



KUNA PLANNING AND ZONING COMMISSION
Agenda for February 10, 2015

Kuna City Hall ▪ Council Chambers ▪ 763 W. Avalon ▪ Kuna, Idaho

REGULAR MEETING
6:00 pm

1. CALL TO ORDER AND ROLL CALL:

Chairman Lee Young
Vice-Chair Stephanie Wierschem
Commissioner Dana Hennis
Commissioner Cathy Gealy
Commissioner Joan Gay

2. CONSENT AGENDA:

- a. Approval of Planning and Zoning meeting minutes for January 13, 2015.
- b. **14-07-AN** (Annexation), **14-03-LS** (Lot Split); Daniel and Gina Safford.
-Findings of Fact and Conclusions of Law: The applicant requests approval for Annexation of two existing parcels into the City of Kuna with an Agriculture (A) zoning designation, and splitting one of the parcels located at 1200 S. Ten Mile Road.

3. NEW BUSINESS:

- a. Commission member elections for Chairman and Vice Chairman of the Planning and Zoning and Design Review Board.

4. PUBLIC HEARING:

- a. **14-05-SUB** (Subdivision), **14-12-DR** (Design Review) and **05-05-SUP** (Amended- Special Use Permit)- Laren Bailey – LEI Engineers and Planners: Applicant requests amending the Special Use Permit and approval for a proposed preliminary plat, creating a multi-family subdivision (Crimson Point Villas No. 2) over approximately 1.24 acres. Applicant requests to amend the SUP, including permission to develop the site for multi-family housing. Applicant proposes five (5) lots for multi-family units and two (2) common lots which will be under the responsibility and maintenance of a Homeowners Association (HOA).

5. DEPARTMENT REPORTS:

6. CHAIRMAN / COMMISSIONER DISCUSSION.

7. ADJOURNMENT.

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PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	<i>absent</i>
Vice-Chairman Stephanie Wierschem	X	Troy Behunin, Planner II	X
Commissioner Dana Hennis	<i>absent</i>	Trevor Kesner, Planning Technician	X
Commissioner Cathy Gealy	X		
Commissioner Joan Gay	<i>absent</i>		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

Chairman Young called the meeting to order at **6:01 pm**.

1. CONSENT AGENDA

- a. None

2. NEW BUSINESS:

- a. **14-07-AN** (Annexation), **14-03-LS** (Lot Split); Daniel and Gina Safford: The applicant is requesting approvals for Annexation of two existing parcels into the City of Kuna with an Agriculture (A) zoning designation, and split one of the parcels located at 1200 S. Ten Mile Road.

C/Young: If the applicant will please come forward.

Gina Safford: Hello. My name is Gina Safford, I live at 1036 south Ten Mile Road in Kuna. So what we have before you here today is, we own two (2) parcels here on south Ten Mile. 1036 S. Ten Mile which is a 4.7 acre parcel and the adjacent parcel; and this is my husband Dan, and the adjacent parcel next to it is 1200 S. Ten Mile. So we essentially own two parcels, side by side, on the east side of the road, here on Ten Mile. Our goal is to request annexation of both of these parcels into the city, so that we can eventually service city services to these parcels and we are asking to subdivide the parcel so the south into two pieces. Our eventual goal is to build a home on the back side of the property at 1200 south Ten Mile.

So that's the reason that we're coming into the city, is so we can split. We can't split when we are in the county any further so we're bringing both pieces in so it will be contiguous; and we're hoping at some point, to bring you a set of building plans, which is in the future.

C/Young: Ok, and have you read the staff report and understand everything that's in there?

Gina Safford: Yeah, I think we do. We understand that the services are not there, and we understand that if we put in a building permit, that we are going to have to pay for those services and that we'll be waiting for some time for them. We don't know how long it will be before they come on down Ten Mile. They're a few hundred

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yards away now but one parcel has to sell before they come on down to meet with the two properties that we currently own. So we know that and we know that will need to happen in the future.

C/Young: Ok. So are there any questions for them?

C/Gealy: No questions.

C/Wierschem: I have nothing.

C/Young: Ok. I do have one other question: I see the two parcels...

Gina Safford: Yes?

C/Young: ... and I see a platted road to the south. And then I see what looks like the proposed new dwelling in the future and the way it's oriented there on that platted road. There is no current road there?

Gina Safford: There is no current road anywhere and the man that did the survey didn't completely understand. We actually want the house on the north side. We want it on the northwest corner of that, kind of north to where he has put it as a typical drawing. And we would actually put the road between the two pieces that we own and not on... when we do come to you with a building proposal, the road access would actually be to the north and not on the south side of the properties. So right in between both properties, we'd put the road on the easement that's there along the fence line we currently own. We'd put a driveway, not a road; excuse me, just a driveway.

C/Young: so at that point, you would do either some sort of a cross-access agreement for that or...?

Gina Safford: Yes.

C/Young: There wouldn't be a road as part of the parcel B? Only that...

Gina Safford: We're not putting in a road. There would be a driveway access and I think there is an easement for a road between the two parcels now as they stand. The surveyor just didn't understand which side we wanted it on and we want it between the parcels. There is actually a city road; do you call that an easement? ... Not the right-of-way, but the easement, we want it to be between the two parcels that we currently own.

C/Young: Ok.

Gina Safford: When we eventually come to you with our building permit plan that will all be accurate.

C/Young: Alright. And if there is no other questions, well then we thank you and we'll have staff come up.

Trevor Kesner: Commissioners, for the record, my name is Trevor Kesner, Planner for the City of Kuna, 763 W. Avalon. I am just going to follow-up and try to address a couple of issues... well, they're more formalities. When this case was first noticed, there was a development agreement associated with this application. We have decided to do away with the development agreement application associated with this case at this time because,

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as you've heard from the applicants, there is no building permit application submitted; they do not know when their anticipated home build will occur so a development agreement is not needed for this. It's just simply an annexation and a lot-split at this time.

Also, on the staff report, on page 3 of 5, number 5 under the existing structures, vegetation and natural features: I state that there is currently a house on the north 4.61 acres, which is the north parcel. And then under section F, the first paragraph: I also describe the northerly parcel as 4.641 acres, so there is a discrepancy on those two numbers. It is actually 4.641 acres, so the lower number is correct and that will be corrected in the findings of fact.

As you've heard from the applicants, there was also a discrepancy on where the proposed new house will take access in the future. Their submitted record of survey showed the driveway where they thought that it would be in the future; staff would just recommend that the Commission also support the condition that in the record of survey, a cross-access agreement or some sort of a shared driveway easement is recorded with that record of survey. But as it stands now, the applicants will own all three parcels or rather, both parcels as they annex in -so an easement would not be needed until such time as they record that survey. They have followed all of the city code and Idaho laws as far as noticing, they have posted the property, they have complied with all of the application requirements, and if you have any questions for me, I'd be happy to clarify.

C/Young: Any questions for staff?

C/Gealy: Just one question, with regard to the shared driveway access, is that consistent with the plan for the area; that there would be an additional driveway between those two parcels rather than accessing that road to the south? Or the right-of-way to the south?

Trevor Kesner: The roadway to the south of both parcels, which the applicants have stated, their proposed new home will not take access off of that right-of-way. That existing right-of-way has been dedicated. At some time in the future, that may be a roadway, but the right-of-way has been dedicated. They will not use that roadway to access any of the newly created parcels. The existing access on the southern parcel will be used as the shared driveway.

C/Gealy: So there's an existing access there now?

Trevor Kesner: There is an existing access, but an easement has not been recorded. But as I stated, the applicants own both parcels so an easement would essentially be dedicated to themselves at this point.

C/Young: Ok. Any other questions for staff? Ok, thank you.

Trevor Kesner: Thank you.

3. PUBLIC HEARING

- a. The Public hearing was opened at 6:10 pm. Seeing that no one signed up opposing, supporting or neutral with regard to **14-07-AN** (Annexation), and **14-03-LS** (Lot Split), Chairman Young asked if anyone that has not signed up wanted to testify. No one responded, therefore Chairman Young closed the public hearing portion of the meeting at 6:11 pm.

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Commissioner Gealy motions to recommend approval of 14-07-AN and 14-03-LS to City Council and with the conditions of approval as outlined in the staff report, with an additional condition to allow for a shared driveway access easement between both parcels to be shown on the record of survey; Commissioner Wierschem Seconds, all aye and motion carried 3-0.

4. DEPARTMENT REPORTS:

a. None

5. CHAIRMAN / COMMISSIONER DISCUSSION:

a. **14-05-DRC – Amendment Request:** This is a request from Ultimate Heating & Air to amend the DRC's original decision about ground cover within the landscape buffers and planters. The original application was for Design Review approval for a new 5,552 square foot office and small warehouse building, parking lot, landscaping and signage on an approx. 1.12 acre site within the Shortline Park industrial subdivision.

-The applicant seeks approval for the use of gravel within the planter beds rather than planting grass. This would change the front landscape buffer and two other minor buffers or planters against the building.

C/Young: Please state your name and address for the record please.

Dale Whitney: Dale Whitney with Ultimate Heating and Air, 593 E. Access St.

Scott Marshall: I'm Scott Marshall with Straightline Architects, 1421 S. Cloverdale Rd., Boise, Idaho.

Dale Whitney: I'm just here because we finished our building and we have a temporary C.O. (certificate of occupancy) and we only got the temporary C.O. because I guess we were supposed to have grass which was shown in a rendering of the building and in the small planter beds. We didn't put grass in because we have the bushes and the trees that we needed to put in so I put rock in because I followed the suit of what everybody else was doing in the area, and I'm here just to see if I don't have to plant grass and use my rock. Nowhere on the plans does it say grass. You know, I uh... I didn't get that concept I guess for the small area of grass that was needed. With all the plants, all the bushes and all the trees that we've met or exceeded those. I have pictures of associated buildings and right in our area with the same landscape design.

C/Young: Ok. Do you have a copy of the landscape plan?

Dale Whitney: I think Troy's got it right here. Do you want it up there?

C/Young: Yeah, I just want to take a look at what the planners may or may not have seen.

Scott Marshall: If I could add a little bit. I'm actually the architect of record. Back in June, I came to talk to you guys about this project during the initial design review portion and I wanted to apologize a little bit for having the renderings be a little bit misleading as far as where the planters are. We indicated that area as green and the intention was that those areas would have green showing vegetation. The intent of the color renderings was more for the design review purpose showing what the building would look like and the building materials and this was just kind of 'yeah, this is where there's going to be some planting' and I think at that time, we were kind

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of leaning towards the aspect of using rocks and bushes because the city's pressurized irrigation system doesn't extend out there and we were want to be, I guess, good stewards of the water considering the distance out there and have it not use a lot of water to take care of those so that's kind of what we were approaching when we first came in, but that decisions hadn't been made so...I'm sorry for the confusion on what graphically, that is showing.

C/Young: Ok. I found the landscape plan and I guess it doesn't define grass in the planters from what I can see. It talks about the other plantings but not necessarily the rest of the ground cover from what I can see.

Scott Marshall: The amount of planting that's in there, the bushes; I think that it satisfies the over 60% ground cover. Correct me if I'm wrong, but I think that is one of the requirements for vegetation in the landscape buffer that's along the front and also on the side so that's kind of the angle that we proceeded with during the design when we wrapped it up, trying to meet the intent of what the code is.

I'd invite you to comment, but anyways that's kind of where we're at.

C/Young: Ok.

Dale Whitney: Well, you know we had that building built; we have our temporary C.O. so we moved in and I've already got the rock installed and all the bushes, and all the watering for the bushes and everything. You know the rock cost me a lot more money that grass would have been to put in. But you know, I guess I don't really see a point in having grass when you see on the plans it never really called out for it.

I didn't really think it was necessary; that little bit of grass that is going to go in there, once the bushes grow out, well then there's not really much to mow after that. I mean the building itself looks phenomenal and we're very proud of it and I do have other pictures of the buildings around us that don't have any grass either and they kind of went with the same landscaping plan. So I guess that's where I got my idea a little bit was to just follow suit with all the others. I don't know if you guys want to see those at all.

C/Wierschem: Yes, please.

Dale Whitney: You know there are only a couple buildings around us so far...

Whitney approaches Dias with photos

Here's pictures of our frontage and the side there -which is very minimal because we're going to have a shared thing with this property here and this is best bath. This is... *[inaudible]*

C/Wierschem: Have you discussed this with staff?

Dale Whitney: With staff? You mean Troy?

C/Young: Yes, Troy.

Dale Whitney: Yes. Yes I have.

C/Wierschem: Could we have staff approach?

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Troy Behunin: Sure. I was just waiting to go after they were finished since we're going with a whole new procedure so...

C/Young: Well, I guess before we have Troy come up, is there any other questions for the applicant?

C/Gealy: Not at this time.

C/Wierschem: Not at this time.

Troy Behunin: For the record, Troy Behunin, 763 W. Avalon, Senior Planner for Kuna Planning and Zoning department. Just to report, the building does look really nice. It's a nice new building and the parking looks great. As a part of all our design review processes, the building, the landscaping and the parking lot all have to be field inspected after the building is complete and when they are requesting a certificate of occupancy (C.O.).

When I went out in December to inspect the landscaping and the building, I found the building was compliant with your decision and I found the number of trees and shrubs were met, and in some places exceeded. So they actually added more shrubs and I think another tree or two than were required. In fact they added a planter bed on the east side that wasn't shown on the plans, which is fine because they are adding more landscaping and a little bit more foliage and a bit more to the environment, so that is good. And the buffer sizes and locations were all sufficient. The only thing that was missing was the grass, and maybe it was my interpretation that the green was supposed to be grass on the illustrative, and it never really got talked about during design review so I assumed that you folks assumed the same thing.

