could do it that way. Since it was pretty much what they saw that would go pretty quickly. Then they could bring it before Council with a recommendation.

Council President Buban-Vonder Haar asked if he wanted to set a time then or loop back in later.

Mr. Bachman said he would loop back around with them. He was concerned that it would be too long to present at Council without doing a workshop prior to that.

Mayor Stear suggested he send the document to the entire Council to review but not comment on.

Council President Buban-Vonder Haar hoped that given that they already had insight and perspective they would be able to summarize. Others would be able to have the in-depth version but they could choose to go with the summary.

Mayor Stear thought they could do it with a summary.

8. Ordinances:

A. Consideration to approve Ordinance No. 2019-12 ACTION ITEM (Timestamp 02:18:41)

A MUNICIPAL ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

AMENDING TITLE 1 OF THE KUNA CITY CODE BY THE ADDITION THERETO OF A NEW CHAPTER 17 PROVIDING FOR AN AGENCY FUND; AND

- PROVIDING THE FUND'S PURPOSE; AND
- PROVIDING THE FUND'S NAME; AND
- PROVIDING STANDARDS FOR DEPOSITS TO THE FUND; AND
- PROVIDING FOR THE FUND'S ACCOUNTING, DISTRIBUTION RESTRICTIONS AND INVESTMENT GUIDELINES; AND
- PROVIDING FOR THE TRANSFER OF THE FUND'S INCOME TO THE CITY'S GENERAL FUND; AND
- AMENDING TITLE 1 OF THE KUNA CITY CODE BY THE ADDITION THERETO OF A NEW CHAPTER 18 PROVIDING FOR PUBLIC DEPOSITORY LAW COMPLIANCE; AND
- STATING A PURPOSE; AND
- PROVIDING FOR THE PROCESS OF THE DESIGNATION OF THE CITY'S DEPOSITORY; AND
- PROVIDING FOR THE PROCESS OF THE CERTIFICATION OF CITY FUNDS FOR INVESTMENT; AND
- PROVIDING FOR INVESTMENT GUIDELINES AND ACCOUNTING OF INVESTMENT INTEREST; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

City Treasurer Jared Empey provided background on the ordinance and stood for questions.

Council Member Cardoza asked if those funds were insured for SDIC at \$250,000 and if they had an obligation for any amount over \$250,000 if that bank failed.

Mr. Empey said the funds were insured. He did not know for sure but assumed the City would have an obligation.

Council Member Cardoza put the question to City Attorney Bill Gigray.

Mr. Gigray thought as long as the City was using reasonable investment practices Kuna was fine.

Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-12. Seconded by Council Member McPherson. Motion carried 4-0.

Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-12. Seconded by Council Member McPherson. Approved by the following roll call vote:

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

Voting No: None

Absent: None

Motion carried 4-0.

Council President Buban-Vonder Haar moved to approve the summary publication of Ordinance No. 2019-12. Seconded by Council Member McPherson. Motion carried 4-0.

**B. Consideration to approve Ordinance No. 2019-13 ACTION ITEM
(Timestamp 02:25:14)**

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 CHALLENGER DEVELOPMENT INC.; 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 NEW YORK IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; and**
- **PROVIDING AN EFFECTIVE DATE.**

Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-13. Seconded by Council Member McPherson. Motion carried 4-0.

Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-13. Seconded by Council Member McPherson. Approved by the following roll call vote:

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

Voting No: None

Absent: None

Motion carried 4-0.

C. Consideration to approve Ordinance No. 2019-14 ACTION ITEM
(Timestamp 02:26:32)

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 BILTMORE COMPANY LLC.; 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.

Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-14. Seconded by Council Member McPherson. Motion carried 4-0.

Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-14. Seconded by Council Member McPherson. Approved by the following roll call vote:

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

Voting No: None

Absent: None

Motion carried 4-0.

D. Consideration to approve Ordinance No. 2019-15 ACTION ITEM
(Timestamp 02:27:42)

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 DB DEVELOPMENT LLC.; 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 NAMPA & MERIDIAN IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; and
- PROVIDING AN EFFECTIVE DATE.

Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-15. Seconded by Council Member McPherson. Motion carried 4-0.

Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-15. Seconded by Council Member McPherson. Approved by the following roll call vote:

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

Voting No: None

Absent: None

Motion carried 4-0.

