

**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, November 19, 2019**

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

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

**COUNCIL MEMBERS PRESENT:**

Mayor Joe Stear  
Council President Briana Buban-Vonder Haar - Absent  
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  
Bobby Withrow, Parks Director  
Troy Behunin, Planner I  
Doug Hanson, Planner III

**2. Invocation:** None

**3. Pledge of Allegiance:** Posting of the Colors – Troop 808

**4. Consent Agenda:** ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS  
(Timestamp 00:02:29)

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

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
  - I. Regular City Council Minutes, November 6, 2019
- B. Accounts Payable Dated November 14, 2019 in the Amount \$721,035.97
- C. Resolutions
  - I. Consideration to approve Resolution No. R89-2019

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A PERFORMANCE BOND BY CHALLENGER DEVELOPMENT INC. FOR THE MEMORY RANCH SUBDIVISION NO. 3 FOR UNCOMPLETED WORK INCLUDING LANDSCAPING, STREET LIGHTING AND FENCING PURSUANT TO THE TERMS OF THIS RESOLUTION.

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

**5. Community Reports or Requests:**

*None*

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

- A. Public Hearing continued from November 6, 2019 and Consideration to approve 19-08-AN (Annexation) and 19-04-S (Preliminary Plat) for Indian Creek at Crimson Point Subdivision – Troy Behunin, Planner III ACTION ITEM  
*(Timestamp 00:03:06)*

ACME, LLC, requests to annex approximately 8.68 acres located west of Ten Mile Road and south of Hubbard Road with an R-8 (Medium Density Residential) zone; and to subdivide approximately 8.68 acres into 39 total lots, (33 buildable single-family lots, and six common lots). The subject site is located at 3001 West Ardell Road, Kuna, ID 83634, within Section 15, Township 2 North, Range 1 West; (APN# S1315325550).  
 – Josh Beach, the applicant, will present.

Mayor Stear noted they had opened the public hearing on November 6, 2019 but no one testified. They also had not heard the staff report or from the applicant yet.

Planner III Troy Behunin presented the staff report and stood for questions.

Mayor Stear re-opened the public hearing.

Support: None

Against:

Brandon Carver, 2258 N Glacier Blue Road, Kuna, Idaho 83634, didn't have a problem with the homes being built. His grievance was with how they were being accessed. He asked why it couldn't come through Ardell instead of through his neighborhood. There were a couple dozen small children in the neighborhood and people were already flying through well above the speed limit. He felt it was a safety issue.

Lisa Dugan, 3028 W Navy Street, Kuna, Idaho 83634, was deeply concerned about traffic. She was worried about the number of cars going down a street with 30 children under high school age. They all played on the dead-end street. She asked why the road couldn't go through Ardell. There was a common space that Crimson Point HOA owned and she was sure the HOA would approve removing the three trees on that space at the end of Ardell where the proposed houses would be. She expressed another neighbor of hers was really concerned about punching through Ardell also. It would require relocating the irrigation abatement and that common area but the safety of kids was her largest concern.

Mayor Stear clarified Ardell did not currently go through and the subdivision would not be accessible from Ardell.

Ms. Dougan showed Mayor Stear where Ardell stopped and the open space she was talking about. It was made to be driven on. Crimson Point built it to be an access point to Gainsboro and Rubine.

Neutral:

Tim Eck, 6152 W Half Moon Lane, Eagle, Idaho 83616, owned the property north of the project and wanted to offer his knowledge of the area if Council had questions pertaining to street connectivity and property line locations. His property went to the center line of Ardell so this project wouldn't be able to extend Ardell through their own property. There was the Crimson Point common area, this applicant's piece, and Mr. Eck's piece. When Mr. Eck developed his property, which he anticipated would happen that year, it would connect to the stub street they had going to the north.

Mayor Stear asked if Mr. Eck thought Ardell would eventually go through to that.

Mr. Eck thought it was Rubine that was intended to stub across Ardell and Ardell would terminate into Rubine. Access would be taken through the Ewing property. They had deeded a piece of right-of-way to ACHD about ten years ago. ACHD vacated that right-of-way. He had the ability to modify his entrance off Ardell but it would not continue and create a connection to this project until he created an interior road that would

provide access to their stub street which lined up with his. His plat had been approved for a while but currently Ardell would not stub straight into either subdivision.

Council Member Cardoza clarified ACHD did not have right-of-way all the way to the creek.

Mr. Eck said that was correct.

Rebuttal: None

Josh Beach, 4824 W Fairview Avenue, Boise, Idaho 83706, the applicant, reviewed the request and thanked city staff for all the work they did. He noted they were in agreement with the conditions of approval as listed in the staff report. He reviewed the concerns of the Planning & Zoning Commission regarding parking, a need for an 8-foot asphalt pathway instead of a 5-foot asphalt pathway, and transitions from existing neighborhoods with larger homes. Each lot had four parking spaces and there was 50 feet of right-of-way for street parking. It was ample parking. They were fine with the 8-foot pathway. They placed their proposed larger lots against the existing homes. He asked that any condition that required them to lose several lots be removed as a condition of approval. Lastly, he noted they were comfortable changing to the recommended R-6 instead of their original R-8. All the lots would comply with those dimensions. He stood for questions.

Council Member Cardoza asked if he was looking at conditions 1-12.

Mr. Beach said on the staff report through L they were in agreement.

Council Member Christensen noted the Fire Department responded regarding a secondary access. He asked if there was a secondary access on this that he was missing.

Mr. Beach explained there was an emergency access temporarily going out to Ardell for fire. The road would not be extended but there was sufficient right-of-way for emergency access. However, it would go away when Mr. Eck built his subdivision and another access point was created.

Mayor Stear asked if they had any discussions regarding pushing Ardell through.

Mr. Beach replied they had spoken with ACHD several times. The Planning & Zoning Commission also continued them one hearing to get additional answers. In the minutes there was a large paragraph where Mr. Behunin explained why Ardell would not be extended.

Council Member McPherson asked Parks Director Bobby Withrow if the developer decided to give the City the portion of land on the west side of the creek in the future was it accessible.

Mr. Withrow replied the City did have another parcel of land on the west side around Crimson Point and it would connect. There would also be a foot bridge.

Mayor Stear was still trying to understand why Ardell could not go all the way through.

Mr. Behunin explained the history of why it was decided in discussions between developers, city staff, and ACHD that it would be better to not extend Ardell all the way through.

Mayor Stear asked about emergency access barricades.

Mr. Behunin believed there would be a barricade or two and it also wouldn't look like a road. There would be no sidewalk as well.

