

ORDINANCE NO. 2015-11
CITY OF KUNA IDAHO

ZONING ORDINANCE AMENDMENT
DEFINITIONS, LAND USES, NOTIFICATION REQUIREMENT
AND SEPTIC TANKS/SYSTEMS

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING CERTAIN CHAPTERS OF TITLE 5, TO WIT: AMENDING CHAPTER 1, SECTION 6, SUBSECTION 2- ENTITLED “MEANINGS OF TERMS OR WORDS” TO ADD FIVE NEW DEFINITIONS; AMENDING CHAPTER 1A, SECTION 4, SUBSECTION A ENTITLED “LEGAL NOTICE” BY MAKING SEVERAL GRAMMATICAL CHANGES, SUBSECTION B ENTITLED “SITE NOTICE BY MAKING SEVERAL GRAMMATICAL CHANGES, SUBSECTION C ENTITLED “RADIUS NOTICE” BY MAKING SEVERAL GRAMMATICAL CHANGES AND RENAMING SPECIAL USE PERMIT TO VARIANCE RELATED TO BUILDING HEIGHT REQUIREMENT EXCEPTIONS TO COMPORT WITH CITY CODE AND CHANGING THE REQUIREMENT TO A STANDARD FIVE HUNDRED (500) FEET FOR NOTIFICATION REQUIREMENTS, SUBSECTION D ENTITLED “ALTERNATE FORMS OF NOTICE” TO PROVIDE FOR TWO (2) NOTICES OF THE HEARING ARE TO BE PUBLISHED WHEN THERE ARE MORE THAN TWO HUNDRED (200) PROPERTY OWNERS OR PURCHASERS OF RECORD TO BE NOTICED FOR THE HEARING; AMENDING CHAPTER 3, SECTION 2- ENTITLED “OFFICIAL SCHEDULE OF DISTRICT REGULATIONS” TO ADD FIVE NEW LAND USES TO THE TABLE; AMENDING CHAPTER 16, SECTION 3, SUBSECTION B.2 ENTITLED “LOT SPLITS” TO REQUIRE THAT THE LOT HOOK UP TO CITY SEWER AND WATER WHEN AVAILABLE WITHIN THREE HUNDRED (300) FEET, AND ELIMINATING THE MINIMUM LOT SIZE, AND REQUIRING THAT THE PROPERTY OWNER ENTER INTO A MEMORANDUM OF UNDERSTANDING REGARDING WHEN CONNECTING TO THE CITY SERVICES WILL BE REQUIRED AND REQUIREMENTS FOR FINANCING ARRANGEMENTS; REPEALING TITLE 5, CHAPTER 16, SECTION 4 AND ADOPTING A NEW SECTION ENTITLED “SEPTIC TANKS/SYSTEMS” BY PROVIDING FOR: SUBSECTION 1- COVERAGE FOR ALL SEPTIC SYSTEM FAILURES, A CLARIFIED DISTANCE MEASUREMENT, A REQUIREMENT FOR A MEMORANDUM OF UNDERSTANDING; SUBSECTION 2- A DETERMINATION OF WHEN THE PROPERTY WILL “RECEIVE PUBLIC SEWER SERVICE IN THE FORESEEABLE FUTURE”, AN INTERIM PROCESS FOR USING A SEPTIC SYSTEM UNTIL PUBLIC SEWER SERVICE IS AVAILABLE, A CLARIFIED DISTANCE MEASUREMENT, SEPTIC SYSTEM DEVELOPMENT FOR A SINGLE LOT AND NOT FOR A SUBDIVISION DEVELOPMENT, A MEMORANDUM OF UNDERSTANDING; SUBSECTION 3- A REQUIREMENT THAT THE SEPTIC SYSTEM BE FUNCTIONING ACCORDING TO CENTRAL DISTRICT HEALTH STANDARDS, AND THE DISTANCE REQUIREMENT; SUBSECTION 4- COMMERCIAL OR INDUSTRIAL DEVELOPMENT THAT WILL NOT RECEIVE PUBLIC SEWER SERVICE IN THE FORESEEABLE FUTURE DUE TO AN EXTRAORDINARY PHYSICAL CONSTRAINTS WHERE CONNECTION TO THE CITY SEWER IS PROHIBITIVELY EXPENSIVE IN RELATION TO THE COSTS OF THE DEVELOPMENT, A DEVELOPMENT AGREEMENT REGARDING CONDITIONS OF DEVELOPMENT INCLUDING REQUIREMENTS OF THE CITY ENGINEER, AND A MEMORANDUM OF UNDERSTANDING FOR CONNECTION TO THE CITY SEWER; AMENDING TITLE 8, CHAPTER 3, SECTION 5 ENTITLED “RESTRICTIONS WITHIN WELLHEAD PROTECTION ZONE I” TO STATE THAT IT IS