**E. Consideration to approve Ordinance No. 2019-16 ACTION ITEM
(Timestamp 02:28:55)**

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 TOLL ID I LLC.; 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.**

Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-16. Seconded by Council Member McPherson. Motion carried 4-0.

Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-16. Seconded by Council Member McPherson. Approved by the following roll call vote:

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

Voting No: None

Absent: None

Motion carried 4-0.

F. Consideration to approve Ordinance No. 2019-17 ACTION ITEM
(Timestamp 02:30:09)

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 DB DEVELOPMENT LLC.; 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.

Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-17. Seconded by Council Member McPherson. Motion carried 4-0.

Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-17. Seconded by Council Member McPherson. Approved by the following roll call vote:

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

Voting No: None

Absent: None

Motion carried 4-0.

9. Mayor/Council Announcements:

(Timestamp 02:31:21)

City Clerk Chris Engels shared the City was awarded the CDBG grant for \$500,000 for Downtown Revitalization Phase II. The City was waiting for the official yes on another \$700,000. The team was looking to finish the last 5% of engineering by the end of summer and go out for bid in the fall with construction in 2020 to finish Phase II.

Mayor Stear noted Kelsey Holder was Kuna's representative for the business community and he did a great job.

Ms. Engels added the whole team did a great job.

Bobby Withrow, Parks Director, gave an update on the Splash Pad. Pending no major issues, it would be up and running for Memorial Day Weekend.

Council President Buban-Vonder Haar asked if there was going to be an official event.

Mr. Withrow said it would probably be the next week.

Mr. Withrow also shared May 17, 2019 would be Kuna's Arbor Day and they would be dedicating the Greenbelt to Greg Nelson. It would be at 2:00 p.m. He said it would be awesome if they could be there.

Mayor Stear recommended they send out an invite to Council and all City Staff.

Council Member Cardoza asked about a property they had talked about trading with ACHD.

Public Works Director Bob Bachman replied they were still discussing it. The area they were looking at swapping for it probably wasn't the best for it. They were looking for a different piece to trade.

10. Executive Session: 8:36

(Timestamp 02:36:55)

A. Adjourn to Executive Session pursuant to:

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

- (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

Mayor Stear indicated there would be 2 parts to the Executive Session. He, Council, City Attorney Bill Gigray, Public Works Director Bob Bachman, Human Resources Director Nancy Stauffer, and City Clerk Chris Engels would remain for their respective parts of the Executive Session.

Council President Buban-Vonder Haar moved to adjourn to Executive Session pursuant to Idaho Code Section 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Seconded by Council Member McPherson. Motion carried 4-0.

Executive Session City Council Regular Meeting of May 7, 2019 – The City Council, upon a unanimous roll call vote, convened into the Executive Session, pursuant to Idaho Code Section 74-206 (1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The executive session was convened at 8:36 p.m. and had 2 parts. In attendance for their respective parts, were Mayor Joe Stear, Council President Briana Buban-Vonder Haar, Council Member Richard Cardoza, Council Member Warren

Christensen, Council Member Greg McPherson, City Attorney Bill Gigray, Public Works Director Bob Bachman, Human Resource Director Nancy Stauffer, and City Clerk Chris Engels. Mr. Gigray was appointed as special clerk to take the minutes for part of the executive session that Ms. Engels was not a part of. No formal approvals or decisions were made during the executive session by Council. At 9:45 p.m. Council President Buban-Vonder Haar moved and Council Member McPherson seconded to come out of executive session and to reconvene into open session which motion passed unanimously.

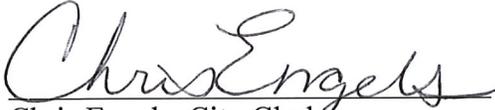
Open session resumed and Mayor Stear reported that information was received and no action was taken by the City Council.