The code does not actually allow for rocks to be used for landscaping purposes and because of that, I let the contractor know that there was a small issue with this. In an effort to help them get into their building timely and to be able to keep their business going and continue to thrive, we agreed to give them a temporary C.O., which the only condition on that temporary C.O. was that they come before this body and ask for this amendment.

Now, a design review is not a public hearing, it's not a public hearing venue. It's a public meeting. And although it is in code, this body, although you did approve it the way that you did, has the authority to overrule that, change that or give exceptions based on the merit of the circumstances.

Mr. Whitney is correct that most of the businesses within the industrial park there, they have used gravel. A lot of those businesses are a little bit older. They've been there for several years, but this industrial park has been there since 2004/2005, and Mr. Scott Marshall is also correct, this subdivision does not have pressurized irrigation so it will be using potable water, which is also a protected resource of ours. We don't like to drain the potable water for the plants. Wendy (Kuna Planning Director) and I have had several conversations, we talked with Dale. Dale came in and met with us immediately and we discussed resolution. We felt the best way to resolve this was to come before you, the decision makers, to make that change, should you choose to do that. Although it is not our preferred method, our intention is to help businesses thrive in Kuna. Staff believes this was an honest mistake; an oversight. Although not the optimum, I have talked with Wendy and we are willing to live with whatever decision you folks come up with, and we can support either solution. If you choose to leave the rock, then we can support that and if that is not what this body wants, then we will support that.

We have some competing issues: We don't have pressurized irrigation (P.I.), we want to protect the potable water, we want to uphold code, but we also want to be business-friendly and help businesses get a great start so with this one exception, this project has gone rather flawlessly and without any hiccups. So I leave you with that and will stand for any questions you might have.

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C/Young: Any questions for staff?

C/Gealy: I have no questions.

C/Wierschem: I have none.

C/Young: Ok. Thanks Troy. I guess that brings it back to our discussion. In my mind, the building as presented is a nice building, especially for an industrial area, which they are in and I think that when Calvary Chapel came in, I think that we allowed rock up there as well, because it was in an industrial area. To me it makes sense, because they're using potable water anyway. At least for my own opinion anyway, they're within the spirit of what the design intended was. I don't know what your feelings may be.

C/Gealy: I think the rock makes sense, actually. I think it was actually a good mistake; or a good misunderstanding. I think the rock makes sense in this environment.

C/Wierschem: I totally agree. I think that perhaps, it was a true honest misunderstanding. Maybe there needed to be more clarification, or interpretation and I think the best way to accommodate a business in our community is to let it stand as is, instead of incurring additional expenses on their behalf. I think that it actually flows well with the other businesses that are in the industrial park, so I would like to see an amendment.

C/Young: Ok. Any other...?

Commissioner Gealy motions approval of the amendment request for 14-05-DRC as presented and discussed; Commissioner Wierschem Seconds, all aye and motion carried 3-0.

C/Gealy: (to applicant) –Thank you for taking the time to come in.

- b. C/Wierschem asked for a status update on the petition for the pool/recreation complex initiative and wanted to know if there were any restrictions or conflicts of interest if a Planning and Zoning Commissioner were to sign the petition.

Troy Behunin informed Commissioner Wierschem that Planning and Zoning staff are not tracking that information and that the status of the petition is not available at this time. Troy advised that he could be wrong but did not see any conflict of interest for a Planning and Zoning Commissioner to sign the petition to place it on the ballot in the next local election. As members of the community and as citizens who will reside in the proposed district, it seems completely appropriate to sign it.

C/Gealy added two points to Troy's remarks: Chris Engles in the City Clerk's office knows about the petition's progress and encouraged Commissioner Wierschem to contact her for the status. And that the petition is only to place the initiative on the ballot, so it's not a 'vote' -but a request to present it to voters. Should a Commission member check with an attorney, it's likely they would not only find no conflict, but also a Commission member's responsibility to sign it.

C/Wierschem: Thank you.

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C/Gealy asked with regard to the rock versus grass landscaping issue in this area, if it would be in the best interest of the city to take a look at amending the code for the future? Considering the water issue and what is already in place.

Troy Behunin said that it is a tricky balance because the City Council voted a couple of years ago to exclude this part of town from the 'service' area, so there's nothing for this particular subdivision. It would cost a substantial amount of money to bring pressurized irrigation to this area but it is not so cost prohibitive that it won't happen in the future. The city may have to extend pressurized irrigation to this area if the industrial park continues to fill up. Sadie Creek and Wild Meadows subdivisions to the south/west of this area both have pressure irrigation lines so as the area continues to grow, it may drive the need to bring P.I. to it. So a text amendment may not be appropriate; at this time anyway.

C/Gealy asked if there was anything scheduled on the next Planning and Zoning meeting agenda, as she may be a bit late but would definitely try to attend.

6. ADJOURNMENT:

Commissioner Gealy motions to adjourn at 6:34 pm; Commissioner Wierschem Seconds, all aye and motion carried 3-0

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

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



City of Kuna

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Findings of Fact and Conclusions of Law

To: Planning and Zoning Commission

Case Number(s): 14-07-AN (Annexation) and 14-03-LS (Lot Split)
Safford Annexation

Location: 1036 S. Ten Mile Rd. and 1200 S. Ten Mile Rd.
Kuna, Idaho 83634

Planner: Trevor Kesner, Planner I

Hearing Date: January 13, 2015
Findings of Fact: January 27, 2015

Applicant: Daniel & Gina Safford
1036 S. Ten Mile Rd.
Kuna, Idaho 83634
208.869.8323
saffordranch@gmail.com

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- K. Proposed Decision by the Commission

A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states annexation is designated as a public hearing, and a lot split as a public meeting with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

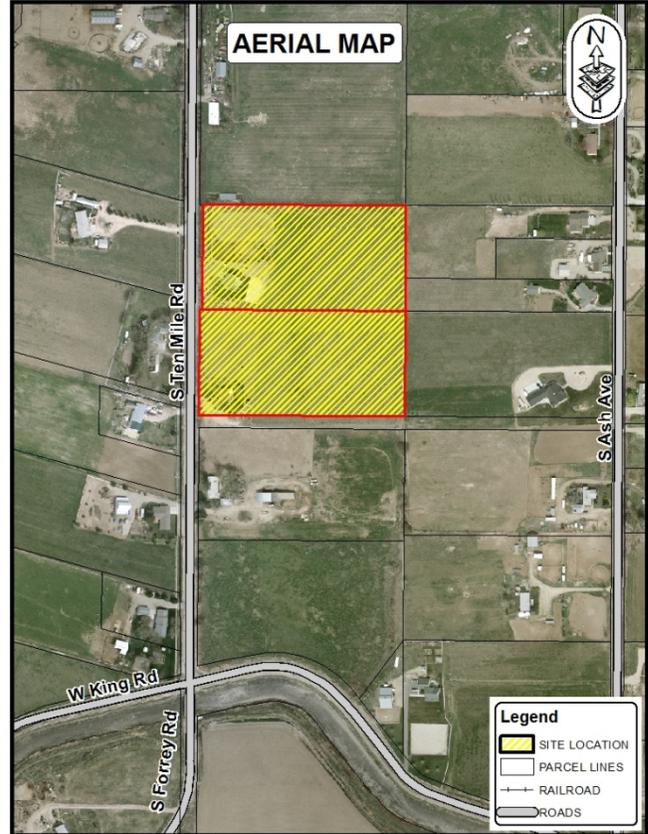
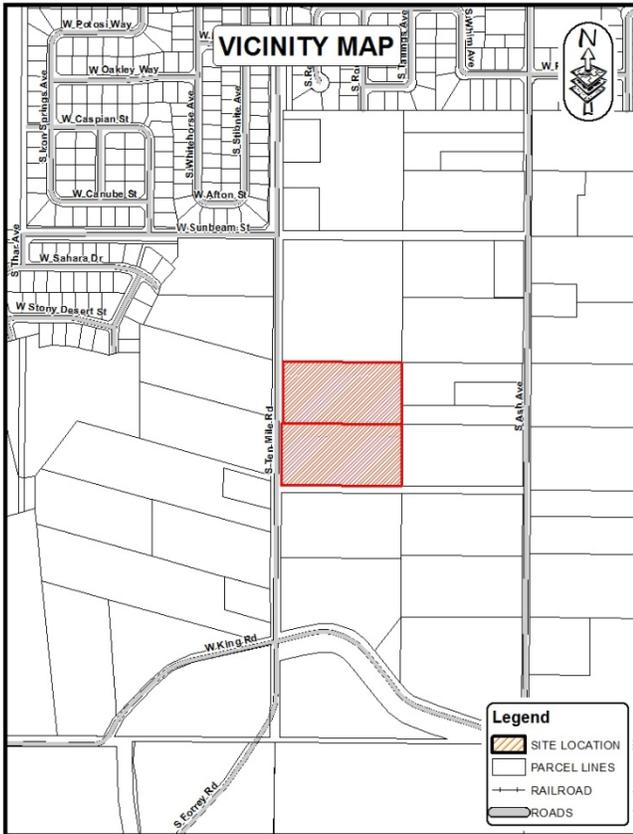
a. Notifications

- | | |
|---------------------------|---|
| i. Neighborhood Meeting | October 15, 2014 (3 people attended; 2 via phone) |
| ii. Agencies Notified | November 24, 2014 |
| iii. 300' Property Owners | July 14, 2014 |
| iv. Kuna, Melba Newspaper | December 10, 2014 and December 17, 2014 |
| v. Site Posted | December 30, 2014 |

B. Applicant Request:

1. The applicant seeks approval for annexation of two existing parcels into the City of Kuna, and to split one parcel located at 1200 S. Ten Mile Road and subsequently, intends to construct a single-family home on one of the newly created parcels.

C. Vicinity and Aerial Maps:



D. History: Both parcels are adjacent to the City limits and are currently zoned RUT (Rural Urban Transitional). Each existing parcel contains a home and the majority of the remaining ground is currently farmed. These parcels have historically been farmed.

E. General Projects Facts:

1. **Comprehensive Plan Designation:** The Future Land Use Map (FLU) identifies this site as Low Density Residential. Staff views this land use request to be consistent with the approved FLU map.

2. **Surrounding Land Uses:**

North	A	Agricultural – Kuna City
South	RUT	Rural Urban Transition – Ada County
East	R-1/RUT	Estate Residential/Rural Urban Transition – Ada County
West	RUT	Rural Urban Transition – Ada County

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

- Approx. 9.34 total acres
- RUT, Rural Urban Transition (Ada County)
- Parcel # - R5070501603 and R5070501602

4. **Services:**

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

5. **Existing Structures, Vegetation and Natural Features:** Currently there is a house on the north 4.641 acre parcel where the applicant resides. There is an additional house on the south 4.7 acre parcel which is to be split. Historically, the site has been used for agricultural activities and it is anticipated that such use will continue on both parcels until the newly created east parcel is developed.

6. **Transportation / Connectivity:** The existing parcels have access from south Ten Mile Road and will remain the same. It is anticipated that the newly created eastern parcel will take access from a proposed, shared driveway or cross-access easement between the existing north and south parcels. The proposed easement will be shown on the official record of survey for the newly created parcels.

7. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts. This site's topography is generally flat.

8. **Agency Responses:** The following agencies returned comments: City Engineer (Gordon Law, P.E.), Central District Health Department and the Idaho Department of Environmental Quality (DEQ). The responding agency comments are included as exhibits with this case file.

F. Staff Analysis:

The subject site is located on the east side of south Ten Mile Road, midway between west King Road and west Sunbeam Street. The applicant requests to annex both parcels into the City and split the southern 4.7 acre parcel into two new parcels. The northern parcel will remain the same at approximately 4.641 acres. The existing residence on the northern parcel which relies on an existing septic tank and private domestic well, will remain as it is.

The southern 4.7 acre parcel has an existing residence which also relies on a separate existing septic tank and private domestic well. The southern parcel is to be split to create a western parcel of approximately 1.7 acres, and the remaining eastern parcel will contain approximately 3.0 acres. Historically, both parcels have been farmed and it is anticipated that use will continue.

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and Kuna Comprehensive Plan; and recommends approval for Case No.'s 14-07-AN and 14-03-LS subject to the recommended conditions of approval.

G. Applicable Standards:

1. City of Kuna, Title 5 Zoning Ordinance.
2. City of Kuna Comprehensive Plan and Future Land Use Map.
3. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

H. Comprehensive Plan Analysis:

The Kuna Planning and Zoning Commission, accepts the Comprehensive Plan components as described below.

1. The proposed applications for this site are consistent with the following Comprehensive Plan components:

GOALS AND POLICY – Property Rights

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

Policy 1: As part of a land use action review, the staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criterion established to determine the potential for property taking.

GOALS AND POLICY – Housing

Goal 1: Offer a wide variety of housing choices for current and future Kuna residents.

Policy 3.1: Promote developments with a variety of lot sizes.

GOALS AND POLICY – Land Use

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

Objective 2.2: Plan for areas designed to accommodate a diverse range of businesses and commercial activity – within both the community-scale and neighborhood-scale centers – to strengthen the local economy and to provide more opportunities for social interaction.