THE GREATER OF THE DISTANCES OF CENTRAL DISTRICT HEALTH OR THE CITY RESTRICTIONS; PROVIDING FOR A REPEALER CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article XII, Section 2 of the Idaho Constitution and Idaho Code Section 50-302 allow municipal corporations to adopt regulations which are not contrary to the general laws; and

WHEREAS, this text amendment is in agreement with the spirit and intent of Kuna Comprehensive Plan; and

WHEREAS, it is in the best interest of the City of Kuna to make zoning amendments to certain chapters of Title 5; and

WHEREAS, these zoning amendments are made pursuant to Kuna City Code 5-13, entitled "ZONING AMENDMENTS".

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, IDAHO, ADA COUNTY, IDAHO, as follows:

Section 1: Title 5, Chapter 1, Section 6, Subsection 2 of the Kuna City Code, entitled "MEANING OF TERMS OR WORDS" shall be amended as follows:

BIOMASS: Plant material used for production of such things as fuel alcohol and nonchemical fertilizers. Biomass sources may be plants grown especially for that purpose or waste products from livestock, harvesting, milling, or from agricultural production or processing.

DISTILLERY: where beer, wine, and alcoholic beverages are brewed.

ENERGY SYSTEM, PRODUCTION THROUGH RENEWABLE SOURCES: Any facility or installation such as a windmill, hydroelectric unit or solar collecting or concentrating array, which is designed and intended to produce energy from natural forces such as wind, water, sunlight, or geothermal heat, or from biomass.

PUBLIC: Administrative and cultural buildings, uses, and structures, including buildings, lots, and facilities owned, used or operated by any governmental agency.

QUASI-PUBLIC: A use conducted by, or a facility or structure owned or operated by, nonprofit, religious, or intuition that provides educational, cultural, recreational, religious, or other similar type of public services under private ownership or control.

Section 2: Title 5, Chapter 1A, Section 4 of the Kuna City Code, entitled "NOTICE TO PUBLIC" shall be amended as follows:

5-1A-4: - NOTICE TO PUBLIC:

A. *Legal notice:* At least fifteen (15) days prior to the public hearing, the Director shall cause to be published a notice stating the time, place, and a summary of the application in the official

newspaper or paper of general circulation (KCC 1-11-1). Supplemental notice may also be made in other newspapers and/or radio and television stations serving the jurisdiction for use as a public service announcement.

B. *Site notice:* Applicant will follow the sign procedures in KCC 5-1A-8 regarding the posting of signs for the public hearing.

C. *Radius notice:* At least seven (7) days prior to the public hearing, the Director shall send a notice of the time, place, and a summary of the application to property owners or purchasers of record (as listed in the current records of the Ada County Assessor) owning property within three hundred (300) feet of the property being considered.

1. If a variance is being sought for an exception to the building height requirements of the KCC, the notice shall be individually mailed to all property owners within five hundred (500) feet of the property being considered. The structure's proposed location and height shall be stated in the notice.

D. *Alternate forms of notice:* When posted or mailed notice is required of two hundred (200) or more property owners or purchasers of record, alternate forms of notice may be provided as follows: In lieu of mailed notice, two (2) notices of the time, place of the hearing, and summary of the proposal shall be published in the official newspaper or paper of general circulation (KCC 1-11-1) for two (2) consecutive publications. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement, not less than seven (7) days prior to the hearing.

Section 3: Title 5, Chapter 3, Section 2, of the Kuna City Code, entitled “OFFICIAL SCHEDULE OF DISTRICT REGULATIONS” is amended to add the following to the LAND USE TABLE:

Land Uses	Districts														
	A	R-2	R-4	R-6	R-8	R-12	R-20	O	C-1	C-2	C-3	CB-D	M-1	M-2	P
Biomass	S													P	
Distillery Production	P								S	S	S		S	P	
Energy System, production through renewable sources.	S												S	S	
Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Quasi-public	P							P	P	P	P	P	P	P	P

Section 4: Title 5, Chapter 16, Section 3, Subsection B.2 of the Kuna City Code, entitled “LOT SPLIT” shall be amended as follows:

2. *Sewer and water:* Applicant shall extend public sewer and water to each parcel created when public sewer and water are available within three hundred (300) feet of the parcel(s), or as determined by the City Engineer.

a. If any of the parcels do not connect to sewer or water at the time of lot split, the property owner shall enter into a Memorandum of Understanding with the City that will provide, at a minimum, the following conditions:

1) If public sewer becomes available within three hundred (300) feet of the property (as measured at the property line closest to the nearest available sewer connection) the property owner, shall within one hundred eighty (180) days of being notified in writing as to the availability of the sewer connection, obtain written approval for a connection plan (Connection Plan), which plan shall include a date certain that the septic system will be dismantled and the connected made to the public sewer. It is expected that the date for the dismantling the existing septic system and connecting to the public sewer may be greater than one hundred eighty (180) days; the actual date shall be determined on a case-by-case basis based upon a factual determination of the City Engineer specific to the property affected. The Connection Plan shall be reviewed by the City Engineer, and approved by resolution of the City Council.

2) The property owner agrees to participate in a Local Improvement District that benefits the property, or other statutory or common law funding mechanism to finance City sewer infrastructure extension costs and City sewer connections fees and provide for any easements; and

3) If the property owner fails to obtain approval for the connection plan to connect to the City sewer system within one hundred eighty (180) days of being notified, the City may make the connection and charge the owner for the costs associated with the connection and the property owner consents to a lien upon the property for failure to pay, and the City shall designate the land and structure as nonconforming and no building permits will be issued until the property is brought into compliance.

4) This Memorandum of Understanding will be recorded with the Ada County Recorder.

b. Parcels located in Nitrate Priority Areas shall not be split without connecting to city sewer and water. A waiver of this subsection may be allowed when the applicant provides a treatment system in which the effluent can demonstrate the 10 part per million or less of nitrates, the drinking water supply meets all drinking water standards, and meets Central District Health Department's septic system requirements in existence at the time of the current application.

Section 5: Title 5, Chapter 16, Section 4 of the Kuna City Code, entitled "SEPTIC TANKS/SYSTEMS" shall be amended as follows:

5-16-4: - SEPTIC TANKS/SYSTEMS:

A. *Policy:* It is the intent of this Section that existing systems that are operating in compliance with all applicable laws shall continue to be allowed. This Section applies only to septic system failures, new septic system installs, single family dwelling replacements, development on vacant land and public and quasi-public systems, as provided for herein.

B. *Septic tanks/systems*: Septic tanks or septic systems within the City limits shall be permitted according to the following criteria:

1. *Septic system failure*:

a. If a septic system fails and the closest public sewer connection point is located a distance of more than three hundred (300) feet from the property (as measured at the property line closest to the nearest available sewer connection) and the City has no plans to extend public sewer to the subject property within ninety (90) days, it is eligible for a septic system replacement.

b. The separation distance between the replacement septic tank/drain field and an existing potable well, shall comply with KCC 8-3-5 and all Central District Health Department requirements in existence at the time of the application for the current septic system permit, whichever distance is greater. The separation distance between the replacement septic tank/drain field and existing off-site wells shall be one hundred fifty (150) feet in accordance with subsection E of this section.

c. The replacement of a septic system under this subsection shall not be considered an enlargement or an expansion of a nonconforming use.

d. The property owner shall enter into a Memorandum of Understanding with the City that will provide, at a minimum, the following conditions:

1) If public sewer becomes available within three hundred (300) feet of the property (as measured at the property line closest to the nearest available sewer connection) the property owner, shall within one hundred eighty (180) days of being notified in writing as to the availability of the sewer connection, obtain written approval for a connection plan (Connection Plan), which plan shall include a date certain that the septic system will be dismantled and the connection made to the public sewer. It is expected that the date for dismantling the existing septic system and connecting to the public sewer may be greater than one hundred eighty (180) days; the actual date shall be determined on a case-by-case basis based upon a factual determination of the City Engineer specific to the property affected. The Connection Plan shall be reviewed by the City Engineer, and approved by resolution of the City Council.

2) The property owner agrees to participate in a Local Improvement District that benefits the property, or other statutory or common law funding mechanism to finance City sewer infrastructure extension costs and City sewer connections fees and provide for any easements.

3) If the property owner fails to obtain approval for the connection plan to connect to the City sewer system within one hundred eighty (180) days of being notified, the City may make the connection and charge the owner for the costs associated with the connection and the property owner consents to a lien upon the property for failure to pay, and the City shall designate the land and structure as nonconforming and no building permits will be issued until the property is brought into compliance.