11. Adjournment: 9:45 P.M.



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



Minutes prepared by Ariana Welker, Deputy City Clerk
Date Approved: CCM 05.21.2019



CITY OF KUNA

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

May 7, 2019 – City Council Public Hearing

Case Name: 18-07-AN (Annexation) & 18-05-ZC (Rezone) – Bodahl-Stiner Annexation

Case Type: Tim Eck requests to annex two parcels comprising of approximately 40 acres at 3925 W Hubbard Road into Kuna City Limits with an R-6 zoning designation; and to rezone approximately 40 acres at 3003 N Ten Mile Rd. The subject sites are within Section 15, Township 2 North, Range 1 West; (APN's S1315120800, S1315120700, & S1315110051)

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

IN FAVOR	NEUTRAL	IN OPPOSITION
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<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> <hr/> Print Name <hr/> Print Address <hr/> City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> <hr/> Print Name <hr/> Print Address <hr/> City State, Zip	<input checked="" type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> <i>Debbie L. McMullen</i> Print Name <i>3800 W. Hubbard Rd</i> Print Address <i>Kuna ID 83634</i> City State, Zip
<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> <hr/> Print Name <hr/> Print Address <hr/> City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> <hr/> Print Name <hr/> Print Address <hr/> City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> <hr/> Print Name <hr/> Print Address <hr/> City State, Zip
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PRELIMINARY PLAT FOR MYRTLEWOOD SUBDIVISION

LOCATED WITHIN A PORTION OF THE NORTH 1/2 OF SECTION 15, TOWNSHIP 2 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, KUNA, IDAHO 2007

SHANE DE LA CROIX
100 S. 100 E.
CANTON, IDAHO

NOTES:

1. THE SUBDIVISION IS SUBJECT TO COMPLIANCE WITH DEVELOPMENT SECTION 20-3000 CONCERNING IRRIGATION ETC.
2. ALL LOTS ARE HEREBY REPRESENTED AS HAVING A PERMANENT PUBLIC UTILITY, DRAINAGE AND IRRIGATION COVERAGE UNDER THE 2007 CITY KEY CONTRACTORS TO AND PARALLEL WITH ROAD RIGHTS-OF-WAY. COVERAGE FOR THIS SHALL NOT PRECLUDE THE CONTRACTORS OF FUTURE THIS SERVICE DEVELOPMENT FOR ACCESS TO FUTURE IMPROVEMENTS, LOT AND UTILITY LOCATIONS ARE SHOWN ON THE PLAN.
3. LOTS OF COMMON RESIDENTIAL LOT LOTS HAVE A (P) (C) POST PERMANENT PUBLIC UTILITY, DRAINAGE AND IRRIGATION COVERAGE. EXCEPT AS NOTED OTHERWISE.
4. A 100 FOOT FRONT YARD PERMANENT PUBLIC UTILITY, DRAINAGE AND IRRIGATION COVERAGE SHALL BE PROVIDED ADJACENT TO ALL EXISTING RESIDENCES WHERE THE EXISTING LOTS OF RESIDENCE PORTS.
5. ANY RECONSTRUCTION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RECONSTRUCTION.
6. ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WITH DOMESTIC WATER SERVICE BY THE CITY OF KUNA. THE PROPOSED WATER MAIN SHALL BE CONNECTED TO EXISTING CITY OF KUNA WATER MAINS TO PROVIDE SERVICE TO THE SUBDIVISION.
7. ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WITH SANITARY SEWER SERVICE BY THE CITY OF KUNA. THE PROPOSED SEWER MAIN SHALL BE CONNECTED TO EXISTING CITY OF KUNA SEWER MAINS TO PROVIDE SERVICE TO THE SUBDIVISION.
8. DEVELOPER/OWNER HAS AGREED TO TRAVEL IMPROVEMENT BOND WITH THE CITY OF KUNA. PROVISIONS FOR THIS BONDING AND THE CITY OF KUNA HAS AGREED TO BOND PROVISIONS WITH THIS AND WILL ADDRESS THE LOTS IN THIS SUBDIVISION FOR WATER USES.
9. ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WITH PRESCRIBED BURNING SERVICE WHICH WILL BE FINANCED AND PROVIDED BY THE HOMEOWNERS ASSOCIATION.
10. THE INTERNAL SUBDIVISION STREETS ARE DESIGNATED TO BE PUBLIC AND SHALL BE CONVEYED BY AGREEMENT WITH THE CURRENT OWNER OF THE LANDS ADJACENT TO PUBLIC ROAD CONSTRUCTION AND THE ADA COUNTY HOMEOWNERS DISTRICT BOUNDARIES.
11. ALL WATERMAIN SERVICE LINES WITH A 12" HIGH WROUGHT IRON PIPE, SUBJECT TO THE SIGNATURE OF THE CITY OF KUNA AND THE SPECTRA ENERGY.
12. LOTS 11 AND 12, BLOCK 1; LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