Council Member Christensen was still confused about how this subdivision and the subdivision to the north would connect to alleviate traffic concerns.

Mr. Behunin explained the property to the north was a future subdivision of 250 homes that would start the next year. It would access Navy Street anyway because City Code had a "to and through" policy. Developers were required to provide connections to undeveloped parcels for safety reasons, service reasons, and emergency reasons. Thistle Drive was approved by City Council as a connection to the parcel to the north. It would connect into Thistle Drive and snake through Indian Creek Subdivision and then connect to Arroyo Vista. Realistically it was either Arroyo Vista connected directly to Thistle Drive or Indian Creek Subdivision connected to Thistle Drive and then connected to Arroyo Vista.

Mayor Stear said it looked like the access would connect through the subdivision to the north.

Mr. Behunin replied it would and then in the lower south east corner of Arroyo Vista there would be a connection to Ardell. People would be able to access Ardell without having to use Navy Street. However, people would also be able to access Crimson Point and Arroyo Vista through Indian Creek. As soon as the second connection point was established, accepted, and approved the emergency access would no longer be needed.

Council Member McPherson asked to be reminded of what they would do with that access once it was abandoned.

Mr. Beach, the applicant, reviewed the connections on a map and explained they would put a fence up when that access was removed.

Mayor Stear stated for the record the map Mr. Beach showed them was quite similar to the pathways master plan in the packet but not exact.

City Attorney Bill Gigray stated, in regards to how the City addressed their interest in the emergency access, it depended on how it was noted in the legend; if it referred to it as an easement or a right-of-way; if it was dedicated to the public or if it was retained by the applicant and owner of the property and maintained by the HOA.

Mr. Behunin informed Council in the preliminary plat proposed by the applicant it was distinguished as a temporary emergency access. There was no dedication of public right-of-way. Council could condition that specific language if they were not satisfied with the temporary emergency access language.

Mayor Stear thought it should always be emergency access.

Public Works Director Bob Bachman felt the building permit process would make that unnecessary. They wouldn't issue a building permit on that until all the other issues were resolved so it would stay an unbuildable lot until connectivity was met.

Council Member Cardoza asked what the green space in the north east corner of the map on page 139 of 287 in the packet was.

Mayor Stear replied he was looking at the north east corner of the emergency access.

Council Member Cardoza was wondering why the north east corner couldn't be access to Ardell. It would incur moving lot 16 but it would give an exit onto Ardell if it was possible.

Mayor Stear didn't know what they could negotiate for that and it would change the way they did their subdivision.

Council Member Cardoza thought it would alleviate some of the traffic. He didn't know if Mr. Eck could incorporate it into his subdivision in that section of land.

Mayor Stear thought it would make sense but he referred back to Mr. Behunin's review of the discussions from years ago when they thought it wouldn't be needed. Now it would take acquisitions of lands and more.

Council Member Christensen brought up the letter from the school district that was in the packet. Capacity wasn't a concern for this development. It was just important to keep school capacities in the forefront as they looked at these things.

Mayor Stear also appreciated the comments as well. He noted he talked to the school district about the 2% growth rate. It was explained there were more retired folks moving here and younger people were having less children so numbers were different than they used to be. That was why they were experiencing 2% even though Kuna over all was growing faster than that.

Council Member Cardoza noticed their calculation was .65 students per household which was the Ada County standard. He thought it would be interesting to find out if Kuna held to that calculation as a city.

Mayor Stear said they would check into that demographic but he thought Kuna was actually lower.

Council Member Christensen appreciated the numbers and Mayor Stear talking with the school district about it. It really helped him. Demographic wise Kuna had the highest percentage of the 24 to 35 population ratio. He also thought it would be interesting to find out about the demographic Council Member Cardoza brought up.

**Council Member McPherson moved to Approve 19-08-AN (Annexation) and 19-04-S (Preliminary Plat) with the conditions of approval from Planning & Zoning and the Findings of Fact, Conclusions of Law and Order of Decision as presented in the packet and close the public hearing based on the approval from all the applicable entities, staff report, Planning & Zoning recommendation, and compliance with the current comprehensive plan. Seconded by Council Member Christensen. Motion carried 3-0-1. Council President Buban-Vonder Haar was absent.**

- B.** Public Hearing and Consideration to approve Ordinance No. 2019-44 – Wendy Howell, Planning & Zoning Director and Bobby Withrow, Parks Director ACTION ITEM  
(Timestamp 00:54:43)

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

- MAKING CERTAIN FINDINGS, PURPOSES AND ORDINANCE ENACTMENT HISTORY; AND
- REPEALING SECTION 20, ARTICLE A, CHAPTER 2, TITLE 4 KUNA CITY CODE; AND
- AMENDING AND REDESIGNATING SECTIONS 21 THROUGH 38, ARTICLE A, CHAPTER 2 OF TITLE 4 KUNA CITY CODE; AND
- AMENDING SUBSECTION 2 OF SECTION 6, CHAPTER 1, TITLE 5 KUNA CITY CODE MAKING A TECHNICAL CORRECTION TO THE DEFINITION OF “OPEN SPACE”; AND
- AMENDING SECTION 5, CHAPTER 5 OF TITLE 5 KUNA CITY CODE MAKING TECHNICAL CORRECTIONS REGARDING THE GENERAL REQUIREMENTS OF FENCE REGULATIONS; AND
- REPEALING SECTION 4, CHAPTER 6, TITLE 5 KUNA CITY CODE; AND
- AMENDING AND REDESIGNATING SECTIONS 4, 5, 6, 7, 8, AND 9 OF CHAPTER 6 OF TITLE 5 KUNA CITY CODE; AND
- AMENDING SECTIONS 2, 4, 6, 10, 12, AND 20, CHAPTER 17, TITLE 5 OF KUNA CITY CODE MAKING TECHNICAL CHANGES TO DESIGN REQUIREMENTS AND ADDING REQUIREMENTS FOR RESIDENTIAL OPEN SPACE; AND
- AMENDING SECTION 2, CHAPTER 4 OF TITLE 6 KUNA CITY CODE PROVIDING FOR A CHANGE IN THE TEXT DESIGNATION FOR

- DEFINITIONS UPON WHICH CITY STAFF CAN RELY AND MAKING A TECHNICAL CORRECTION REGARDING THE MEASUREMENT OF FENCE HEIGHT AND LOCATION OF FENCING; AND
- PROVIDING A SEVERABILITY CLAUSE; AND
  - DIRECTING THE CITY CLERK; AND
  - PROVIDING AN EFFECTIVE DATE.

