

## 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, October 15, 2019**

**6:00 P.M. REGULAR CITY COUNCIL**

### **1. Call to Order and Roll Call**

#### **COUNCIL MEMBERS PRESENT:**

Mayor Joe Stear  
Council President Briana Buban-Vonder Haar  
Council Member Richard Cardoza  
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  
Wendy Howell, Planning & Zoning Director  
Nancy Stauffer, Human Resources Director  
Bobby Withrow, Parks Director

### **2. Invocation: Jim Bollin, Kuna Seventh Day Adventist**

### **3. Pledge of Allegiance: Mayor Stear**

### **4. Consent Agenda: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS (Timestamp 00:01:42)**

*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, October 1, 2019**

**B. Accounts Payable Dated October 10, 2019 in the Amount \$648,129.53**

**C. Resolutions**

- 1. Consideration to approve Resolution No. R74-2019**

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE “ANIMAL WELFARE AND ENFORCEMENT AGREEMENT” WITH THE IDAHO HUMANE SOCIETY TO PROVIDE ANIMAL CONTROL SERVICES WITHIN THE CITY OF KUNA, IDAHO FOR THE 2020 FISCAL YEAR, OCTOBER 1, 2019 TO SEPTEMBER 30, 2020, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

- 2. Consideration to approve Resolution No. R75-2019**

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE DEED OF PUBLIC UTILITIES EASEMENTS, GRANT AND CONVEYANCE OF UTILITY PIPELINES, AND GRANTEE ACCEPTANCE FROM BILTMORE COMPANY, LLC.

- 3. Consideration to approve Resolution No. R76-2019**

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE COOPERATIVE AGREEMENT BETWEEN VALLEY REGIONAL TRANSIT AND CITY OF KUNA FOR ANNUAL ASSESSMENT; AUTHORIZING THE CITY TREASURER TO PAY THE ANNUAL ASSESSMENT IN THE AMOUNT OF NINE THOUSAND EIGHT HUNDRED NINETEEN DOLLARS AND ZERO CENTS (\$9,819.00); AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

- 4. Consideration to approve Resolution No. R77-2019**

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A PERFORMANCE BOND BY SELECT MANAGEMENT & CONTRACTING, LLC, FOR THE LUGARNO TERRA SUBDIVISION FOR UNCOMPLETED WORK INCLUDING LANDSCAPING, FENCING, AND STREET LIGHTS PURSUANT TO THE TERMS OF THIS RESOLUTION.

**D. Final Plats**

1. Consideration to approve Case No. 19-06-FP (Final Plat) for Lete Commercial Sub.
2. Consideration to approve Case No. 19-12-FP (Final Plat) for Ashton Estates No. 3.
3. Consideration to approve Case No. 19-13-FP (Final Plat) for Silver Trail No. 4
4. Consideration to approve Case No. 19-14-FP (Final Plat) for Winfield Springs No. 4

**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:**

*None*

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

- A. Public Hearing and Consideration to approve 19-04-ZC (Rezone) for The Kuna Rural Fire District – Jace Hellman, Planner II ACTION ITEM  
(Timestamp 00:02:18)

The Kuna Rural Fire District requests to rezone approximately 1.63 acres from an “A” (Agriculture) zoning district classification to a “P” (Public) zoning district classification. The subject site is located at the southwest corner (SWC) of S. Cloverdale Road and E. Kuna Road, Kuna, ID 83634 (APN: S1428111010).

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

Mayor Stear opened the public hearing.

Support: None

Against: None

Neutral: None

Rebuttal: None

**Council President Buban-Vonder Haar moved to approve 19-04-ZC (Rezone) and the Findings of Fact, Conclusions of Law and Order of Decision as presented in the packet and Close the Public Hearing. Seconded by Council Member McPherson. Motion carried 4-0.**

- B.** Public Hearing and Consideration to approve 19-03-ZC (Rezone) and 19-05-S (Subdivision) for Athleta Subdivision – Troy Behunin, Planner III ACTION ITEM  
(Timestamp 00:06:02)

Applicant requests to rezone approximately 4.11 acres in Kuna City from C-1 (Neighborhood Commercial) to R-20, (High Density Residential [HDR]) zone; and to subdivide the approx. 4.11 acres into 63 total lots (Home lots & Common lots) and have reserved the name Athleta Subdivision. A Design Review application for the common areas & buffer landscaping proceeded this application (19-05-DR). The site is near the northwest Corner of Ten Mile Rd. and Crenshaw Street, Kuna, Idaho; In Section 15, T 2N, R 1W, APN #: S1315449223.

Planner III Troy Behunin presented the staff report and briefly reviewed the project's history. He stood for questions.

Jane Suggs with WHPacific was representing the applicant. She felt Mr. Behunin provided a good summary. She gave a more in-depth presentation on the project and noted they agreed with all the conditions of approval, including those added by Planning & Zoning. She thanked staff for being so forward thinking. She was excited to bring a new product to Kuna. Ms. Suggs also noted this would not be low-income housing. It would be market rate housing. She asked Council to approve their rezone and their preliminary plat as conditioned by staff. She stood for questions.

Council Member Christensen asked if they would be putting sidewalk outside the development along Ten Mile Road.

Ms. Suggs replied they would be putting in two sidewalks; the sidewalk right in front of the units and the public sidewalk within the right-of-way of Ten Mile. They wouldn't be improving Ten Mile with curb, gutter, and sidewalk, which was a typical thing with arterials, but they would have a sidewalk running the length of the property. She added they did not have access to Crenshaw. When Crimson Point was put in, the developer and now the HOA, which might still be controlled by the developer, owned a strip of land that separated this project from the right-of-way of Crenshaw so they couldn't get access. In fact, there was a fence already up. They were hoping to work with the developer to adjust the fence since it was just a vinyl fence that ran along the property boundaries. That was something the school had asked about; putting a shelter where there was an amenities space but they couldn't get the kids to Crenshaw because of the fence.

Mayor Stear opened the public hearing.

Support: None

Against:

Stephen Harris, 2255 N Ten Mile Road, Kuna, Idaho 83634, quoted 1 Corinthians 14:40, "Let all things be done decently and in an orderly manner." When they pulled into the parking lot that night, he noticed a card on the board that said "Gateway to the Birds of Prey, City of Kuna". He asked if that was what Kuna was noted for now. He shared information on Manifest Destiny from the 1800s, a mission adopted by the United States to make the west in the image of the agrarians of America in the east. Kunites had fulfilled that destiny for 150 years. He stated now people from the west coast were looking to create a new Manifest Destiny; eliminating the Manifest Destiny of the agrarian cultural. They had the idea that the agricultural lifestyle needed to be taken over by the Manifest Destiny of over population. This west coast lifestyle would eliminate agriculture, wild life, and the reason they came to Idaho in the first place.

Mr. Harris was concerned to keep up with the growth people would have to pay more and more taxes and those on fixed incomes would be driven to the west Treasure Valley or even Oregon and schools were already overcrowded. He was concerned if they continued to build houses that shared common walls there would be no place for old buffalos like himself to roam. He concluded by singing the first verse and chorus of "Home on the Range".

Jonathan Durfee, 2255 N Ten Mile Road, Kuna, Idaho 83634, owned the property that bordered the north and west side of the proposed development. He stated the development would directly affect the current use of his property and create a large financial and stressful burden on his family. Already the proposed plan caused him multiple days of stress and work rebuilding his barn for more privacy for himself and his animals because of the proposed dwellings they wanted to build along his property line.