I. Findings of Fact:

1. This request appears to be in compliance with all ordinances and laws of the City, including Kuna City Code (KCC).
2. The site is physically suitable for a lot split.
3. The annexation and lot-split uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
4. The annexation and lot-split is not likely to cause any adverse public health problems.
5. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, location of public facilities and existing adjacent uses.
6. The existing and street and utility services in proximity to the site are suitable and adequate for residential purposes.
7. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, public testimony and the supporting evidence list as presented.
8. Based on the evidence contained in Case No’s 14-07-AN and 14-03-LS, this application proposal appears to comply with the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map (FLU).
9. The Planning and Zoning Commission has the authority to recommend approval or denial for these applications.
10. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and Kuna City Ordinances.

J. Conclusions of Law:

1. Based on the evidence contained in Case No’s 14-07-AN and 14-03-LS, the Kuna Planning and Zoning Commission finds Case No’s 14-07-AN and 14-03-LS comply with Kuna City Code.
2. Based on the evidence contained in Case No’s 14-07-AN and 14-03-LS, the Kuna Planning and Zoning Commission finds Case No’s 14-07-AN and 14-03-LS, are consistent with Kuna’s Comprehensive Plan.

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

K. Decision by the Planning and Zoning Commission:

Note: This motion is for approval of this request. However, if the Commission has approved or denied specific parts of the request as detailed in this report, they are specified as follows:

Based on the facts outlined in staff's report and the public testimony at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval* of Case No's 14-07-AN and 14-03-LS, a request for annexation and lot-split from Daniel and Gina Safford, with the following conditions of approval:

1. Applicant shall designate a shared driveway access easement between both parcels for future access to the newly created eastern parcel when split. Said easement will be shown on the record of survey and applicant will provide Kuna Planning and Zoning with a copy of the recorded survey and the instrument number.
2. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved construction plans from the agencies noted below. All submittals shall include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
 - a. The City Engineer shall approve the future sewer hook-ups.
 - b. The Kuna Building Official shall approve all future building plans.
 - c. The *Boise-Kuna* Irrigation District shall approval any modifications to the existing irrigation system.
 - d. Approval from the Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permits.
3. All public rights-of-way shall be dedicated to the City, Ada County Highway District and Idaho Transportation Department. No public street construction may be commenced without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
4. All utilities shall be installed underground (see KCC 6-4-2-W).
5. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
6. Submit a petition to the City (if necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation system of the City (KMID).
7. Applicant shall follow all staff, City engineer and other agency recommended requirements as applicable.
8. Applicant shall abide by all applicable federal, state and local laws and ordinances.

DATED this _____ day of 2015,

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Wendy I. Howell, PCED
Kuna Planning and Zoning Director



**CITY OF KUNA
PLANNING & ZONING DEPARTMENT**

763 W. Avalon • Kuna, Idaho • 83634 • Phone (208) 922-5274

Fax: (208) 922-5989 • www.cityofkuna.com

(ANNEXATION)

Case Name: 14-07-AN, 14-03-LS

Location: 1036 S. Ten Mile, KUNA, ID 83634

Request includes: Special Development Irrigation Plan Companion Applications
 Type: Annexation Type: LS & DA

EXHIBITS		
A	ANNEXATION	DATE
✓ 1	STAFF REPORT	
✓ 2	Annexation Checklist:	
	a) Completed and Signed Commission and Council Review Application	10-21-14
	b) Detailed Submittal Letter (LOI)	10-21-14
	c) Vicinity and Aerial Maps	10-21-14
	d) Legal Description I. overall III PARCEL C II. PARCEL A	10-21-14
	e) Recorded Warranty Deed	10-21-14
	f) Affidavit of Legal Interest	10-1-14
	g) Development Agreement & Development Agreement Checklist	10-21-14
	h) Neighborhood Meeting Certification	10-21-14
	i) Commitment of Property Posting Form & Proof of Posting	10-21-14
✓ 3	Lot Split checklist	10-21-14
✓ 4	Kuna Orchard Tracts Original Plat Sub	-
5		
B AGENCY REPORTS		
✓ 1	City Engineer Comments	12-2-14
✓ 2	D.E.Q. Comment/Letter	12-10-14
✓ 3	Central District Health Dept (CDHD) DISCUSSION	12-11-14
4		
5		
6		
7		
8		
9		
10		



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

Annexation Checklist

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

Project name: 14-07-AN (Annexation)	Applicant: DANIEL & GINA SAFFORD
---	--

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

Applicant (✓)	Description	Staff (✓)
✓	Completed and signed Commission & Council Review Application.	✓
	Letter of Intent indicating reasons for proposed annexation and the availability of public services. If reason for annexation is development, also submit a conceptual plan.	✓
N/A	Vicinity map drawn to scale, showing the location of the subject property. Map shall contain the following information: Shaded area showing the annexation property, Street names and names of surrounding subdivisions.	✓
	Legal description of the annexation area: Include a metes & bounds description to the section line of all adjacent roadways stamped & signed by a registered professional land surveyor with a calculated closure sheet & a map showing the boundaries of the legal description.	✓
✓	Recorded warranty deed for the property.	✓
✓	Proof of ownership—A copy of your deed <u>and</u> Affidavit of Legal Interest (All parties involved)	✓
	Development Agreement & Development Agreement Checklist	✓
✓	Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application).	✓
✓	Commitment of Property Posting form signed by the applicant/agent.	✓

Note: Only one copy of the above items need to be submitted when applying for multiple applications.

This application shall not be considered complete (nor will a Public Hearing be set) until staff has received all required information. Once the application is deemed complete, staff will notify the applicant of the scheduled hearing date, fees due, additional copies needed, etc.



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

Commission & Council Review Application

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

*Please submit the appropriate checklist (s) with application

Type of Review (check all that apply):

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

For Office Use Only	
File Number (s)	14-07-AN
Project name	SAFFORD ANNEXATION
Date Received	10-21-14
Date Accepted/Complete	11-24-14
Cross Reference Files	14-03-LS 14-06-DA
Commission Hearing Date	01/13/2015
City Council Hearing Date	

Contact/Applicant Information

Owners of Record: <u>Daniel + Gina Safford</u>	Phone Number: <u>208-869-8323</u>
Address: <u>1036 S. Ten Mile</u>	E-Mail: <u>Saffordranch@gmail.com</u>
City, State, Zip: <u>Kuna, Id 83634</u>	Fax #: <u>208-922-9456</u>
Applicant (Developer): <u>Daniel + Gina Safford</u>	Phone Number: <u>208-869-8323</u>
Address: <u>1036 S. Ten Mile K</u>	E-Mail: <u>Saffordranch@gmail.com</u>
City, State, Zip: <u>Kuna, Id 83634</u>	Fax #: <u>208-922-9456</u>
Engineer/Representative: <u>Angela Gilmer</u>	Phone Number: <u>208-870-9495</u>
Address: <u>3140 N 34th Pl</u>	E-Mail: <u>angie@EWS10.com</u>
City, State, Zip: <u>Bose, Id 83703</u>	Fax #: <u>208-922-9456</u>

Subject Property Information

Site Address: <u>1036 S. Ten Mile + 1200 S. Ten Mile Kuna, Id</u>	
Site Location (Cross Streets): <u>SE corner of Sunbeam + Ten Mile Rd</u>	
Parcel Number (s): <u>R5070501602 and R507050163</u>	
Section, Township, Range: <u>S26, T2N, R1W</u>	
Property size: <u>approx 4.7 acres each</u>	
Current land use: <u>residential + ag</u>	Proposed land use: <u>same</u>
Current zoning district: <u>RUT</u>	Proposed zoning district: <u>R6</u>



Project Description

Project / subdivision name: Safford Property

General description of proposed project / request: annexation of 2 4.7 acre parcels into the City of Kona, E a lot split at 1200 S. Fern Ave.

Type of use proposed (check all that apply):

Residential _____

Commercial _____

Office _____

Industrial _____

Other ag

Amenities provided with this development (if applicable): _____

Residential Project Summary (if applicable)

Are there existing buildings? Yes No

Please describe the existing buildings: Single family home existing

Any existing buildings to remain? Yes No

Number of residential units: _____ Number of building lots: _____

Number of common and/or other lots: _____

Type of dwellings proposed:

Single-Family _____

Townhouses _____ N/A

Duplexes _____

Multi-Family _____

Other _____

Minimum Square footage of structure (s): _____

Gross density (DU/acre-total property): _____ Net density (DU/acre-excluding roads): _____

Percentage of open space provided: _____ Acreage of open space: _____

Type of open space provided (i.e. landscaping, public, common, etc.): _____

Non-Residential Project Summary (if applicable)

Number of building lots: _____ Other lots: _____

Gross floor area square footage: _____ Existing (if applicable): _____

Hours of operation (days & hours): _____ Building height: _____

Total number of employees: _____ Max. number of employees at one time: _____

Number and ages of students/children: N/A Seating capacity: _____

Fencing type, size & location (proposed or existing to remain): _____

Proposed Parking:

a. Handicapped spaces: _____ Dimensions: _____

b. Total Parking spaces: _____ Dimensions: _____

c. Width of driveway aisle: _____

Proposed Lighting: _____

Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.): _____

Applicant's Signature: Jim Safford Dussell Date: 6/7/14

RECEIVED

OCT 21 2014

CITY OF KUNA

June 8, 2014

City of Kuna
Planning & Zoning Department
P.O. Box 13
Kuna, ID 83634

Re: Detailed Letter

Dear City of Kuna Planning & Zoning Staff,

We own two parcels and that border the city limits of Kuna. We would like to annex our two parcels into the City. Our intent is to leave the parcel at 1036 S. Ten Mile Rd. (approx. 4.7 acres) and existing home as is. The parcel at 1200 S. Ten Mile Rd. (approx. 4.7 acres) will be split into two lots. The existing home will remain on the west lot and we intend to construct a single family home on the newly created lot to the east.

Attached find the appropriate checklists and supporting documents.

Thank you for your consideration.

Sincerely,

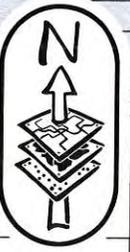


Daniel and Gina Safford
1036 & 1200 S. Ten Mile Rd
Kuna, ID 83634

Exhibit

A-2b

Vicinity Map

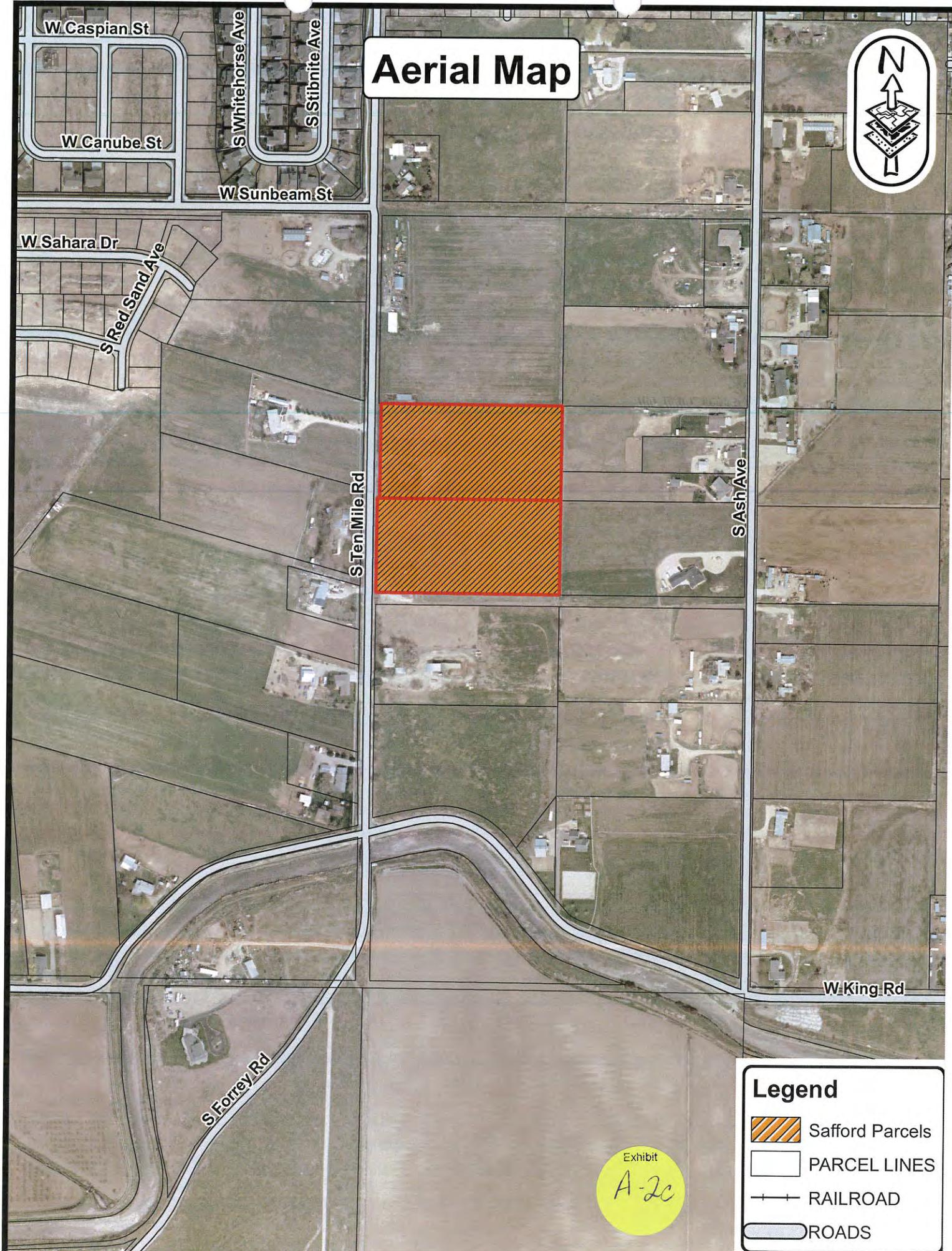
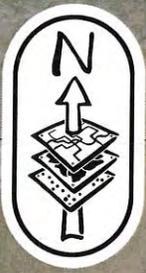