Planning & Zoning Director Wendy Howell reviewed the proposed code changes regarding fencing and explained the reasons for those changes. She noted a couple additions for the definition of open space. She read the definition and asked to add to the last sentence, the words “private” before parking areas and add “ALONG CLASSIFIED ROADS” in caps before buffer areas. She turned the presentation over to Parks Director Bobby Withrow.

Mr. Withrow reviewed the proposed open space requirements for new developments coming into the city, how staff worked out those requirements, and the benefits to the community as a whole.

Ms. Howell added, for clarification on fencing, the actual code would read “from the base of the fence to the highest point”.

Mayor Stear opened the public hearing. He was not sure what to do with the signup sheet. Someone had listed a bunch of names, which weren't even names, and no addresses. It appeared someone was trying to pull a funny and get extra time to testify and, instead of asking for it, was mocking the Council. He asked for legal's comment on that.

City Attorney Bill Gigray stated he was aware of some email traffic between Mr. Bower, who represented Mr. Eck who was signed up to testify, and the City Clerk where he inquired about testimony. City Clerk Chris Engels replied to the email, stating there was a rule under Administrative Rules for Hearings that persons wishing to address the council had three minutes but there was also a procedure under Administrative Rules for Hearings to extend for additional time. He explained the procedure and said Mr. Bower, on behalf of Mr. Eck who wished to address the Council, could make the motion stating the basis and reason for the motion, clarify what the signup list was about, the amount of time they were requiring, and what they were wanting to do. Council could then consider if there was merit and ask for a vote. He stated, for the record, Ms. Engels gave them the correct information regarding the rules.

Jeff Bower, 601 W Bannock Street, Boise, Idaho 83702, said they meant no disrespect with the signup list. He explained the names on the list were 17 LLCs owned by Mr. Eck that collectively owned approximately 1,000 acres in the city of Kuna. This ordinance, particularly the open space, had very large ramifications for those 1,000 acres. They were asking Council to grant Mr. Eck nine minutes to speak. He and Ms. Sotro would seat their time in opposition. Mr. Eck had a slide show and a narrative prepared. They could read Mr. Eck's narrative but it would be clunky. If they granted this motion it

would be just Mr. Eck and it would be a clear testimony. He said again they meant no disrespect with the list.

Mayor Stear said he certainly took it as disrespect. They were making a mockery of the Council and their procedures.

Mr. Bower apologized. He had spoken to the City Clerk and City Attorney to notify them this was what they would be doing.

Mayor Stear asked if Mr. Eck was going to ask for the extra time or if he was doing that now.

Mr. Bower said he was asking for that now.

Council Member Cardoza asked if they could apply the motion to all present.

Mr. Gigray said they would vote on one motion at a time or, if they would entertain an amendment to the motion, they could articulate to the party making the motion what they would entertain and support. They could grant the motion and then he could move, as a Council Member, to suspend the rules for everyone else who wished to testify in order to grant the same relief.

Mayor Stear asked if all the other 17 names were coming off. It seemed ridiculous to give more time for one when they were going to keep coming at them. He didn't get this game.

Mr. Bower said there was no game. He, Ms. Sotro, and Mr. Eck would each have three minutes to testify. They were simply asking to consolidate that. He apologized for this taking so long.

City Clerk Chris Engels, for the convenience of Council, explained and read the code that had been referenced.

Council Member Cardoza was only concerned that, if they made an exception for one, it should be extended to all.

Mayor Stear said anyone could make the same request.

Council Member Christensen thought they had this code and these standards they held to for as long as he could remember and they were there for a reason. It left a door open to suspend these rules every single public hearing. He was concerned about the precedent they would be setting.

Mr. Bower stated it was their intention to save time. He apologized and withdrew his request. He would start to read Mr. Eck's narrative and they would swap out. He handed out some materials and his testimony was started.

Support: None

Against:

Jeff Bower, 601 W Bannock Street, Boise, Idaho 83702, began reading a narrative by Tim Eck. Mr. Eck fully supported the City implementing open space requirements that would benefit the City and its residents. He did not believe this ordinance benefitted either as written. On February 5, 2019, the City adopted Ordinance No. 2019-04 changing what uses were allowed in a C-1 zone. The key issue at that time was what would be allowed in a commercial zone. Additionally, that ordinance implemented the City's first open space requirement. It set a minimum requirement of 5% usable open space per 50 dwelling units in residential developments. That did not work. As soon as it hit 500 units it would be at 50% open space and no one wanted that. They were there to figure out what to do to replace that. This was a tiered approach. He said page 228 of the packet showed what the tiers were. They tried to summarize that on page one of their hand out with the excel spreadsheet. This ordinance was the second attempt. Earlier in June of that year, an ordinance to change open space requirements was heard by Planning & Zoning. Due to ambiguity in the text it was rejected and never heard by Council. The proposed ordinance formula required increased open space with no cap as proposed projects added more units. As a result, there became an outrageous amount of open space required for larger projects. This ordinance treated smaller projects or land owners different than larger projects or land owners. The variation was huge. A small project could require only 3% open space whereas a large project could require 24% open space. For comparison, Meridian only required 5% open space for large lot developments and 10% for all other developments. Kuna would be 140% greater than that. Mr. Eck, who owned approximately 1,000 acres in Kuna, wondered how this plan or formula was developed. When the City updated the comp plan there was over a year of studies, surveys, input from the public, businesses, and developers, workshops, ect. He believed the open space requirement was just as significant a decision yet there was no involvement with the community, specifically owners of land that might be developed.

Tim Eck, 6152 W Half Moon Lane, Eagle, Idaho 83616, apologized. He had not intended for the signup sheet to be taken in that direction. He had just wanted to show the number of entities he was representing; his own and others who had asked him to speak on their behalf. Mr. Eck continued where Mr. Bower left off. To his knowledge, there was no economic study completed to understand the effects of the open space calculations. This needed to be studied because it would have significant impact on the economics of the city and the cost of homeownership in Kuna. Requiring such large areas of open space would dramatically increase the price of building lots in the City. He estimated up to 60% or \$40,000 to \$60,000. This was due to the higher cost of land resulting from the total land cost only being applied to the land receiving dwellings, running utilities through and around open space, and developer costs to install open space landscaping. If a project required 24% open space, he calculated the homes could cost \$200,000 more or higher for the same product. Prices would exceed Meridian's and maybe even be equal to Boise's. An economic study was also important because this

open space ordinance would cost homeowners millions in additional HOA assessments to maintain large open spaces. Lastly, this ordinance would dramatically affect the City's tax revenue because common area and open space were not accessed by Ada County. Thus, in a 2,000-unit development approximately one quarter of the area would not generate tax revenue for the City. The proposed ordinance was also biased against large developments of landowners. The City's ordinance should treat landowners equally and fairly. The proposal also created more open space for less dense projects which made no sense. As projects got denser, there should be more open space. Meridian's code recognized this. Mr. Eck presented 7 examples showing the bias towards larger developments. These examples were also part of his exhibits.