Mr. Durfee was concerned about his irrigation and flood style watering system. Major ditch piping redesign would need to take place to maintain the current watering abilities. He was also concerned about the risk of flooding neighboring houses if something unforeseen happened during his weekly irrigation. He did not have the means or ability to rebuild 6,000 feet of ditch line and requested that any developer coming in address this issue to protect their property.

Mr. Durfee was also worried for his livestock. With every dwelling built on the project site the liability factor greatly increased. More people brought the concern of injuries to his livestock and people due to their negligence or curiosity. Animals did not understand property lines or noise ordinances and he was constantly having to fix

fences. He suggested a 2-foot waterproof berm and a 6-foot livestock proof concrete wall be built to properly secure the safety of the property.

Mr. Durfee said he understood the restrictions of the property but he felt Kuna would benefit more from a commercial development at this location. There were no stores or facilities anywhere on Ten Mile Road for existing property owners to eat, fuel vehicles, or work. Traffic in that area was already difficult to deal with and adding 57 units in such a small space would not help. He thought having a second entrance onto this property from Crenshaw would open up more development options and help with traffic issues on Ten Mile Road. He did not think high density residential matched Kuna's identity at this time and felt they needed to create more opportunities for businesses to come in. He stood for questions.

Ivy Durfee, 2255 N Ten Mile Road, Kuna, Idaho 83634, was worried Kuna was losing its small-town feel. They bought their property 3 years ago and enjoyed the privacy of not having neighbors right up against their property being able to see into each other's homes. On the proposed plan, because of ACHD guidelines, the entrance would be close to their property line. That meant the 11 townhomes along that line would be facing their property looking down on them. She noticed in the Council Packet there was an updated plan that included a few conditions of approval from the Planning & Zoning meeting back in August. She appreciated them working with them by putting some trees along the north, south, and west property lines. However, they wanted their privacy immediately; not in ten plus years when the trees would be mature enough to give them privacy from the second story of these homes. They were asking as a condition of approval they be required to plant 8 – 10-foot conifer trees and 3 – 4-inch diameter non-conifer trees. This would give them and the owners of the 11 homes on the north and 4 homes on the west their privacy.

Ms. Durfee was also concerned about traffic the proposed subdivision, along with the Cazador subdivision on the east side of Ten Mile, would bring to the already congested road. She stated there was also the possibility these townhomes could be purchased by local and out of state investors as rentals which would bring more crime to the area.

Ms. Durfee worried about where children of families possibly moving into this subdivision would go to school. Schools were overcrowded and under staffed. She believed Kuna needed to stop building and focus on catching up on building schools for all the children that would be moving to the Kuna area in the next year or two. She felt this type of subdivision did not belong in Kuna. It belonged in a more highly populated area like downtown Boise and a commercial or smaller subdivision of homes on larger lots would be best for that property and area.

Amy Harding, 1852 W Crenshaw Street, Kuna, Idaho 83605, was not supportive of putting this many homes in for many reasons that had already been stated. She felt resources for the city needed to be looked at to support the needs of the community prior to putting in more residential since they already knew there was more

residential coming. All four of her children had no academic problems prior to them moving to Kuna a year ago. Now she was working with principals and teachers in both the middle school and elementary school to improve the school system. There was definitely an overpopulated student to teacher ratio. She was teaching her kindergartener herself after school. She was a full-time manager of a health care clinic so she was very busy but she made sure her child was educated properly. That was a major concern for her. She also knew the fire department did not get approval to build another fire department in Kuna. Other resources, traffic, and roads could also be impacted.

Ms. Harding had a few concerns if this were to get approval. She was not a spokesman of the Crenshaw HOA but she would not propose any through put on that fence line at all. There were already too many people coming from the apartment complex, which was not part of their HOA, to utilize their services in Crenshaw. They allowed it and did not complain about it. There were many fence line issues meaning there were broken fences on their side of the property that were not getting fixed. They were very good at keeping Crenshaw's up so she was concerned this type of project with young kids would make maintaining the fence that would become mutual difficult. If this project were to go in, she thought it would be good to have something in place to assure the Crenshaw HOA they would not have to pay to fix the fence every time.

Ms. Harding shared another issue was the weeds on the property disrupting the line of site from Crenshaw onto Ten Mile. She reiterated the need to look at resources prior to opening more residential space. She also noted the tot lot on the plan had no equipment in it so she was concerned they would not have enough resources to support their own community in their own area.

Steve Nelson, 2082 N McClure Lane, Kuna, Idaho 83634, owned the property to the west of the Durfee's. These houses would look down directly across his property. He knew the code had changed to prevent four-plexes on commercial property but he did not understand the difference between a four-plex and four townhomes attached to each other. He was also concerned about the possibility of these townhomes becoming rental properties. He knew there was a need for rental houses but with 57 units he was concerned about traffic in the area. It was difficult to get onto Ten Mile in the mornings with all the subdivisions going in. He said the powers that be downtown needed to figure out what to do out here.

Mr. Nelson felt fencing was an issue as well. Neighbors from Crimson Point along his property had dogs that dug under the fences and came into his horse pasture and little kids would come into his field. He had two kids hiding in his field while he was cutting hay. It scared them and they wouldn't make that mistake again but he had said they needed to put a no climb fence behind that subdivision. He had some issues with holes being knocked into the fence and fighting with the HOA to fix it. He did not support this project and he agreed with the previous testimonies. He did not think this was the place or time for it. However, he would be okay with commercial.

Neutral: None

Rebuttal:

Jane Suggs with WHPacific, representing the applicant, explained she spoke with her engineer about the irrigation along the north side. They would be working with Mr. Durfee to make sure they didn't create any more problems for him. They came to an agreement with the developer for some sort of piping or something to keep that water moving so it didn't overflow like the ditch. She didn't know if they could agree to a big concrete wall but she thought they could do some sort of berming and a way to pipe in some of that open ditch line that would be more efficient. They would agree to working with the property owner to the north on irrigation as a condition of approval and thought they were very close to having construction drawings prepared that they could share with him. She would get his email address and send those to him for comments.

Ms. Suggs also believed they had added quite a few trees. She had just showed the neighbors the old landscape plan and the new landscape plan with the additional trees being added along the north and west side. She understood the neighbors wanted something now. They would do what they could. It was a condition of approval to plant trees that were reasonable. The problem with planting 4-inch deciduous trees was they wouldn't live. They had to be planted at certain sizes. They could work with staff on what size trees made sense to plant there. Some of those conifers did grow a foot or two a year. They were very fast growing; junipers especially.

Ms. Suggs appreciated the vision triangle Ms. Harding brought up. They could improve that. It was part of the requirements of putting in a development. They would make sure none of their landscaping would cause a problem with the vision triangle. They didn't own the property along Crenshaw so they couldn't do a whole lot with that radius but they would make sure their plantings didn't create an additional problem.

Ms. Suggs shared they were very happy to do some of the things Mr. Nelson discussed. They felt adding the fencing to keep the kids from coming in and out was a good opportunity to create a possibility or code for properties going in next to rural properties. There would be the regular vinyl fence with a metal fence behind it that would keep the panels from knocking out and animals couldn't get through the metal fence either. She also addressed the issue with the fence that was already there and the maintenance of it. She would love to see a lower fence or open fencing and maybe something that wouldn't get torn up or kicked down. She thought it would be nice to see the fronts of homes as opposed to fencing. They wanted to work with the HOA and property owners to see what they could work out with any fencing issues. They didn't want to create access. She believed there was a gate that allowed access to a sewer man hole but that was it.