Legend

-  Subject property
-  Subject Property
-  PARCEL LINES
-  RAILROAD
-  ROADS
-  KUNA CITY LIMITS

Exhibit
A-2c

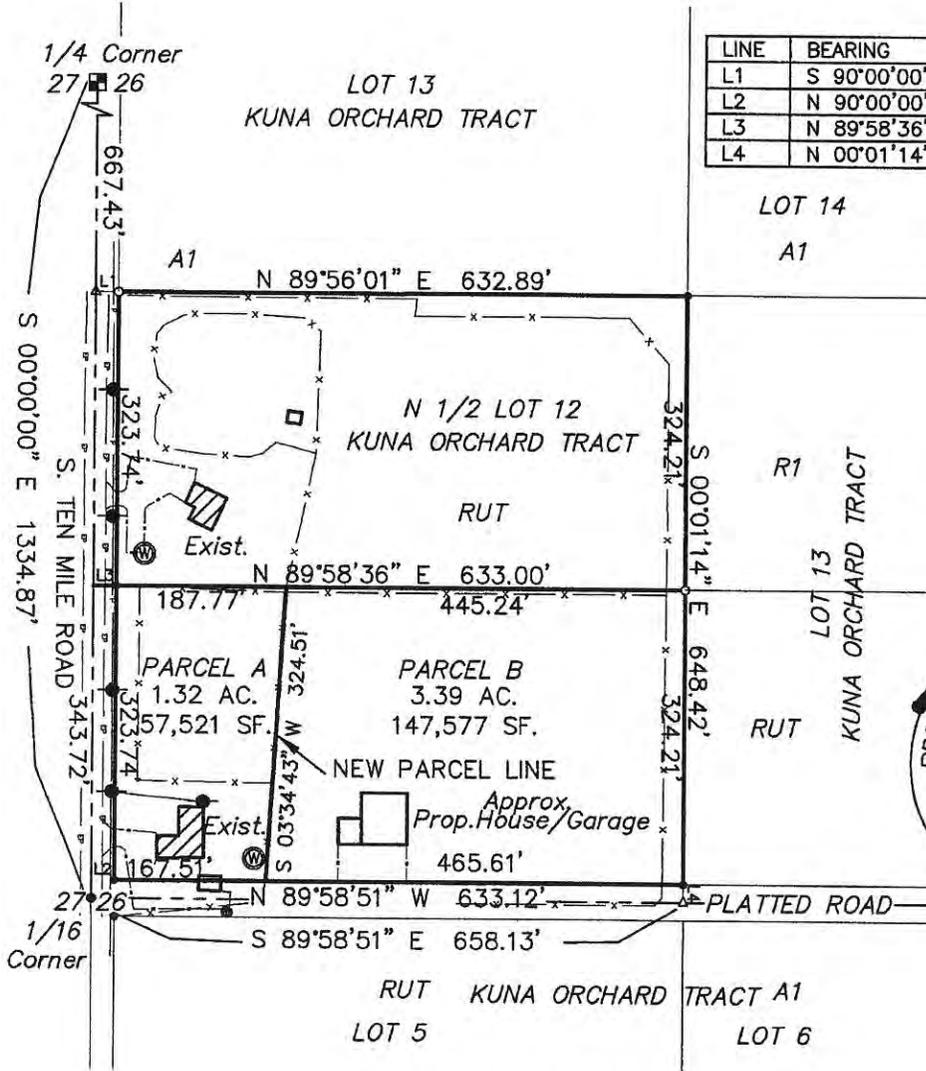
Aerial Map



Legend

-  Safford Parcels
-  PARCEL LINES
-  RAILROAD
-  ROADS

Exhibit
A-2c



LINE	BEARING	DISTANCE
L1	S 90°00'00" E	25.00'
L2	N 90°00'00" W	25.00'
L3	N 89°58'36" E	25.00'
L4	N 00°01'14" W	20.00'

SCALE: 1"=200'

LEGEND

- BOUNDARY LINE
- PARCEL LINE
- SECTION LINE
- FOUND REBAR MONUMENT
- FOUND ALUMINUM CAP MONUMENT
- SET 5/8" REBAR MONUMENT
- WELL
- UTILITY POLE
- CALCULATED POSITION

EXHIBIT MAP

ANNEXATION AND LOT SPLIT
FOR DANIEL & GINA SAFFORD



Accurate
Surveying &
Mapping

1602 W. Hays Street #102
Boise, Idaho 83702
(208) 863-4198
www accuratesurveyors.com

DATE: SEPT., 2014 JOB 14-200

Accurate Surveying & Mapping

A Professional Corporation

1602 W. Hays St., Suite 102

Boise, ID 83702

www accuratesurveyors.com

Annexation Land Description

A parcel of land being Lot 12 of the Kuna Orchard Tracts as recorded in Book 6 of Plats at Page 291, Records of Ada County and as Parcels 1 and 2 on Record of Survey 2883 recorded as document 94052210, Records of Ada County, said parcel located in the Southwest Quarter of Section 26, Township 2 North, Range 1 West of the Boise Meridian, Kuna City, Ada County, Idaho being more particularly described as follows:

Commencing at the Quarter Corner common to Sections 26 and 27, Township 2 North, Range 1 West of the Boise Meridian as perpetuated by document 9324557, Records of Ada County; thence South 00° 00' 00" West along the line common to said Sections 26 and 27 for a distance of 667.43 feet to the **REAL POINT OF BEGINNING**;

Thence North 89° 56' 01" East for a distance of 25.00 feet to a set 5/8th inch rebar;

Thence continuing North 89° 56' 01" East for a distance of 632.89 feet to a found 5/8th inch rebar;

Thence South 00° 01' 14" East for a distance of 648.42 feet to a found ½ inch rebar;

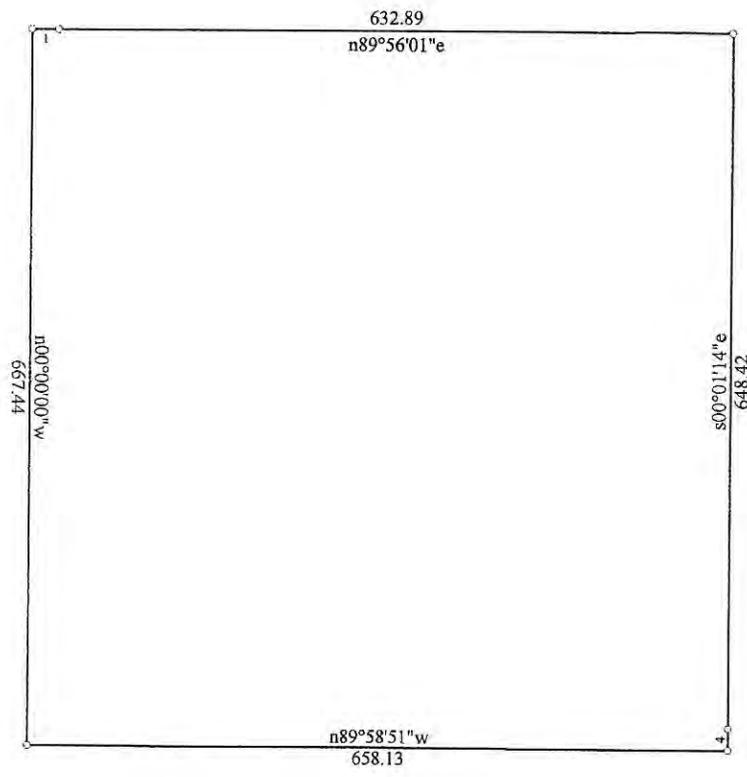
Thence continuing South 00° 01' 14" East for a distance of 20.00 feet to the center of the road dedication as shown on the plat of said Kuna Orchard Tract;

Thence North 89° 58' 51" West for a distance of 658.13 feet to the found 5/8th inch rebar at the south sixteenth corner location between said Sections 26 and 27 as perpetuated by document 94051699, Records of Ada County;

Thence North 00° 00' 00" West along the line common to said Sections 26 and 27 for a distance of 667.44 feet to the **REAL POINT OF BEGINNING**.

Parcel contains 10.09 acres, more or less.





Title:		Date: 09-26-2014
Scale: 1 inch = 169 feet	File: Safford Annexation.des	
Tract 1: 10.090 Acres: 439504 Sq Feet: Closure = s13.3036e 0.00 Feet: Precision >1/999999: Perimeter = 2652 Feet		
001=n89.5601e 25.00	004=s00.0114e 20.00	
002=n89.5601e 632.89	005=n89.5851w 658.13	
003=s00.0114e 648.42	006=n00.0000w 667.44	



Accurate Surveying & Mapping



A Professional Corporation
1602 W. Hays St., Suite 102
Boise, ID 83702
www accuratesurveyors.com

Overall Parcel Land Description

A parcel of land a portion of the South one-half of Lot 12 of the Kuna Orchard Tracts as recorded in Book 6 of Plats at Page 291, Records of Ada County and as Parcels 1 and 2 on Record of Survey 2883 recorded as document 94052210, Records of Ada County, said parcel located in the Southwest Quarter of Section 26, Township 2 North, Range 1 West of the Boise Meridian, Kuna City, Ada County, Idaho being more particularly described as follows:

Commencing at the Quarter Corner common to Sections 26 and 27, Township 2 North, Range 1 West of the Boise Meridian as perpetuated by document 9324557, Records of Ada County; thence South 00° 00' 00" West along the line common to said Sections 26 and 27 for a distance of 667.43 feet; Thence North 89° 56' 01" East for a distance of 25.00 feet to a set 5/8th inch rebar; Thence South 00° 00' 00" West along the Easterly right-of-way of South Ten Mile Road for a distance of 324.74 feet to a found ½ inch rebar at the Northwest corner of the South one-half of said Lot 12 and the **REAL POINT OF BEGINNING**;

Thence North 89° 58' 36" East for a distance of 633.00 feet to a set 5/8 inch rebar on the Easterly line of said Lot 12;

Thence South 00° 01' 14" East along said Easterly line for a distance 324.21 feet to a found ½ inch rebar at the Southeast corner of said Lot 12;

Thence continuing South 00° 01' 14" East for a distance of 20.00 feet to the center of the road dedication as shown on the plat of said Kuna Orchard Tract;

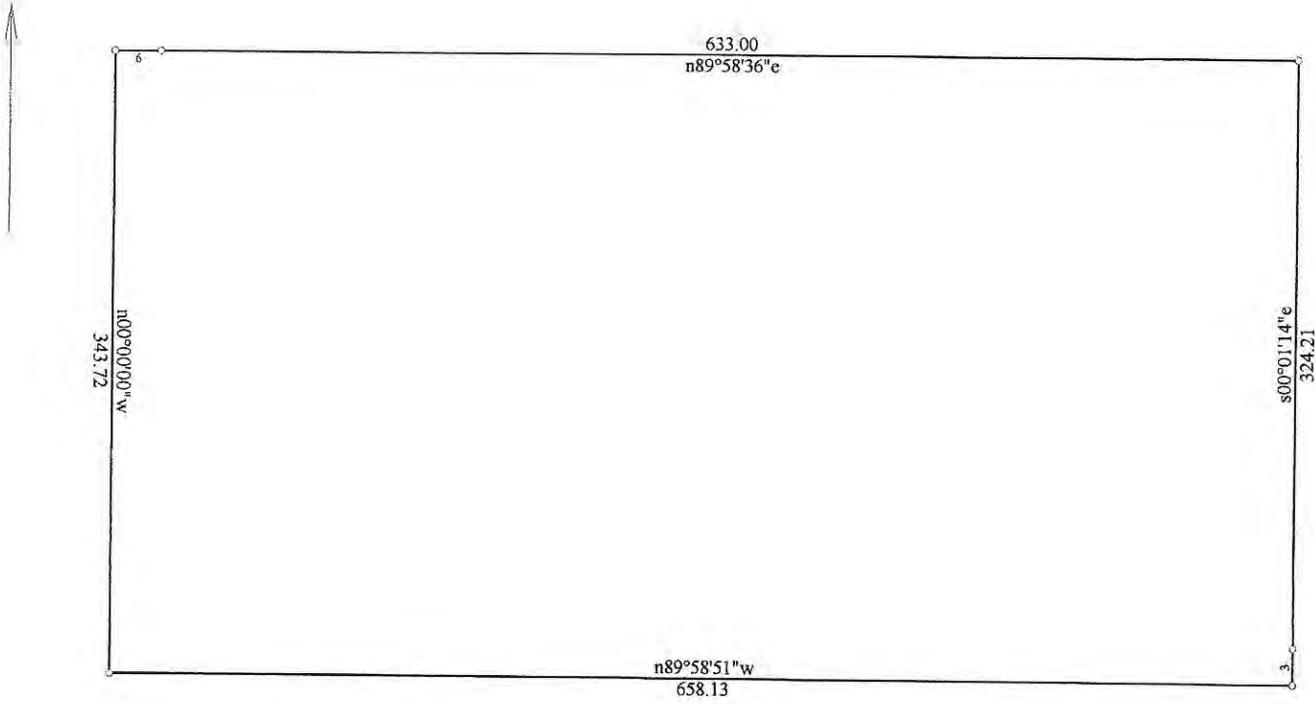
Thence North 89° 58' 51" West for a distance of 658.13 feet to the found 5/8th inch rebar at the south sixteenth corner location between said Sections 26 and 27 as perpetuated by document 94051699, Records of Ada County;

Thence North 00° 00' 00" West along the line common to said Sections 26 and 27 for a distance of 343.72 feet;

Thence North 89° 58' 36" East for a distance of 25.00 feet to the **REAL POINT OF BEGINNING**.