Brittany Sotro, 1857 W Oakhampton Drive, Eagle, Idaho 83616, continued Mr. Eck's narrative. The staff memo justified the calculations to satisfy goals in the Comprehensive plan. First, the comp plan was only a guide. Second, Goal 2.B. of the comprehensive plan had the goal of one acre of parks and public gathering space per 80 residents and recognized the park impact fee introduced in August of 2016 to acquire, improve, and maintain parks to achieve this goal. As a comparison, Eagle required one acre for 303 residents and Meridian required one acre for 329 residents. Mr. Eck wanted to know why Kuna would need 411% more than Meridian and 378% more than Eagle. Residential open spaces; not public parks. All of this open space would be owned and maintained by the HOA. It would be private and for the exclusive use of members. The general public would not be allowed to access or use this land. The City could acquire ownership but would also get the maintenance costs. They asked what it would cost the tax-payers to maintain this enormous amount of open space. Mr. Eck believed the maintenance of parks conceivably as large as 247.8 acres per square mile would bankrupt the City and asked if it would bankrupt a city what would it do an HOA. An HOA with a net annual assessment of \$400 per year would see their assessments go up to \$400 per month if they had to maintain this open space. Again, they were in favor of a reasonable open space plan and respectfully requested the City Council reject this ordinance and instruct staff to reassess the open space calculations. They suggested this process include public involvement from the residents, developmental community, and all landowners. It should also include an economic study to obtain an understanding of the cost to landowners, cost to developers, cost to HOAs, and the loss of tax revenue to the City. Then they should formulate an open space plan accordingly.

Mr. Bower, Mr. Eck, and Ms. Sotro stood for questions.

Dave Yorgason, 14254 W Battenberg Drive, Boise, Idaho 83713, a local land developer representing the Building Contractors Association of Idaho, had a couple comments. He referenced the letter submitted on behalf of BCA. They would have submitted it sooner however their board meeting was Thursday night so it couldn't be submitted in time to go in the packet. Instead it was turned in on Friday for Council's reference. It was his experience as a developer that they wanted adequate and proper amounts of open space. The challenge was what that amount should be. He had not done any coordinating with Mr. Eck and his team. He saw some of their numbers. It was very thorough but he was coming at it from a different approach. He was concerned about too much open space,

specifically, in the larger type developments. If the HOA dues were too high, it was his experience, as soon as the developer left one of the first actions of business for the residents who became in charge of the HOA was to slash the maintenance of the common areas so they could afford the HOA budget itself. Typically, 80% to 85% of the HOA budget was based on landscaping. He had sat on committees with the City of Meridian and the City of Eagle to help draft their open space ordinances. He didn't know where the City of Kuna was at or the history but he was offering his help if they would like him to work with city staff. He had spoken with Mr. Withrow and he appreciated the approach as it was explained to him. He appreciated the need for more open space with higher density. With lower density, frankly, the bigger the backyard the less need for open space throughout the development. That was his experience over the past 25 years. He often saw cities craft their open space ordinance based on density and zoning. He recognized the City was trying to achieve a decision. His primary concern was when striving for those larger numbers of lots with over 20% open space required, that was a pretty big number. Likewise, 3% seemed pretty small to him. If that was what the City wanted, he would support that. He was offering his support to the City's goals and objectives and, if they wanted to pull it back and work collaboratively, he would support that too. He stood for questions.

Josh Beach, 4824 W Fairview Avenue, Boise, Idaho 83706, stated most of the discussion had been about open space. He echoed those concerns. He had worked as a planner for the last 10 to 12 years and getting input from stakeholders was crucial to making sure they weren't making a mistake when writing the ordinance. There were other spots in the ordinance where he thought input should be received from other agencies, specifically relating to 6-4-2, the requirements for public improvements. Bicycle lanes was not specific enough to know what street sections would require a bike lane; local streets meaning all local streets or collector streets or arterial streets. Pulling this back for input would go a long way in getting this ordinance where it needed to be to make these things achievable. He stood for questions.

Mayor Stear had a couple of letters to read in. He asked if Mr. Yorgason's testimony was in representation for Dan Richter and if he needed to read that letter into the record.

Mr. Yorgason replied he did represent BCS Southwest Idaho and Mayor Stear would not need to read the letter. He had already referenced the HOA concerns.

Mayor Stear read a letter from Timothy Gordon, 1206 N Black Cat Road, Kuna, Idaho 83634, into the record. He fully supported open space and parks and the value they brought to the community. He had read Tim Eck's testimony and, given the detail of that testimony, thought it would be prudent to table the ordinance to take a second look at the issues he addressed. He thanked Council for their consideration of his thoughts and input.

Mayor Stear read a letter from Don Newell. Mr. Newell had developed the Kuna Market Place and Ashton Estates. He had also developed in many markets in other states. He felt the proposed open space requirements being considered were the most aggressive

and egregious he could remember. He was concerned about the ramifications, if park fees were adequate, HOA dues, and communities affected by this. He believed the stakeholders and the City would welcome a vetting and dialogue of this proposed policy prior to its implementation.

Mayor Stear said that was all of the public testimony but he did have a letter from Council President Buban-Vonder Haar if Council was ready for thoughts.

Council Member Christensen asked Mr. Withrow to explain again how they came up with percentage numbers.

Mr. Withrow stated staff had a rebuttal and asked if they could present that first.

Neutral: None

Rebuttal:

*(Timestamp 01:34:41)*

Planner III Troy Behunin stated earlier that year Council approved a city-wide goal of one acre of usable open space per 80 people in the city. It was important to remember that was a city-wide goal. They had not had a goal in the city for open space for anything for as long as he could remember but that goal was approved by Council earlier that year. They had heard requests repeatedly from citizens, the school district, sporting groups, the Commission, and this Council for more open space for a number of years. It was a main concern of the citizens. This was a response to those requests. If they maintained the status quo they would never reach that goal of one acre per 80 people. With Kuna having the lowest average age in the state of Idaho, it would bring a lot more kids. They were already behind in providing open space for sporting events and things like that. Something they really tried to focus on was not just asking that this be provided, improved, and dedicated to the City. There was a reimbursement program. If the requirements of the parks and rec code for open space were met and it was dedicated to the City of Kuna, the HOA would not be responsible for the cost of maintaining the space. It would be the City's responsibility. He had just re-confirmed with Parks Director Bobby Withrow the City was able to provide the same services the citizens expected over these green spaces at a much lower cost. It was staff's opinion the City could maintain these areas as they were provided. A chief complaint they had was open spaces being closed off. Kuna had a beautiful creek and a subdivision actually put up a sign saying keep out. If you aren't an HOA member stay out. It did limit access. That was one of the biggest reasons for this; ensuring connectivity throughout these places and from subdivision to subdivision as well as promoting a healthy lifestyle. It wasn't about the developer giving them everything. It was about working together to achieve these goals. Staff compiled a list of subdivisions from the last three years and found, with the exception of one subdivision, every approved subdivision didn't even come close to 160 acres. A number of these subdivisions already met this proposed legislation. In order to get a more accurate comparison, there had only been one project in the history of all applications for Kuna that met that threshold. There was one other that

would come before Council soon. Staff took this list, which was being handed out to Council, and compared the same acreage with different zones. That was the only way to get an accurate comparison. Mr. Behunin explained how that worked. While it did appear that open space was heavy as a project grew but was a lot smaller with smaller developments, staff found there was actually a sweet spot. By and large, 9 out of 10 applications that came to Kuna were between 151 and 450 homes. That was historical data. That meant on average there would be about 10% to 11% open space. If Council decided they only wanted to provide 10% open space across the board the goal of one acre per 80 people would never be met city-wide. It would be met for a development but not city-wide.

Council Member Christensen stated his earlier question had been answered by Mr. Behunin. He appreciated staff showing Council this and the chart break down.

Mayor Stear read the letter from Council President Buban-Vonder Haar. She apologized for being absent due to illness and thanked Council for letting her submit some written comments to be read into the record. She was concerned that the standards proposed for smaller unit developments did not seem to hit Kuna's one acre per 80 residents standard, while those proposed for much larger developments exceeded the standard, sometimes coming close to doubling it. This could have several unwanted impacts. First, the City appeared to be incentivizing smaller developments, which would likely have smaller open space areas which would remain the property of the HOAs and not be open for community use. Second, the City couldn't control whether developers pursued large or small projects, so if they skewed the open space requirements so that large-scale projects "make up for" the lesser requirements for small scale projects, they would run the risk of having an overall impact of not meeting the one acre per 80 residents goal. As noted on page 2 of the memo in the packet, the ordinance amendment implemented earlier this year had the problem of creating not enough open space in some developments and too much in others. She was concerned what was proposed would replicate that problem.

Council President Buban-Vonder Haar said in light of some of the expressed concerns with the proposed changes to the open space requirements, and the fact that she had questions about whether the current proposal effectively met Kuna's stated goal of one acre of open space per 80 residents, she proposed they table the section of this ordinance dealing with open space and schedule a workshop so they could more fully explore the City's goals, how various approaches might meet those goals, and the strengths and weaknesses of each approach. Just as there was already an attempt to revise the open space requirements which was ultimately found unworkable, the City needed to look at this more closely so they could get it right and not have to continually revisit the issue. The portions of the ordinance she recommended tabling were 5-1-6-2 and 5-17-12.

Council President Buban-Vonder Haar also had some edits for 6B, pg. 26 of 63. Section I(2)(b) read "*Height of fence* waiver shall only be considered when the grade between two lots has a difference of two (2) feet or more and is on the request is for the lower of the two properties." It should instead read "*Height of fence* waiver shall only be considered

when the grade between two lots has a difference of two (2) feet or more and the request is made by the owner of the lower of the two properties.”

Council President Buban-Vonder Haar had edits for 6B, pg. 30 of 63 as well. Section D should have a comma after the word “burlapped” and Section E should have a comma after the word “feet,” and a comma after the word “burlapped.”

Mayor Stear said that concluded Council President Buban-Vonder Haar’s comments and asked if there were any questions.

Mayor Stear asked, if a 640-acre development came, wouldn’t it come under a PUD.

Mr. Behunin replied they only had one project of that size come in. The prospect was always there but there were fewer and fewer large parcels with that much land under one owner that was contiguous. There were a couple of cases where that happened but, to answer the question, part of the goal was to encourage PUDs. Perhaps they needed to revisit the PUD ordinance as well.

Mayor Stear asked what the odds were of a developer platting all of that at the same time.

Mr. Behunin replied it would never happen. There would be multiple phases but not at one time.

Mayor Stear asked Mr. Withrow about the 3% on smaller developments.

Mr. Withrow explained, when they were looking at it, they sort of reverse engineered it from a couple subdivisions they liked. They were at 2.5% on developments with 100 or less. If Council wanted to raise the percentage on the smaller ones, they could.

Council Member Cardoza noted on page 14 of 63 it said the Kuna City Council, pursuant to public notice as required by law, held a public hearing on October 23, 2019, and October 30, 2019. He said he wasn’t there if it was a public meeting.

Planning & Zoning Director said it was with the Planning & Zoning Commission and those were the notifications that went out.

Council Member Cardoza asked if there was a public notice on October 8th.

Ms. Howell replied October 8th was the Planning & Zoning hearing. October 23rd was one of the notifications in the paper and October 30th was the second notification in the paper for the City Council public hearing.

Council Member Cardoza asked if there had been open public discussion on this legislator where most of the developers in the Kuna community had been notified.

Ms. Howell responded they had discussed it in pre-plats and handed out to some of the planners, engineers, and representatives a copy of the proposal.

Council Member Cardoza asked if any responded.

Mr. Behunin stated they had a number of discussions with a number of developers and he believed the letters in the packet reflected their comments and concerns but they had not received anything else.

Council Member Cardoza appreciated what staff had done but wondered, given how much work they had put into this, if they should open this up to a private meeting between staff and builders. It was important that there be coordination and there seemed to be some animosity out there.

Mr. Behunin said staff would do whatever Council directed. They would just have to consider that meeting would come to an impasse as well. He thought a workshop with Council might work. He wasn't sure what Council wanted to do in terms of stakeholders.

Council Member Cardoza said he was confused by the opposing presentations just from that night. There seemed to be some arbitration between the organizations.

Council Member Christensen felt the numbers presented by both sides aligned and made sense with what the City was trying to achieve and the developers' concerns. He thought the time and effort put in by staff and the data they presented squared away with where the City was coming from and why. Looking at that, it was clear to him they had a clear idea of what they wanted with open space. He didn't know what benefit there would be to opening it up to a workshop. The data wouldn't change.

Mayor Stear said, in his opinion, they put a lot of time and effort into this. His only question was if staff was comfortable with the 3% on smaller projects. He wasn't sure on that one but everything else seemed to make sense and fall in line with the comprehensive plan and addressed some of the issues they had heard over the past few months.