Ms. Suggs was happy to answer any other questions brought up by the neighbors. They wanted to be good neighbors. They did think this was the right place for this. Ten Mile was an arterial street and it was where traffic went. The report from ACHD showed there was plenty of capacity for more traffic on Ten Mile. It was also popular because it was close to the highway. There would be lots of development along Ten Mile as people gravitated towards it. This was a great product that provided a nice mix of housing and would be a really attractive addition to Kuna. She requested approval.

Council Member Christensen asked about the tot lot and if there were any plans for equipment.

Ms. Suggs replied there would be playground equipment and a pavilion for parents to sit in the shade. A tot lot meant play equipment.

Public Works Director Bob Bachman asked for clarification on a no climb fence.

Ms. Suggs explained it was not a chain link or wrought iron fence behind the vinyl. It would be metal v-mesh fencing.

Mr. Bachman pointed out if they allowed that it would not meet the fence ordinance.

Ms. Suggs replied it would be vinyl with metal behind it. She knew vinyl met the code and metal did not but the metal fencing was at the request of the neighbors and would be something only they would see. It would not be visible to the subdivision or the public. She thought it was something they could make happen.

Mayor Stear clarified Council changed the C-1 designation to not include multifamily because they felt it was like a bait and switch. People would see C-1 and automatically think commercial and they didn't think that was appropriate. They realized it would be different if they had left that alone but that was why they made the change.

Mayor Stear didn't know what they could do regarding disclosure from realtors about agriculture next door. He was already getting a lot of calls about the people who built across from the dairy. Apparently, the realtor said the dairy was moving soon but he had not heard of that dairy moving at all. It all came down to the integrity of whoever was selling a property.

Mayor Stear shared one of his biggest problems with this type of project was the lack of services on Ten Mile. He knew Ten Mile was intended to be a corridor and would be widened and improved. As far as traffic went, it would increase on Ten Mile but also on Deer Flat because people would be traveling in to services. That was just a problem for now but he didn't know when those changes would be made. He really did have a concern about putting that many people in an area like that.

Council Member Christensen added a lot of times ACHD would say roads could accommodate a lot more traffic but when people came in to testify or sent in letters it was always a top concern. They were the ones that had to drive in that area. It understandably concerned a lot of citizens and they had to take it into consideration. It was a catch 22. Adding more homes to a street that was already congested in their eyes would just be more cause for concern regarding safety.

Council Member Cardoza agreed. They put a lot of work into the new comp plan and he wanted to see more commercial up and down Ten Mile. It was made to be commercial. He wanted to see it stay C-1 and did not think Ten Mile was ready for that much traffic yet. He spoke with the police chief about concerns with the four-plexes down the road and the amount of people there. He did not think it was a good area for a buy and sell development.

Council Member Christensen was also concerned about the overcrowding in Kuna schools. It was a situation that caused the school district to pass an emergency levy. Rezoning a commercial to a residential right then would put more strain on the district when they already had plenty of work ahead of them keeping up with things that were already approved. He struggled with that.

Council President Buban-Vonder Haar asked if he was asking that they no longer approve development at all.

Council Member Christensen replied he was not blanketing anything. It was just rezoning this from a C-1 to an R-20 did not make sense to him in that area.

Council President Buban-Vonder Haar thought if the reason for saying no to this project was the school district would not be able to accommodate more students, they would have to apply that rationale to every development; otherwise it wasn't the reason.

Council Member Christensen said that made sense but he looked at it differently. He looked at schools in the area, recent events, and all sorts of things. If he denied something for one reason, it did not impact every development that rolled through. Everything was at a different point in time with a different situation in a different location. If they started thinking every time they denied something the rationale used on that development had to be used on every development; it would just cause headaches.

Council President Buban-Vonder Haar and Council Member Christensen discussed their opposing opinions.

City Attorney Bill Gigray stated, in regards to their deliberations that evening, the rezone for their consideration had to do with whether or not the application was contrary to the comp plan or would impair the ability to provide services. The subdivision for their consideration had to do with whether or not it met Kuna's

standards and code. Those were the parameters to think about. If they had concerns about the ability to provide services or regarding traffic, they should look for comments from ACHD and the school district. That way they would have hard evidence with the record regarding how this would impact those things. They had legitimate concerns. If there was not a sufficient record before them to support whether it did or did not impose on the ability to provide services, they could continue the public hearing and ask for additional information and input on those issues.

Council Member Christensen clarified that meant they had to base their decisions solely on ACHD's and the school district's recommendations or was it, as he understood, community residents' testimony carried the same weight.

Mr. Gigray replied the weight of the evidence before them was their decision. They had a record from which they could make a determination. Testimonies from people were certainly something they could consider.

Mayor Stear said the comments from the school district were unclear.

Mr. Gigray replied they could ask the school district to be specific.

Mayor Stear wanted to get a little more clarification from the school district. His concern was the lack of services on that side of town meaning gas stations, stores, and that kind of thing. His hope was to save some space along that corridor for services. However, maybe a 4.11-acre parcel was not big enough for commercial. He wanted those questions answered before going deeper into this. He agreed with Council President Buban-Vonder Haar about being consistent.

Mr. Gigray stated in the statute services referred to government agency services not private services. However, from a comprehensive plan standpoint, if the plan identified in the verbiage or the map that the zone change was contrary to the plan, that could be used as a basis of denial.

Mayor Stear noted it was a good-looking project but he wanted to throw his concerns out there.

Planner III Troy Behunin informed Council an ACHD representative, Kristy Inselman, was present for the meeting.

Council Member Cardoza said there were two decisions before Council; whether or not the Council wanted to change this from a C-1 to an R-20 and then whether or not they wanted that large of a development there. They needed to make the zoning decision first but they were confusing the two instead of keeping them separate.

Council Member McPherson was torn. Multiple people had said they would rather see commercial. He was unsure what would generate more traffic; commercial or

this. The other apartment complexes in the area have had parking issues but the parking for this project looked to be way better than what was done in the past. He wasn't a fan of the style; seven houses or whatever connecting. The appearance was cool but it wasn't his cup of tea. If it met city code, it was what it was. It appeared the issues with the common ground regarding fencing and drainage had been somewhat addressed. In regards to Ms. Harding's comments on the vision triangle, he shared there was a way to submit issues to ACHD through their website or their app. ACHD would come out and look at it and address it pretty quickly.

Council President Buban-Vonder Haar stated, in regards to the rezone, the future land use map in the staff report showed this area as high density residential. It appeared they had been anticipating a higher density residential going in there. If they were looking at the corner of Deer Flat and Ten Mile and from Ardell to Hubbard as commercial areas, it made sense from a walkability standpoint.

Mayor Stear noted he had been trying to find ACHD's comments in the packet. It was listed as Exhibit B2 but he couldn't find it.

Mr. Behunin apologized. He had the report and passed it out to Council. He reminded Council ACHD had a representative at the meeting.

Mayor Stear asked ACHD representative Kristy Inselman about traffic for commercial versus residential. It was his understanding commercial generated more traffic than residential; it was just at different times of day.

Kristy Inselman, ACHD, stated she didn't have the ITD manual in front of her but typically a residential dwelling generated ten vehicle trips per day and a couple at PM peak hours. This particular development would generate, she believed, an additional 31 PM peak trips. There were an existing 496 trips on Ten Mile which was a level of service 8; the acceptable level for a minor arterial. In regards to commercial, it depended on the type of commercial. A gas station did generate more trips on average than residential but typically had a lot more pass by trips. She would have to look it up and get back to them but yes commercial typically generated more traffic than residential. Offices were lower than residential but c-stores were higher.