Parcel contains 5.09 acres or 226,351 square feet more or less.





Title:		Date: 09-27-2014
Scale: 1 inch = 100 feet	File: Safford Overall Parcel Split.des	
Tract 1: 5.196 Acres: 226351 Sq Feet: Closure = n74.0910e 0.01 Feet: Precision = 1/295316: Perimeter = 2004 Feet		
001=n89.5836e 633.00	004=n89.5851w 658.13	
002=s00.0114e 324.21	005=n00.0000w 343.72	
003=s00.0114e 20.00	006=n89.5836e 25.00	



Accurate Surveying & Mapping*A Professional Corporation*

1602 W. Hays St., Suite 102
Boise, ID 83702
www accuratesurveyors.com

Parcel A

Land Description

A parcel of land a portion of the South one-half of Lot 12 of the Kuna Orchard Tracts as recorded in Book 6 of Plats at Page 291, Records of Ada County and as Parcels 1 and 2 on Record of Survey 2883 recorded as document 94052210, Records of Ada County, said parcel located in the Southwest Quarter of Section 26, Township 2 North, Range 1 West of the Boise Meridian, Kuna City, Ada County, Idaho being more particularly described as follows:

Commencing at the Quarter Corner common to Sections 26 and 27, Township 2 North, Range 1 West of the Boise Meridian as perpetuated by document 9324557, Records of Ada County; thence South 00° 00' 00" West along the line common to said Sections 26 and 27 for a distance of 667.43 feet; Thence North 89° 56' 01" East for a distance of 25.00 feet to a set 5/8th inch rebar; Thence South 00° 00' 00" West along the Easterly right-of-way of South Ten Mile Road for a distance of 324.74 feet to a found ½ inch rebar at the Northwest corner of the South one-half of said Lot 12 and the **REAL POINT OF BEGINNING**;

Thence North 89° 58' 36" East along the Northerly line of the South one-half of said Lot 12 for a distance of 187.77 feet to a set 5/8 inch rebar;

Thence South 03° 34' 43" West for a distance of 324.51 feet to a set 5/8 inch rebar on the Southerly line of said Lot 12;

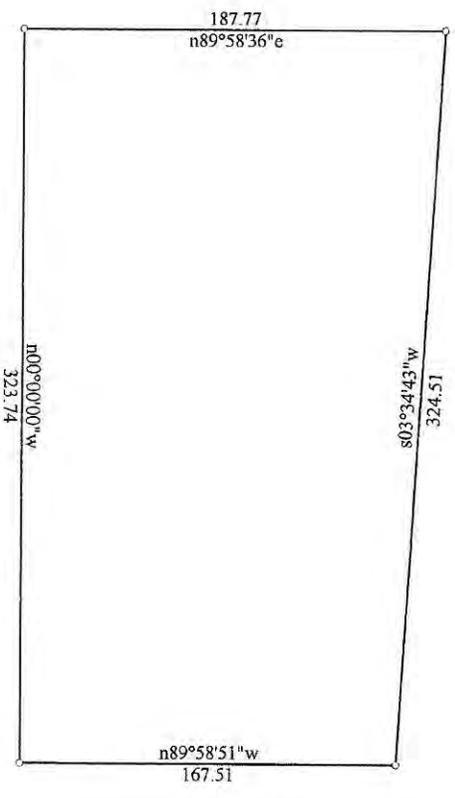
Thence North 89° 58' 51" West along said Southerly line for a distance 167.51 feet to a found ½ inch rebar at the Southwest corner of said Lot 12;

Thence North 00° 00' 00" West along the Easterly right-of-way of South Ten Mile Road for a distance of 323.74 feet to the **REAL POINT OF BEGINNING**.

Parcel contains 1.32 acres or 57,521 square feet, more or less.

SUBJECT TO: Any easements or reservations of record or in use on or across the above-described parcel of land.





Title:		Date: 09-26-2014
Scale: 1 inch = 80 feet	File: Parcel A for Safford.des	
Tract 1: 1.321 Acres: 57521 Sq Feet; Closure = n45.0432w 0.01 Feet: Precision =1/149702: Perimeter = 1004 Feet		
001=n89.5836e 187.77	003=n89.5851w 167.51	
002=s03.3443w 324.51	004=n00.0000w 323.74	



OCT 21 2014

CITY OF KUNA

Accurate Surveying & Mapping*A Professional Corporation*

1602 W. Hays St., Suite 102

Boise, ID 83702

www accuratesurveyors.com

Parcel B

Land Description

A parcel of land a portion of the South one-half of Lot 12 of the Kuna Orchard Tracts as recorded in Book 6 of Plats at Page 291, Records of Ada County and as Parcels 1 and 2 on Record of Survey 2883 recorded as document 94052210, Records of Ada County, said parcel located in the Southwest Quarter of Section 26, Township 2 North, Range 1 West of the Boise Meridian, Kuna City, Ada County, Idaho being more particularly described as follows:

Commencing at the Quarter Corner common to Sections 26 and 27, Township 2 North, Range 1 West of the Boise Meridian as perpetuated by document 9324557, Records of Ada County; thence South 00° 00' 00" West along the line common to said Sections 26 and 27 for a distance of 667.43 feet; Thence North 89° 56' 01" East for a distance of 25.00 feet to a set 5/8th inch rebar; Thence South 00° 00' 00" West along the Easterly right-of-way of South Ten Mile Road for a distance of 324.74 feet to a found ½ inch rebar at the Northwest corner of the South one-half of said Lot 12; Thence North 89° 58' 36" East along the Northerly line of the South one-half of said Lot 12 for a distance of 187.77 feet to a set 5/8 inch rebar and the **REAL POINT OF BEGINNING**;

Thence continuing North 89° 58' 36" East for a distance of 445.24 feet to a set 5/8 inch rebar on the Easterly line of said Lot 12;

Thence South 00° 01' 14" East along said Easterly line for a distance 324.21 feet to a found ½ inch rebar at the Southeast corner of said Lot 12;

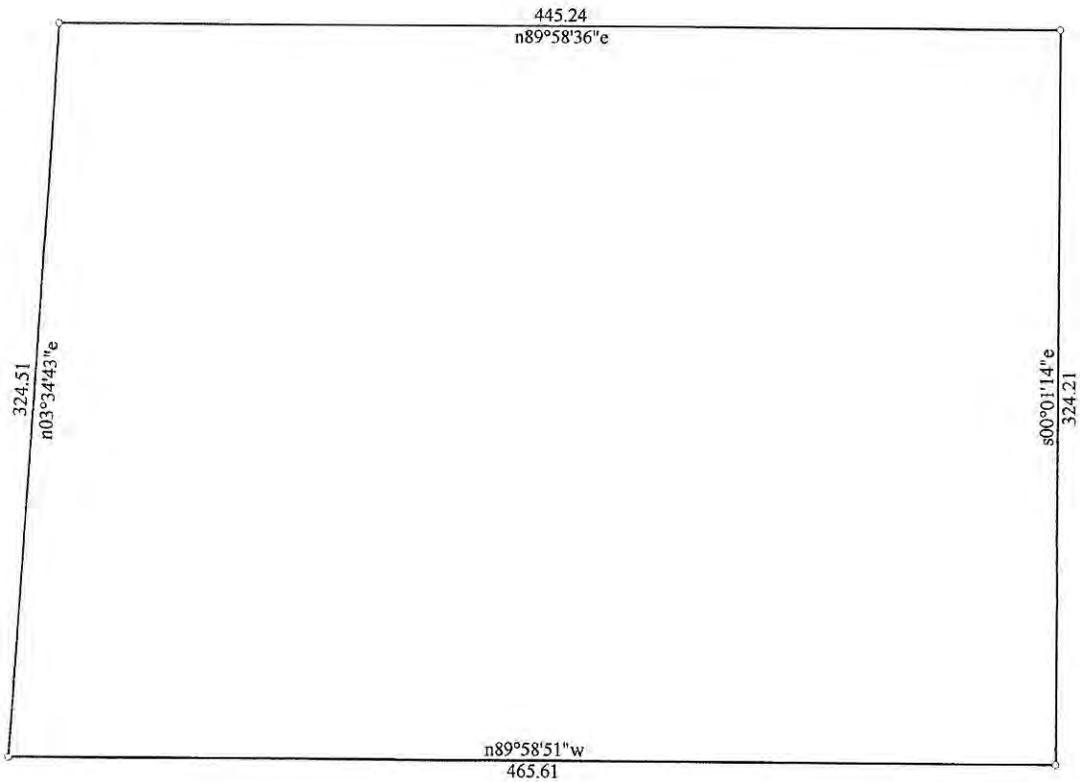
Thence North 89° 58' 51" West along the Southerly line of said Lot 12 for a distance of 465.61 feet to a set 5/8 inch rebar;

Thence North 03° 34' 43" East for a distance of 324.51 feet to the **REAL POINT OF BEGINNING**.

Parcel contains 3.39 acres or 147,577 square feet, more or less.

SUBJECT TO: Any easements or reservations of record or in use on or across the above-described parcel of land.





Title:		Date: 09-26-2014
Scale: 1 inch = 80 feet	File: Parcel B for Safford.des	
Tract 1: 3.388 Acres: 147577 Sq Feet: Closure = s19.4049w 0.00 Feet: Precision = 1/338665: Perimeter = 1560 Feet 001=n89.5836e 445.24 003=n89.5851w 465.61 002=s00.0114e 324.21 004=n03.3443e 324.51		



1
AMOUNT 3.00
ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 08/31/04 02:35 PM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Idaho Escrow
104112077

WARRANTY DEED

For Value Received, Gordon White and Virginia White, husband and wife ("Grantors"), do hereby grant, bargain, sell and convey unto Daniel Safford and Gina Safford, husband and wife ("Grantees"), whose present address is 1036 S. Ten Mile, Kuna, Idaho 83634, in the County of Ada, the following described premises in Ada County, Idaho, to-wit:

The parcel of land being the south 1/2 of Lot 12, The Kuna Orchard Tracts, Lying in the Northwest Quarter of the Southwest Quarter of Section 26, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto Grantees, and Grantees' heirs and assigns forever. And Grantors do hereby covenant to and with Grantees that Grantors are the owner in fee simple of said premises; that said premises are free from all encumbrances, **except** those to which this conveyance is expressly made subject and those made, suffered or done by the Grantees; and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated this 20 day of August, 2004.

Gordon White
Gordon White
Virginia White
Virginia White

STATE OF IDAHO, County of Clearwater Ada, ss.

On this 20th day of August, in the year of 2004, before me, a Notary Public, personally appeared Gordon White and Virginia White, husband and wife, personally known to me, or proved to me on the basis of satisfactory evidence, to be the persons whose names are subscribed to the within instrument, and acknowledged to me that he executed the same.

Theresa L. Coleman
Notary Public
Residing at: Empire St
My Commission Expires: 6/16/08

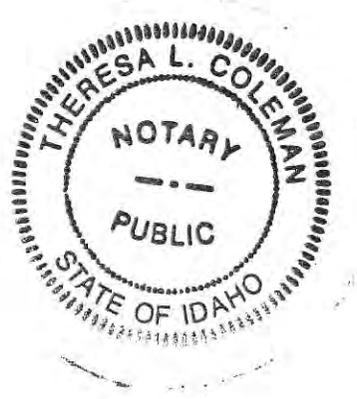


Exhibit
A-2e

OCT 21 2014

CITY OF KUNA



City of Kuna AFFIDAVIT OF LEGAL INTEREST

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

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

State of Idaho)
) ss.
County of Ada)

I, Daniel + Gina Safford, 1036 S. Ten Mile
Name Address
Kuna, Id 83634
City State Zip Code

being first duly sworn upon oath, depose and say:

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

A. That I am the record owner of the property described on the attached, and I grant my
permission to _____
Name Address

to submit the accompanying application pertaining to that property.

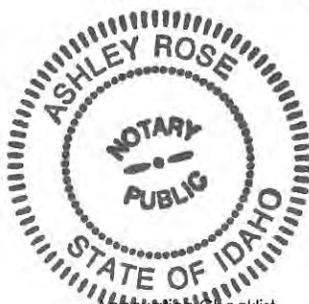
B. I agree to indemnify, defend and hold City of Kuna and its employees harmless from any
claim or liability resulting from any dispute as to the statements contained herein or as to
the ownership of the property which is the subject of the application.

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

Dated this 1st day of October, 2014

[Signature] Gina Safford
Signature

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



Ashley Rose
Notary Public for Idaho
Residing at: 200 N. 4th St. Boise, Idaho
My commission expires: August 7, 2019

Exhibit
A-2f



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

Development Agreement Checklist

A Development Agreement requires a public hearing with the Planning & Zoning Commission and the City Council. A public hearing sign will be required to be posted by the applicant for both meetings. Development Agreements are required to accompany annexation and/or rezone applications. Sign posting regulations and a Development Agreement template are available online.