Mr. Withrow replied that had been tricky for them too. They could move it up to 4% and keep going with their table. They could also cap it at 1500. Any houses after 1500 would still be 20% and there wouldn't be any 24% developments. He was comfortable with 3%.

Council Member McPherson said this was a lot to read; staff's numbers and the opposition's numbers. He tried crunching numbers based on his subdivision; amount of ground, houses, HOA dues, the cost to maintain it, and all good factors when looking at this. They certainly didn't want a bunch of property turned over to them that other taxpayers then had to help pay for. He didn't care what Meridian or Eagle had for open space. This was the City's vision for what was needed; whether it was right or wrong.

Council Member Cardoza was kind of on the motion for tabling this and Council President Buban-Vonder Haar mentioned tabling part of it in her letter as well. He was hesitant for part of it but in full support of part of it as well.

Council Member Cardoza stated he hadn't seen this much input from the community; though this was not the direct community but the building community. There was obviously interest in Kuna's open space. Before voting on something like this he would like more input from the community, whether it changed staff's direction or not, there still might be some fine tuning that could make things more congenial. There had to be a happy meeting place. It sounded like the building facilities weren't aware of this. It might be their fault and not the City's but the City should still listen to their arguments. The City should maintain their openness.

Council Member Christensen still wasn't sure what more would come from having more back and forth.

Council and staff discussed public input and whether or not to table the public hearing for more input from the building community.

Mayor Stear reminded everyone this was an ordinance so it could go for the three readings and changes could be made to it before the next reading.

City Attorney Bill Gigray suggested they continue the public hearing if there were going to be any substantive changes.

Mayor Stear suggested they make the text changes recommended by Council President Buban-Vonder Haar, they leave the public hearing open, and come back for a second reading. He asked if there was anything Council wanted looked at or specific things they could put in writing.

Council Member Cardoza had some questions he would direct to Ms. Howell and Mr. Withrow.

City Clerk Chris Engels reminded Council, due to the holiday, there was an early cut off date for the upcoming agenda. She suggested they postpone to the December 17, 2019 Council Meeting. It would also give more time to collect input as well.

Council discussed which date to continue the public hearing to.

Ms. Howell suggested moving it to January. It would give the public additional opportunity for input; especially considering the holidays.

Council discussed a possible January date.

**Council Member McPherson moved to continue the Public Hearing for Ordinance No. 2019-44 to the City Council Meeting to be held on January 7, 2020 with**

testimony from staff and public written testimony. Seconded by Council Member Christensen. Motion carried 3-0-1. Council President Buban-Vonder Haar was absent.

## 7. Business Items:

- A. Consideration to approve 19-03-TE (Time Extension) – Doug Hanson, Planner I  
**ACTION ITEM**  
(Timestamp 02:25:01)

A Team Land Consultants is requesting time extension approval for Rising Sun Estates Subdivision Preliminary Plat (Ada County Assessor Parcel No. R0615250650).

Planner I Doug Hanson presented the staff report and stood for questions.

**Council Member McPherson moved to approve 19-03-TE (Time Extension) for Rising Sun Estates. Seconded by Council Member Christensen. Motion carried 3-0-1. Council President Buban-Vonder Haar was absent.**

- B. Consideration to approve \$40,000 from contingency for IT upgrades – Jared Empey, City Treasurer **ACTION ITEM**  
(Timestamp 02:26:44)

City Treasurer Jared Empey read his memo included in the packet. He gave some more background on the request and stood for questions.

**Council Member McPherson moved to approve \$40,000 from contingency for IT upgrades as listed by City Treasurer Jared Empey. Seconded by Council Member Christensen. Motion carried 3-0-1. Council President Buban-Vonder Haar was absent.**

- C. Consideration to approve \$50,000 from contingency for City Hall expansion – Bob Bachman, Public Works Director **ACTION ITEM**  
(Timestamp 02:32:40)

Public Works Director Bob Bachman presented the proposed City Hall expansion. He explained the need for it and stood for questions.

Council Member Cardoza asked if it would be better to switch the Human Resources Office with the storage area so storage would be between Human Resources and the City Clerk.

Mr. Bachman's only concern with that was then Planning & Zoning would have to go through the Human Resources Office every time they needed to get to storage but the layout was open for suggestions and modifications. It was just a basic concept.

Council Member Cardoza said Human Resources would have to go through storage to get anywhere.

Mr. Bachman explained the storage area was an open corridor. It would be like walking through a hallway.

Council Member Cardoza had safety concerns regarding all the exterior doors.

Mr. Bachman said they would all be secured and on the alarm system with the magnetic locks. He thought it would actually be safer for City employees to have more passive egress in case of emergencies.

**Council Member McPherson moved to approve \$50,000 from contingency for City Hall expansion. Seconded by Council Member Christensen. Motion carried 3-0-1. Council President Buban-Vonder Haar was absent.**

Council took a two-minute recess.

- D.** Request for authorization to proceed with advertisement and bidding of Kuna Downtown Revitalization Phase II – Chris Engels, City Clerk and Bob Bachman, Public Works Director **ACTION ITEM**  
(Timestamp 02:37:00)

Public Works Director Bob Bachman reviewed the project status. The goal was to go out for bid hopefully in December but, if not December, January, and begin construction in April or May and be done by Kuna Days. He stood for questions.

Council Member McPherson asked if the first phase took longer because it was longer.

Mr. Bachman explained the first phase was actually shorter. It started in June and was done just before Kuna Days. This phase's construction window would be about 45-60 days longer.

**Council Member McPherson moved to authorize the City Clerk to proceed with advertisement and bidding of Kuna Downtown Revitalization Phase II. Seconded by Council Member Christensen. Motion carried 3-0-1. Council President Buban-Vonder Haar was absent.**

- E.** Consideration to approve Resolution No. R88-2019 and request for \$24,950 from contingency to pay for JUB Professional Services – Chris Engels, City Clerk **ACTION ITEM**  
(Timestamp 02:39:22)

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE "PROFESSIONAL SERVICES AGREEMENT" WITH JUB ENGINEERING, INC. FOR DEVELOPING DOWNTOWN DESIGN STANDARDS; AND AUTHORIZING

THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

City Clerk Chris Engels presented the request and stood for questions.