Council President Buban-Vonder Haar asked if Council was supportive of the rezone.

Council Member Christensen wanted to hear some specifics from the school district.

Mayor Stear stated this was within reason of what the comp plan showed.

Council President Buban-Vonder Haar stated it was the anticipated use of the land under the comp plan.

Council discussed voting on the rezone and the subdivision separately or as a whole and the possibility of tabling the public hearing.

**Council President Buban-Vonder Haar moved to continue the Public Hearing for 19-03-ZC (Rezone) and 19-05-S (Subdivision) for the Athleta Subdivision to November 6, 2019 for further comments from the School District on their ability to service the proposed subdivision and information from Economic Development Director Lisa Holland regarding commercial feasibility on a lot that size. Seconded by Council Member McPherson. Motion carried 4-0.**

## **7. Business Items:**

- A.** Request for \$30,000 from Contingency for Collaboration with the Kuna School District on Tennis/Pickle Ball Court Parking and Drinking Fountain – Bobby Withrow, Parks Director ACTION ITEM  
(Timestamp 01:35:16)

Parks Director Bobby Withrow reviewed the history of this project. He presented the request and stood for questions.

Council President Buban-Vonder Haar asked, if KPAL wanted to expand into a pickleball league for youth, would they be able to do that.

Mr. Withrow replied they would.

**Council President Buban-Vonder Haar moved to approve the expenditure of \$30,000 from Contingency for a joint pickleball project with the Kuna School District. Seconded by Council Member McPherson. Motion carried 4-0.**

- B.** Consideration to approve Resolution No. R78-2019 – Bob Bachman, Public Works Director ACTION ITEM  
(Timestamp 01:39:31)

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO SETTING FORTH FEES, ASSESSMENTS AND POLICIES FOR THE KUNA MUNICIPAL IRRIGATION SYSTEM FOR THE 2020 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ASSESSMENT BOOK FOR THE 2020 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ESTIMATE OF EXPENSES FOR THE 2020 IRRIGATION SEASON; SETTING THE TIME AND PLACE FOR THE MEETING OF THE BOARD OF CORRECTION FOR 2020 ASSESSMENTS; SETTING FEES FOR CONNECTING TO SAID IRRIGATION SYSTEM; SETTING UNIFORM METHOD OF ALLOCATING ASSESSMENTS FOR THE 2020 IRRIGATION SEASON; ESTABLISHING BILLING POLICIES; SETTING CUSTOMER SERVICE CHARGES; SETTING SYSTEM POLICIES; REPEALING EXISTING FEES AND POLICIES AS PREVIOUSLY SET BY RESOLUTION, AND SETTING AN EFFECTIVE DATE.

Mayor Stear noted there were corrected copies of the resolution before Council. There were red lines where some numbers were changed.

Public Works Director Bob Bachman apologized for the mistake. He presented the annual irrigation assessment. The good news about the changes was the numbers went down; not up. They had a \$30,000 bust on the high side. All of the highlighted red areas in the resolution before them were the corrections. The pressurized irrigation fees went down. He stood for questions.

**Council President Buban-Vonder Haar moved to approve the amended Resolution No. R78-2019 presented to Council. Seconded by Council Member McPherson. Motion carried 4-0.**

## **8. Ordinances:**

- A. Consideration to approve Ordinance No. 2019-29A ACTION ITEM  
(Timestamp 01:42:17)

A MUNICIPAL ANNEXATION AND ZONING ORDINANCE OF THE CITY COUNCIL AND THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS AND DECLARATION OF AUTHORITY; AND
- ANNEXING CERTAIN REAL PROPERTY, TO WIT: ADA COUNTY ASSESSOR'S PARCEL NO. S1303141900 OWNED BY JEFFERSON WASHBURN SITUATED WITHIN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, INTO THE CITY OF KUNA, IDAHO; AND
- RESPECTIVELY ESTABLISHING R-8 ZONING DISTRICT CLASSIFICATION OF SAID REAL PROPERTY; AND
- AMENDING THE OFFICIAL ZONING MAP; AND
- DIRECTING THE CITY ENGINEER AND THE CITY CLERK; 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. 2019-29A. Seconded by Council Member McPherson. Motion carried 4-0.**

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-29A. 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.**

- B.** Consideration to approve Ordinance No. 2019-38 ACTION ITEM  
(Timestamp 01:44:15)

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO AMENDING  
KUNA CITY CODE TITLE 2 – BOARDS AND COMMISSIONS:

- ADDITION OF A NEW CHAPTER 4 TO TITLE 2 KUNA CITY CODE ESTABLISHING THE KUNA ARTS COMMISSION; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

City Clerk Chris Engels explained the Arts Commission had been operating under a resolution. Things were going well so it was time to put it into an ordinance. She did not have a preference either way on waiving the three readings.

*Consideration to waive three readings*  
*Consideration to approve ordinance*  
*Consideration to approve summary publication*

**Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-38. Seconded by Council Member McPherson. Motion carried 4-0.**

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-38. 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 summary publication of Ordinance No. 2019-38. Seconded by Council Member McPherson. Motion carried 4-0.**

- C.** Consideration to approve Ordinance No. 2019-39 ACTION ITEM  
(Timestamp 01:46:04)

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 NAMP & MERIDIAN 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. 2019-39. Seconded by Council Member McPherson. Motion carried 4-0.**

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-39. 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. 2019-40 ACTION ITEM**  
*(Timestamp 01:47:23)*

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 SELECT DEVELOPMENT & CONTRACTING 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.

*Consideration to waive three readings*

*Consideration to approve ordinance*

**Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-40. Seconded by Council Member McPherson. Motion carried 4-0.**

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-40. 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. 2019-41 ACTION ITEM**  
*(Timestamp 01:48:56)*

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 KUNA EAST 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.

*Consideration to waive three readings*

*Consideration to approve ordinance*

**Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-41. Seconded by Council Member McPherson. Motion carried 4-0.**

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-41. 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 01:50:07)*

Mayor Stear stated they would not need to have an executive session that evening. Neither of the items came to fruition.

City Clerk Chris Engels reminded everyone the next Council meeting would be on Wednesday, November 6, 2019 after the election on Tuesday. There would also be on site voting on October 23 and 24, 2019 in the City Hall parking lot.

Council coordinated car pooling to the Ada County meeting scheduled for the next day.

Council President Buban-Vonder Haar noted there would be a candidate forum on Thursday, October 17, 2019 at 6:45 PM.

Mayor Stear shared he received a letter for the Ada County Sheriff's Department from a mother of a couple of children who had been less than respectful to Kuna's police officers. She thanked them for how the officers handled those situations and respected her children. He appreciated the officers having a heart for children.

**10. Executive Session:**

**A.** Convene to Executive Session pursuant to:

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

- (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations
- (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.

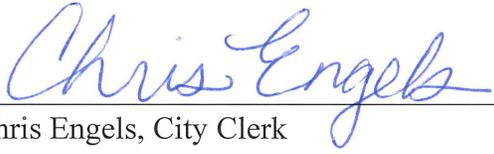
Executive session did not occur. The items for discussion did not come to fruition.