Project name: **14-06-DA** Applicant: **Daniel Gwa Safford**

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

Applicant (✓)	Description	Staff (✓)
✓	Completed and signed Commission & Council Review Application.	✓
	The proposed Development Agreement shall include the following information: ◇ The specific use or uses of the parcel for which the development agreement is sought. ◇ The allowed or conditional use in the conditional zone for which application has been made. ◇ A concept plan of the project to be developed on the parcel. The concept plan shall include a description of the density allowed or sought and maximum height, size and location of any structures on the property. ◇ The time required to begin the use on the property. ◇ A statement by the owner of the parcel that failure to comply with the commitments in the development agreement shall be deemed consent to rezone the use to the preexisting zone or, in the case of an initial zone at annexation, a zone deemed appropriate by the council. ◇ Any other matter mutually agreeable to the parties.	
✓	Commitment of Property Posting form signed by the applicant/agent.	✓
✓	Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application).	✓
✓	Affidavit of Legal interest (All parties involved)	✓

Note: Only one copy of the above items need to be submitted when applying for multiple applications.

This application shall not be considered complete (nor will a Public Hearing be set) until staff has received all required information. Once the application is deemed complete, staff will notify the applicant of the scheduled hearing date, fees due, additional copies needed, etc.



RECEIVED

OCT 21 2014

CITY OF KUNA

June 8, 2014

Attention: Planning & Zoning committee and Kuna City Council

Proposed Development Agreement for Safford property

This proposed lot split will split of our 4.7 acre lot at 1200 S. Ten Mile Rd. The existing home on the property will remain on the newly created west lot. We intend to construct a two story single family residence and eventually a barn on the newly created lot to the east. We intend to keep our existing livestock, consisting of 3 horses, 2 cows, and 3 chickens. We intend to continue to cut and bale hay we'll continue to grow. We intend to pursue an agriculture life style on this newly split lot. We will have to lay an access road to the back lot for our home private home access, and currently plan to place the road on the roadway easement between the 1036 and 1200 properties running east to west. We understand this is a public easement and a permanent county road may eventually cover our private drive.

The parcel at 1036 S. Ten Mile will remain the same with a single family dwelling currently on site, and horse loafing shed and horse pens.

Thank you for your consideration of our project.



Daniel and Gina Safford
1036 & 1200 S. Ten Mile Rd
Kuna, ID 83634

OCT 21 2014

CITY OF KUNA



Neighborhood Meeting Certification

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

GENERAL INFORMATION:

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

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

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

The meeting cannot take place more than 6 months prior to acceptance of the application and the application will not be accepted before the neighborhood meeting is conducted. You are required to send written notification of your meeting, allowing a reasonable amount of time before your meeting for property owners to plan to attend. Contacting and/or meeting individually with residents will not fulfill Neighborhood Meeting requirements.

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

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

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

Description of proposed project: Safford Property
 Date and time of neighborhood meeting: Wed, Oct 15th, 2014
 Location of neighborhood meeting: ON-SITE 1036 S. Ten Mile Rd.

SITE INFORMATION:

Location: Quarter: SW Section: 26 Township: 2N Range: 1W Total Acres: 10
 Subdivision Name: Kuna Orchard Tracts Lot: 12 Block: _____
 Site Address: 1036 + 1200 S. Ten mile Rd Tax Parcel Number(s): R5070501602
Kuna, ID 83634 +R507050163

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

CURRENT PROPERTY OWNER:

Name: Daniel + Gina Safford
 Address: 1036 S. Ten Mile City: Kuna State: Id Zip: 83634

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

Name: Angela Gilman Business (if applicable): Engineering + Waste Solutions
 Address: 3140 N. 34th PL City: Boise State: ID Zip: 83703

Exhibit
A-2h

PROPOSED USE:

Application Type

Annexation

Re-zone

Subdivision (Sketch Plat and/or Prelim. Plat)

Special Use

Variance

Expansion of Extension of a Nonconforming Use

Zoning Ordinance Map Amendment

Lot Split

Brief Description

Annexing 2 parcels (10 Ac total) into the City of Kuna
Dividing 1200 S. Ten Mile Lot into 2 lots

APPLICANT:

Name: Gina + Danie Safford

Address: 1036 S. Ten Mile

City: Kuna

State: Id

Zip: 83634

Telephone: 208-869-8323

Fax: 208-722-9456

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accord with Section 8-7A-3 of the Kuna City Code.

Gina Safford Danie Safford
Signature: (Applicant)

Date ~~6/7/14~~ 10/15/14

SIGN IN SHEET

PROJECT NAME: _____

Kura
Safford Annexation

Date: 10/15/14

call
IN

	<u>Name</u>	<u>Address</u>	<u>Zip</u>	<u>Phone</u>
1	Jayne Sator	1185 S. Ash Ave	83634	208-789-7702
2	Gordon + Ginny White	Onofre, AL	83544	208-476-5181
3				
4				
5				
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Dan & Gina Safford
1036 S. Ten Mile
Kuna, Idaho 83634
208-869-8323

RECEIVED
OCT 21 2014
CITY OF KUNA

Oct 1, 2014

Dear Neighbors,

This letter is to inform you that we plan to annex our two properties, 1036 and 1200 S. Ten Mile, into the City of Kuna. The property at 1036 we plan to simply annex into the city and change the zoning to R6. The property at 1200 S. Ten Mile we are splitting into two parcels. Our goal is to build a new home in the near future in the newly created 3.39 acre lot, on the east end of the 4.71 acre parcel at 1200 S. Ten Mile. The zoning will continue to allow the agriculture and farming to continue on all three new lots. We have enclosed a map with a highlighted line indicating the new split at 1200 S. Ten Mile. We have also highlighted our planned driveway access on the existing easement to the newly created lot at 1200 S. Ten Mile.

We will have the following time allocated at our residence where we welcome your attendance to visit with us regarding our proposed changes.

Wednesday October 15, 2014

6-8 PM

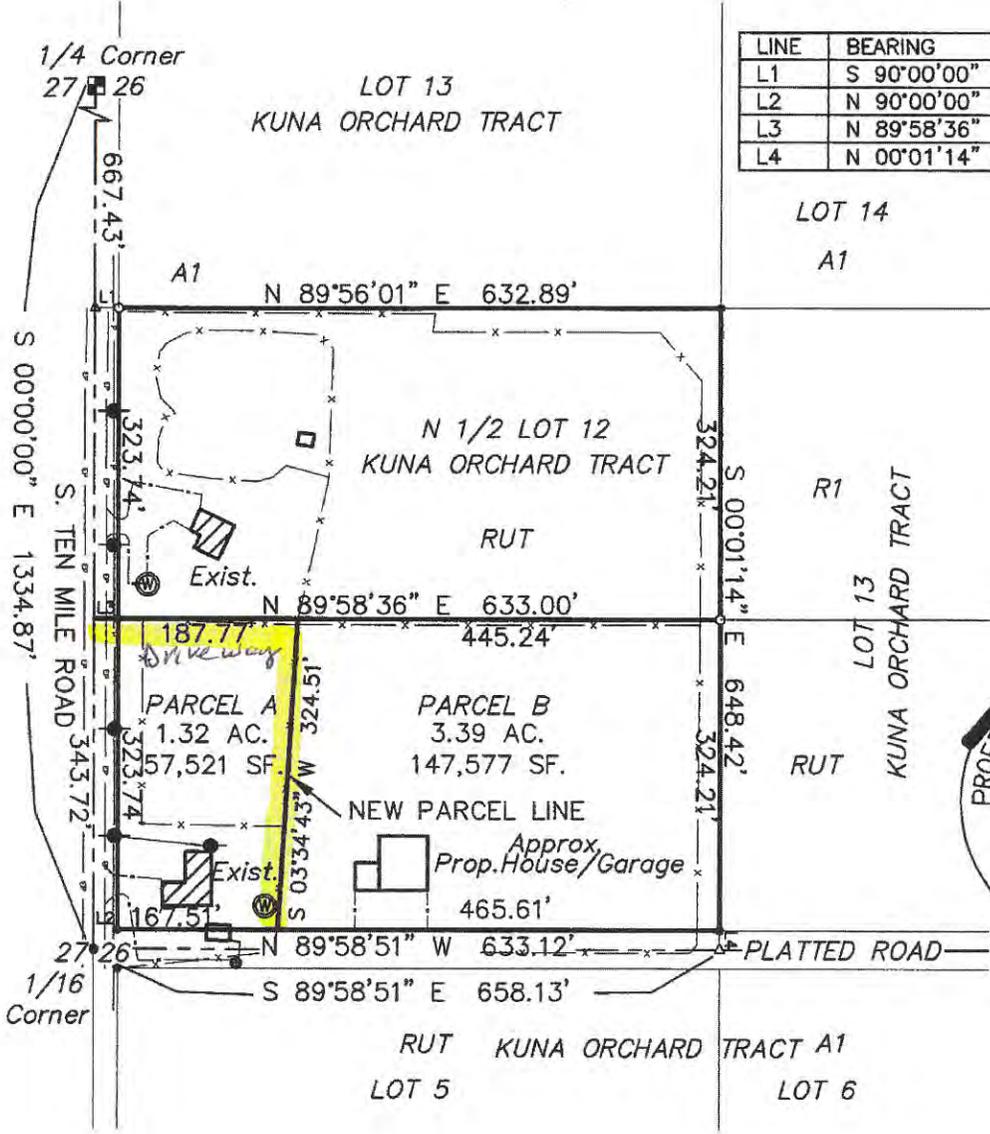
1036 S. Ten Mile

Kuna, Idaho 83634

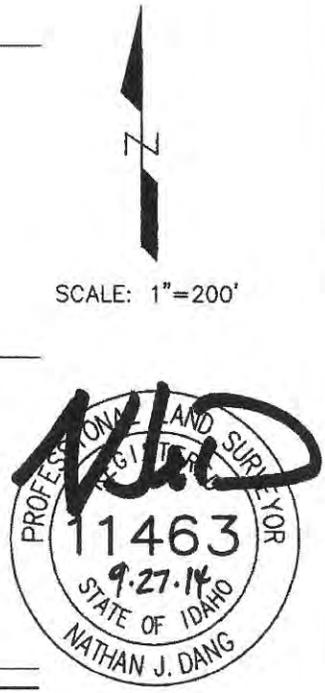
Thank you and kind regards,



Dan & Gina Safford



LINE	BEARING	DISTANCE
L1	S 90°00'00" E	25.00'
L2	N 90°00'00" W	25.00'
L3	N 89°58'36" E	25.00'
L4	N 00°01'14" W	20.00'



LEGEND

- BOUNDARY LINE
- PARCEL LINE
- - - - SECTION LINE
- FOUND REBAR MONUMENT
- FOUND ALUMINUM CAP MONUMENT
- SET 5/8" REBAR MONUMENT
- ⊙ WELL
- UTILITY POLE
- △ CALCULATED POSITION

EXHIBIT MAP

ANNEXATION AND LOT SPLIT
FOR DANIEL & GINA SAFFORD



Accurate
Surveying & Mapping

1602 W. Hays Street #102
Boise, Idaho 83702
(208) 863-4198
www accuratesurveyors.com

DATE: SEPT., 2014 JOB 14-200



City of Kuna
**COMMITMENT TO
PROPERTY POSTING**

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

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

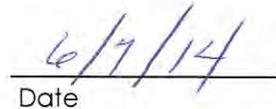
Per City Code 5-1A-8, the applicant for all applications requiring a public hearing shall post the subject property not less than ten (10) days prior to the hearing. The applicant shall post a copy of the public hearing notice or the application (s) on the property under consideration.

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

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

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


Applicant/agent signature


Date

RECEIVED

DEC 30 2014

CITY OF KUNA



City of Kuna PROOF OF PROPERTY POSTING

City of Kuna
P.O. Box 13
Kuna, Idaho 83634
Phone: (208) 922-5274
Fax: (208) 922-5989
Web: www.cityofkuna.com

This notice shall confirm that the Public Hearing Notice for Safford Annex was
(NAME OF SUBDIVISION)

posted as required per Kuna City Ordinance 5-1-5B. Sign posted Tuesday
(DAY OF THE WEEK,

12-30-14
MONTH, DATE AND YEAR)

DATED this 30th day of December, 2014

Signature,

Dan Safford
Owner/Developer

STATE OF IDAHO)
County of Ada) : ss

On this 30 day of December, 2014, before me the undersigned, a Notary Public in and for said State, personally appeared before me (Owner, Developer). DANIEL SAFFORD

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Linda Torrez
Notary Public
Residing at Boise, Id
Commission Expires 5-8-2017



CITY OF KUNA PUBLIC HEARING NOTICE

Kuna City Council

THE CITY OF KUNA will hold a public hearing on
Jan 13, 2015 at 6 PM at the Kuna City Hall (763 W. Avalon)

PURPOSE: 14-07AN (Annexation) [REDACTED] 14-06-DA
(Development Agreement) - City of Kuna Parcels 2 Parcels on S.
Ten Mile Rd between Kuna rd and King rd into Kuna city
limits under the designation of the Agriculture Zone

PROPERTY LOCATION: Parcel# R5070501602/ R5070501603
Addresses: 1036 & 1200 S. Ten Mile Rd

APPLICATION BY: City of Kuna

CONTACT: A City Planner at 922-5274 with any questions



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

Lot Split Checklist

A Lot Split request does not require a public hearing, and will be scheduled for a regular City Council meeting as a regular agenda item.