DEVELOPMENT CONTACTS

DEVELOPER/OWNER
LAGLER/DEW PROPERTIES, LLC
1500 CANYON STREET
MORGAN, IDAHO 83446
PHONE: (208) 855-8855
CONTACT: JIM JEWETT

ENGINEER/ARCHITECT/PLANNER
THE LAND GROUP, INC.
402 EAST SHORE DRIVE, SUITE 100
EAGLE, IDAHO 83616
PHONE: (208) 839-4041
CONTACT: PHIL HALL

LEGEND

- 12" PROPOSED WATER
- 8" PROPOSED SEWER
- SITE BOUNDARY
- RIGHT-OF-WAY
- PROPERTY LINE
- CONTINUING OF ROAD
- PROPOSED FIRE HYDRANT
- PROPOSED SEWER MANHOLE
- PROPOSED LIGHT POLE

UTILITIES CONTACTS

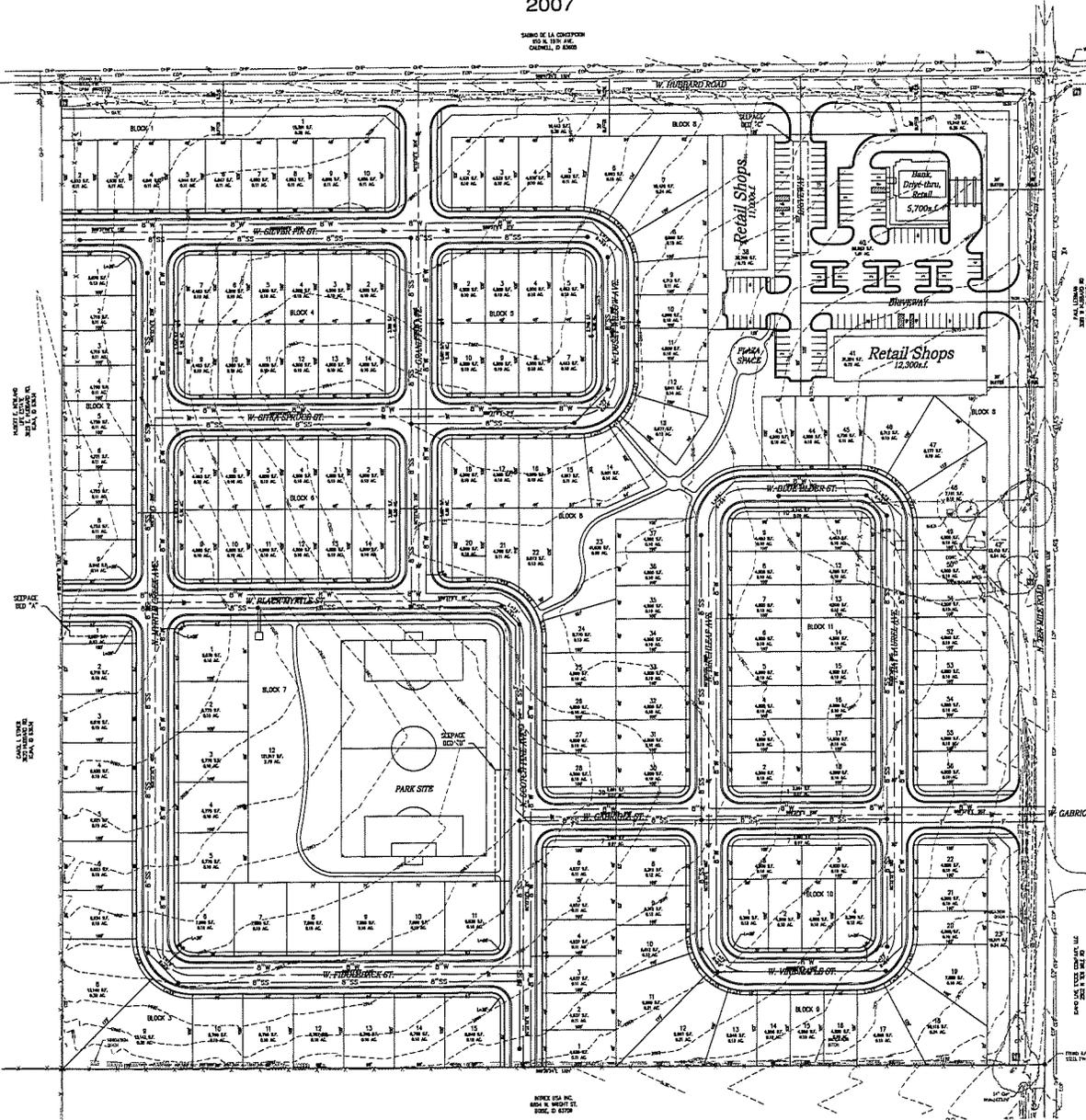
OWNER
CITY OF KUNA
PUBLIC WORKS DEPARTMENT
763 W. AVENUE
KUNA, IDAHO 83634
PHONE: (208) 822-3387
CONTACT: JIM TAYLOR