**11. Adjournment: 7:54 PM**



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



*Minutes prepared by Ariana Welker, Deputy City Clerk*

*Date Approved: CCM 11.06.2019*



# CITY OF KUNA

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

## SIGN-UP SHEET

**October 15, 2019 – City Council Public Hearing**

**Case Name: 19-04-ZC (Annexation) – Kuna Rural Fire District.**

**Case Type:** On behalf of Cloverdale Ranch (owner), the Kuna Rural Fire District is requesting to rezone approximately 1.63 acres from an “A” (Agriculture) zoning district classification to a “P” (Public) zoning district classification. The subject site is located at the southwest corner (SWC) of S. Cloverdale Road and E. Kuna Road, Kuna, ID 83634 (APN: S1428111010).

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.

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*Amy Harding*  
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*1852 W Crenshaw St*  
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*Kuna ID 83605*  
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*Steven Nelson*  
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*2082 N McClure Ln*  
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**Project/File:** Athleta/ KPP19-0007/ 19-03-ZC/ 19-05-S  
*This is a rezone application from C-1 to R-20 and a preliminary plat consisting of 63 lots on 4.11-acres.*

**Lead Agency:** City of Kuna

**Site address:** 2003 N Ten Mile Road

**Staff Approval:** August 23, 2019

**Applicant:** Epic Development Idaho, LLC  
 11785 Valley Sage Drive  
 Sparks, NV 89441

**Representative:** WHPacific  
 Jane Suggs  
 2141 W Airport Way, Ste. 104  
 Boise, ID 83705

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

## A. Findings of Fact

- Description of Application:** The applicant is requesting approval of a rezone application from C-1 (Neighborhood Commercial) to R-20 (High density Multi-family Residential) and a preliminary plat consisting of 57 buildable lots and 6 common lots on 4.11-acres.

The City of Kuna’s Future Lane Use Map designates this area as Neighborhood & Community Commercial. The applicant’s proposal is an allowed use within this designation.

- Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Rural Urban Transition (Ada County)	RUT
South	Neighborhood Commercial	C-1
East	Medium density Residential	R-6
West	Neighborhood Commercial/ Rural Urban Transition	C-1, RUT

- Site History:** ACHD has not previously reviewed this site for a development application.
- Adjacent Development:** The following developments are pending or underway in the vicinity of the site:

## **C. Findings for Consideration**

### **1. Ten Mile Road**

a. **Existing Conditions:** Ten Mile Road is improved with 2/3-travel lanes, 24 to 40-feet of pavement, and no curb, gutter or sidewalk abutting the site. There is 98-feet of right-of-way for Ten Mile Road (48 to 51-feet from centerline).

b. **Policy:**

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

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

**Street Section and Right-of-Way Width Policy:** District Policies 7205.2.1 & 7205.5.2 state that the standard 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a principal arterial.

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

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

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

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

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

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

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

**Minor Improvements Policy:** District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways

volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

**Driveway Location Local Street Policy:** District policy 7207.4.1 requires driveways near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest local street intersection, and 150-feet from the nearest collector or arterial street intersection

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7205.4.8, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7205.4.8.

**Cross Access Easements/Shared Access Policy:** District Policy 7202.4.1 states that cross access utilizes a single vehicular connection that serves two or more adjoining lots or parcels so that the driver does not need to re-enter the public street system.

**Private Road Policy:** If the City of Kuna approves the private road, the applicant shall be required to pave the private roadway a minimum of 20 to 24-feet wide and at least 30-feet into the site beyond the edge of pavement of all public streets and install pavement tapers with 15-foot curb radii abutting the existing roadway edge. If private roads are not approved by the City of Kuna, the applicant will be required to revise and resubmit the preliminary plat to provide public standard local streets in these locations.

Street name and stop signs are required for the private road. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.

ACHD does not make any assurances that the private road, which is a part of this application, will be accepted as a public road if such a request is made in the future. Substantial redesign and reconstruction costs may be necessary in order to qualify this road for public ownership and maintenance.

The following requirements must be met if the applicant wishes to dedicate the roadway to ACHD:

- Dedicate a minimum of 50-feet of right-of-way for the road.
- Construct the roadway to the minimum ACHD requirements.
- Construct a stub street to the surrounding parcels.

- c. **Applicant's Proposal:** The applicant is proposing to construct a 24-foot wide driveway/private road onto Ten Mile Road located approximately 428-feet south of an existing residential driveway and 460-feet north of Crenshaw Street (measured centerline to centerline).

The applicant is proposing to construct a 24-foot wide emergency access only driveway onto Ten Mile Road located approximately 341-feet south of the proposed northern driveway and 120-feet north of Crenshaw Street (measured centerline to centerline).

- d. **Staff Comments/Recommendations:** Typically, access should come from a lesser classified street abutting the site. In this case the site has frontage on Crenshaw, a local street. However, direct access to Crenshaw is not feasible due to a common lot owned by the Crimson Point Homeowners Association (CPHA) between the site and Crenshaw that was platted in 2010 as part of the Crimson Point Phase 5 Subdivision; and is not owned by the developer. Therefore, a waiver is not required as part of this application and the proposed driveway locations are approved.

ACHD would encourage the developer to work with the CPHA to obtain an access through the common lot, thereby providing additional ingress/egress to the site for residents and emergency services.

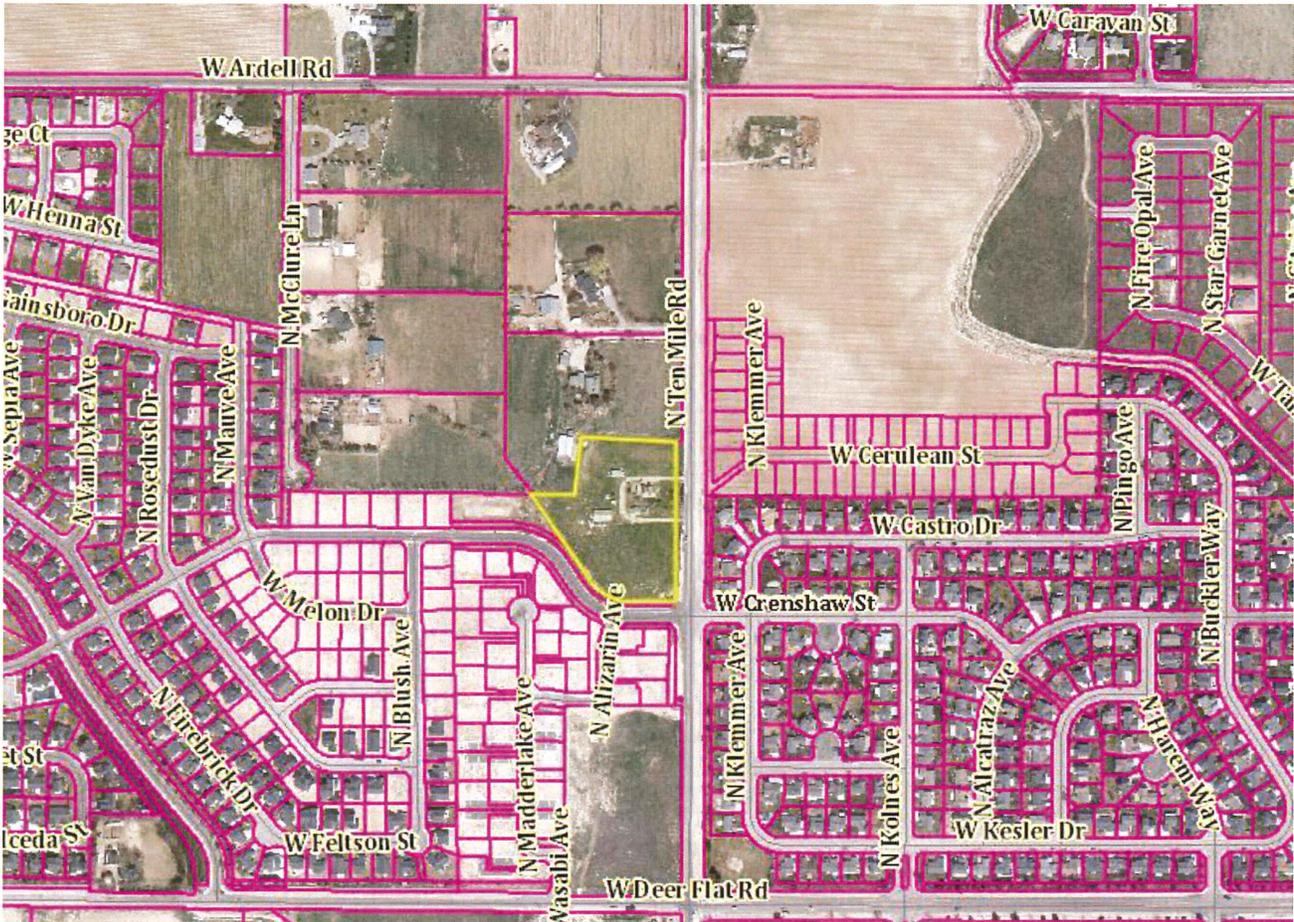
10. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.
11. Payment of impact fees is due prior to issuance of a building permit.
12. Comply with all Standard Conditions of Approval.