Project name: Safford Property **Applicant:** Daniel & Gina Safford

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

Applicant (✓)	Description	Staff (✓)
✓	Completed and signed Commission & Council Review Application.	✓
✓	Detailed submittal letter explaining how the project enhances and beautifies the community and types of services the project will provide.	✓
	Legal description of the property: Include a metes & bounds description to the section line of all adjacent roadways stamped & signed by a registered professional land surveyor with a calculated closure sheet & a map showing the boundaries of the legal description.	✓
✓	Proof of ownership—A copy of your deed and Affidavit of Legal Interest (for all interested parties).	✓
✓	Documentation the parcel is the original parcel of land held in one ownership and of record at the effective date of 12/7/77.	
<u>N/A</u>	8 1/2 x 11 vicinity map showing streets, driveways, property lines, etc.	<u>NA</u>
	A sketch showing the proposed lot split. The sketch shall include the following information: ◇ Current lot size including dimensions, square-footage and street frontage. ◇ Proposed lot split including the new lot lines and new dimensions, square-footages and street frontages. ◇ Streets, surrounding land uses, etc. ◇ Existing and proposed public improvements including sidewalk, streets, lighting, landscaping, natural features, etc.	✓

Note: Only one copy of the above items need to be submitted when applying for multiple applications.

This application shall not be considered complete (nor will a hearing date be set) until staff has received all required information. Once the application is deemed complete, staff will notify the applicant of the scheduled hearing date, fees due, additional copies needed, etc.

PLAT OF THE KUNA ORCHARD TRACTS

A SUBDIVISION OF THE SW 1/4 AND THE S 1/2 OF THE NW 1/4 OF SEC. 26, T.2 N., R.1 W., B.M.

SCALE 300 FT TO 1 INCH.

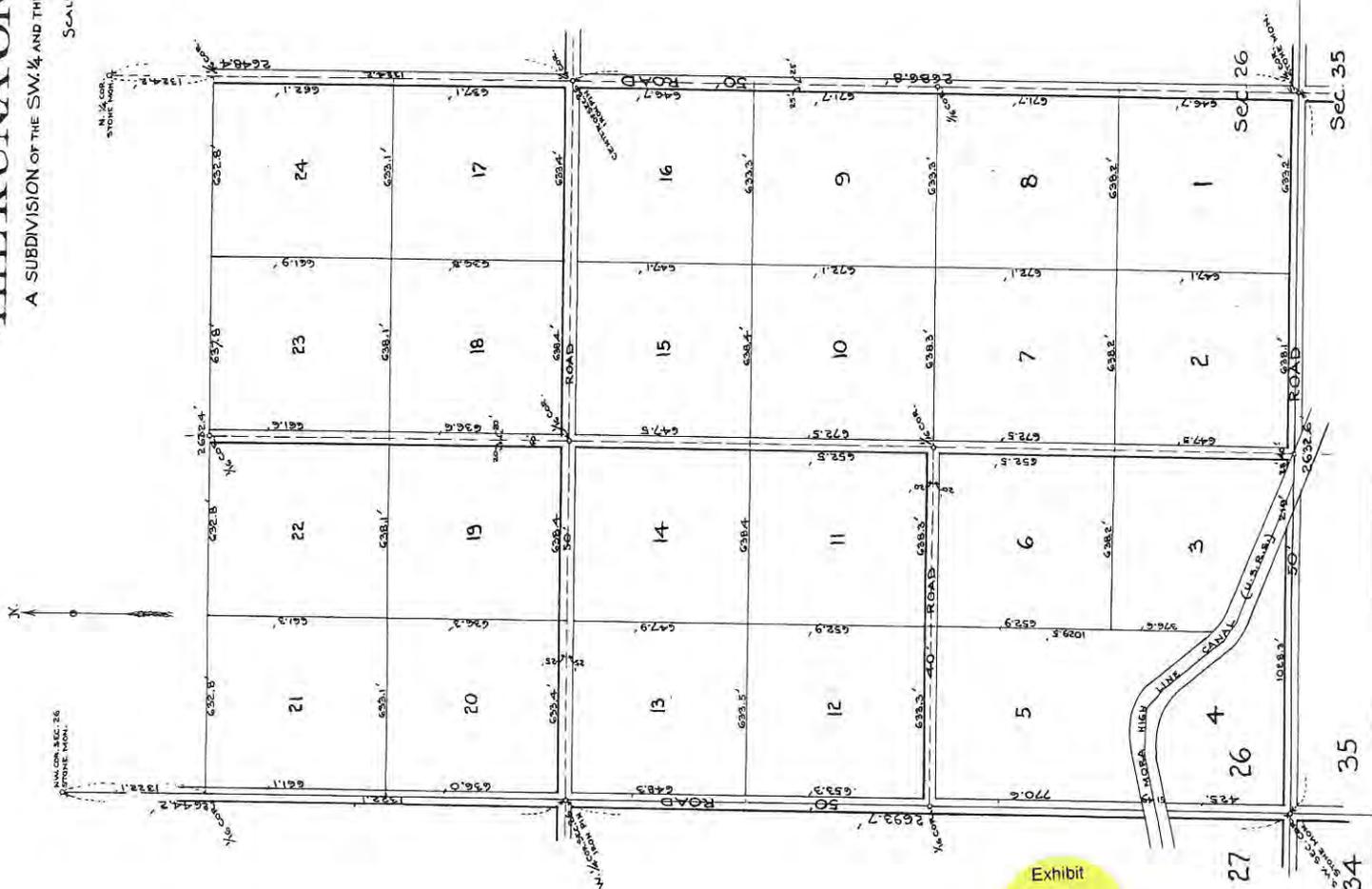


Exhibit
A-4

State of Idaho,
County of Canyon, SS

The (Nampa Apple) Orchard Co., a Corporation, existing under the laws of the State of Idaho, with its principal office at Nampa, Idaho, being the owner of a certain tract of land, to wit: - the whole of one fourth (1/4) and the whole of one half (1/2) of the North West One fourth (1/4) of section twenty-six (26), Township Two (2) North, Range One (1) West of the Boise Meridian, does hereby certify that the subdivision of the said tract of land as shown on the accompanying plat is in accordance with its express will and desire, and does hereby dedicate the roads and highways as shown on the said plat for the use of the public herein.

In Witness Whereof, We, the Nampa Apple Orchard Co., by its duly authorized agent, a regular meeting of its Board of Directors duly held on the 27th day of August, A. D. 1915, at its office at Nampa, Idaho, has caused this plat to be executed, and subscribed by its President and secretary, and its Corporate Seal attached.

Witness my hand and the seal of the Nampa Apple Orchard Co.,
Andrew W. Hoy, Secretary
Elias Wilson, President

(664)

Notary Public for State of Idaho,
County of Canyon, SS

On the 27th day of August, A. D. 1915, before me, C. C. Reed, a Notary Public in and for the said County of Canyon, personally appeared Elias Wilson and A. W. Hoy, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they had executed the same.

In Witness Whereof, I have hereunto set my hand, and affixed my official seal, the day and date first above written. My Commission expires on the 27th day of August, A. D. 1918.

Clayton C. Reed, Notary Public (664)

Notary Public for State of Idaho,
County of Canyon, SS

On the 27th day of August, A. D. 1915, before me, C. C. Reed, a Notary Public in and for the said County of Canyon, personally appeared Elias Wilson and A. W. Hoy, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they had executed the same.

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Clayton C. Reed, Notary Public (664)

Notary Public for State of Idaho,
County of Canyon, SS

I hereby certify that this instrument was filed for record at request of the Nampa Apple Orchard Co., at 50 minutes past 2 o'clock P. M., this 27th day of August, 1915, in my office and duly recorded in book 6 of Plat Books, at page 291.

By Amy Stahl, Deputy

Fees \$3.00



CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.cityofkuna.com

GORDON N. LAW
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731
Email: gordon@cityofkuna.com

MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Gordon N. Law
Kuna City Engineer

RE: Darrel and Gina Safford – 1036 S. Ten Mile Rd.
Annexation and Rezone
14-07-AN, 14-03-LS, 14-06-DA

DATE: December 1, 2014

RECEIVED

DEC 02 2014

CITY OF KUNA

The City Engineer has reviewed the annexation, lot split and development agreement request of the above applicant dated November 24, 2014. It is noted that the request seems to involve two parcels and a lot split of the southerly parcel. Specific development plans are not provided except those implied as allowed or permitted in a R-6 zone. It is therefore the recommendation of the City Engineer that the development agreement and other conditions be crafted in a manner to preserve the ability of both the applicant and City to reopen the agreement at a later date to provide and allow for more specific development possibilities in the future. Accordingly, the City Engineer provides the following comments:

1. Sanitary Sewer Needs

- a) The existing homesteads appear to be served by their own septic tanks and drain fields. It is further noted the nearest reachable and useable sewer main is located approximately 1660 feet from the property (following right-of-way) at the intersection of Sunbeam Street and Cuprum Avenue. Accordingly, the City Engineer concludes the cost to extend sewer service is substantial and recommends the continued utilization of the site facilities as long as the existing use is maintained, the site system remains viable or public facilities does not become available within 100 feet of the property. If the site system fails or the use of the property is changed or expanded beyond that proposed in this application, the City Engineer recommends connection to City facilities. All of the foregoing is contingent on Central District Health approval of a site disposal system. *This recommendation is not consistent with the City Code requirement for parcels smaller than 5 acres to connect to public sewer without regard to the distance from existing facilities.*

- b) The closest sewer main discharges to the South Sewer Treatment Plant which has sufficient capacity to serve this site. When connecting to the sewer system, the applicant will need to abide by any relevant sewer reimbursement policies and agreements and any relevant connection fees.
- c) For assistance in locating existing facilities and understanding issues associated with connection to public facilities, please contact the City Engineer at 287-1727.

2. Potable Water Needs

- a) The existing homesteads appear to be served by their own wells. It is further noted the nearest reachable and useable water main is located approximately 980 feet from the property (following right-of-way) at the intersection of Sunbeam Street and Ten Mile Road. Accordingly, the City Engineer concludes the cost to extend water service is substantial and recommends the continued utilization of the site facilities as long as the existing use is maintained, the site system remains viable and public facilities are not available within 100 feet. If the site system fails or the use of the property is changed or expanded beyond that proposed in this application, the City Engineer recommends connection to City facilities. ***This recommendation is not consistent with the Code requirement for parcels smaller than 5 acres to connect to public water without regard to the distance from existing facilities.***
- b) The closest water trunk line has sufficient capacity to serve the site. When connecting to the water system, the applicant will need to abide by any relevant water reimbursement policies and agreements and any relevant connection fees.
- c) Improvements necessary to provide adequate fire protection as required by Kuna Fire District will be required of the development.
- d) For assistance in locating existing facilities, please contact the City Engineer at 287-1727.
- e) The City Engineer concludes the limited number of residences (three) proposed in the application do not trigger a requirement for redundancy of water source to the development site.

3. Pressure Irrigation

- a) The property's irrigation needs are presently served by its own well and the Boise-Kuna Irrigation District. The city does not have pressure irrigation facilities in the vicinity. The existing uses do not seem to be of a nature to justify the cost of extension of City facilities to the site at this time. Accordingly, the City Engineer recommends the continued utilization of the site facilities except as noted in 3(b) below.
- b) While no pressure irrigation mains or pump stations exist in the near vicinity of the property, the adopted Irrigation Master Plan has defined the major pressure main layout for this area, including a future trunk line in Ten Mile Road. It is recommended this application be conditioned to conform to the master plan and to connect to the City system at such time in the future as the pressure irrigation system is within 300 feet of the site. Further, when connecting to the pressure irrigation system, the applicant will need to abide by the Master Plan, any relevant reimbursement policies and agreements and any relevant connection fees.
- c) Ten foot easements for irrigation lines are required at the time the condition in paragraph 3(b) is triggered to facilitate extension and operation of the city's pressure irrigation system.
- d) As a condition related to paragraph 3(b), connection to pressure irrigation shall constitute an automatic petition for inclusion in the municipal irrigation system and an

agreement to the pooling of this property's water rights for delivery purposes.

4. Grading and Storm Drainage

The following is required only if alteration of surface features is proposed (such as more than minimal grading or paving). Generally the City Engineer would conclude the construction of a single added residence in connection with this application and not disturbing historical drainage ways or traditional irrigation delivery routes would not trigger the following requirements:

- a) Please provide a grading and drainage plan which supports and maintains all upstream drainage rights and all downstream irrigation delivery rights as they presently exist for this property.
- b) If impervious area is increased, please provide a storm water disposal plan acceptable to the City Engineer which accounts for the increased storm water drainage. Please provide detail drawings of drainage facilities for review.
- c) Any increase in quantity or rate of runoff or decrease in quality of runoff from the site compared to historical conditions must be detained, treated and released at rates no greater than historical amounts.
- d) If offsite disposal of storm water in excess of historical rates or conditions is proposed, or disposed at locations different than provided historically, the approval of the affected entities is required.

5. General

- a) With the addition of this property into the corporate limits of Kuna and its potential connection to water and irrigation services, this property will be placing demand not only on constructed facilities but on water rights provided by others. It is the reasonable expectation, in return, that this property transfer to the City at time of connection any conveyable water rights by deed and "Change of Ownership" form from IDWR. The domestic water right associated solely with a residence and ½ acre or less is not conveyable. The water right held in trust by an irrigation district is also not conveyable.
- b) A plan approval letter will be required if this project affects any local irrigation district facilities.
- c) Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties.
- d) State the vertical datum used for elevations on all drawings.
- e) Provide engineering certification on all final engineering drawings.