WATER
CITY OF KUNA
PUBLIC WORKS DEPARTMENT
763 W. AVENUE
KUNA, IDAHO 83634
PHONE: (208) 822-3387
CONTACT: JIM TAYLOR

FIRE DEPARTMENT
KUNA FIRE DEPARTMENT
PHONE: (208) 822-1144

WASTE
SANDY POWER CO.
10700 FRANKLIN RD.
BOISE, IDAHO 83739
PHONE: (208) 388-6220
CONTACT: BO STEWART

HEALTH DEPARTMENT
CLATSOP DISTRICT HEALTH DEPT.
702 W. BRIDGEMAN PL.
BOISE, IDAHO 83704
PHONE: (208) 377-8517



DEVELOPMENT DATA

TOTAL PROPERTY AREA:	40.43 AC. (1,761,838 S.F.)
PUBLIC R.O.W. AREA:	10.89 AC. (474,328.45 S.F.)
SINGLE FAMILY LOT AREA:	20.23 AC. (881,071.29 S.F.)
COMMERCIAL LOT AREA:	2.78 AC. (121,048.82 S.F.)
COMMON/OPEN SPACE AREA:	6.55 AC. (285,281.29 S.F.)
SINGLE FAMILY LOTS:	187 LOTS
COMMERCIAL LOTS:	3 LOTS
COMMON/OPEN SPACE LOTS:	18 LOTS
TOTAL LOTS:	188 LOTS
RESIDENTIAL DENSITY:	4.13 RES. LOTS PER AC.
EXISTING ZONING:	R-4 & R-4-C

ZONING REGULATIONS

LOT:	20 FT.
FRONT:	20 FT.
REAR:	15 FT.
INTERIOR SIDE:	5 FT.
STREET SIDE:	20 FT.
MINIMUM STREET FRONTAGE:	45 FT.
MINIMUM LOT AREA:	4,500 S.F.
MINIMUM HEIGHT:	35 FT.
MINIMUM COVERAGE:	40%

LOT:	20 FT.
FRONT:	20 FT.
REAR:	15 FT.
INTERIOR SIDE:	5 FT.
STREET SIDE:	20 FT.
MINIMUM STREET FRONTAGE:	68 FT.
MINIMUM LOT AREA:	6,800 S.F.
MINIMUM HEIGHT:	35 FT.
MINIMUM COVERAGE:	40%

DRAINAGE AREAS

SEWAGE BED "A"	11.83 AC. (518,254.94 S.F.)
SEWAGE BED "B"	3.70 AC. (162,213.27 S.F.)
SEWAGE BED "C"	2.78 AC. (121,008.03 S.F.)

PRELIMINARY



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The Land Group, Inc.

NO.	DATE	DESCRIPTION

Myrtlewood Subdivision
Preliminary Plat
Kuna, Idaho



THE LAND GROUP
-Landscape Architecture
-Civil Engineering
-Site Planning
-Civil/Storm Drainage
& Engineering
-Drainage Communication
-Land Surveying

402 East Shore Drive,
Suite 100
Eagle, Idaho 83616
Phone (208) 839-4041
Fax (208) 839-4445
www.thelandgroupinc.com

Project Number:	0509
Designed by:	SD
Checked by:	SD
Checked by:	PH
Issue Date:	10-4-07

SCALE: 1"=50'
Sheet Title:
Preliminary
Plat

Sheet Number:
1.01



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