## **E. Standard Conditions of Approval**

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

## **F. Conclusions of Law**

VICINITY MAP



# Ada County Utility Coordinating Council

## Developer/Local Improvement District Right of Way Improvements Guideline Request

*Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.*

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

**Notification to the Ada County UCC can be sent to:** 50 S. Cole Rd. Boise 83707, or Visit [iducc.com](http://iducc.com) for e-mail notification information.

## Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
  - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
  - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
  - c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
  - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
  - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.

**RESOLUTION NO. Rxx-2018  
CITY OF KUNA, IDAHO**

**2020 IRRIGATION ASSESSMENT RESOLUTION  
KUNA MUNICIPAL IRRIGATION DISTRICT ASSESSMENTS AND FEES**

**A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO SETTING FORTH FEES, ASSESSMENTS AND POLICIES FOR THE KUNA MUNICIPAL IRRIGATION DISTRICT FOR THE 2020 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ASSESSMENT BOOK FOR THE 2020 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ESTIMATE OF EXPENSES FOR THE 2020 IRRIGATION SEASON; SETTING THE TIME AND PLACE FOR THE MEETING OF THE BOARD OF CORRECTION FOR 2020 ASSESSMENTS; SETTING FEES FOR CONNECTING TO SAID IRRIGATION SYSTEM; SETTING UNIFORM METHOD OF ALLOCATING ASSESSMENTS FOR THE 2020 IRRIGATION SEASON; ESTABLISHING BILLING POLICIES; SETTING CUSTOMER SERVICE CHARGES; SETTING SYSTEM POLICIES; REPEALING EXISTING FEES AND POLICIES AS PREVIOUSLY SET BY RESOLUTION, AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kuna, Idaho has established a Municipal Irrigation System, with all the powers and authorities necessary to operate, maintain, replace and/or extend said System; and

**WHEREAS**, Section 7-8-5 of the Kuna City Code authorizes the City of Kuna, Idaho to charge hook-up fees set forth in a rate schedule adopted by the City Council as a condition for connection to the Municipal Irrigation System; and

**WHEREAS**, Section 7-8-12 of the Kuna City Code authorizes the City to charge fines and costs for unauthorized connection to the Municipal Irrigation System; and

**WHEREAS**, Section 7-8-7 of the Kuna City Code authorizes the City Council to establish annual irrigation assessments pursuant to Idaho law.

**I. ASSESSMENT ROLL**

**NOW THEREFORE BE IT RESOLVED**, that pursuant to Idaho Code 50-1807, an assessment book for the Kuna Municipal Irrigation District was filed in the office of City Clerk on October 15, 2019, and by this action, Mayor and Council of said City duly receive, make corrections and accept the same.

**II. ESTIMATE OF EXPENSES**

**BE IT FURTHER RESOLVED** the estimated expenses or the necessary funds for the expenses of maintaining, operating, improving, extending and enlarging said City’s irrigation system for the 2020 irrigation season, and which shall be allocated in proportion to the benefits received to the properties in said assessment book, are as follows:

Estimated Power Costs	\$135,000
BK Irrigation Water Rental (1951.03 Ac)	\$108,000
NY Irrigation Water Rental (463.74 Ac)	\$25,000
NM Irrigation Water Rental (26.09 Ac)	\$1,250
Wages and Benefits	\$223,933
Other Operational Costs	\$ <del>1038</del> ,884
Equipment Costs	\$73,275
System Improvements	\$52,250
Interest and Retirement of Debt	\$0
Unpaid and Delinquent Assessments	\$-3,700
Adjustments by Council	\$-2,000
Potable Water Cost (-8 MG)	\$-1,700
Redemptions - Credit	(\$-3,400)
Connections After Assessment – Credit	(\$-4,000)
<b>TOTAL ESTIMATED EXPENSES</b>	<b>\$<del>75729</del>,592</b>

By this action, Mayor and Council duly receive and accept the same.

**III. BOARD OF CORRECTION**

**BE IT FURTHER RESOLVED** the Board of Correction to hear protests to aforesaid assessments, and as deemed appropriate, to correct the same, shall meet March 17, 2020 at 5:30 P.M. at the Kuna City Hall, 751 W. 4<sup>th</sup> Street, Kuna, Idaho, and continue as long thereafter as may be necessary to conduct the business of the Board. The Board of Correction shall receive protests as to issues of fact in setting assessments, shall correct assessments to conform to the facts and shall conclude the process by confirming the corrected assessment roll. A protestant unable to attend the meeting of the Board may submit a protest in writing any time up to 3:00 P.M. March 12, 2020.

**IV. IRRIGATION CONNECTION FEES**

**BE IT FURTHER RESOLVED**, that the charge(s) for connecting to the City Irrigation System shall be determined as follows:

**A) Irrigation Main Fees:** Each residential property to be connected to a System pressurized irrigation main shall be assessed a one-time connection fee for reimbursement of the capital cost of providing pressurized irrigation trunk mains to serve the property. The amount of said fee shall be a minimum six hundred and twenty dollars (\$620.00) for each lot or parcel up to ten thousand (10,000) square feet in total area plus eight and nine tenths cents (\$0.089) per square foot for area exceeding ten thousand square feet.

Each commercial property to be connected to a System pressurized irrigation main shall be assessed a one-time connection fee for reimbursement of the capital cost of providing pressurized irrigation trunk mains to serve the property. The amount of said fee shall be a minimum six hundred and twenty dollars (\$620.00) for each lot or parcel up to seven thousand (7,000) square feet in total landscaped area plus eight and nine tenths cents (\$0.089) per square foot for landscaped area exceeding seven thousand square feet.

**B) Irrigation Supply Fee:** Each residential property to be connected to a System pressurized irrigation pump station shall be assessed a one-time connection fee for reimbursement of the capital cost of providing pressurized irrigation pump stations to serve the property. The amount of said fee shall be a minimum nine hundred dollars (\$900.00) for each lot or parcel up to ten thousand square feet in total area plus twelve and nine tenths cents (\$0.129) per square foot for area exceeding ten thousand square feet.