6. Inspection Fees

An inspection fee will be required for City inspection of the construction of any **public** water, sewer and irrigation facility associated with this development. The developer will still require a qualified responsible engineer to do sufficient inspection to justly certify to DEQ the project was completed in accordance with approved plans and specifications and to provide accurate as-built drawings to the City. The developer's engineer and the City's inspector are permitted to coordinate inspections as much as possible. The current inspection fee is \$1.00 per lineal foot of sewer, water and pressure irrigation pipe and payment is due and payable prior to City's approval of final construction plans. **If no public water, sewer and irrigation construction work is done, no inspection fees are required.**

7. Right-of-Way

The subject property fronts on its east side of a section line minor arterial street (Ten Mile). The following conditions are related to these classified streets:

- a) Sufficient half right-of-way on the quarter line and section line for the classified streets should be provided pursuant to City and ACHD standards.
- b) It is recommended new approaches onto the classified street comply with ACHD approach policies.
- c) It is recommended sidewalk, curb and gutter, street widening and any related storm drainage facilities are not required inasmuch as the street frontage exceeds 300 for each newly created lot, consistent with city code and policies.

8. As-Built Drawings

As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the developer's engineer. The city may help track changes, but will not be responsible for the finished product. As-built drawings will be required before occupancy or final plat approval is granted. **If no public facilities are constructed, no as-built drawings are required.**

9. Property Description

- a) The applicant provided a metes and bounds property description of the subject parcel.



STATE OF IDAHO
DEPARTMENT OF ENVIRONMENTAL QUALITY
BOISE REGIONAL OFFICE
1445 North Orchard Street • Boise, ID 83706-2239 • (208) 373-0550

RECEIVED
DEC 10 2014
CITY OF KUNA

DEQ Response to Request for Environmental Comment

Date: 12/10/2014
Agency Requesting Comments: City of Kuna
Date Request Received: 12/03/2014
Applicant/Description: 14-07-AN Annexation. 14-03-LS Lot Split.
14-06-DA Development Agreement.

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

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

1. Air Quality

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

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

- *IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.*

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. Wastewater and Recycled Water

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

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

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

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

3. Drinking Water

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

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

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

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

4. Surface Water

- *A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.*

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

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

5. Hazardous Waste And Ground Water Contamination

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

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

- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or

disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method.”

For questions, contact Aaron Scheff, Waste & Remediation Manager, at 373-0550.

6. Additional Notes

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

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

Sincerely,

Danielle Robbins

Danielle Robbins
danielle.robbs@deq.idaho.gov
Boise Regional Office
Idaho Department of Environmental Quality

Trevor Kesner

From: Lori Badigian [LBadigia@cdhd.idaho.gov]
Sent: Thursday, December 11, 2014 9:17 AM
To: Trevor Kesner
Subject: RE: City of Kuna: Agency notification for an Annexation, Lot-Split and Development Agreement Application

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CITY OF KUNA

Trevor,

I have attached the link to the NP study and policy for your information. <http://cdhd.idaho.gov/EH/water/land.htm>

Below is our comment regarding this particular lot split:

Minimum lot size is a land use planning issue. CDHD does not set minimum lot sizes unless a Nutrient Pathogen Study is conducted on the development which results in a minimum lot size to attenuate Nitrates in the ground water. With that said, from a strictly prescriptive standpoint, you typically need at least one acre to have enough room on the lot for a home, well, septic system, and replacement area for the septic system. Kuna Orchard Tracts was approved prior to our requirement for Nutrient Pathogen Studies on developments of five or more lots in areas of concern. Therefore, we have no objection to the lot split.

CDHD will require a copy of the record of survey as well as a drawing showing the accurate locations of the new lot lines. We need this for our files and to ensure that the existing septic system is located on the lot with the home and to ensure any septic system we may approve in the future meets all lot line setbacks. CDHD is under no obligation to approve a septic system on the new lot. If suitable soils for a septic system cannot be found on the lot, no permit will be issued by our agency.

Lori Badigian, REHS | Sr. Environmental Health Specialist
Central District Health
707 N. Armstrong Place | Boise, ID 83704
P: (208) 327-8517 | F: (208) 327-8553 | C: (208) 869-9118

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From: Trevor Kesner [mailto:TKesner@cityofkuna.com]
Sent: Tuesday, December 09, 2014 8:28 AM
To: Lori Badigian
Subject: RE: City of Kuna: Agency notification for an Annexation, Lot-Split and Development Agreement Application

Good morning Lori:

Would you please send me CDHD's lot size requirements and standards for new/enhanced septic treatment system requirements for this specific lot split application when you have a moment?

Trevor Kesner

From: Mike Reno [MReno@cdhd.idaho.gov]
Sent: Tuesday, November 25, 2014 10:36 AM
To: Lori Badigian; Trevor Kesner
Subject: Re: City of Kuna: Agency notification for an Annexation, Lot-Split and Development Agreement Application
Attachments: image002.png; image003.png; image004.jpg; 566789.png; 6b6fb5.png

Dear Mr. Kesner,

I understand why the city would not require a new plat, and allow this lot split to go through with a record of survey. CDHD will require a copy of the record of survey as well as a drawing showing the accurate locations of the new lot lines. We need this for our files and to ensure that the existing septic system is located on the lot with the home and to ensure any septic system we may approve in the future meets all lot line setbacks.

You need to be aware though that just because the City of Kuna or Ada County allows a split, CDHD is under no obligation to approve a septic system on the new lot. Much of the Kuna area is in what we have determined to be in an area of concern, due to shallow depths of soils to fractured basalt or elevated Nitrate levels in the ground water. Our Nutrient Pathogen Policy dictates a minimum lot size as well as enhanced septic treatment systems in order to decrease the impacts of Nitrates from the septic effluent. If the new lot does not meet those requirements or suitable soils for a septic system cannot be found on the lot, no permit will be issued by our agency.

Since I am not in the office today, I will have Lori Badigian send you a copy of our Nutrient Pathogen Policy so that the City of Kuna can be aware of this issue when approached by citizens wanting to split their lots.

Sincerely,

Michael Reno
Supervisor, Land Programs

Sent from my iPhone

On Nov 25, 2014, at 8:18 AM, Lori Badigian <LBadigia@cdhd.idaho.gov> wrote:

For you to answer on Friday...

So this is in regards to that lot split we talked about yesterday in Kuna. Both parcels are annexing into the City of Kuna but will have individual septic. One lot is to remain the same, the second lot will be split and they will leave one house remaining and want to build on the other half. I told Kuna because it is a part of an approved subdivision that they will have to go through the subdivision process and provide accurate plat. Below is his response. It looks like they will allow 2 lot splits, like an administrative split. Will we still require the subdivision process for this split? What about the question of our requirement no matter the age of the subdivision?

Lori Badigian, REHS | Sr. Environmental Health Specialist
Central District Health
707 N. Armstrong Place | Boise, ID 83704
P: (208) 327-8517 | F: (208) 327-8553 | C: (208) 869-9118

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From: Trevor Kesner [<mailto:TKesner@cityofkuna.com>]
Sent: Monday, November 24, 2014 4:23 PM
To: Lori Badigian
Subject: RE: City of Kuna: Agency notification for an Annexation, Lot-Split and Development Agreement Application

Lori,

In response to your question, Kuna City will not require a final plat for this split. The reasoning is that the 'Kuna Orchard Tracts' subdivision was platted in 1915. These lots have remained unchanged for almost a century.

Ada County allows splits of parcels originating prior to January 1st of 1985 without requiring a final plat. Kuna allows up to two (2) lot splits for parcels originating prior to December 7th, 1977.

For platted lots this old we don't require a new sub. A record of survey for the newly created lots is sufficient.

Is CDHD requiring final plats for ALL lots which are a part of a previous subdivision, no matter the age?

Trevor Kesner
Planning Technician
(208) 387-7731
trevor@cityofkuna.com

<image004.jpg>
City of Kuna
763 W. Avalon
Kuna, ID 83634

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From: Lori Badigian [<mailto:LBadigia@cdhd.idaho.gov>]
Sent: Monday, November 24, 2014 10:56 AM
To: Trevor Kesner

Subject: RE: City of Kuna: Agency notification for an Annexation, Lot-Split and Development Agreement Application

Trevor,

The lot at 1200 S Ten Mile is currently in the Kuna Orchard Tracts subdivision as Lot 12. So this is a lot split within an already approved subdivision. We will require a new final plat to sign. Is your agency going to require a new plat as well?

Lori Badigian, REHS | Sr. Environmental Health Specialist
Central District Health
707 N. Armstrong Place | Boise, ID 83704
P: (208) 327-8517 | F: (208) 327-8553 | C: (208) 869-9118

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From: Trevor Kesner [<mailto:TKesner@cityofkuna.com>]

Sent: Monday, November 24, 2014 8:51 AM

To: Lori Badigian

Subject: RE: City of Kuna: Agency notification for an Annexation, Lot-Split and Development Agreement Application

Ok, sounds good. Thanks Lori.

Trevor Kesner
Planning Technician
(208) 387-7731
trevor@cityofkuna.com

<image004.jpg>
City of Kuna
763 W. Avalon
Kuna, ID 83634

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From: Lori Badigian [<mailto:LBadigia@cdhd.idaho.gov>]

Sent: Monday, November 24, 2014 8:36 AM

To: Trevor Kesner

Subject: RE: City of Kuna: Agency notification for an Annexation, Lot-Split and Development Agreement Application

Yes, for the lot split they will need to submit an application for subdivision, pay the fee per lot that will need development, have test holes done and submit a full engineering report before I can lift sanitary restrictions. I will also comment with the transmittal.

Lori Badigian, REHS | Sr. Environmental Health Specialist
Central District Health
707 N. Armstrong Place | Boise, ID 83704
P: (208) 327-8517 | F: (208) 327-8553 | C: (208) 869-9118

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From: Trevor Kesner [<mailto:TKesner@cityofkuna.com>]
Sent: Monday, November 24, 2014 8:20 AM
To: Lori Badigian
Subject: RE: City of Kuna: Agency notification for an Annexation, Lot-Split and Development Agreement Application

Good morning Lori:

I am being told that it will require an individual septic at this time. But when services become available, they will be required to connect.

If CDHD has conditions on that to be included in the staff report prior to the hearing, let me know.

Thanks.

Trevor Kesner
Planning Technician
(208) 387-7731
trevor@cityofkuna.com

<image004.jpg>
City of Kuna
763 W. Avalon
Kuna, ID 83634

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From: Lori Badigian [<mailto:LBadigia@cdhd.idaho.gov>]
Sent: Monday, November 24, 2014 8:03 AM
To: Trevor Kesner
Subject: RE: City of Kuna: Agency notification for an Annexation, Lot-Split and Development Agreement Application

Trevor,

CDHD does not object to the annexation. However, can you tell me if the lot that is to be split for the parcel at 1200 S Ten Mile will be connected to city sewer and water or will require individual septic?

Lori Badigian, REHS | Sr. Environmental Health Specialist
Central District Health
707 N. Armstrong Place | Boise, ID 83704
P: (208) 327-8517 | F: (208) 327-8553 | C: (208) 869-9118

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From: Trevor Kesner [<mailto:TKesner@cityofkuna.com>]

Sent: Friday, November 21, 2014 5:03 PM

To: Ada County Development Services; Ada County Engineer; Ada County Land Records; Ada County Street Naming; Boise-Kuna Irrigation District; Lori Badigian; Department of Environmental Quality (DEQ Boise); Gordon Law; Idaho Power Company; Idaho Transportation Department (ITD District 3); J & M Sanitation (Chad Gordon); Kuna City Attorney; Kuna Police Chief; Kuna Rural Fire Chief; Kuna School District; WJohnson@kunaschools.org; Natalie Purkey

Cc: Troy Behunin

Subject: City of Kuna: Agency notification for an Annexation, Lot-Split and Development Agreement Application

Notice is hereby given by the City of Kuna that the following action is under consideration for:

FILE NUMBER	14-07-AN (Annexation), 14-03-LS (Lot Split) and 14-06-DA (Development Agreement) by Daniel and Gina Safford
PROJECT DESCRIPTION	The applicant is requesting approvals for Annexation of two parcels into the City of Kuna, split the parcel located at 1200 S. Ten Mile Road and subsequently, intends to construct a single-family home on one of the newly created parcels.
SITE LOCATION	1036 S. Ten Mile Road and 1200 S. Ten Mile Road, Kuna, Idaho
APPLICANT/ REPRESENTATIVE	Daniel and Gina Safford 1036 S. Ten Mile Rd. Kuna, Idaho 83634 208.869.8323 saffordranch@gmail.com
SCHEDULED HEARING DATE	Tuesday, January 13, 2015 6:00 P.m.

STAFF CONTACT

Trevor Kesner, Planning Technician
Trevor@cityofkuna.com
Phone: 387-7731
Fax: 922.5989

We have enclosed information to assist you with your consideration and response. **No response within 15 business days will indicate you have no objection or concerns with this project.** We would appreciate any information you can supply us as to how this action would affect the service you provide. The public hearing is at 6:00 p.m. or as soon as it may be heard located at Kuna City Hall 763 W. Avalon Kuna, ID 83634.

Trevor Kesner
Planning Technician
(208) 387-7731
trevor@cityofkuna.com

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Kuna, ID 83634

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