4) This Memorandum of Understanding will be recorded with the Ada County Recorder.

2. New single-family septic systems installs: Physical constraints affecting development of the property:

a. If the City engineer determines that the subject property will not receive public sewer service in the foreseeable future due to an extraordinary physical constraint, the property owner may be permitted to install a septic system. An example of an extraordinary physical constraint would be extension of a public sewer line across Indian Creek where the benefit is limited to a single-family residential property; or

b. If the City engineer determines that the property will not receive public sewer service within ten (10) years due to a physical constraint, such as the property being located a significant distance from the closest public sewer service that makes the immediate connection prohibitively expensive (as determined by the City Engineer and approved by resolution of the City Council,) in relation to the costs of the development of the property, the property owner may be permitted to install a septic system as an interim for sewer service until the public sewer service becomes available.

c. The septic tank installation shall be limited to a single-family lot, tract or parcel, and not a part of a subdivision, unless the subdivision was platted prior to December 7, 1977 and the lot, tract or parcel is five (5) acres or greater.

d. Only one (1) residence may be connected to a septic tank system per lot, tract or parcel and only one (1) septic system is allowed per lot, tract or parcel.

e. The property owner shall pay the City's standard wastewater treatment and sewer interceptor fees at time of building permit application. These fees are fixed in time and therefore not subject to inflation or other monetary adjustments regardless when the subject property is connected to public sewer, unless the use or volumes increased beyond one (1) EDU (equivalent dwelling unit).

f. The property owner shall enter into a Memorandum of Understanding with the City that will provide, at a minimum, the following conditions:

1) If public sewer becomes available within three hundred (300) feet of the property (as measured at the property line closest to the nearest available sewer connection) the property owner, shall within one hundred eighty (180) days of being notified in writing as to the availability of the sewer connection, obtain written approval for a connection plan (Connection Plan), which plan shall include a date certain that the septic system will be dismantled and the connection made to the public sewer. It is expected that the date for dismantling the existing septic system and connecting to the public sewer may be greater than one hundred eighty (180) days; the actual date shall be determined on a case-by-case basis based upon a factual determination of the City Engineer specific to the property affected. The Connection Plan shall be reviewed by the City Engineer, and approved by resolution of the City Council.

2) The property owner agrees to participate in a Local Improvement District that benefits the property, or other statutory or common law funding mechanism to finance City sewer infrastructure extension costs and City sewer connections fees and provide for any easements.

3) If the property owner fails to obtain approval for the connection plan to connect to the City sewer system within one hundred eighty (180) days of being notified, the City may make the connection and charge the owner for the costs associated with the connection and the property owner consents to a lien upon the property for failure to pay, and the City shall designate the land and structure as nonconforming and no building permits will be issued until the property is brought into compliance.

4) This Memorandum of Understanding will be recorded with the Ada County Recorder.

g. The City Engineer may require the residence to be double plumbed to facilitate future public sewer connection.

3. Replacement of a single-family dwelling reliant upon a viable septic system: If a property owner submits an application for building permit to the City to replace their entire single-family dwelling that is served by an existing septic system with another single-family dwelling, the existing septic system may be relied upon under the following conditions:

a. The property owner shall provide all testing as required by the City and Central District Health Department regulations, showing that the septic system is functioning according to all Central District Health Department regulations, as amended and the continued use of the septic system does not cause an increase in the nitrate level within the immediate area.

b. The availability of public sewer is more than three hundred (300) feet from the property (as measured at the property line closest to the nearest available sewer connection). Additionally, the City Engineer shall determine that there are no plans to extend sewer within three hundred (300) feet of the property within the foreseeable future.

c. Only one (1) single family residence may be connected to a septic tank system per lot, tract or parcel and/or only one (1) septic system is allowed per lot, tract or parcel.

d. The replacement of a septic system under this circumstance shall not be considered an enlargement or expansion of a nonconforming use.

f. The property owner shall enter into a Memorandum of Understanding with the City that will provide, at a minimum, the following conditions:

1) If public sewer becomes available within three hundred (300) feet of the property (as measured at the property line closest to the nearest available sewer connection) the property owner, shall within one hundred eighty (180) days of being notified in writing as to the availability of the sewer connection, obtain written approval for a connection plan (Connection Plan), which plan shall include a date certain that the septic system will be dismantled and the connection made to the public sewer. It is expected that the date for dismantling the existing septic system and connecting to the public sewer may be greater than one hundred eighty (180) days; the actual date shall be determined on a case-by-case basis based upon a factual determination of the City Engineer specific to the property affected. The Connection Plan shall be reviewed by the City Engineer, and approved by resolution of the City Council.