**Council Member McPherson moved to approve Resolution No. R88-2019 and \$24,950 from contingency to pay for JUB Professional Services. Seconded by Council Member Christensen. Motion carried 3-0-1. Council President Buban-Vonder Haar was absent.**

## **8. Ordinances:**

- A. Consideration to approve Ordinance No. 2019-45 ACTION ITEM  
(Timestamp 02:41:27)

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO

- AMENDING SECTION 3 OF CHAPTER 6 OF TITLE 1 KUNA CITY CODE ESTABLISHING THE REGULAR MEETINGS SCHEDULE OF THE CITY COUNCIL AND PROVIDING FOR THE CITY CLERK TO POST THE REGULAR MEETINGS SCHEDULE; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

*Consideration to waive three readings  
Consideration to approve ordinance*

**Council Member McPherson moved to waive three readings of Ordinance No. 2019-45. Seconded by Council Member Christensen. Motion carried 3-0-1. Council President Buban-Vonder Haar was absent.**

**Council Member McPherson moved to approve Ordinance No. 2019-45. Seconded by Council Member Christensen. Approved by the following roll call vote:  
Voting Aye: Council Members Cardoza, Christensen, and McPherson  
Voting No: None  
Absent: President Buban-Vonder Haar  
Motion carried 3-0-1.**

## **9. Mayor/Council Announcements:**

(Timestamp 02:42:44)

Mayor Stear shared the State of the City went well. There was good attendance. There were folks from the highway district, an Ada County Commissioner, the sheriff, Council Member Cardoza, and a couple legislators. He thanked Council Member Cardoza for his attendance.

Mayor Stear updated Council that the legislators started really diving into property taxes and city and county government funding. It looked like most of the legislative session would be spent trying to keep them from taking the tools out of local governments' tool boxes. He

wasn't sure what they were trying to accomplish but there were some things that were a little uncomfortable. Something he talked about with Representative John Vander Woude that wasn't in any legislative form yet was possible ways to protect people on a fixed income such as capping property taxes when people reach a certain age. He didn't know what that would look like yet but he thought it was a good idea. Representative Vander Woude also mentioned possibly raising the property tax exemption to \$200,000 instead of the current \$100,000. It was going to be an interesting session.

Mayor Stear also mentioned the Idaho State School Board Association decided not to proceed with the impact fees for school districts. He wasn't sure where that would go yet and thought Kuna's school board of trustees was still dedicated to making that happen at some point in time. It would be hard to get that past the legislature when their own association voted no so it looked like it was dead for at least that year.

City Attorney Bill Gigray commented on the legislature and felt it was time to educate the public and the legislature on how the standard of living was dependent on local government being able to provide services.

**10. Executive Session:**

*None*

**11. Adjournment: 8:54 P.M.**



Joe L. Stear, Mayor

ATTEST:

  
Chris Engels, City Clerk

*Minutes prepared by Ariana Welker, Deputy City Clerk*  
*Date Approved: CCM 12.03.2019*





CITY OF KUNA

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

SIGN-UP SHEET

November 19, 2019 – P&Z City Council, Public Hearing

Case Name: Indian Creek @ Crimson Point Sub, Annexation & Preliminary Plat

1. Case Type: Request to annex a parcel approximately 8.68 acres located west of Ten Mile Road and south of Hubbard Road into Kuna City Limits with an R-8 (Medium Density Residential [MDR]) zone; and to subdivide the approx. 8.68 acres into 39 total lots, consisting of 33 buildable single-family lots, and six common lots. The subject site is located at 3001 West Ardell Road, Kuna, ID 83634, within Section 15, Township 2 North, Range 1 West; (APN# S1315325550).

Case No.: 19-08-AN (Annexation) and 19-04-S (Preliminary Plat).

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

Table with 3 columns: IN FAVOR, NEUTRAL, IN OPPOSITION. Each column contains rows for 'Testify' and 'Not Testify' with fields for Name, Address, City, State, and Zip. Includes handwritten entries for Josh Beech, Brandon Carver, Lisa Dugan, and Tim Geil.



# 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

**November 19, 2019 – City Council Public Hearing**

Case Name: 19-02-OA – Fencing & Open Space  
Case Type: Zoning Ordinance Revision  
Ordinance No. 2019-44

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

Testify     Not Testify

Testify     Not Testify

Testify     Not Testify

Jeff Bower  
Print Name  
601 W Bannock  
Print Address  
Boise ID 83702  
City                      State, Zip

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

Testify     Not Testify

Testify     Not Testify

Testify     Not Testify

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

Brittany Sotro (N2 Kuna farm)  
Print Name  
1057 W. Oakhampton Drive  
Print Address  
Boise ID 83614  
City                      State, Zip

Testify     Not Testify

Testify     Not Testify

Testify     Not Testify

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

Tim Eck  
Print Name  
1057 W. Holt Meun Ln  
Print Address  
Boise ID 83614  
City                      State, Zip

Testify     Not Testify

Testify     Not Testify

Testify     Not Testify

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

Justin Blackstock  
Print Name  
\_\_\_\_\_  
Print Address  
\_\_\_\_\_  
City                      State, Zip

### IN FAVOR

### NEUTRAL

### IN OPPOSITION

**IN FAVOR**

**NEUTRAL**

**IN OPPOSITION**

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Water edge Farm  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Viper Investments  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Challenger Development  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Dave Yorgason  
Print Name

\_\_\_\_\_  
14254 W. Battenberg Drive  
Print Address

\_\_\_\_\_  
Boise ID 83713  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Josh Beach  
Print Name

\_\_\_\_\_  
4524 W. Fairview  
Print Address

\_\_\_\_\_  
Boise ID 83706  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

Amoyo Indio Farm LLC  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

Budani Farm  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

Mason Creek Farm LLC  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

N Star Farm LLC  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify       Not Testify