Each commercial property to be connected to a System pressurized irrigation main shall be assessed a one-time connection fee for reimbursement of the capital cost of providing pressurized irrigation pump stations to serve the property. The amount of said fee shall be a minimum nine hundred dollars (\$900.00) for each lot or parcel up to seven thousand (7,000) square feet in total landscaped area plus twelve and nine tenths cents (\$0.129) per square foot for landscaped area exceeding seven thousand square feet.

**C) Irrigation Service Fees:** Each irrigation service provided at the expense of the City shall be assessed charges for completing services and connections in accordance with the following schedule:

1"	Service	\$ 223/ea
1 1/2"	Service	\$ 279/ea

2"	Service	\$ 334/ea
3" & larger	Service	Time & Material
1/2 Street Asphalt Patch		See Resolution R70-2016
Full Street Asphalt Patch		See Resolution R70-2016

**D) Previous Connections:** In instances where an improvement on a property has previously been connected to the pressurized irrigation system and complied with the connection fee(s) in force at the time of connection, the above fees do not apply. If, however, the connection involves an increase in demand on the system, then the connection is subject to these fees for the amount of the increase only.

**E) Conversion to Pressure Irrigation:** In instances where a parcel was annexed into the corporate limits of the City of Kuna prior to January 1, 1998, was not annexed and connected into the pressurized system of the Kuna Municipal Irrigation District, and subsequently desires to connect to the pressurized system, the applicable connection fees are 50% of the full amount chargeable per paragraphs A through C above. After January 1, 2021, the connection fees shall return to the full amount chargeable per paragraphs A through C above.

**F) Conversion from Gravity Irrigation:** It is hereby declared to be the policy of the City of Kuna that it is in the general public’s interest to convert from gravity irrigation to pressure irrigation where pressure irrigation service is available and that said conversion is mandatory in the following circumstances:

1. The number of properties served by a delivery ditch, and using the same, falls below a number which can be efficiently served. It shall be presumed that every delivery ditch requires five miner’s inches of lost carrying water to operate and that each property is entitled to one miner’s inch of delivered water. A delivery ditch shall be considered “not efficient” if the carrying water equals or exceeds the delivered water.
2. The delivery ditch has a history of two or more instances of unintended flooding of nearby properties.
3. Drainage facilities are missing or inadequate to protect the gravity served properties.

In instances where mandatory conversion is ordered by the City, the fifty percent reduction in connection fees and amortization shall be applied as outlined in Paragraph IV.E above and IV.I below.

**G) Capital Improvements Fund:** All funds collected from connection fees (Irrigation Main, Irrigation Supply) may be used only for initial construction, late-comer

reimbursements according to adopted policies or replacement of Irrigation System Facilities.

**H) Potable Water Irrigation (Special Cases):** Properties which have constructed pressure irrigation facilities, which are intended to be connected in the future to the City's pressurized irrigation system, but which have not yet completed the connection, and which currently receive their irrigation supply from the potable system, shall be billed as a potable water account and assessed an assessment expense and a base assessment but not assessed as an operations assessment. At such time as the connection to the pressurized irrigation system is completed, the property shall be converted to an assessed irrigation account.

**I) Financing Arrangements:** Property owners desiring to connect under terms of Paragraph IV.E and IV.F are permitted to execute a note for the applicable connection fees up to the full amount for said fees amortized over twelve years at four percent (4%) interest and payable monthly on the utility bill. The Mayor is authorized to execute the note on behalf of the City and revenues (with interest collected) are to be credited to the same accounts to which the fees would have been credited if not amortized. Only connection fees are approved for amortization.

**J) Alternate Day Sprinkling:** Irrigation from the Kuna municipal pressurized irrigation system may be scheduled to occur on alternate days by order of the city or its agent. If an order is instituted, homes with a street address ending with an odd number shall irrigate on odd numbered days and homes with a street address with an even number shall irrigate on even numbered days.

**K) Wanton Wasting:** Wanton wasting of irrigation water or use of irrigation water in a manner to cause damage or nuisance to adjoining properties is prohibited. The city or its agent may disconnect any service which wastes, causes damage to adjacent property or creates a nuisance through its use of irrigation water from the city system.

## **V. IRRIGATION ASSESSMENTS**

**BE IT FURTHER RESOLVED** the City hereby establishes a uniform method of allocating assessments, determined as follows:

**A. Pressurized Irrigation Service** - Each parcel or lot receiving pressurized irrigation service shall receive an annual assessment, consisting of the sum of three components, ASSESSMENT EXPENSE, BASE ASSESSMENT, and OPERATIONS ASSESSMENT. Each component is computed as defined below:

1. **Assessment Expense** - All accounts shall be assessed four dollars (\$4.00) per account to defray the cost of preparing, mailing and collecting the assessment.

2. **Base Assessment** - Each parcel or lot shall be assessed at the rate of fifty-~~two~~~~three~~ dollars and ~~not~~~~twenty~~~~five~~ cents (\$~~52.00~~~~3.25~~) per acre, but with a minimum assessment per account of forty-~~one~~ dollars and ~~no~~~~fifty~~ cents (\$~~40.00~~~~1.50~~). This component of the total assessment is largely to defray the cost of water rental charged by the underlying irrigation districts, with any amounts remaining to contribute to capital replacement and maintenance costs.

3. **Operations Assessment** - Any properties with pressure irrigation service shall be assessed annually fifty-~~four~~~~six~~ dollars and no cents (\$~~54~~~~6.00~~) per account for a property up to ten thousand (10,000) square feet in total area. The added assessment for accounts larger than ten thousand (10,000) square feet shall be two dollars and no cents (\$2.00) per thousand (1,000) square feet for the portion of the property exceeding ten thousand (10,000) square feet in area.

4. **Capital Reimbursement Assessment** – Any property with pressure irrigation service, which has not paid connection fees as a precedent condition for connection, shall pay annually a capital reimbursement fee of 2 percent (2%) for 2018, 3 percent (3%) for 2019 and 4 percent (4%) for the 2020 irrigation season and thereafter, of the amount of the connection fees. This assessment is particularly applicable to landscaped common lots and is in addition to the annual Assessment Expense, Base Assessment and Operations Assessment. Forty-one percent (41%) of the monies collected shall be credited to the account designated for Pressure Irrigation Trunk Line Fees and fifty-nine percent (59%) to the account designated for Pressure Irrigation Supply Fees. Properties subject to this fee, which subsequently pay the applicable one-time connection fees, shall thereafter be excused from payment of the capital reimbursement fee.

**B. Gravity Assessment** - Each parcel or lot receiving gravity irrigation service from the Municipal Irrigation System shall receive an annual assessment, consisting of the sum of three components, ASSESSMENT EXPENSE, BASE ASSESSMENT, and OPERATIONS ASSESSMENT. Each component is computed as defined below:

1. **Assessment Expense** - All accounts shall be assessed four dollars (\$4.00) per account to defray the cost of preparing, mailing and collecting the assessment.

2. **Base Assessment** - Each parcel or lot shall be assessed at the rate of fifty-~~three~~~~four~~ dollars and ~~no~~~~fifty~~ cents (\$~~53.00~~~~4.50~~) per acre, but with a minimum assessment per account of ~~twelve~~~~thirteen~~ dollars (\$~~12~~~~3.00~~). This component of the total assessment is largely to defray the cost of water rental charged by the underlying irrigation districts, with any amounts remaining to contribute to capital replacement and maintenance costs.