2) The property owner agrees to participate in a Local Improvement District that benefits the property, or other statutory or common law funding mechanism to finance City sewer infrastructure extension costs and City sewer connections fees and provide for any easements.

3) If the property owner fails to obtain approval for the connection plan to connect to the City sewer system within one hundred eighty (180) days of being notified, the City may make the connection and charge the owner for the costs associated with the connection and the property owner consents to a lien upon the property for failure to pay, and the City shall designate the land and structure as nonconforming and no building permits will be issued until the property is brought into compliance.

4) This Memorandum of Understanding will be recorded with the Ada County Recorder.

4. *Development on vacant land:* A property owner of a vacant land parcel that is zoned appropriately and complies with the comprehensive plan may install a septic tank or septic system under the following conditions:

a. If the property is being developed as commercial or industrial and the City Engineer determines that the property will not receive public sewer service in the foreseeable future due to an extraordinary physical constraint, such as the property being located a significant distance from the closest public sewer service that makes the immediate connection prohibitively expensive in relation to the costs of the development of the property.

b. The septic tank or public septic system may be installed only after complying with the conditions of this chapter and all conditions, as may be required by the City Engineer. The property owner shall enter into a Development Agreement or Memorandum of Understanding outlining all required conditions of approval prior to the issuance of any building permits.

c. The property owner shall pay for all connections to the City's standard wastewater treatment system and sewer interceptor fees at the time of building permit application, as calculated by the City Engineer, based upon the designated use of the property. These fees are fixed in time and therefore not subject to inflation or other monetary adjustments regardless when the subject property is connected to public sewer.

d. The property owner shall enter into a Memorandum of Understanding with the City that will provide, at a minimum, the following conditions:

1) If public sewer becomes available within three hundred (300) feet of the property (as measured at the property line closest to the nearest available sewer connection) the property owner, shall within one hundred eighty (180) days of being notified in writing as to the availability of the sewer connection, obtain written approval for a connection plan (Connection Plan), which plan shall include a date certain that the septic system will be dismantled and the connection made to the public sewer. It is expected that the date for dismantling the existing septic system and connecting to the public sewer may be greater than one hundred eighty (180) days; the actual date shall be determined on a case-by-case basis based upon a factual determination of the City Engineer specific to the property affected. The Connection Plan shall be reviewed by the City Engineer, and approved by resolution of the City Council.

2) The property owner agrees to participate in a Local Improvement District that benefits the property, or other statutory or common law funding mechanism to finance City sewer infrastructure extension costs and City sewer connections fees and provide for any easements.

3) If the property owner fails to obtain approval for the connection plan to connect to the City sewer system within one hundred eighty (180) days of being notified, the City may make the connection and charge the owner for the costs associated with the connection and the property owner consents to a lien upon the property for failure to pay, and the City shall designate the land and structure as nonconforming and no building permits will be issued until the property is brought into compliance.

4) This Memorandum of Understanding will be recorded with the Ada County Recorder.

f. The City Engineer may require the development to be double plumbed to facilitate future public sewer connection.

5. Public and quasi-public uses:

a. A property owner with a vacant land parcel that is zoned to allow or permit and is intended to construct a public or quasi-public use such as a school, administrative, public safety, cultural, church, college, hospital or similar type building or structure may install a septic system on the parcel where the closest public sewer connection point is more than three hundred (300) feet from the property (as measured at the property line closest to the nearest available sewer connection) and the City Engineer determines the cost of providing a public sewer extension from its present location(s) would be prohibitive and provided there are no plans to publicly extend sewer service to within three hundred (300) feet of the property within the foreseeable future.

b. Once public sewer is available within three hundred (300) feet distance of the property (as measured at the property line closest to the nearest available sewer connection) and capable of serving the public or quasi-public use, the property owner shall immediately extend the public sewer to the site, dismantle the on-site septic system and connect to the City's sewer system according to the provisions of the regulatory agencies with oversight control. The property owner shall pay the City's standard wastewater treatment and sewer interceptor fees at time of building permit application according to the EDU assignment for that type of use as identified in the City's sewer fee resolution. Should there be uncertainty about the EDU assignment and associated costs, the City Engineer shall interpret the City's sewer fee resolution.

c. The property owner shall acknowledge that in the event they do not connect to public sewer when it is available and within one hundred eighty (180) days of being informed of that fact in writing, the City shall designate the land and structure as nonconforming and file a notice of sewer connection noncompliance violation with the Ada County Recorder's Office. This enforcement document will be recorded and follow the land until public sewer is installed according to the provisions of this section. If the property owner has entered into a development agreement with the City concerning the subject property, the agreement shall be amended to include provisions for sewer connection compliances.