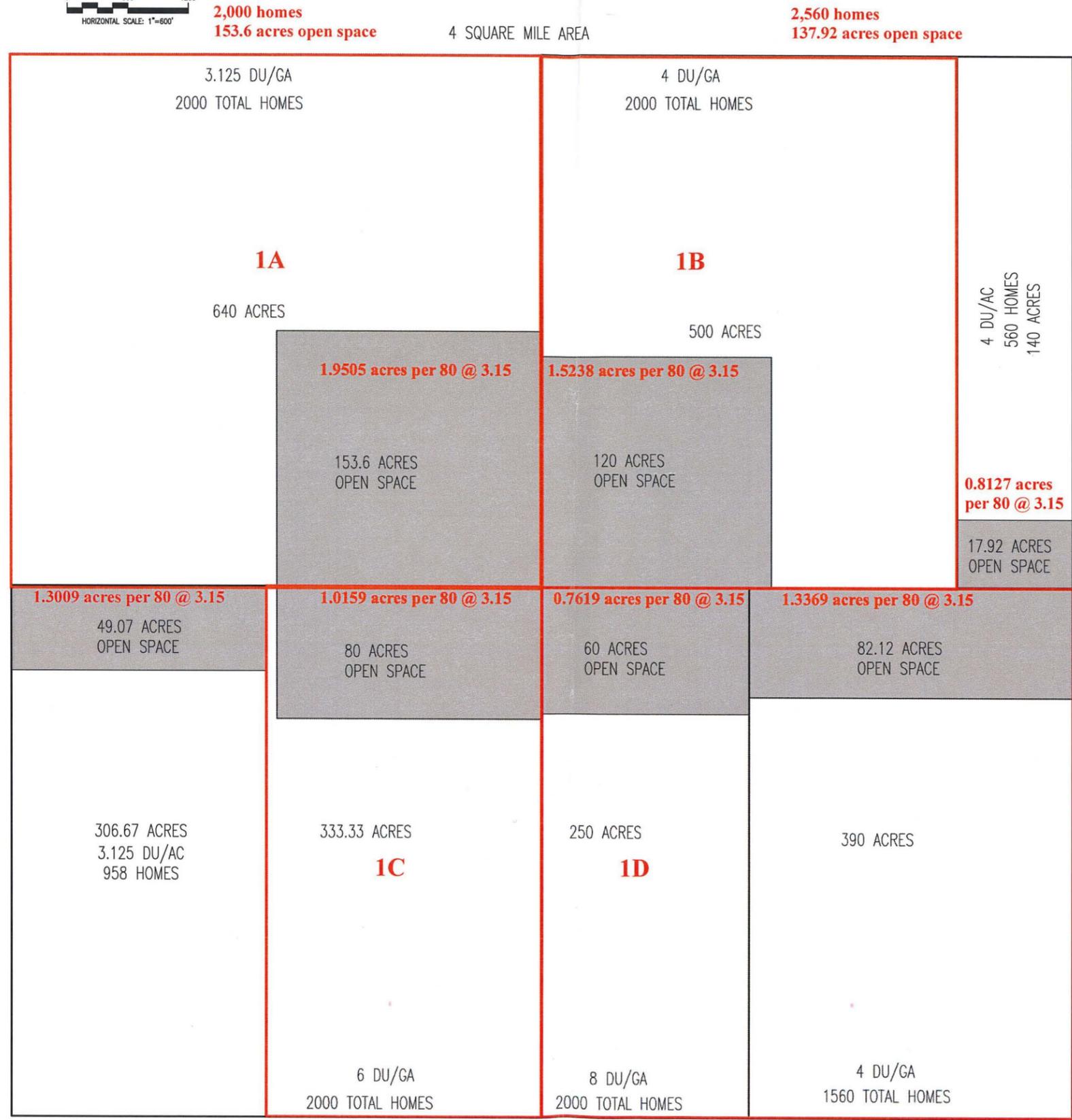
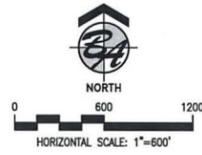
Pawnee Farm LLC  
Print Name

\_\_\_\_\_  
Print Address

\_\_\_\_\_  
City                      State, Zip

Testify:  
1) Renaissance Farm  
2) South Farm LLC  
3) Thrift Farm LLC  
4) Urza Farm  
5) Vanderkooij Farm  
6) DB Development  
7) Endurance Holdings  
8) CBIF Home





**Summary**  
 562.71 ACRES TOTAL OPEN SPACE  
 21.98% AVERAGE OPEN SPACE

**Notes**  
 1. THE OPEN SPACE CALCULATIONS CONSIDER GROSS DWELLING UNITY DENSITY PER THE BULK LAND AREAS.

**City of Kuna**  
 Open Space Assessment Sketch

| REV. | DESC. | DATE/ BY |
|------|-------|----------|
|      |       |          |
|      |       |          |
|      |       |          |
|      |       |          |
|      |       |          |
|      |       |          |
|      |       |          |
|      |       |          |
|      |       |          |
|      |       |          |

SCALE: 1" = 600'  
 DATE: December 12, 2019  
 DRAWN BY: D.A. GRANFORD  
 CHECKED BY: D.A. GRANFORD  
 PROJECT NO.: OPEN SPACE ASSESSMENT  
 DRAWING FILE NAME: Kuna open space assessment.dwg





11/19/2019

Good evening Mayor and City Council Members.

My name is Timothy Gordon and I live at 1206 N. Black Cat Rd. Kuna, Idaho 83634

I want to address the open space draft ordinance before you tonight.

First of all, I would like to state that I fully support open space and parks and the value they bring to our community.

I have read Tim Eck's testimony that he has submitted with regard to the open space ordinance being considered tonight.

Given the detail in his testimony, I think it would be prudent to table the Open Space Ordinance and take a second look at the issues he has addressed in his testimony.

Thank you very much for your consideration of my thoughts and input.

Sincerely

Tim Gordon

To whom it may concern;

My name is Don Newell the Developer of the Kuna Market place and Ashton Estates in Kuna. I have Developed and Built in many Markets from Denver Co., Las Vegas NV., Salt Lake and Park City UT., and the Inland Empire (Riverside County) CA. I must say the proposed "Open Space" requirement being considered by Council tonight is the most aggressive and quite frankly egregious I can remember. Has proper thought gone into the ramifications of this Policy if enforced? Are Kuna Park Fee's adequate? What will happen to HOA Dues in communities affected by this? Aren't these concerns of the City. I believe the Stakeholders like the City would welcome a vetting and dialogue of this proposed Policy prior to it's implementation.

Regards

Don Newell

## OPEN SPACE REQUIREMENTS ACROSS EVEN ACREAGE

|  |   |
|--|---|
| <p>160 AC</p> <p>R-2</p> <p>320 Homes</p> <p>10.35% Open Space</p> <p>16.56 acres of Open Space</p> <p>Estimated Population: 982</p> <p>Comp Plan Goal: 1:59</p>   | <p>160 AC</p> <p>R-4</p> <p>640 Homes</p> <p>13.20% Open Space</p> <p>21.12 acres of open space</p> <p>Estimated Population: 1964</p> <p>Comp Plan Goal: 1:93</p>   |
| <p>160 AC</p> <p>R-6</p> <p>960 homes</p> <p>16.00% Open Space</p> <p>25.60 acres of Open Space</p> <p>Estimated Population: 2947</p> <p>Comp Plan Goal: 1:115</p> | <p>160 AC</p> <p>R-8</p> <p>1280 Homes</p> <p>18.40% Open Space</p> <p>29.44 acres of open space</p> <p>Estimated Population: 3930</p> <p>Comp Plan Goal: 1:133</p> |