3. **Operations Assessment** - Any properties with gravity irrigation service shall be assessed at the rate of twenty-~~two~~~~one~~ dollars and no cents (\$~~21~~~~2.00~~) per account for a property less than one acre in total area. The added assessment for residential accounts one acre and larger shall be two dollars and no cents (\$2.00) per acre for the portion of the property exceeding one acre in area.

C. **Assessments Due** – Assessments are due and payable on April 1<sup>st</sup> or the first business day thereafter.

D. **Partial Year Assessment** – For purposes of calculating partial year assessments, the irrigation season is presumed to be April 10<sup>th</sup> to October 10<sup>th</sup>. For initial connections made during the course of the irrigation season (such as properties newly annexed into the municipal irrigation system), the new connection shall pay the full Base Assessment, the full Assessment Expense and a prorated Operations Assessment based on the portion of the irrigation season remaining. Partial year assessments are due and payable at the time of building permit issuance, and in instances where a building permit is not being issued, at or before the time of connection.

E. **Full Year Assessment** – Initial connections made before the commencement of the irrigation season (before April 10<sup>th</sup>) but after adoption of the annual assessment roll, shall be assessed the full annual irrigation assessment, prior to delivery of irrigation water, as if included in the annual assessment roll.

F. **Dual Assessment** – In the event a parcel receives an assessment from Kuna Municipal Irrigation District, and also receives and pays an assessment from the property's underlying irrigation district for the same irrigation season, the amount paid to the underlying irrigation district shall be credited to the account with Kuna Municipal Irrigation District. This policy presumes the city does not receive an assessment from the underlying irrigation district for the same parcel.

G. **Vacant Lot Assessment** – A non-irrigated parcel of one acre or less in area which has access to pressure irrigation and which is eligible for a building permit for either residential or

commercial purposes, but which has not yet exercised that right at the time of assessment, shall be assessed ~~twenty-eight~~ dollars and ~~fifty~~ cents (~~\$18.5020.00~~) per buildable parcel. Vacant lots larger than one acre in size are assessed as a gravity irrigation lot. In the event a building permit is obtained on said parcel after the time of assessment, but before the end of the irrigation season, said parcel shall be treated as a “partial year” or “full year” assessment, as defined above, with credit given for the vacant lot assessment already paid.

## **VI. CUSTOMER BILLING:**

**A. Annual Billings** – All irrigation accounts which do not also have a potable water account shall be billed annually, with courtesy reminders until paid, and be subject to shut-off of the irrigation service if payment is delinquent as provided in Idaho Code.

**B. Monthly Billings** – Each residential or commercial property that is served by potable water that also has a municipal irrigation account shall be billed for the annual irrigation assessment, as part of their municipal utilities billing statement, in equal monthly installments until paid in full, and be subject to shut-off of the potable water service in addition to other statutory remedies if the monthly payments are delinquent as provided in Kuna City Code.

**C. Opt Out Provision** - A municipal irrigation account holder may opt out of the monthly billing program at their option, and choose to pay the annual irrigation assessment in a lump sum payment due as provided for in Title 50, Section 18, Idaho Code. The City shall cause a notice to be mailed out to all municipal irrigation/potable water account holders informing them of their option of opting out of the monthly billing program and providing the address to inform the city of the same.

**D. Monthly Rates** – The monthly installments for payment of the 2020 annual irrigation assessment shall be nine (9) equal installments. After retirement of the 2020 annual irrigation assessment, the monthly installments shall end until re-started by the 2021 annual irrigation assessment resolution.

## **VII. CUSTOMER SERVICE CHARGES:**

**A. New Service Accounts** - Requests to subdivide an account into additional accounts or aggregate existing accounts under single ownership, into fewer accounts, may be made by application in person at Kuna City Hall between 8:00 a.m. and 5:00 p.m. during normal workdays.

Customers will be billed five dollars (\$5.00) for each account added or reduced, payable at the time of the request. Adjustments in assessments during irrigation season, to the benefit or to the expense of the resulting accounts, shall be treated as “Partial Year Assessments” and prorated from the date of the request. Adjustments to the expense of an account shall be payable at the date of request and adjustments to the credit of an account shall be processed as an account payable in conformance with city procedures.

**B. Delinquencies** – All delinquent accounts shall be processed in accordance with the provisions of Idaho State Code.

**C. Short Notice Line Location Charges** - The City of Kuna, as required by law, participates in the Dig Line system. Forty-Eight (48) hours notification is required prior to excavation by any party. Line locations without forty-eight (48) hours’ notice will be billed to the requesting party at the rate ten dollars (\$10.00) per request. There will be no charge for line locations during times of individual hazard or public emergency.

**D. Re-connect Fee** – A re-connect fee of fifteen dollars (\$15.00), if performed during normal work hours or fifty dollars (\$50.00) if performed after normal work hours, which shall be paid prior to the account being reconnected, or as subsequently adopted by resolution of City Council, shall be charged to any account to reconnect service following disconnection for non-payment or for any other reason not in the discretion of the City of Kuna or its agents. This fee shall be applied separately for each request and must be paid before reconnection can occur.

**E. Tampering Fee** – A tampering fee of one hundred dollars (\$100.00), or as subsequently adopted by resolution of City Council, shall be charged to any account reconnecting service without authorization following disconnection for non-payment of assessments. This fee shall be applied separately for each unauthorized reconnection and must be paid before reconnection can occur.

**F. Unauthorized Connection** – In the event a parcel connects to the pressurized irrigation system without authorization, meaning without having paid connection fees and receiving explicit approval to connect, it shall be presumed that the parcel owner has petitioned to connect, but without authorization. The City may collect a tampering fee as outlined in Paragraph VI.E and disconnect the parcel from service, or collect full payment of connection fees and commence billing monthly assessment charges, or commence charging monthly amortization of the connection fees as provided in Paragraph IV.I and commence billing monthly assessment charges. In the event the parcel

does not have a water right for use of the water, and one cannot be provided, the only option available is to collect a tampering fee and disconnect the parcel from service.

**VII. WATER ALLOTMENT**

**BE IT FURTHER RESOLVED**, that no lot or parcel is entitled to receive delivery of a quantity of water which exceeds the allotment of water provided for that parcel by the underlying irrigation district holding the water right in trust. It is hereby declared to be in the public's best interest that water be used efficiently for its intended irrigation purpose, that a property's use of the irrigation system not impose an unauthorized over-spray or drainage burden on adjacent property and that such unauthorized use or any other misuse or wanton wasting of the same shall be due cause for disconnecting the offending lot or parcel from the pressure or gravity irrigation system for the duration of the irrigation season without any prorated reimbursement of assessment. It is further declared, delivery of water through the pressure or gravity systems ceases when deliveries end by the underlying irrigation district.

**VIII. REPEAL OF EXISTING FEES AND POLICIES**

**BE IT FURTHER RESOLVED** that the connection fees and other charges established herein are effective beginning October 15, 2019; prior similar fees and policies established by earlier resolution(s) are hereby repealed.

**IX. SEVERABILITY CLAUSE**

**BE IT FURTHER RESOLVED**, that the sections of this Resolution are severable. The invalidity of a section shall not affect the validity of the remaining sections.

**X. EFFECTIVE DATE**

**BE IT FURTHER RESOLVED**, that this resolution shall become effective upon passage by the Kuna City Council.

**PASSED BY THE COUNCIL** of the City of Kuna, this 15<sup>th</sup> day of October, 2019.

**APPROVED BY THE MAYOR** of the City of Kuna, this 15<sup>th</sup> day of October, 2019.

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Joe L. Stear, Mayor

**ATTEST:**

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Chris Engels, City Clerk