B. *New and existing septic tanks/systems failure:* Septic tanks or septic systems constructed according to the provisions of this chapter are subject to the regulations of all agencies with oversight authority. All septic tank or septic system installs shall comply with all Central District Health Department regulations, as amended, at the time of the current application for the septic system permit or building permit.

C. *Nitrate Priority Map:* The City has adopted the Nitrate Priority Map. All septic system installations within the Nitrate Priority Area shall comply with the Central District Health Department's requirements as amended, regarding nitrate reduction design and installation of the septic system. All septic systems installed under this section shall comply with the strictest standards adopted by the Central District Health Department or other regulatory agency.

D. *Intent:* The intent of this chapter is to minimize the contamination of groundwater, lessen the formation of septic system enclaves that may discourage future public sewer installation, and to protect the City's public sewer rate base.

E. *City Engineer Review:* All plumbing permits issued by the City that relate to septic systems to be installed or replaced within the City shall be reviewed by the City Engineer. A copy of all septic permits issued by the Central District Health within the City's Area of City Impact shall be sent to the City Engineer.

F. *Removal or abandonment of failed septic tanks/systems:* The property owner shall dismantle the septic system, by pumping the tank, collapsing the lid, backfilling and compacting it with earth in compliance with Central District Health requirements. Septic systems that accommodate more than one (1) household or nonresidential septic systems shall be abandoned as determined by the City Engineer in consultation with the Central District Health Department.

G. *Water discharge:* No person shall discharge or cause to be discharged any stormwater, surface water, runoff, subsurface drainage, cooling water, heating water, water from swimming pools, or industrial process water through a septic system.

H. *Placement:* The separation distance between the replacement septic tank/drain field and an existing potable well head shall comply with KCC 8-3-5 and all Central District Health Department regulations, as amended, at the time of the application for the current septic system permit, whichever distance is greater. No new or replacement septic system shall be placed within the one hundred (100) year floodplain, as designated by Federal Emergency Management Agency (FEMA) and other best available data.

I. *City's Master Plan:* All septic tanks and septic systems shall comply with the future public facilities as noted in the city's water master plan.

J. *Prohibited:* Septic tanks are not to be permitted in manufactured home parks, recreation vehicle (RV) parks or campgrounds (see KCC 4-2A-2:5 and 4-2B:11).

K. *Temporary dwellings:* An RV or trailer used as a temporary dwelling must be placed on private property and cannot be connected to a septic system.

L. *Setbacks*: Septic tank setbacks shall be in accordance with DEQ setback standards found on their website.

M. *Replacement system area*: Where individual septic tanks are authorized, sufficient area shall be provided for a replacement sewage disposal system and the lot shall be of sufficient size to accommodate the septic tank placement and the accompanying drainage lines.

Section 6: Title 8, Chapter 3, Section 5, of the Kuna City Code, entitled “RESTRICTIONS WITHIN WELLHEAD PROTECTION ZONE I” shall be amended as follows:

8-3-5: - RESTRICTIONS WITHIN WELLHEAD PROTECTION ZONE I: The following uses, including but not limited to any other use which may have a detrimental effect upon the quality of water shall be and are hereby prohibited within Zone I of the wellhead protection area.

- A. Surface use or storage of hazardous or toxic material, expressly including herbicide and pesticide applications to the soils, ground water or surface water within fifty feet (50') of a wellhead.
- B. Sanitary landfills or garbage disposal sites.
- C. Storage disposal or waste of potentially hazardous or toxic material.
- D. Underground storage tanks.
- E. Sanitary sewer lines within fifty (50) feet of a wellhead.
- F. Septic systems within one hundred fifty (150) feet of a wellhead or Central District Health Department, as amended, or other regulatory agency(ies), whichever provides the greater distance protection.
- G. Livestock and animals.
- H. Drainage canals.

Section 7: Repealer Clause. All Ordinances and Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 8: This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED by the Council of the City of Kuna this ____ day of _____, 2015.

APPROVED by the Mayor this ____ day of _____, 2015.

W. Greg Nelson
Mayor

ATTEST:

Chris Engels
City Clerk

(Seal)